



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

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

**August 28-29, 2013
9:00 a.m.**



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

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BOARD MEETING LOCATION

AUGUST 28-29, 2013

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

BOARD MEMBERS

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

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I. **ROLL CALL TO ESTABLISH A QUORUM**

II. PUBLIC COMMENT

III. EXECUTIVE OFFICER'S REPORT

- A. Legislation
 - 1. Discussion of Legislation for 2013: AB 186, AB 1057, AB 1063, SB 152, SB 207, SB 679, and SB 822
- B. Strategic Plan Update ~~4/10~~
- C. Personnel
- D. Administrative Task Force
- E. BreEZe Status Update
- F. Discussion of Plastic ID Cards

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 temporary license for 12 months to an applicant who meets certain requirements.
STATUS: Introduced 1/28/13. Last amended 6/24/13. Passed Assembly. Heard in SEN B,P&ED Committee 7/1/13 - testimony taken. Further hearing to be set – this is now a 2 year bill.
BOARD POSITION: Oppose unless amended
- 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 – commencing January 1, 2015.
STATUS: Introduced 2/22/13, amended 6/3/13. Passed Assembly. To be heard on SEN floor.
BOARD POSITION: Watch
- 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.
STATUS: Introduced 2/22/13. Last amended 5/6/13. Heard in ASM Appropriations 5/24/13 – held under submission. This is a 2 year bill.
BOARD POSITION: Oppose unless amended
- 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.
STATUS: Last amended 4/8/13. Passed Senate. To be heard on ASM floor 8/12/13.
BOARD POSITION: Support

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- 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. This is a Board sponsored bill.
STATUS: Introduced 2/8/13. Scheduled to be heard in SEN BP&ED Committee 4/15/13 - bill pulled by author. This is a two year bill.
BOARD POSITION: Support
- SB 679** Berryhill. Licensees: reporting requirements. (Amend Sections 6770, 6770.1, 6770.2, 8776, 8776.1, and 8776.2 of the B&P Code) This bill would revise the amount for a licensed engineer or Land surveyor to report a civil action judgment, settlement, arbitration award, or administrative action to the Board from "\$50,000 or more" to "more than \$50,000." It also reduces the reportable amount of any civil action judgment or binding arbitration award or administrative action of \$25,000 or greater.
STATUS: Introduced 2/22/13. Amended 6/12/13. Passed Senate. To be heard in ASM Appropriations.
BOARD POSITION: Watch
- 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. Language provided by the Board.
STATUS: Introduced 3/20/13. Amended 6/12/13. Passed Senate. To be heard on ASM floor.
BOARD POSITION: Support

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2013 Legislative Session**

BILL: AB 186

AUTHOR: Maienshein
COAUTHOR: Hagman

TOPIC: Professions and vocations: military spouses

DATE OF INTRODUCTION: 1/28/13

MOST RECENT VERSION: 6/24/13

ANALYSIS DATE: 8/5/13

BILLS LEGISLATIVE HISTORY: Passed Assembly. Heard 7/1/13 in Senate Committee on Business, Professions, & Economic Development – testimony taken. Further hearing to be set. This is now a two year bill.

BOARD POSITION: Oppose unless amended

SUMMARY: Assembly Bill 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 a 12 month temporary 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 Maienshein'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 temporary license, limited to 12 months, while the individual's application is processed for licensure. To receive a temporary license, the individual must have a clean criminal history and verify, in writing, that all application information is accurate. DCA has not taken 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

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Bill Analysis
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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 concern is the same if a temporary 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 exams. 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 problems.

It is unknown at this time how many active military licensees the Board has licensed as current systems do not track this information. Most likely this number is very low, if any at all, but to allow a temporary license especially for a civil engineer may be detrimental to consumer safety.

Currently, the author's office has accepted the Board's proposed amendments that require these applicants (military spouses) take and pass any California specific examination before being issued a temporary license. The amendments have not been placed in the bill since the amendments were taken in Committee and the bill was held in Committee – as a two year bill.

Board for Professional Engineers and Land Surveyors
Bill Analysis
2013 Legislative Session

BILL: AB 1057

AUTHOR: Medina

TOPIC: Professions and vocations: licenses: military service

DATE OF INTRODUCTION: 2/22/13

MOST RECENT VERSION: 6/3/13

ANALYSIS DATE: 8/6/13

BILLS LEGISLATIVE HISTORY: Passed Assembly. To be heard on Senate Floor.

BOARD POSITION: Watch

SUMMARY: This bill would require every licensing board under the Department of Consumer Affairs (DCA), beginning January 1, 2015, to inquire on every application for licensure if the individual applying for licensure 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: This 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.

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2013 Legislative Session

BILL: AB 1063

AUTHOR: Eggman

TOPIC: Surveyors and engineers

DATE OF INTRODUCTION: 2/22/13

MOST RECENT VERSION: 5/6/13

ANALYSIS DATE: 8/5/13

BILL'S LEGISLATIVE HISTORY: Heard in Assembly Appropriations 5/24/13. Held under submission.

BOARD POSITION: Oppose unless amended

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:

Board staff had concerns that some of the language in AB 1063 is either not needed or may be confusing. Based on the Board's discussion at its April Board meeting, a few proposed amendments were proposed to both the author and the sponsor (ACEC-CA) but have not been included in the bill. The bill was heard 5/24/13 in Assembly Appropriations Committee and was "held under submission." This bill is now a two year bill.

This bill is being sponsored by ACEC - CA.

Board for Professional Engineers, Land Surveyors, and Geologists
Bill Analysis
2013 Legislative Session

BILL: SB 152

AUTHOR: Roth

TOPIC: Geologists and geophysicists: written contracts

DATE OF INTRODUCTION: 1/31/13

MOST RECENT VERSION: 4/8/13

ANALYSIS DATE: 8/5/13

BILL'S LEGISLATIVE HISTORY: Passed Senate. To be heard On Assembly Floor 8/12/13

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, 7860, and 7887 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.

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Since 1995 the Board has issued 40 civil engineering temporary authorizations. 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.

SB 152 will be amended for "double jointing" with SB 822. This is being done because both bills are amending Section 7887 of the B&P Code. 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: 8/5/13

BILL'S LEGISLATIVE HISTORY: Was scheduled to be heard in Senate Business, Professions and Economic Development Committee 4/15/13 – bill pulled by author. This is a two year bill.

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 identifying its licensees who are protected

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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

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Bill Analysis
2013 Legislative Session

BILL: SB 679

AUTHOR: Berryhill

TOPIC: Professional engineers: licensees: reporting requirements

DATE OF INTRODUCTION: 2/22/13

MOST RECENT VERSION: 6/12/13

ANALYSIS DATE: 8/5/13

BILL'S LEGISLATIVE HISTORY: Passed Senate. To be heard in Assembly Appropriations.

BOARD POSITION: Watch

SUMMARY: This bill, for engineers and land surveyors to report to the Board, would increase the amount for civil action settlements and administrative actions resulting in a settlement against the licensee, for a number of actions, if the amount or cause of the settlement is greater than \$50,000. The law currently reads "is \$50,000." Also, a civil action judgment or binding arbitration award or administrative action resulting in a judgment or binding arbitration award against a licensee if the amount or value of the judgment or binding arbitration award is \$25,000 or greater shall be reported to the Board.

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 or land surveying if the amount or value is \$50,000 or greater. 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 the law initiating the reporting requirement was implemented in 2008, there have been five reported settlements (out of 112) in the amount of \$50,000 made to the Board through FY 2011/2012. Three were for lesser amounts. In the majority of cases, no violation of the law by the licensee was found.

This bill is being sponsored by Cal-Geo.

Board for Professional Engineers, Land Surveyors, and Geologists
Bill Analysis
2013 Legislative Session

BILL: SB 822

AUTHOR: Senate Business, Professions &
Economic Development Committee

TOPIC: Professions and vocations

DATE OF INTRODUCTION: 3/20/13

MOST RECENT VERSION: 6/12/13

ANALYSIS DATE: 8/06/13

BILL'S LEGISLATIVE HISTORY: Passed Senate. To be heard on Assembly Floor 8/6/13.

BOARD POSITION: Support

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 for a retired license status for professional geologists or geophysicists; however, there are statutes in both the Professional Engineers Act and the Professional Land Surveyors Act that allow for a retired license status and an associated processing fee.

Currently, 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.

This bill will be amended for "double jointing" with SB 152. This is being done because both bills are amending Section 7887 of the B&P Code.

The proposed language for a retired status for geologists and geophysicists was placed in the Committee's Omnibus bill at the request of the Board.

2011-2014 Action Plan

Action Items Originally Scheduled to be completed 2013-14

Objective 1.5 Establish web accessible information, including linking businesses with licensees

- Coordinated with the release of BreEZe

Objective 1.7 Encourage DCA to improve their license lookup functionality on the Web site

- Pending release of BreEZe
- Coordinate with the BreEZe team to express business needs on decision posting
- Coordinate with the BreEZe team to express business needs on decision posting

Objective 3.6 Accept credit card and PayPal payments for application and examination fees

- Credit card transactions pending BreEZe

Objective 3.9 Actively participate and attend NCEES and ASBOG meetings to vote on new policies and procedures relating to examinations

- Pending out-of-state travel exemptions
- Organize NCEES Western Zone meetings in San Francisco, California

Objective 5.3 Expand the licensure outreach programs to associations, college career fairs, and schools (e.g. Match Counts, Trigstar)

- Review engineering magnet schools
- Publicize at college career fairs

BPELSG Action Plan 2011-2014		Completed	In Progress	Remaining
Goal 1: Protect consumers by effectively discouraging violations of the law before they happen and by aggressively investigating and adjudicating violations.				
Objective 1.1 – Reduce the aging of enforcement cases to align with DCA’s standards.				
<ul style="list-style-type: none"> Reorganize work assignments to focus on citation process improvement Increase staff through Budget Change Proposal - Fingerprint BCP, Geologist Registrar BCP Develop and submit a Budget Change Proposal for a Geologist Registrar Focus on reducing aging while maintaining high quality standards for enforcement cases 	2/1/2011 7/1/12, 7/1/13 7/1/2012	✓		
Objective 1.2 – Develop and implement a proactive plan to expand the enforcement outreach program.				
<ul style="list-style-type: none"> Contact several like-minded local organizations and agencies Contact Outreach unit in DCA headquarters Develop an Outreach Plan in conjunction with the DCA Outreach Unit 	4/18/2012	✓		
Objective 1.3 – Discourage unlicensed and incompetent activity through efficient enforcement actions.				
<ul style="list-style-type: none"> Collaborate with Division of Investigation to accomplish sting operations and sweeps Increase Outreach to consumers focused specifically on the dangers of Unlicensed Activity Collaborate with other local agencies by sharing information and educating them on the Board’s function 		✓		
Objective 1.4 – Improve consumer friendliness of the Board’s Web site.				
<ul style="list-style-type: none"> Create web mapping to combine the Professional Engineers and Geology Web sites Develop online address changes and incorporate a paperless process Establish text recognition on all online documents in accordance with ADA compliance Streamline the information flow and usability of the Web site 	7/5/2012 3/21/2012 7/5/2012	✓		
Objective 1.5 – Establish web accessible information, including linking businesses with licensees.				
<ul style="list-style-type: none"> Coordinated with the release of BreEZe. (Breeze dependent) 				✓
Objective 1.6 – Significantly reduce the number of backlogged enforcement cases.				
<ul style="list-style-type: none"> See objective 1.1 			See objective 1.1	
Objective 1.7 - Encourage DCA to improve their license lookup functionality on the Web site.				
<ul style="list-style-type: none"> Pending the release of BreEZe. (Breeze dependent) Coordinate with the BreEZe team to express business needs on decision posting. (Breeze dependent) Coordinate with the BreEZe team to express business needs on license functionality. (Breeze dependent) 				✓
Objective 1.8 - Participate in preparations towards the BreEZe conversion.				
<ul style="list-style-type: none"> See objective 1.7. (Breeze dependent) 			See objective 1.7	✓
Objective 1.9 - Publish enforcement actions on the Board’s Web site.				
<ul style="list-style-type: none"> Update and post final disciplinary decisions on the Board’s Web site 				✓

BPELSG Action Plan 2011-2014

	Completed	In Progress	Remaining
Goal 2: To promote laws and regulations that are clear, relevant, unambiguous, and functional.			
Objective 2.1 - Evaluate current laws and regulations and pursue changes where appropriate, with due consideration for economic impact.			
<ul style="list-style-type: none"> Review licensing and certification fees for businesses as potential legislative action. (see objective 2.6) 		See objective 2.6	
Objective 2.2 - Seek fingerprinting and criminal history authority through legislation.			
<ul style="list-style-type: none"> Received authority for applicants in approved 2011 Sunset legislation. SB 543, Statutes of 2011. Move forward with legislation to obtain authority for licensees Submit Budget Change Proposal for the hiring of fingerprinting staff Develop and adopt regulations to implement applicant fingerprinting 	2011 7/1/2011	✓ ✓	✓
Objective 2.3 - Implement restructuring of examination and application fees.			
<ul style="list-style-type: none"> Restructure fees and receive regulation approval for both PELS and Geologists & Geophysicists programs Publicize the fee restructure once regulations are approved 	✓ 4/30/2012 4/30/2012	✓ ✓	
Objective 2.4 - Review delinquent reinstatement requirements and act on the findings if appropriate.			
<ul style="list-style-type: none"> Consult the Board for proper direction 	✓	✓	
Objective 2.5 - Conduct a review of the penalty structure for unlicensed activity.			
<ul style="list-style-type: none"> Review has been conducted. General statutory language affects the maximum fine. Any changes affect other boards/programs. 	✓		
Objective 2.6 - Seek statutory authority to require Certificates of Authorization for businesses.			
<ul style="list-style-type: none"> Consult Board for further direction Identify staffing requirements of implementing business authorization 		✓ ✓	
Objective 2.7 - Eliminate Business and Professions Code section 6760 (temporary authorization to practice engineering).			
<ul style="list-style-type: none"> On November 2011 Board agenda. Research has been completed. Staff are currently pursuing legislation. SB 152. 	11/1/2011	✓	
Objective 2.8 - Amend regulations that allow appeals of national examinations.			
<ul style="list-style-type: none"> Completed - effective June 18, 2012. 	✓ 6/18/2012		
Objective 2.9 - Review statutes and regulations regarding Geologist in Training certification.			
<ul style="list-style-type: none"> Qualification requirements added to statute during 2011 legislative session 	✓ 1/1/2012		
Objective 2.10 - Review statutes and regulations to provide consistency among all of the Board's regulated professions.			
<ul style="list-style-type: none"> Review statutes and regulations for consistency across both programs 		✓	✓

BPELSG Action Plan 2011-2014

	Completed	In Progress	Remaining
Goal 3: Increase Licensure			
Objective 3.1 - Participate in development, grading, and standard-setting of national examinations.			
<ul style="list-style-type: none"> Contract with professional community volunteer as Subject Matter Experts (pending travel freeze exemptions) Increase outreach to colleges and professional societies Add information to Web site's "Exams" tab including links to NCEES and ASBOG Get report from NCEES on California licensees overall involvement in exam development and track for future reporting 	8/12/2013 1/1/2013	✓ ✓	
Objective 3.2 - Convert all State-specific examinations to computer based testing and provide flexible testing dates.	✓		
<ul style="list-style-type: none"> Geotechnical Engineer California Specific Examinations for Professional Geologist & Professional Land Surveyor Traffic Engineer/Civil Engineer/ Certified Engineering Geologist/ Certified Hydrogeologist / Geophysicist Phased implementation for flexible testing dates - Civil 	10/1/2011 3/1/12, 4/1/12 9/1/12, 10/1/12 10/1/2012		✓ ✓ ✓
Objective 3.3 - Review applications and respond to applicants in a timely manner.			
<ul style="list-style-type: none"> Contact DCA Strategic Planning & Development Unit to engage in process improvement sessions Streamlining of cashing and EMS approvals pending BreEze. (Breeze dependent) 			✓
Objective 3.4 - Maintain and expand the pool of licensees to help develop State-specific examinations.			
<ul style="list-style-type: none"> Recruit for development of exams through outreach and direct contact professional associations 		✓	
Objective 3.5 - Protect the validity of the content and security of examinations.			
<ul style="list-style-type: none"> Consistently monitor exam validity of each test and begin administering through CBT Engage NCEES in the administration of national exams for PELS Continue auditing exam information for security, and monitor how it is presented to the CBT vendor Provide occupational analysis as required for each exam 	10/1/2012 10/1/2012 2011-2013	✓	
Objective 3.6 - Accept credit card and PayPal payments for application and examination fees.			
<ul style="list-style-type: none"> Credit transactions pending BreEze. (Breeze dependent) 			✓
Objective 3.7 - Participate in ABET visits.			
<ul style="list-style-type: none"> Coordinate Board Member / Staff participation as observers at ABET visits every fall pending travel freeze exemptions. Encourage public board member participation 	10/1/2012 11/1/2012		
Objective 3.8 - Pursue the National Council of Examiners for Engineering and Surveying (NCEES) and the Associate of State Boards of Geology (ASBOG) administration of national examinations.	✓		
<ul style="list-style-type: none"> Begin National Council of Examiners for NCEES administration Researched ASBOG implementation. Determined to be unfeasible at this time. 	10/1/2012	✓	
Objectives 3.9 - Actively participate and attend NCEES and ASBOG meetings to vote on new policies and procedures relating to examinations.	✓		
<ul style="list-style-type: none"> Pending out-of-state travel exemptions Organize NCEES Western Zone meetings in San Francisco, California 	5/1/2013 4/18/2013		

BPELSG Action Plan 2011-2014

Completed	In Progress	Remaining
<p>Goal 4: To pursue and obtain adequate resources to meet the Board's mission and vision.</p>		
<p>Objective 4.1 - Develop incentives and restructure compensation to retain a quality Executive Order.</p>		
✓		
<ul style="list-style-type: none"> • Completed 		
7/1/2011		
<p>Objective 4.2 - Pursue authorization and funding, if needed, to increase attendance at NCEES meetings and ASBOG meetings.</p>		
2012/2013	✓	
<ul style="list-style-type: none"> • Justify approval & funding for out-of-state and in-state travel to required meetings • Justify representing the interest of the licensees and consumers of California at zero-cost events and pre-paid events to Agency and the Governor's office 		
2012/2013	✓	
<p>Objective 4.3 - Develop and implement career succession plan for Board Staff.</p>		
	✓	
<ul style="list-style-type: none"> • Establish a protocol/manual for managers/staff to identify recruiting of current staff for upward mobility to disseminate to staff • Develop a Knowledge Retention Plan which includes overlapping retiring staff with new hires 		
	✓	
<p>Objective 4.4 - Pursue funding and hiring freeze exemptions for additional staff in all units and programs as needed.</p>		
✓		
<ul style="list-style-type: none"> • Seek hiring freeze exemptions - currently lifted. • Budget Change Proposal for Enforcement Unit staff and Geologist Registrar have been approved at agency level • Budget Change Proposal for the hiring of fingerprint staff 		
2011		
7/1/2013		
7/1/2012		
<p>Objective 4.5 - Pursue limited-term positions for specific projects.</p>		
	✓	
<ul style="list-style-type: none"> • Issue dates to be digitally recorded • Scan enforcement actions and organization record forms 		
	✓	
	✓	
<p>Objective 4.6 - Pursue authority and funding to hire a staff geologist.</p>		
	✓	
<ul style="list-style-type: none"> • Rewrite class specifications 		
	✓	

BPESLG Action Plan 2011-2014

	Completed	In Progress	Remaining
Goal 5: Outreach			
Objective 5.1 - Expand Enforcement Outreach Program to local and state agencies, professional associations, and consumer groups.			
<ul style="list-style-type: none"> • See objective 1.2 	See objective 1.2		
Objective 5.2 - Obtain resources, including staff, funding, and out-of-state travel approval, to fully support outreach.			
<ul style="list-style-type: none"> • See objective 1.2 	See objective 1.2		
Objective 5.3 - Expand the licensure outreach programs to associations, college career fairs, and schools (e.g. Math Counts, Trigstar).			
<ul style="list-style-type: none"> • Review engineering magnet schools • Publicize at college career fairs 	✓		✓
Objective 5.4 - Develop and revise the Board's publications, as needed.			
<ul style="list-style-type: none"> • Develop and release new tri-annual newsletter. (See Objective 5.6) • Revise the local officials guide to include all disciplines • Update and revise consumer guide to include all disciplines • Develop paper promotional materials for colleges 	See objective 5.6		✓ ✓ ✓
Objective 5.5 - Regularly attend NCEES, ASBOG, and ABET meetings.			
<ul style="list-style-type: none"> • See objective 3.9 	See objective 3.9		
Objective 5.6 - Regularly develop and distribute an electronic newsletter.			
<ul style="list-style-type: none"> • See objective 5.4. (Develop and release new tri-annual newsletter) 	✓		
Objective 5.7 - Keep abreast of emerging technologies and apply them appropriately.			
<ul style="list-style-type: none"> • Research feasibility of creating a Board "app" for smartphones, and contact DCA Public Affairs office to discuss social networking opportunities. (Breeze dependent) • Develop license lookup through smartphone "app". (Breeze dependent) • Develop business lookup through smartphone "app". (Breeze dependent) • Make website more user friendly and "mobile app" friendly. (Breeze dependent) • Explore Use of Social Media to Improve Communication (i.e. Facebook, Twitter, LinkedIn) 			✓ ✓ ✓ ✓
	Spring 2013		

Alameida, Jeff@DCA

From: Schick, Taylor@DCA
Sent: Monday, July 22, 2013 10:21 AM
To: Alameida, Jeff@DCA
Cc: Nhan, Tommy@DCA
Subject: RE: OST Approval

Hi Jeff,

We just received the Governor's Office approval of the Department's FY 2013-14 OST Blanket last week. The Board of Engineers, Land Surveyors, and Geologists did not have any trips approved via the FY 2013-14 OST blanket process. If you wish to pursue a specific trip request it will need to go through the Individual trip request process which Tommy can assist you with.

Let me know if you have any questions.

Thank you.

Taylor Schick

From: Alameida, Jeff@DCA
Sent: Monday, July 22, 2013 10:15 AM
To: Schick, Taylor@DCA; Nhan, Tommy@DCA
Subject: OST Approval

Hey Guys,

What was decided regarding OST approval?

Thanks,

JEFF ALAMEIDA

Budget Analyst – Board for Professional Engineers,
Land Surveyors, and Geologists
California Department of Consumer Affairs
2535 Capitol Oaks Dr., Suite 300, Sacramento, CA 95833
Phone: 916.263.2269 – **Facsimile:** 916.263.2246
Email: jeff.alameida@dca.ca.gov – **Web:** www.bpelsg.ca.gov

BUDGET LETTER

	NUMBER: 13-04
SUBJECT: Out-of-State Travel Requests—Approval by the Governor's Office	DATE ISSUED: April 24, 2013
REFERENCES: Government Code Sections 11032 and 13030, State Administrative Manual Sections 0760-0765	SUPERSEDES: BL 12-05

TO: Agency Secretaries
Department Directors
Departmental Budget Officers
Departmental Accounting Officers
Department of Finance Budget Staff

FROM: The Governor's Office

This Budget Letter reminds state departments, boards, agencies, and commissions of the requirements of Out-of-State Travel (OST) blankets and individual OST requests, including travel to foreign countries. This process also applies to employees of the constitutional officers.

Similar to last year's process, the OST blanket will have two separate components. The first section should only include trips that meet specific mission critical criteria (defined below) and will only require approval from the Department Director **and** the Agency Secretary (or a commensurate level). The second section would include trips that are discretionary but your agency believes represent a benefit to the state and should be considered for approval by the Governor's Office. Particular attention should be given to the criteria—if a trip provides a benefit but is not required, then it falls into the discretionary category.

Each trip listed in the first section should contain the following information:

- o Purpose of the trip and mission critical criteria it meets.
- o Destination.
- o Projected cost of the trip and the source of funding.
- o Number of travelers and role of each traveler.

Each trip listed in the second section must contain the following information:

- o Purpose of the trip and an explanation why it is in the best interest of the state.
- o Destination.
- o Projected cost of the trip and the source of funding (state the fund name as shown in the Governor's Budget).
- o Number of travelers and role of each traveler.
- o Impact if the trip is denied.
- o Impact of the traveler's absence on regularly assigned duties.

Mission critical criteria:

- Enforcement responsibilities (this includes only actual enforcement activities, not training or meetings).
- Auditing.
- Revenue collection.
- A function **required** by statute, contract, or executive directive.

- Job-required training necessary to maintain licensure or similar standards **required** for holding a position.
- Equipment inspection as **required** by a contract.
- Meetings or training **required** by a grant or to maintain grant funding.
- Litigation related (depositions, discovery, or testimony).
- Requests by the Federal Government to appear before committees.

Mission critical **does not** mean travel to attend:

- Conferences, meetings, or seminars (even those that historically have been attended, or if a request has been made for your department or an individual to make a presentation).
- Networking opportunities.
- Professional development courses.
- Continuing education classes/seminars.

All OST blankets for fiscal year 2013-14 must be submitted directly to the Governor's Director of Operations by **May 24, 2013**. This deadline provides adequate time for review and approval of OST blankets, and should prevent travel disruptions by reducing the need for departments to submit individual trip requests for travel already included in a blanket that has not yet been approved. Your OST blanket submission will only be accepted on the most recent version of the STD. 260 (REV 4/2012), which can be found by clicking this link: <http://www.documents.dgs.ca.gov/osp/pdf/std260.pdf>. Submissions on out-of-date forms will be returned.

If a department has a travel request that needs consideration before their blanket has been approved, or if it meets the criteria specified below, these guidelines should be followed.

Departments are required to submit individual OST requests when:

- 1) A department's OST blanket has been submitted but not yet approved by the Governor's Office.
- 2) The trip is not covered by SAM Section 0762.
- 3) The trip involves unusual circumstances, public interest, or possible questions of propriety. Some examples include: trips to Hawaii, Alaska, territorial possession, foreign countries; trips involving an extended period of time; and requests to add persons to a trip listed in the approved blanket travel plan.
- 4) The trip is funded from a non-federal grant.

The individual trip requests must be submitted on the OST Approval Request Form (STD. 257 REV 4/2012), which can be found by clicking this link: <http://www.documents.dgs.ca.gov/osp/pdf/std257.pdf>. These requests must be received by the Governor's Director of Operations at least 14 days before travel is scheduled to begin. It is important to note that only submissions on the current form will be accepted. All others will be returned.

If departments do not adhere to this timeframe and if the forms are not filled out accurately and completely, the request may be denied and individual employees will not be reimbursed for travel costs or may be subject to other consequences. Please refer to SAM (Section 0761, 0764 and Government Code Section 13030) for additional information regarding the consequences of non-compliance with OST requirements.

Please submit all OST blankets to the Governor's Director of Operations by the **May 24, 2013** deadline. The original blanket or individual OST request must be submitted and routed via a transmittal memorandum through your Agency and sent to:

Office of the Governor
Attn: Director of Operations

The transmittal memorandum must include the name of a contact person with e-mail and phone number, should follow up or clarifications be necessary.

/s/ Todd Jerue

TODD JERUE
Chief Operating Officer

Item III C. Personnel

1. Cindy Fernandez, Enforcement Analyst, will be retiring effective August 29 after working for the Board since November 1988 (24 year, 9 months, 12 days)
2. New Senior Registrar position became effective 7/01/2013. Staff is actively working with DCA Personnel to revise the existing classification to include Professional Geologist related terminology as well as revising other language to more closely reflect the Registrar's role in supporting the board's operations. Staff is scheduled to meet jointly with DCA Personnel and CalHR soon to finalize the classification change package for State Personnel Board consideration.

Item III D. Administrative Task Force

The ATF has communicated electronically since the last meeting and is currently performing the following tasks:

1. Review of the Board's Operating Procedures and TAC Operating Procedures to determine if any recommended changes are necessary.
2. Review of Draft Staff Evaluation pertaining to Board Rule 425 and land surveyor application review process.
3. Response to request to perform a time line audit of an enforcement case.

Staff is currently in the process of developing an internal tracking mechanism for the purposes of monitoring case aging as recommended by the ATF and reported on at the June 2013 board meeting.

BreEze System Update

August 29, 2013

BreEze will replace DCA's aging legacy business systems with an integrated software solution that utilizes current technologies to facilitate increased efficiencies in the boards' and bureaus' licensing and enforcement programs.

DCA is working with Accenture, LLP to design, configure, and implement an integrated enterprise-wide enforcement and licensing system. BreEze will replace the existing system and multiple "workaround" systems with an integrated, industry-proven system for use by DCA organizations.

BreEze will provide all DCA organizations with an enterprise system that supports all applicant tracking, licensing, renewal, enforcement, monitoring, cashiering, and data management capabilities. BreEze will be web-enabled to allow application, renewal, and payment processing via the Internet for applicants and licensees. Furthermore, BreEze will allow the public to file complaints and lookup licensee information and complaint status through the Internet.

SEPTEMBER	TUESDAY 10	WEDNESDAY 11	THURSDAY 12	FRIDAY 13	SATURDAY 14	SUNDAY 15	MONDAY 16	TUESDAY 17
Change Over Period								
Database Systems					(5:00 PM) Systems Down – For All Boards and Bureaus			
Cashiering	Board Finishes Cashiering (COB)	Stop & Hold onto New Cashiering						Systems Up (8:00 AM)
Web License Lookup (WLL)				WLL Statuses as of Thursday	WLL Statuses as of Thursday	WLL Statuses as of Thursday	WLL Statuses as of Thursday	Enter Held Cashiering

Above is the BreEze/Legacy Systems Change Over Event Calendar, for Release #1 roll-out, identifying the days of the week and the times of the significant events during the initial conversion from the old database systems to BreEze. Most of DCA is impacted by this change over event.

The old database systems will be offline for at least two business days 9/13 & 9/16, including the weekend in the middle. All systems should be back up and running by 9/17.

BreEze Project Release Schedule (Initially Proposed)

Release #1 – Early 2013 Board of Registered Nursing Medical Board of California Board of Behavioral Sciences Board of Psychology Osteopathic Medical Board Board of Podiatric Medicine Respiratory Care Board Naturopathic Medicine Committee Physician Assistant Committee Board of Barbering and Cosmetology GO LIVE 9/17/2013	Release #2 – Fall 2013 Dental Board Dental Hygiene Committee Board of Occupational Therapy Board of Optometry Pharmacy Board Physical Therapy Board Veterinary Medical Board and Veterinary Technician Examining Committee Board of Vocational Nursing and Psychiatric Technicians GO LIVE MID-2014*	Release #3 – Early 2014 Board of Chiropractic Examiners Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board Acupuncture Board Telephone Medical Advice Services Bureau of Automotive Repair Board of Accountancy Athletic Commission Cemetery and Funeral Bureau Court Reporters Board Bureau of Electronic, Appliance Repair, Home Furnishings and Thermal Insulation Professional Fiduciaries Bureau Board of Guide Dogs for the Blind Bureau of Private Postsecondary Education Contractors State License Board Board for Professional Engineers, Land Surveyors, and Geologists Architects Board Landscape Architect Technical Committee Structural Pest Control Board GO LIVE EARLY-2015*
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* ESTIMATE

Item III F. Discussion of Plastic ID Cards

Several years ago the board elected to discontinue issuance of the plastic ID cards to licensees due to costs associated with maintaining the legacy equipment and the inconsistent availability of consumables necessary to produce the cards.

At the time, new cards were provided upon renewal of the license and had an expiration date.

Since this action, the board has received requests to re-implement the plastic ID cards. Staff has evaluated hardware and software options which are presented below for the board to consider for possible re-implementation of this service to licensees:

Option 1: Provide cards to all licensees – no charge. This would occur for new licensees on a flow basis and during the first 2 year renewal cycle until all licensees are accounted for.

Cost: \$4/ea for first 2 years; \$2.50/ea annually thereafter.

(\$106k consumables / \$65k staff)

Option 2: Provide cards to licensees on request – charge \$_____.

Cost:

Assuming 50% participation - \$53k consumables / \$32k staff

Assuming 25% participation - \$28k consumables / \$16k staff

IV. ENFORCEMENT

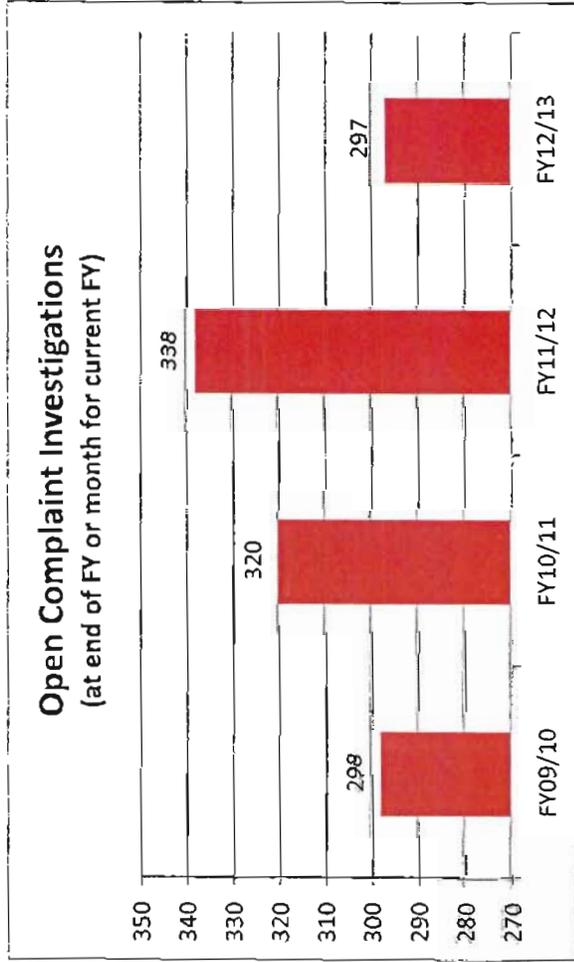
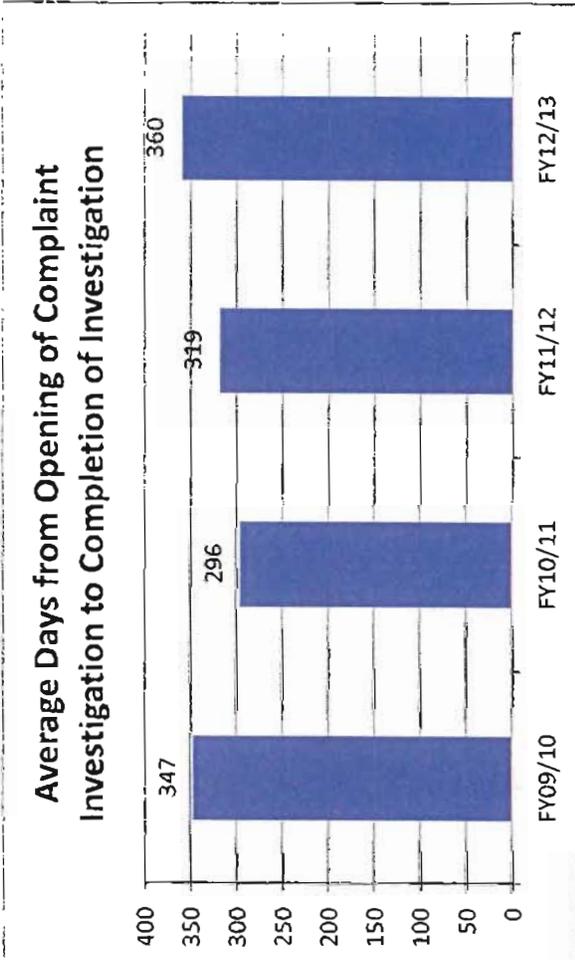
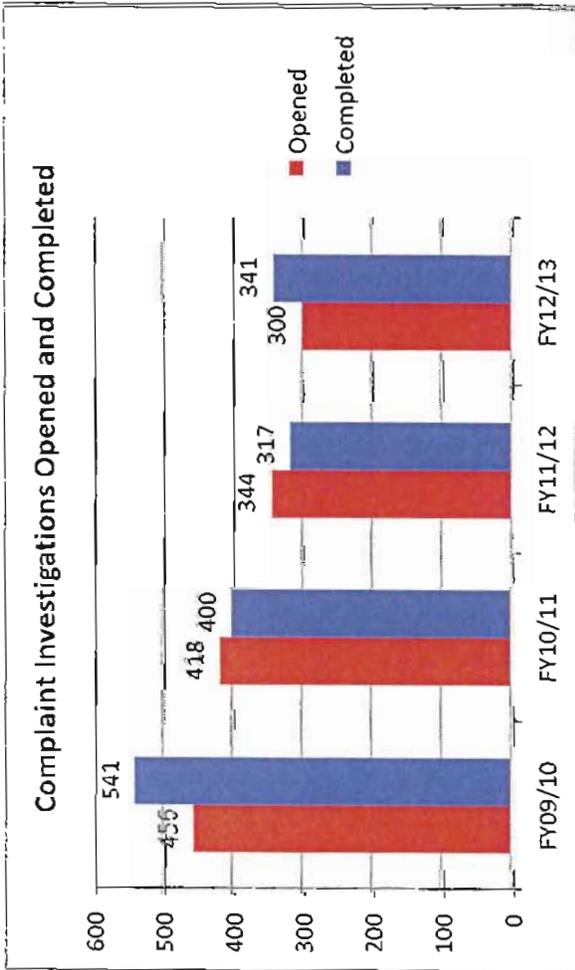
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2012/2013 Year End Report
 - 2. Fiscal Year 2013/2014 Report
- B. Posting of Enforcement Actions on the Board's Website

ENFORCEMENT STATISTICAL REPORTS

**FISCAL YEAR 2012/2013
YEAR END REPORT**

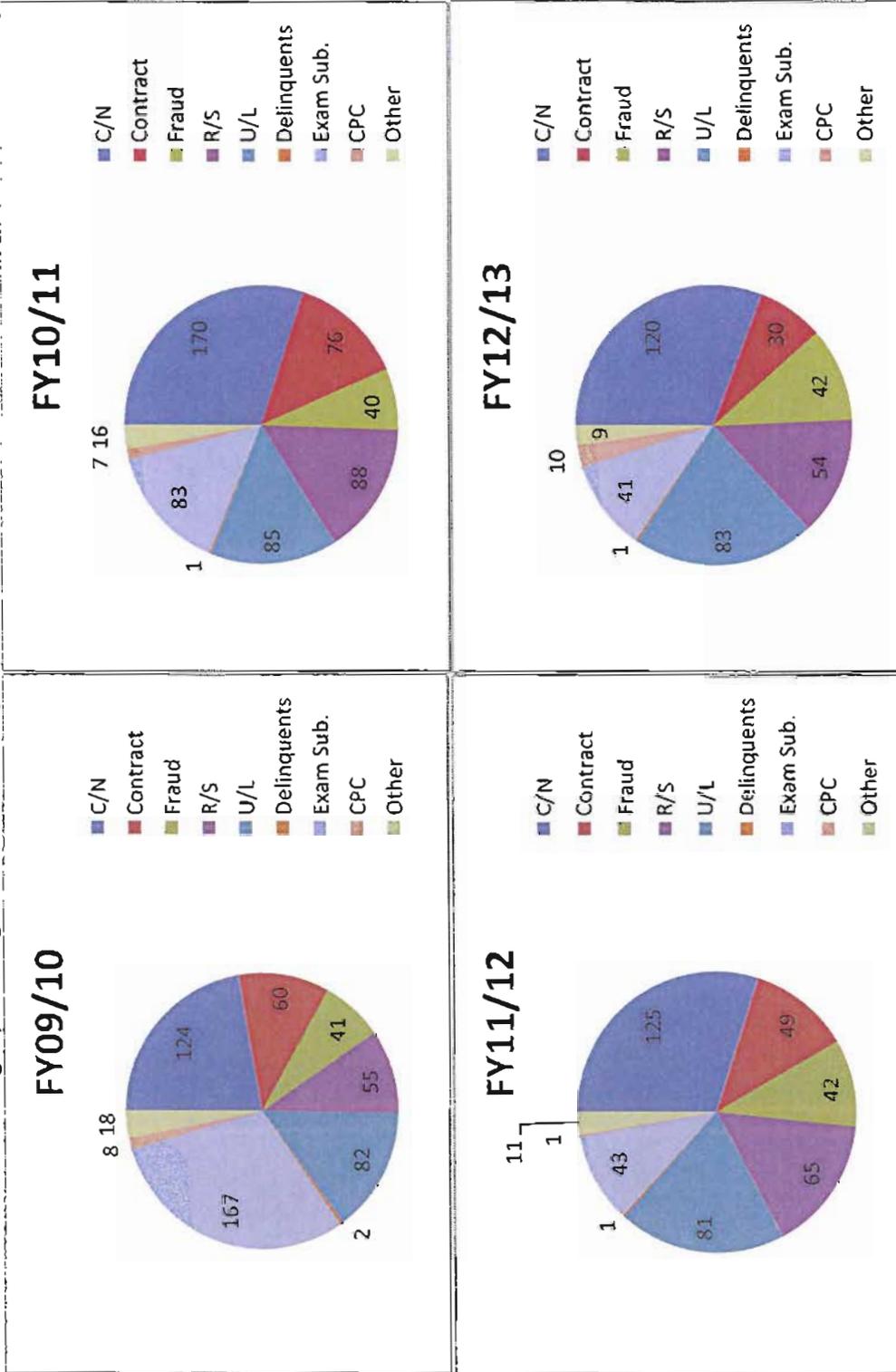
PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase



PELS ENFORCEMENT PROGRAM

Category of Alleged Violations at Opening of Complaint Investigation Case



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

C/N = Competence/Negligence

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

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

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

U/L = Unlicensed Activity

Delinquents = Delinquent Reinstatement applicants

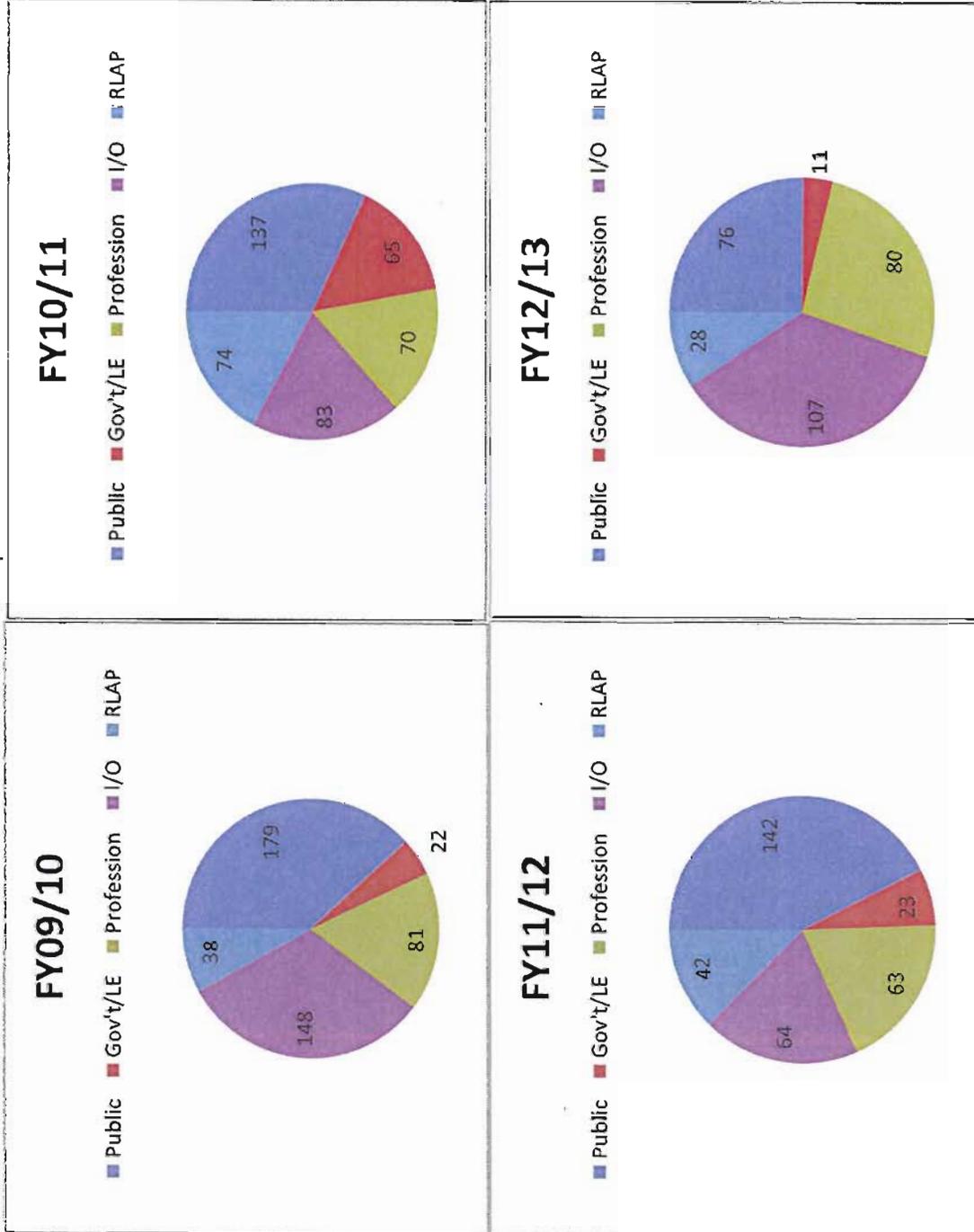
Exam Sub. = Exam subversion (includes those removed from exams and collusion analyses)

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

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

PELS ENFORCEMENT PROGRAM

Source of Complaint



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

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

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

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

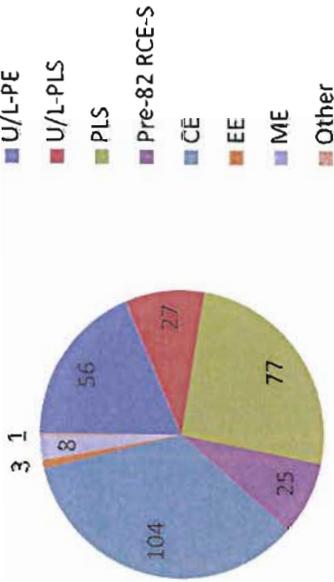
I/O = Internal/Other -- no complainant (exam subversion), inquiries that result in the Enforcement Unit opening a case, anonymous

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

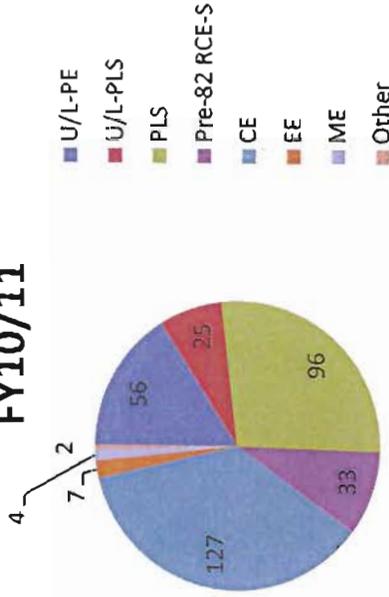
PELS ENFORCEMENT PROGRAM

Area of Practice/Licensure of Subject

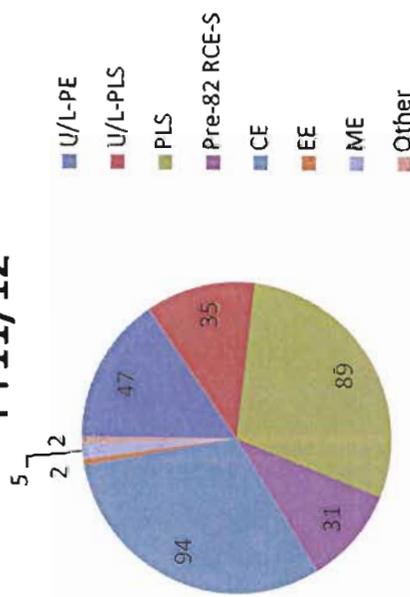
FY09/10



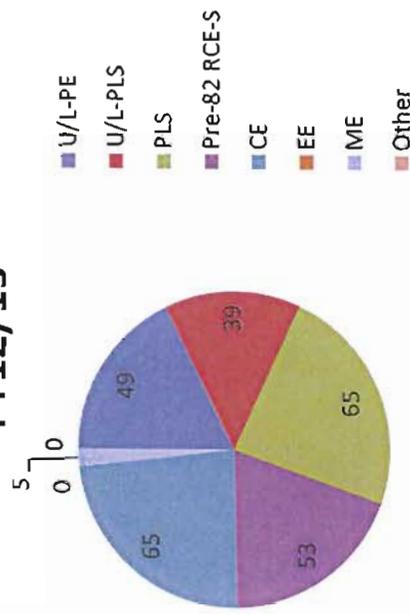
FY10/11



FY11/12



FY12/13



NOTE: 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

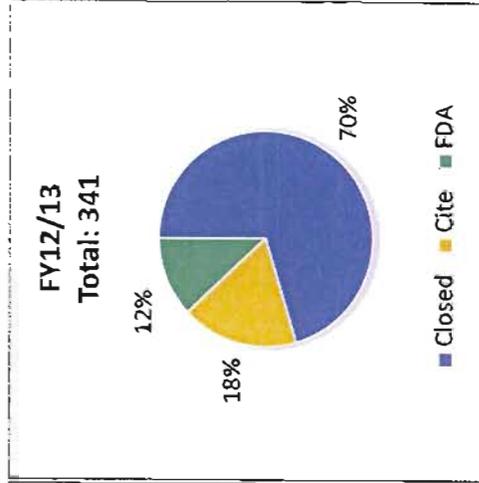
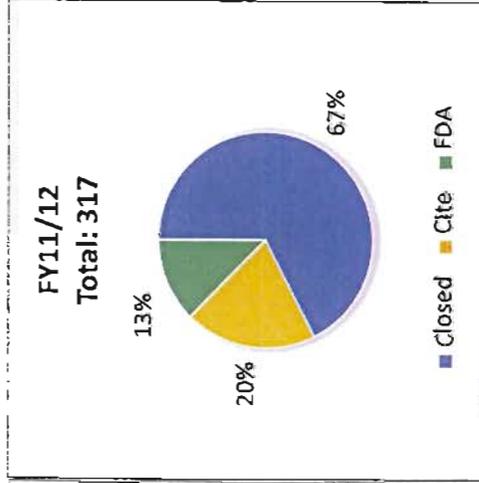
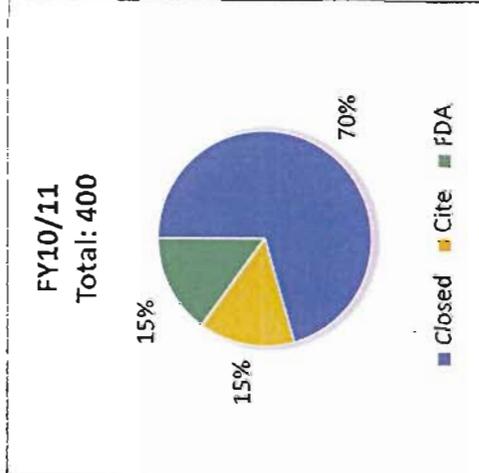
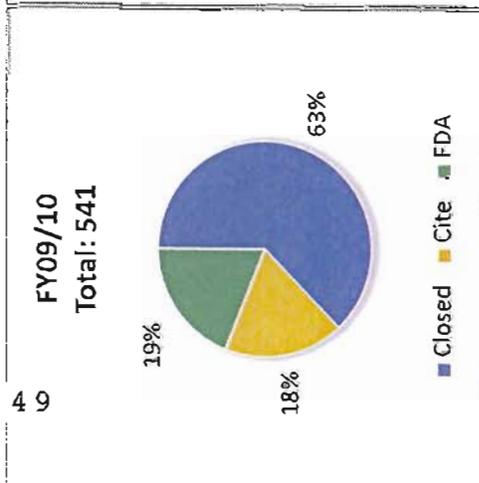
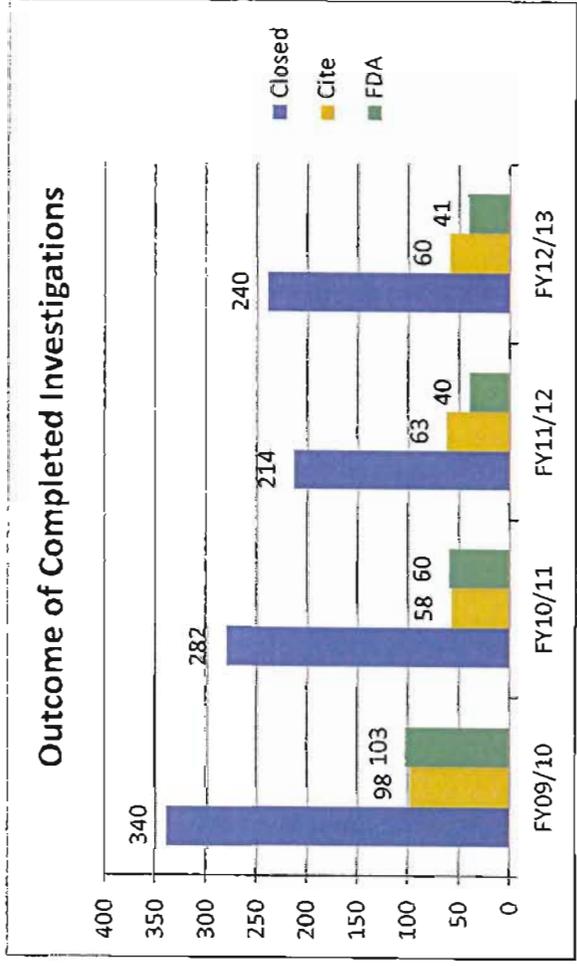
EE = allegations relating to the practice of electrical engineering by an Electrical Engineer

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

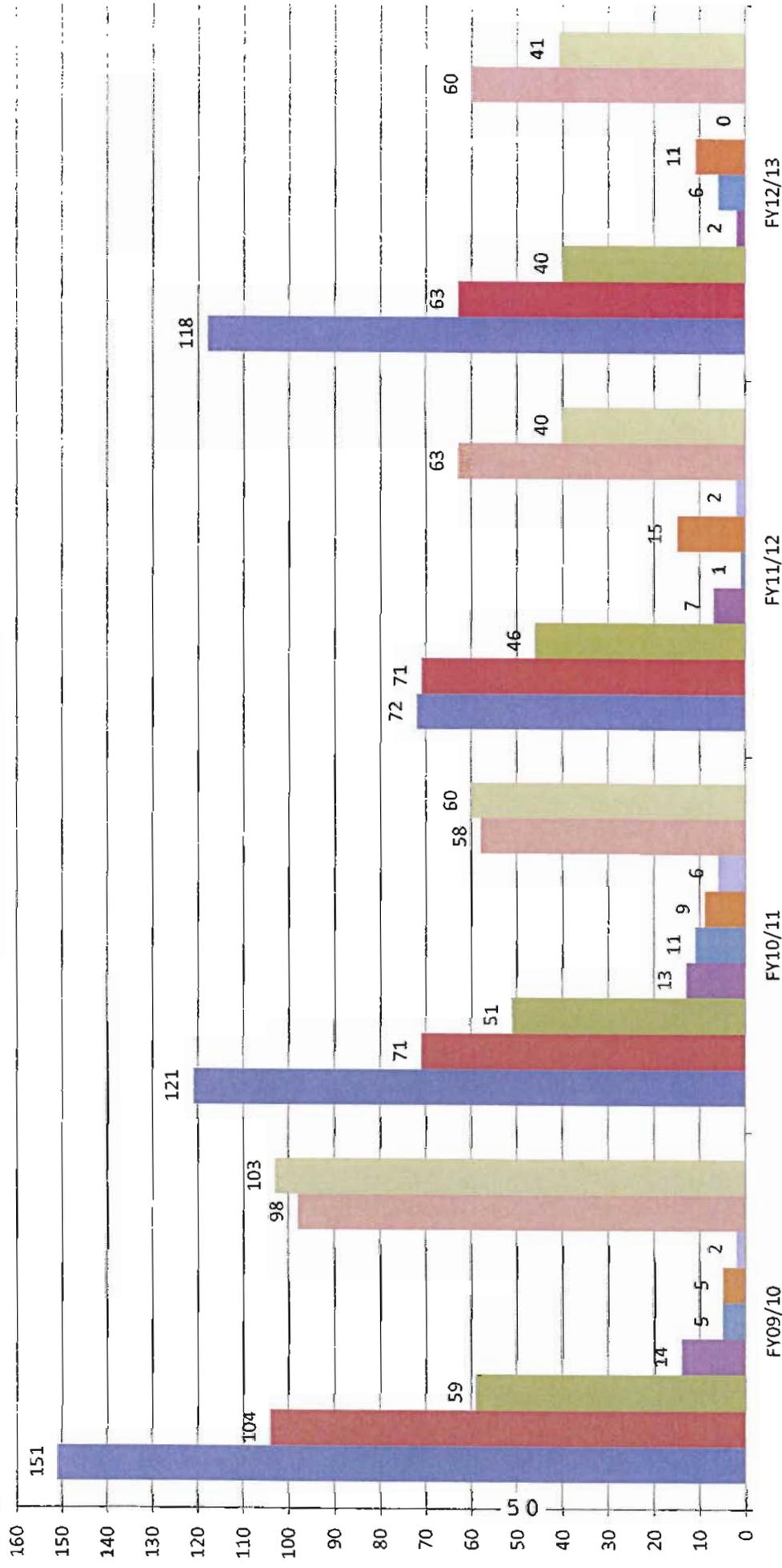
Outcome of Completed Investigations



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



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

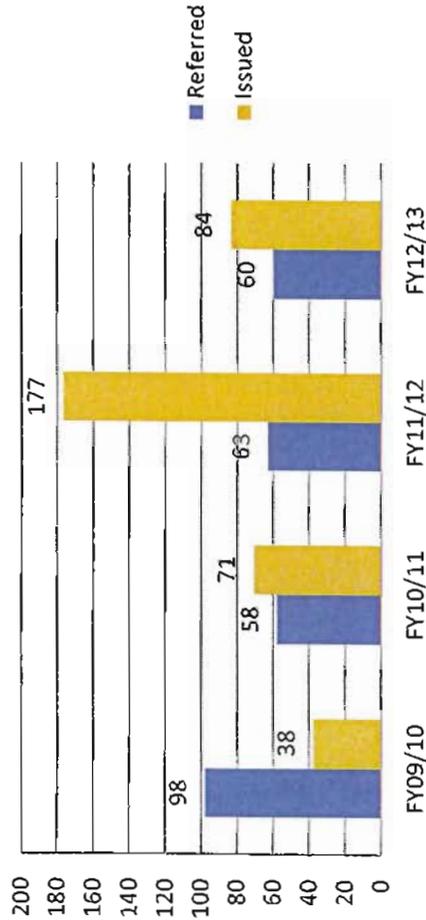
Med. = Mediated

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

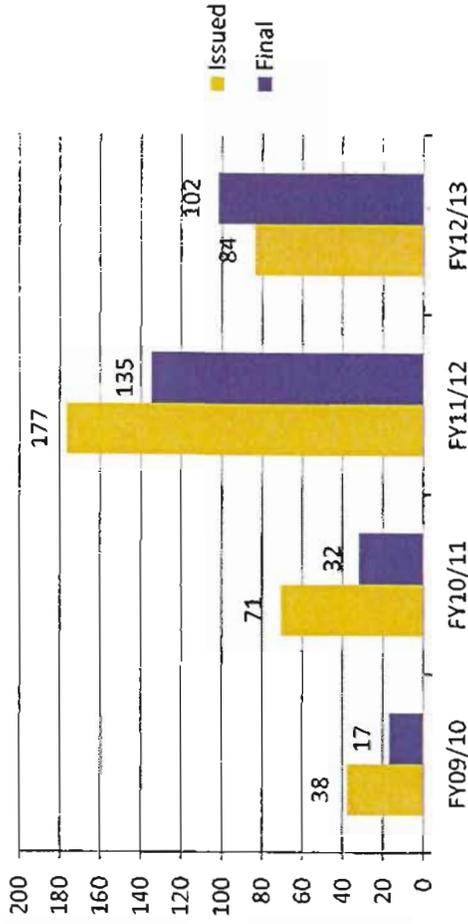
PELS ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued



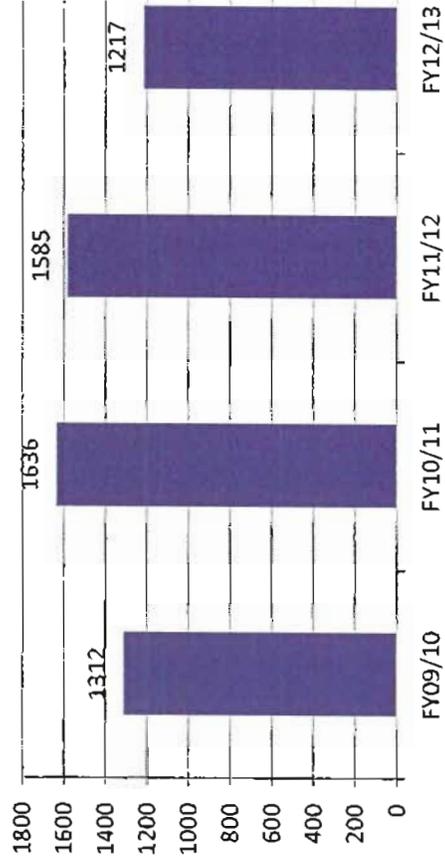
Number of Citations Issued and Final



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

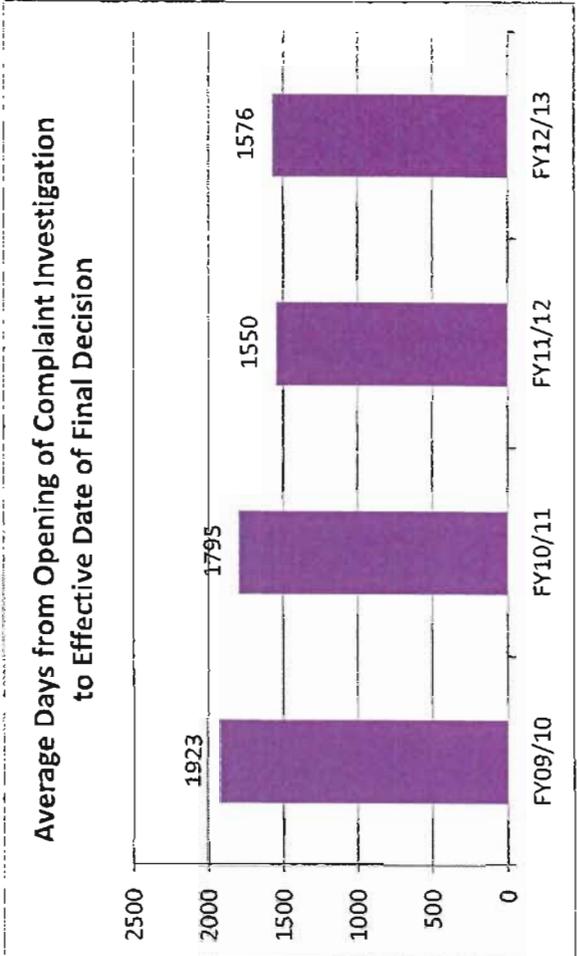
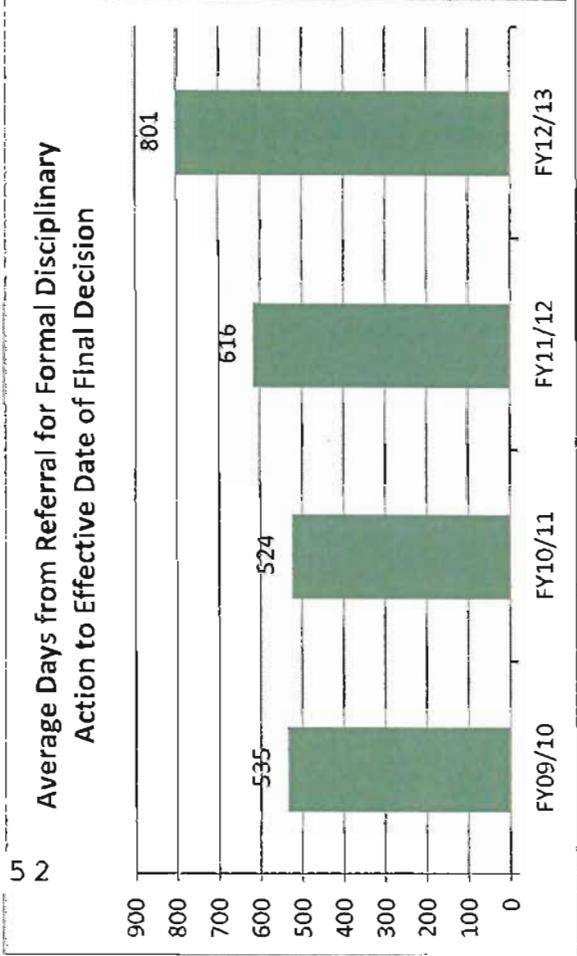
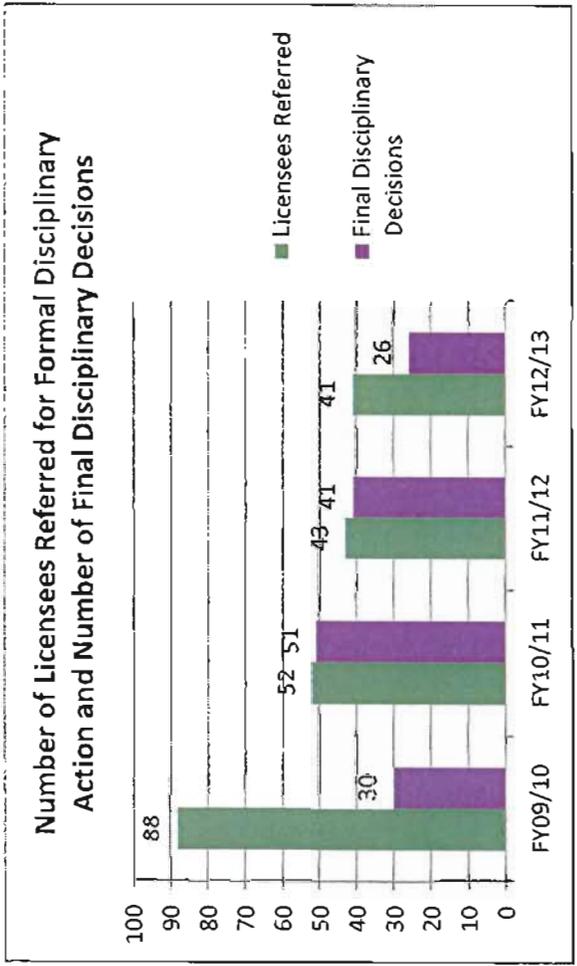


Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



PELS ENFORCEMENT PROGRAM

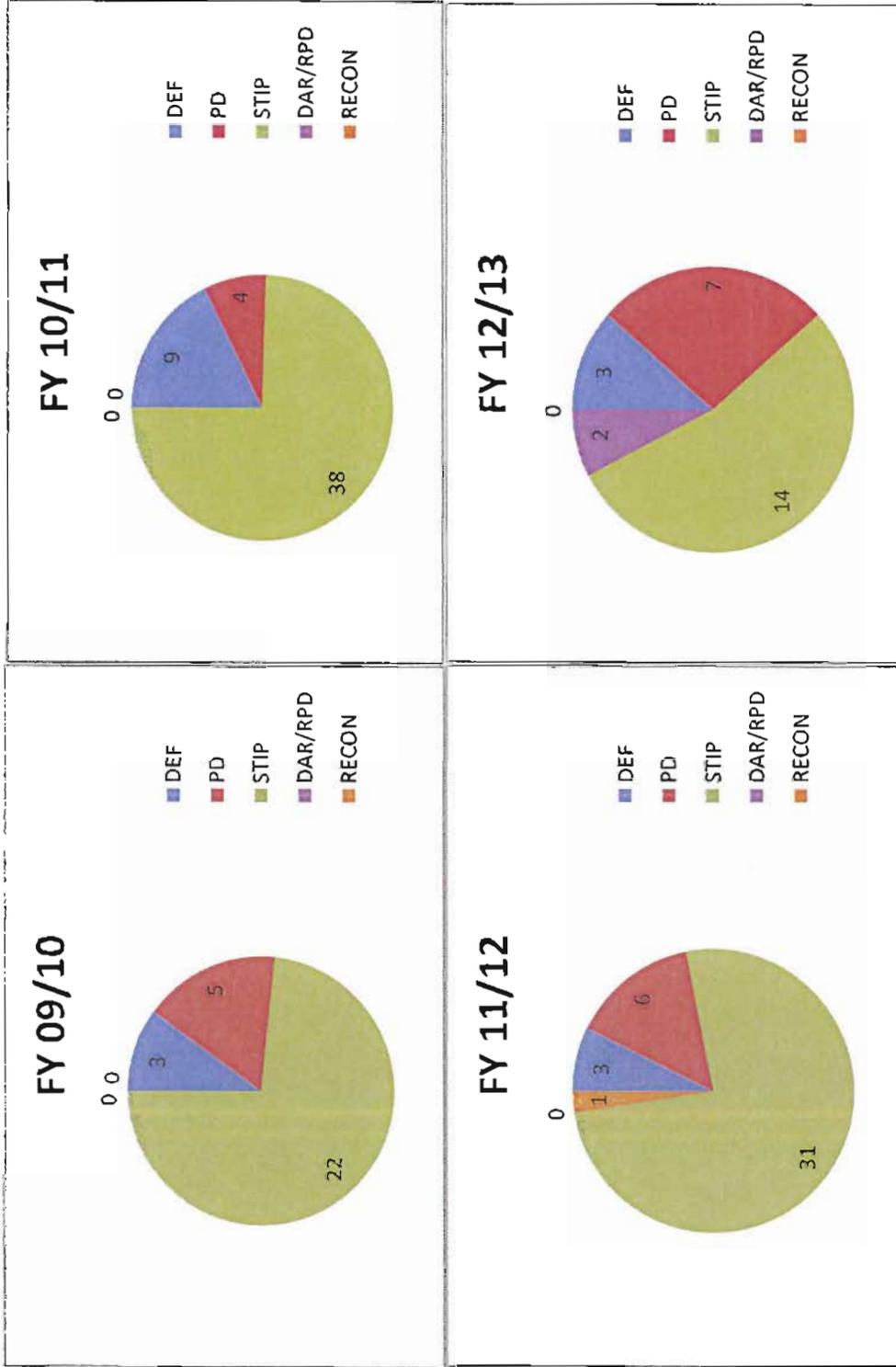
Formal Disciplinary Actions Against Licensees



PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

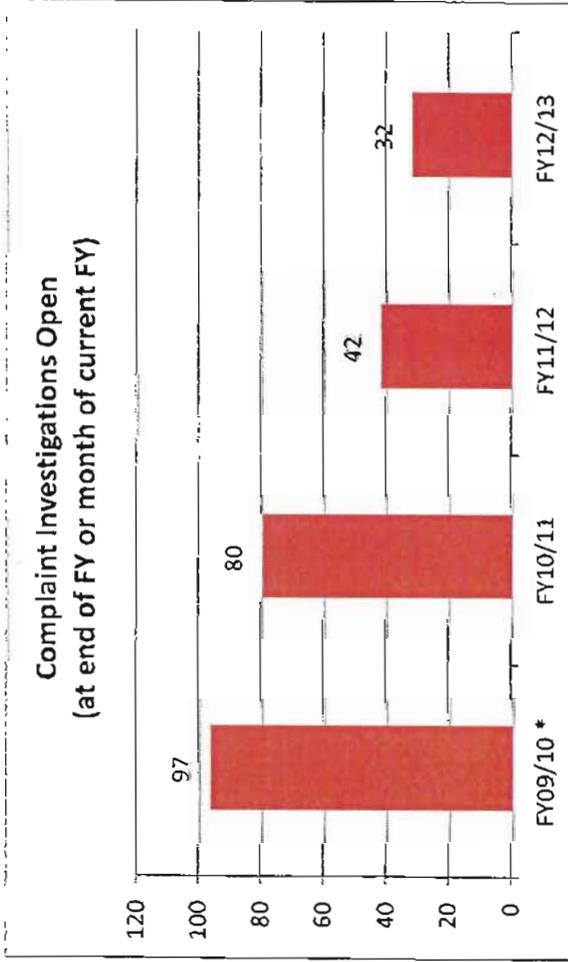
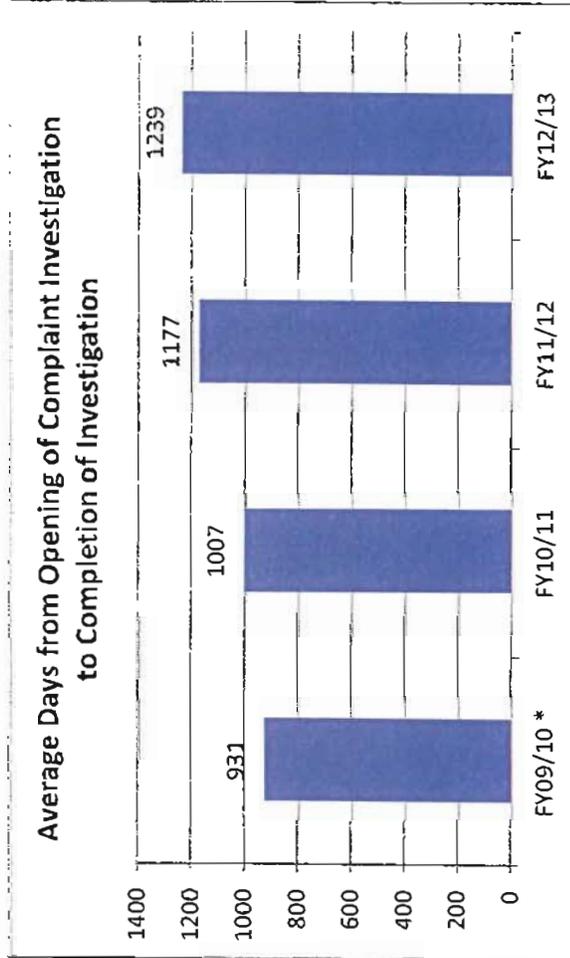
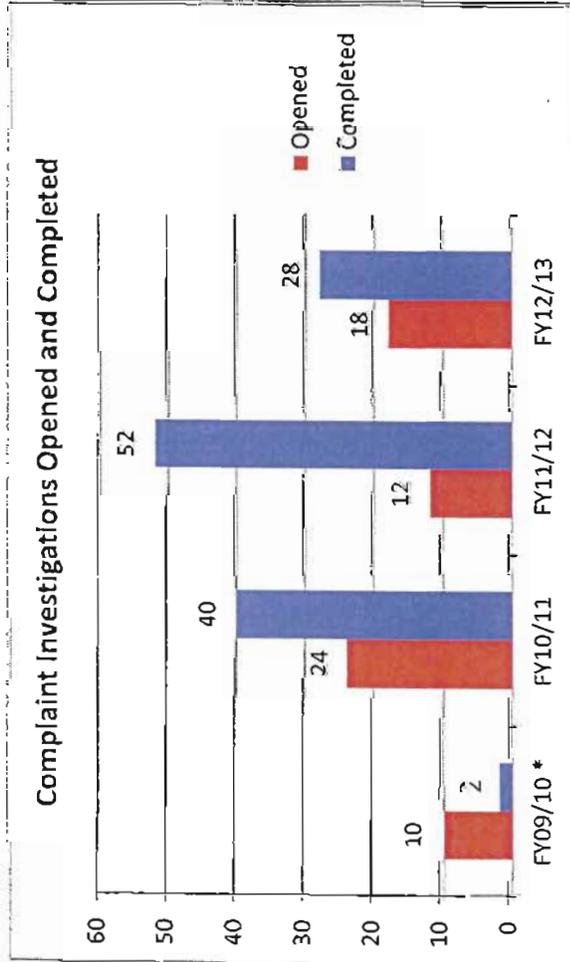
Types of Decisions



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

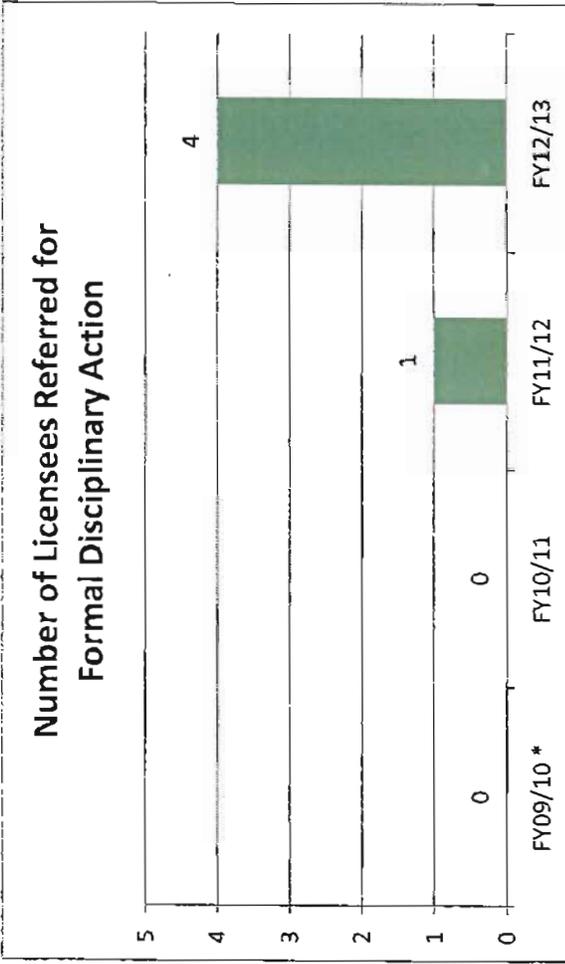
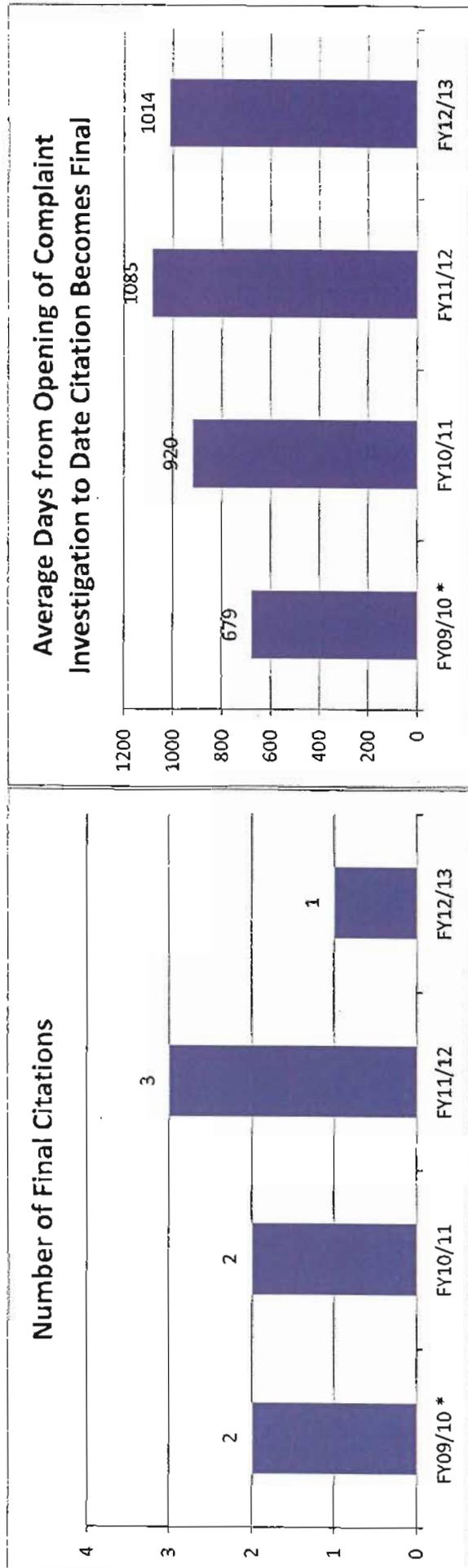
Complaint Investigation Phase



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

G&G ENFORCEMENT PROGRAM

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



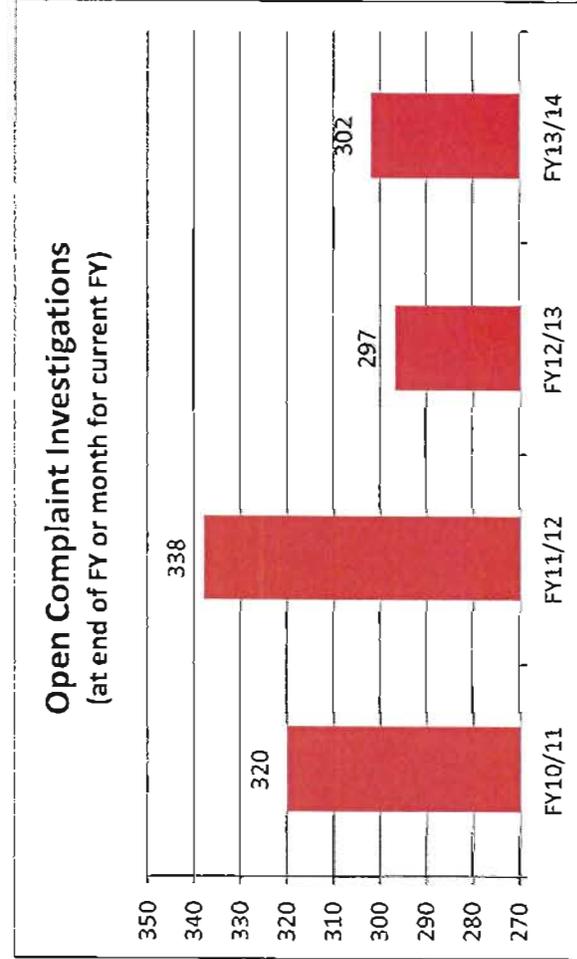
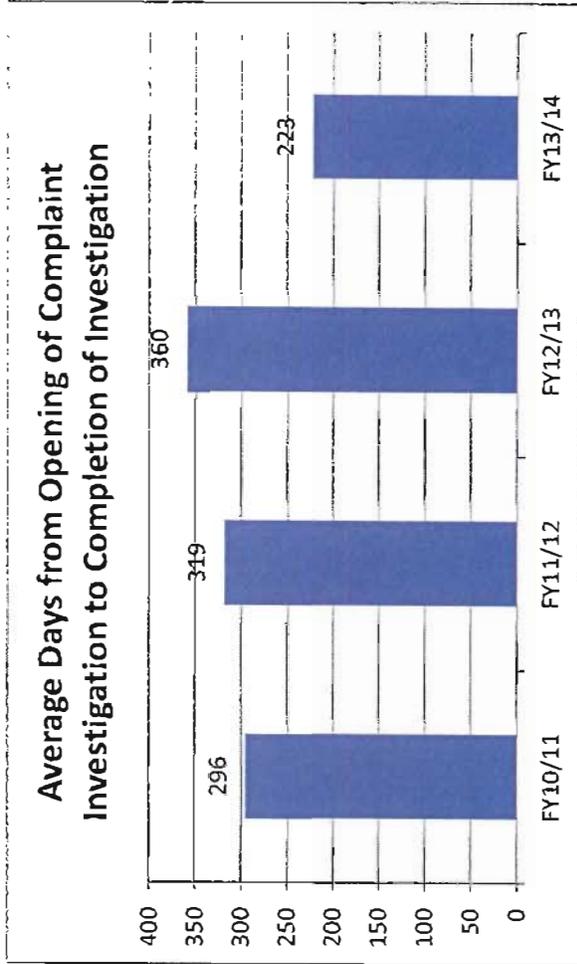
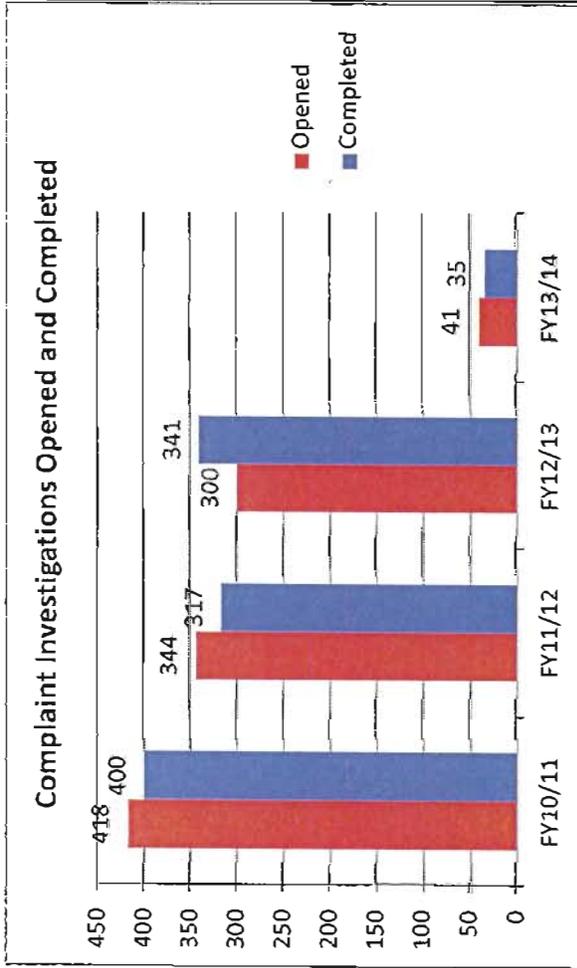
FY09/10 is only from January through June 2010, when BGG was merged with BPELS

ENFORCEMENT STATISTICAL REPORTS

Fiscal Year 2013/2014 Report

PELS ENFORCEMENT PROGRAM

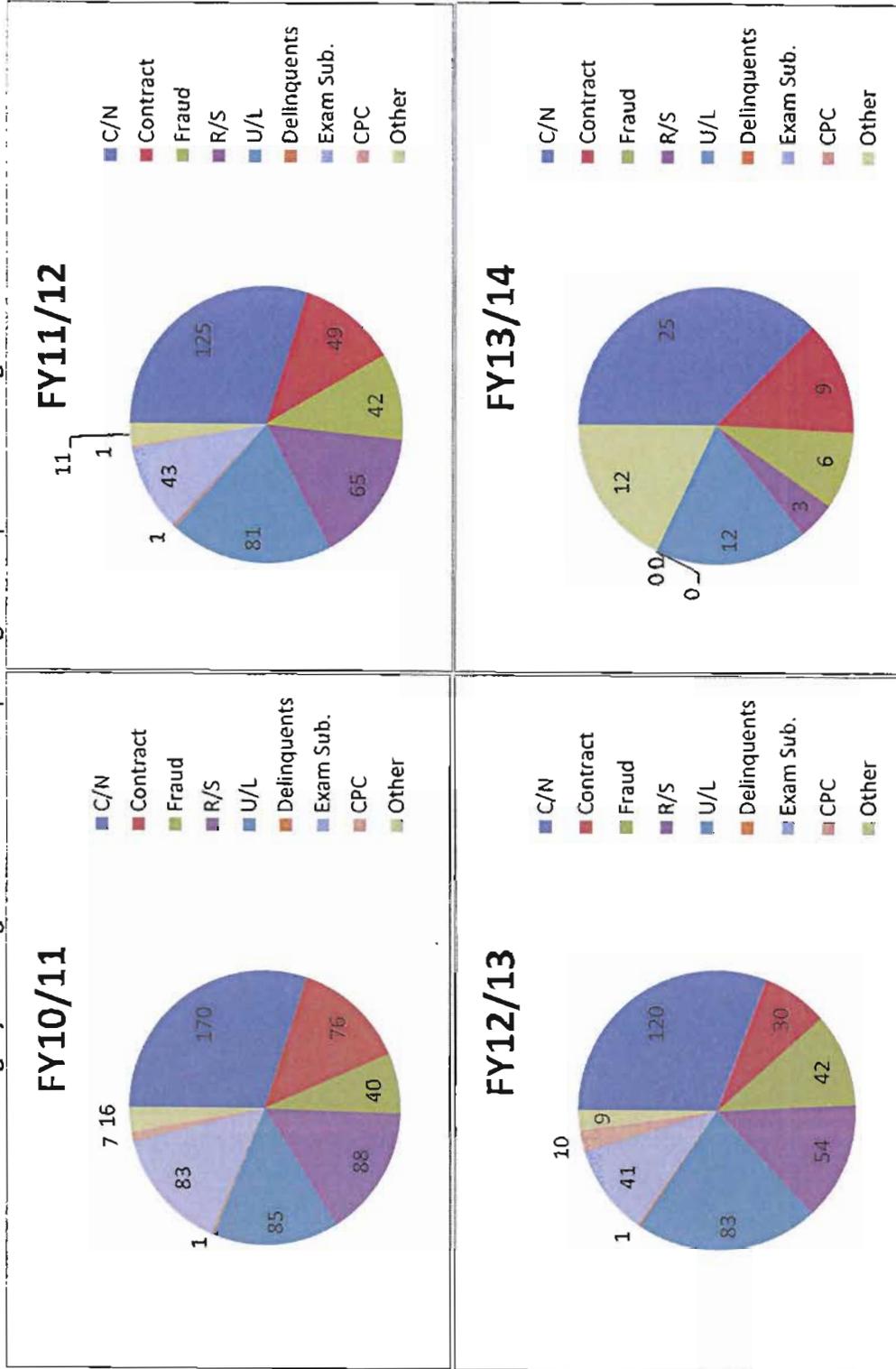
Complaint Investigation Phase



NOTE: FY13/14 statistics are through July 31, 2013

PELS ENFORCEMENT PROGRAM

Category of Alleged Violations at Opening of Complaint Investigation Case



NOTE: FY13/14 statistics are through July 31, 2013

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one category

C/N = Competence/Negligence

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

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

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

U/L = Unlicensed Activity

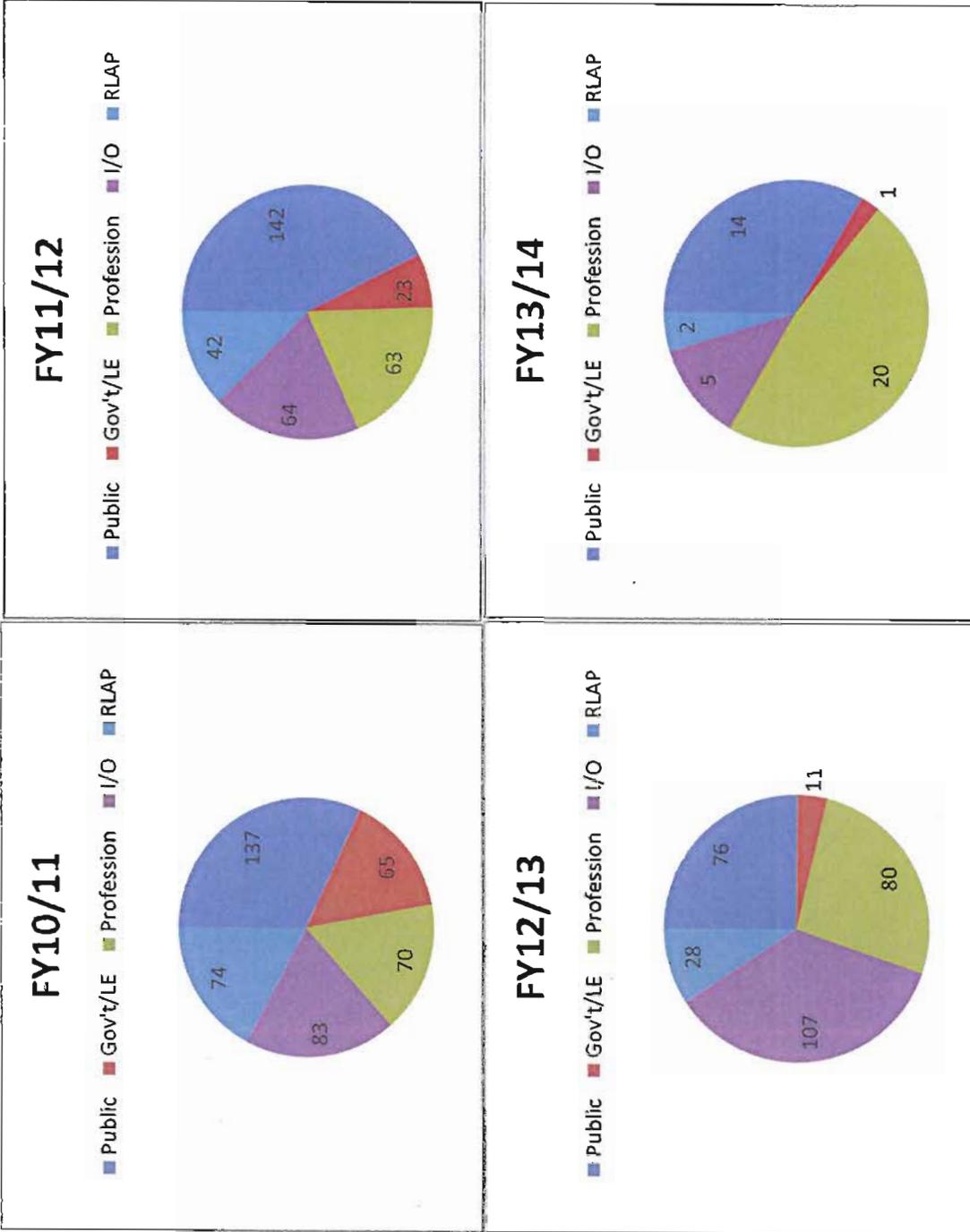
Delinquents = Delinquent Reinstatement applicants

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

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

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

PELS ENFORCEMENT PROGRAM
Source of Complaint



NOTE: FY13/14 statistics are through July 31, 2013

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one source
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)

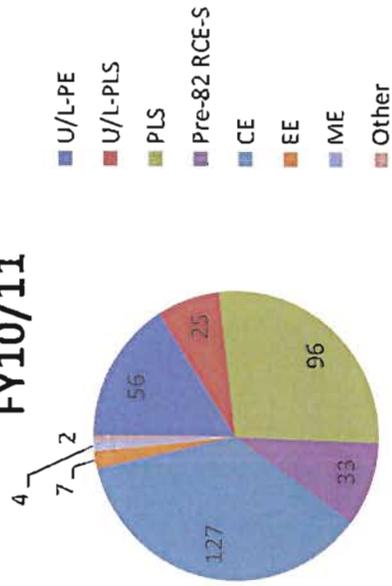
I/O = Internal/Other – no complainant (exam subversion), inquiries that result in the Enforcement Unit opening a case, anonymous

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

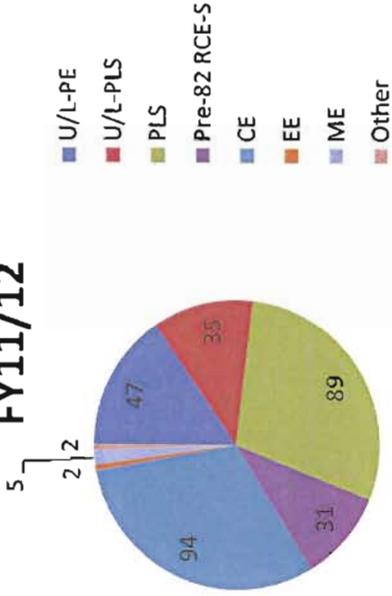
PELS ENFORCEMENT PROGRAM

Area of Practice/Licensure of Subject

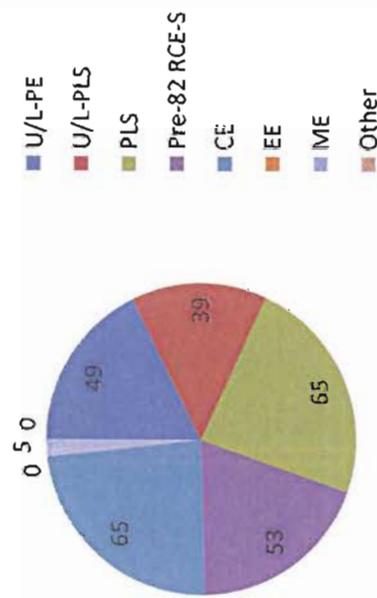
FY10/11



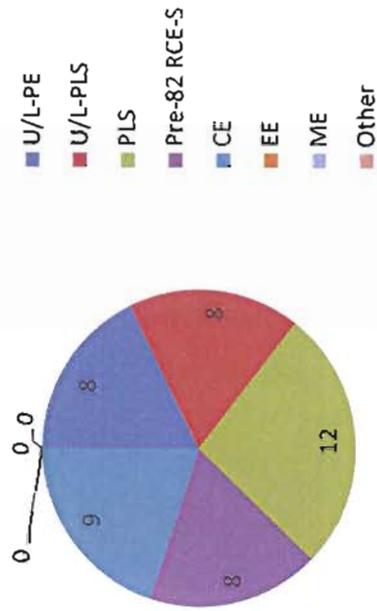
FY11/12



FY12/13



FY13/14



NOTE: FY13/14 statistics are through July 31, 2013

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one area

U/L-PE = unlicensed activity relating to the practice of professional engineering

U/L-PLS = unlicensed activity relating to the practice of professional land surveying

PLS = allegations relating to the practice of land surveying by a Professional Land Surveyors

Pre-82 RCE-S = allegations relating to the practice of land surveying by a Pre-82 Civil Engineer

CE = allegations relating to the practice of civil engineering by a Civil Engineer

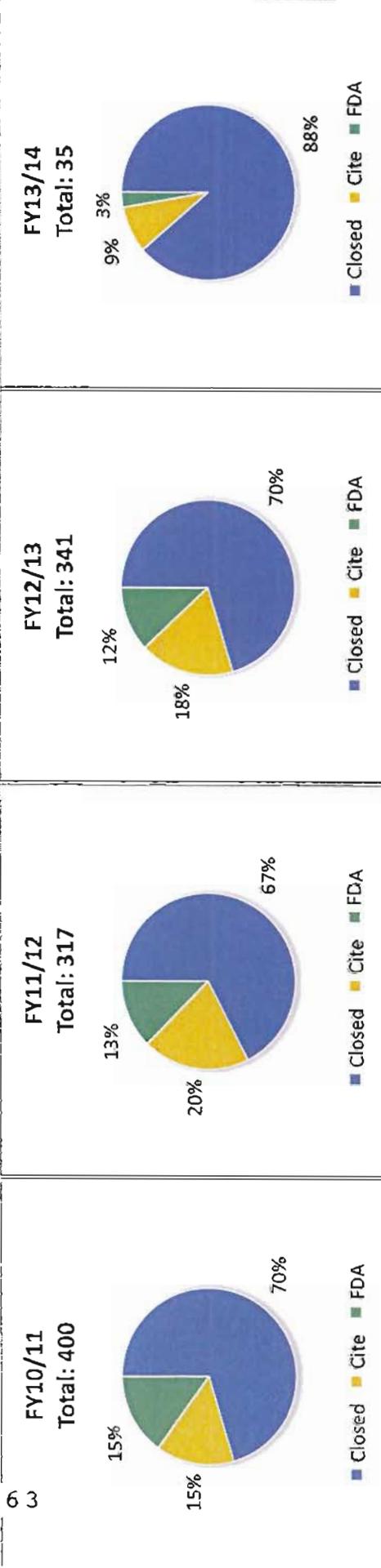
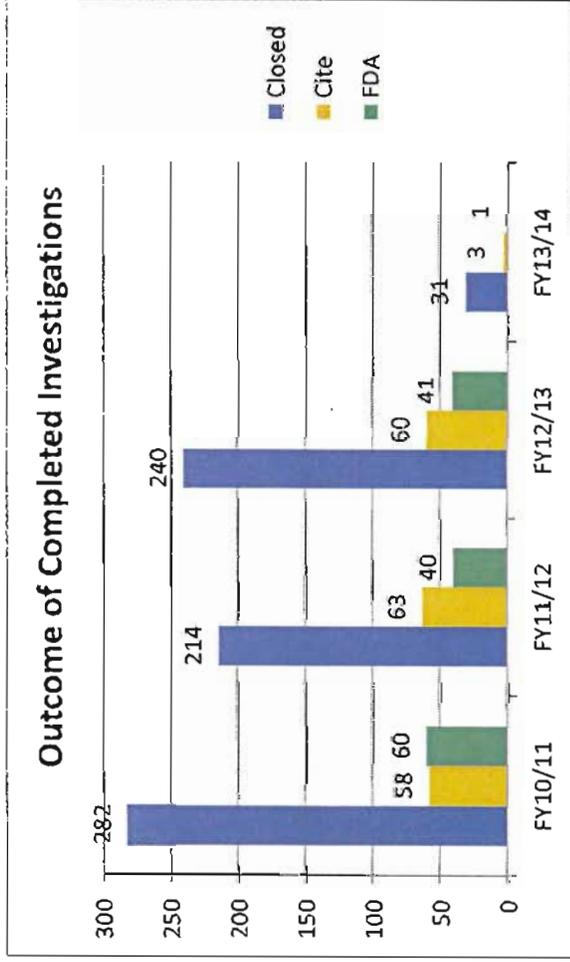
EE = allegations relating to the practice of electrical engineering by an Electrical Engineer

ME = allegations relating to the practice of mechanical engineering by a Mechanical Engineer

Other = allegations relating to the practice of any other discipline of engineering by a licensee in the specific discipline (i.e., traffic engineering by a Traffic Engineer)

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY13/14 statistics are through July 31, 2013

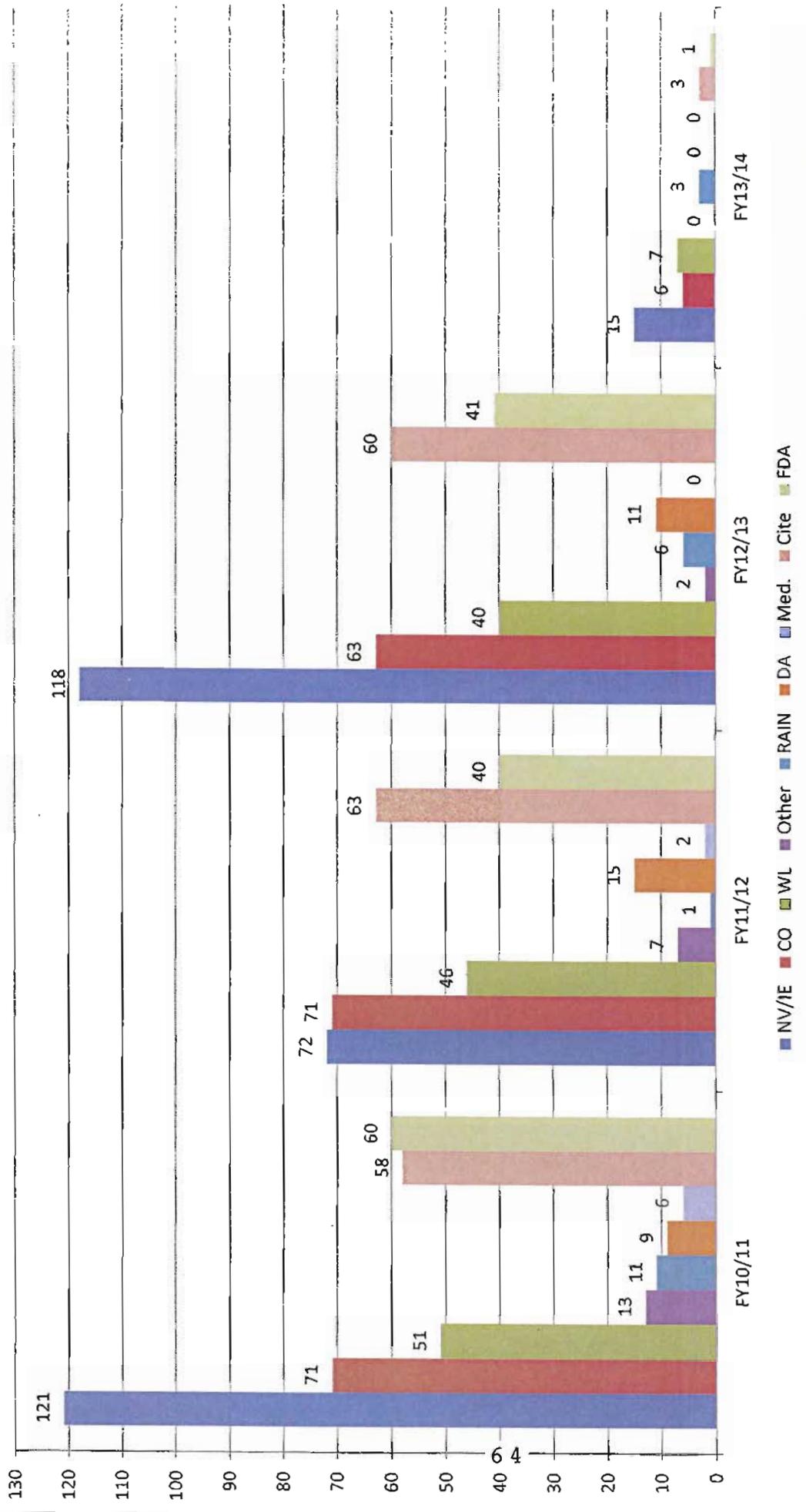
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY13/14 statistics are through July 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

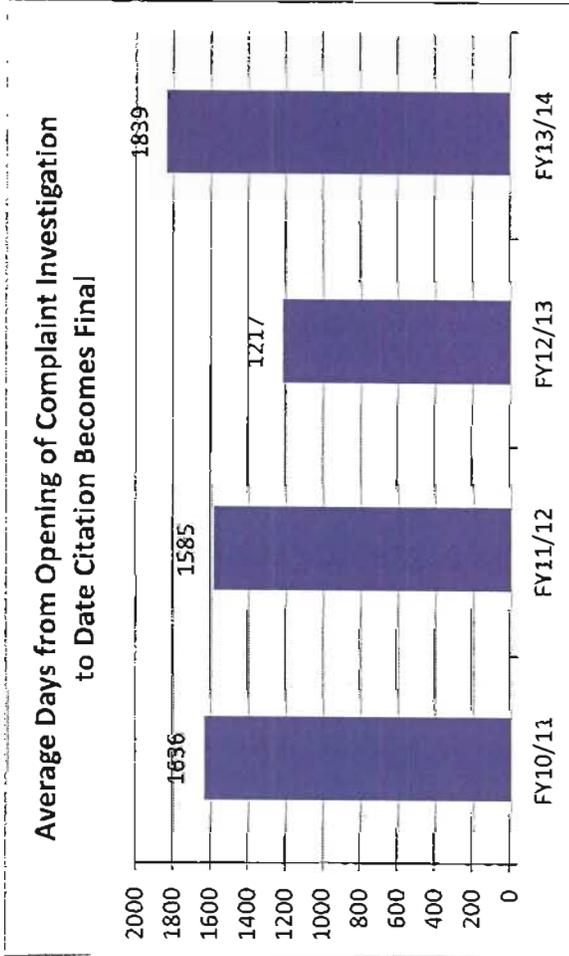
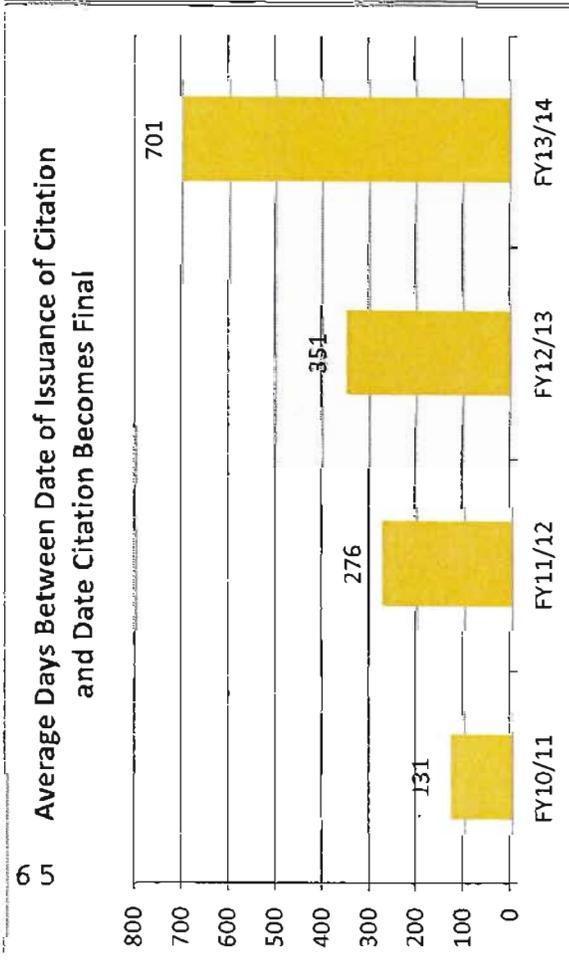
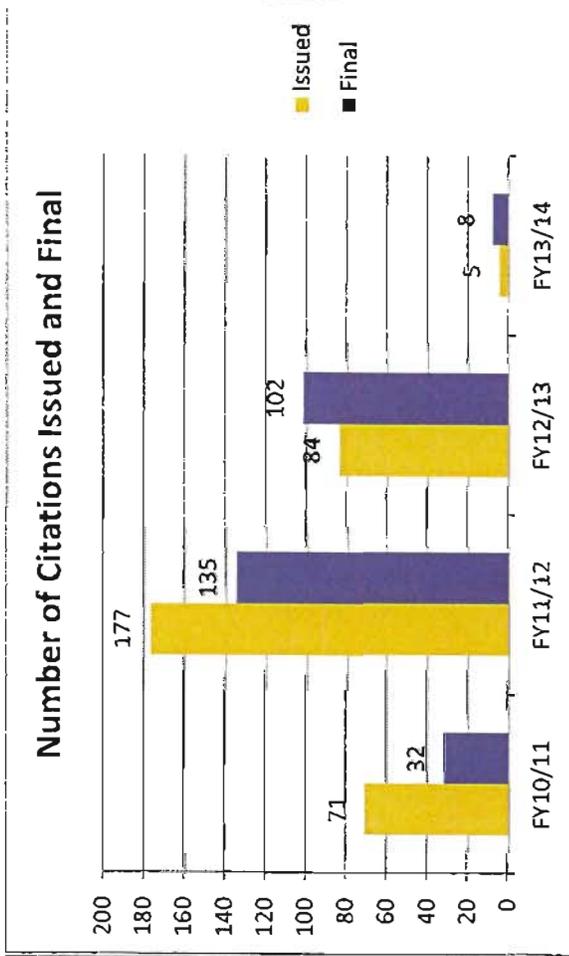
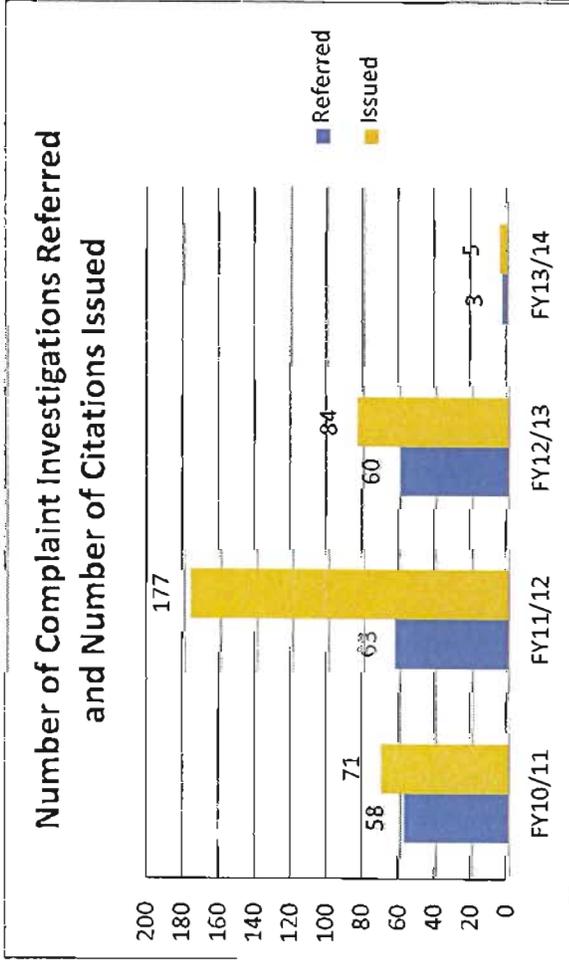
Med. = Mediated

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PELS ENFORCEMENT PROGRAM

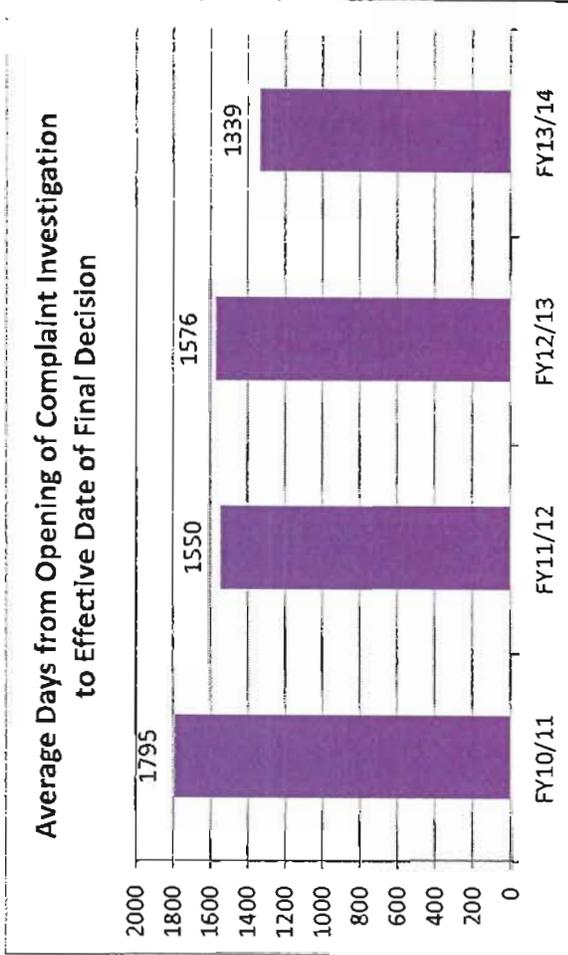
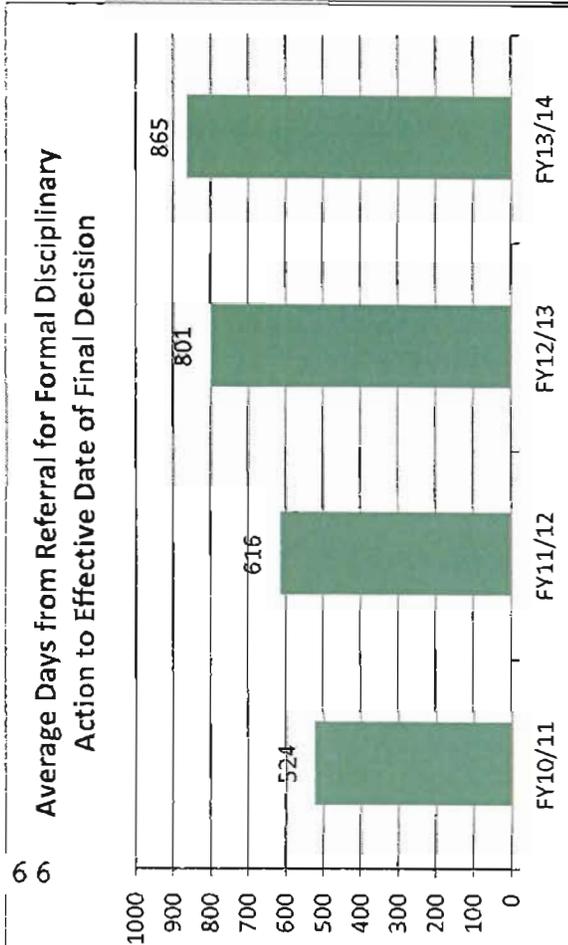
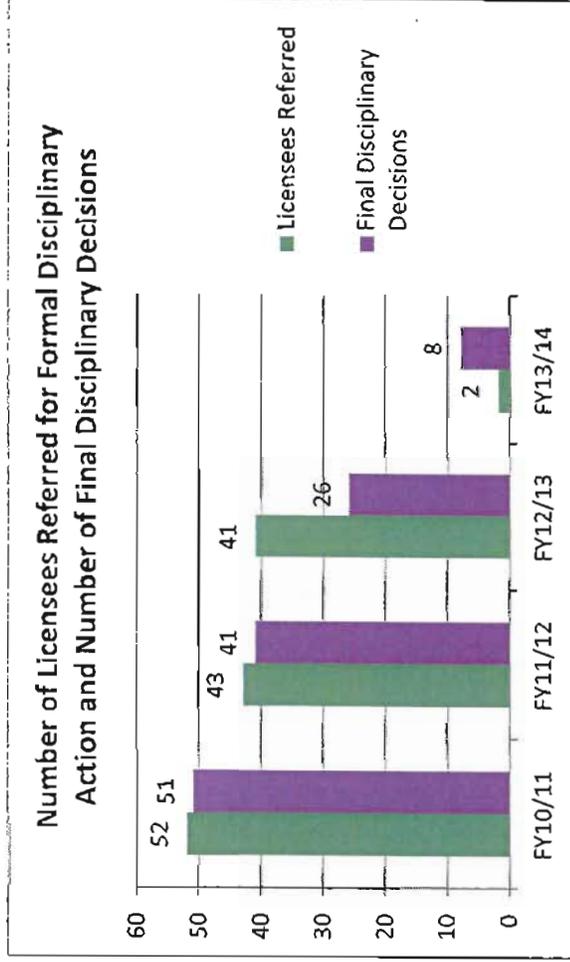
Citations (Informal Enforcement Actions)



NOTE: FY13/14 statistics are through July 31, 2013

PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

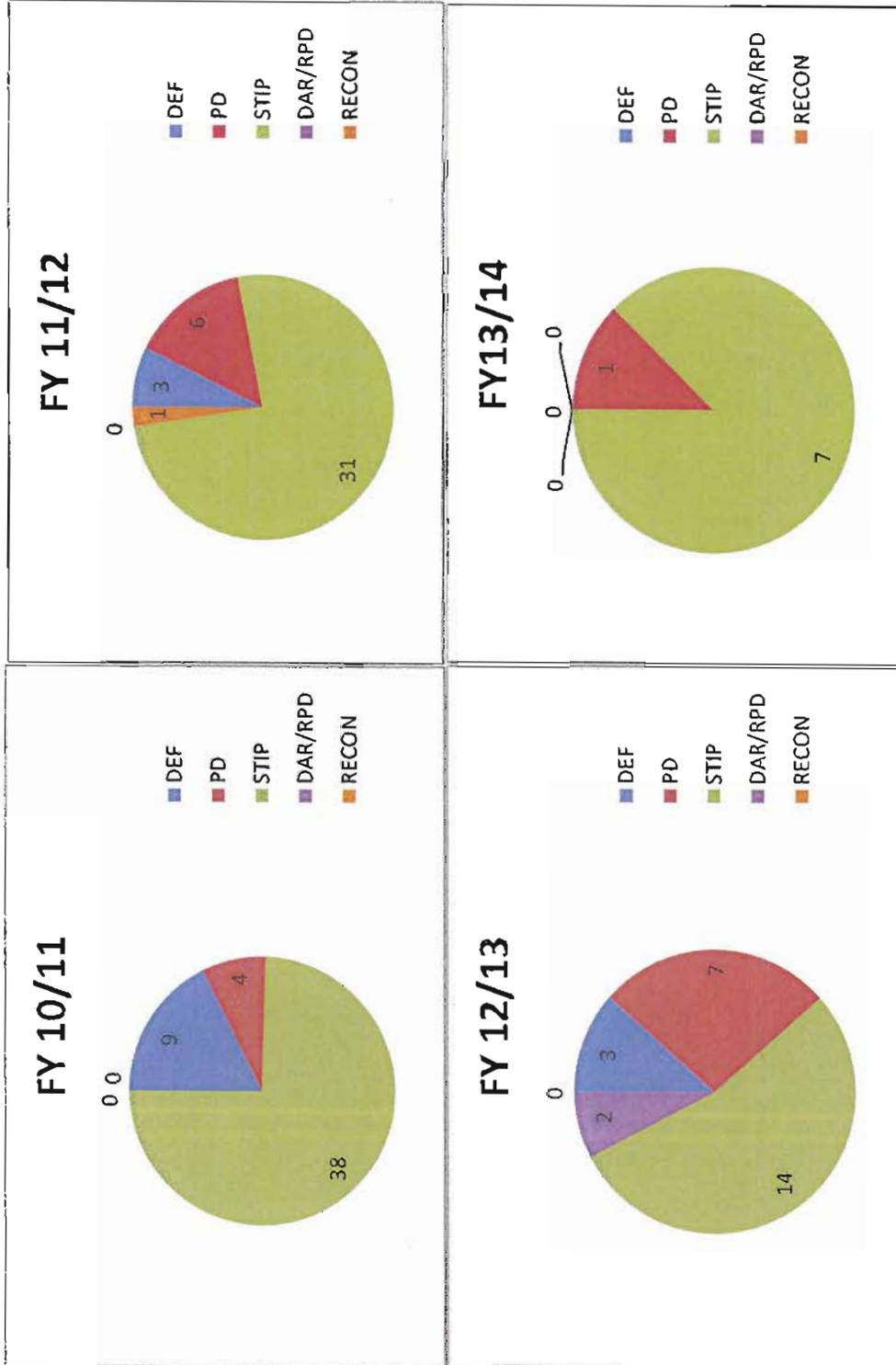


NOTE: FY13/14 statistics are through July 31, 2013

PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

Types of Decisions



NOTE: FY13/14 statistics are through July 31, 2013

DEF = Default Decision

PD = Proposed Decision

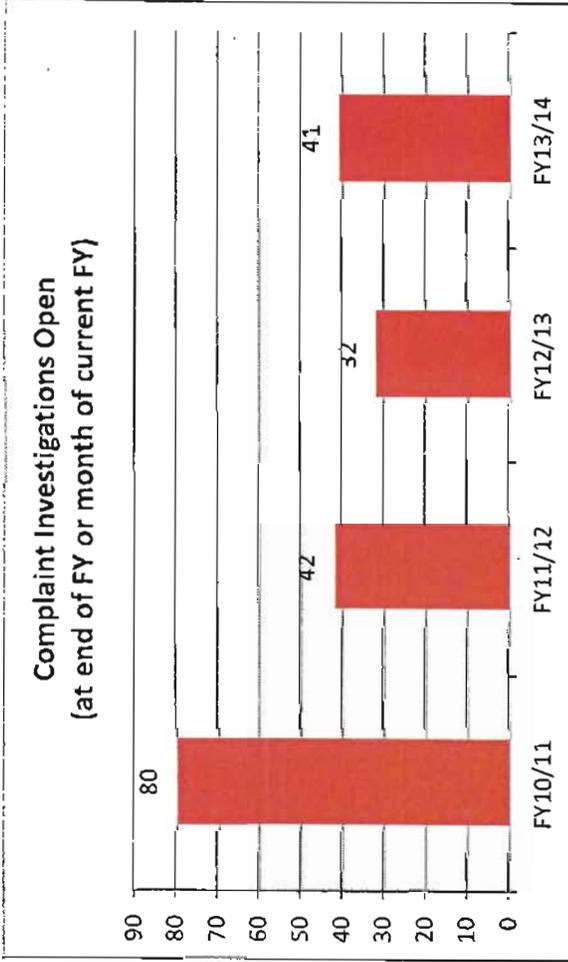
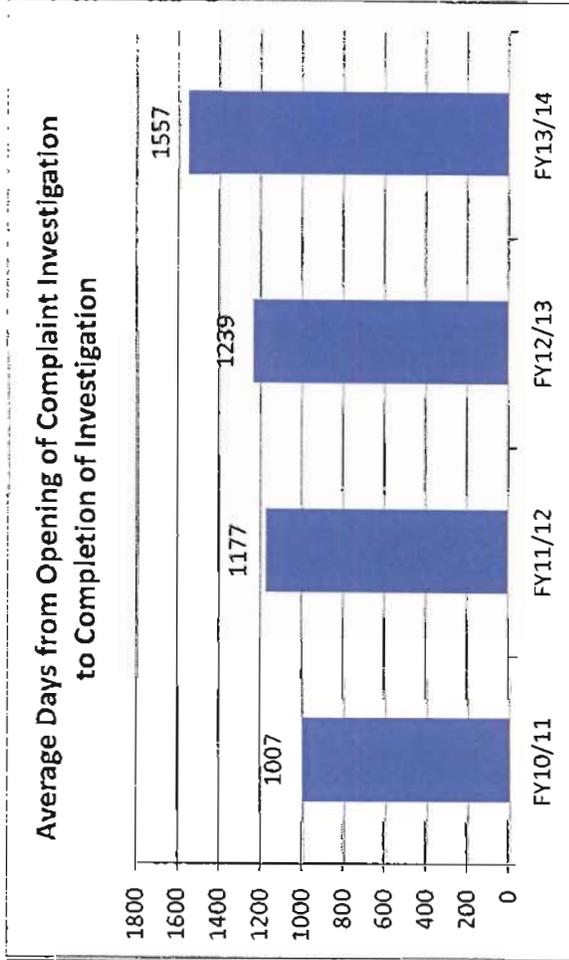
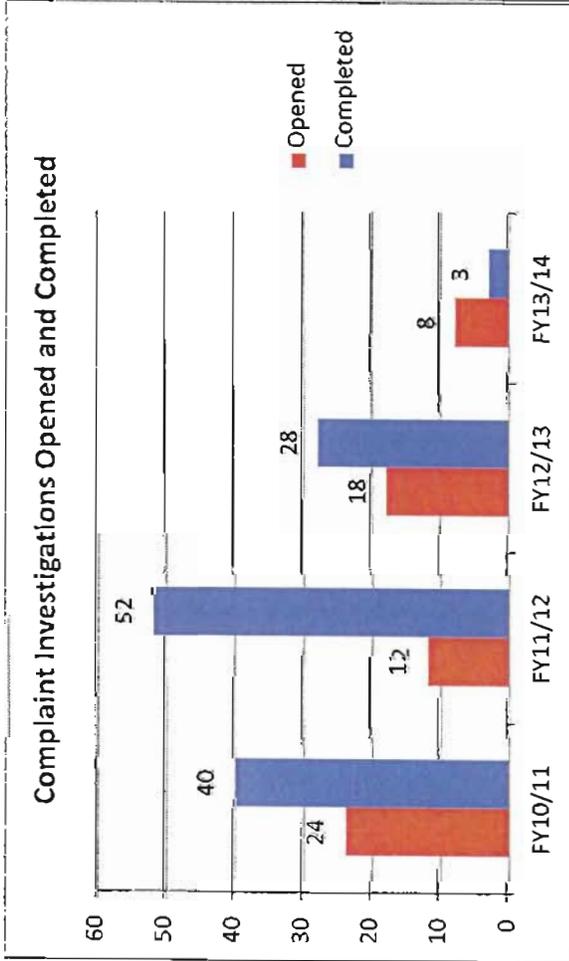
STIP = Stipulated Settlement

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

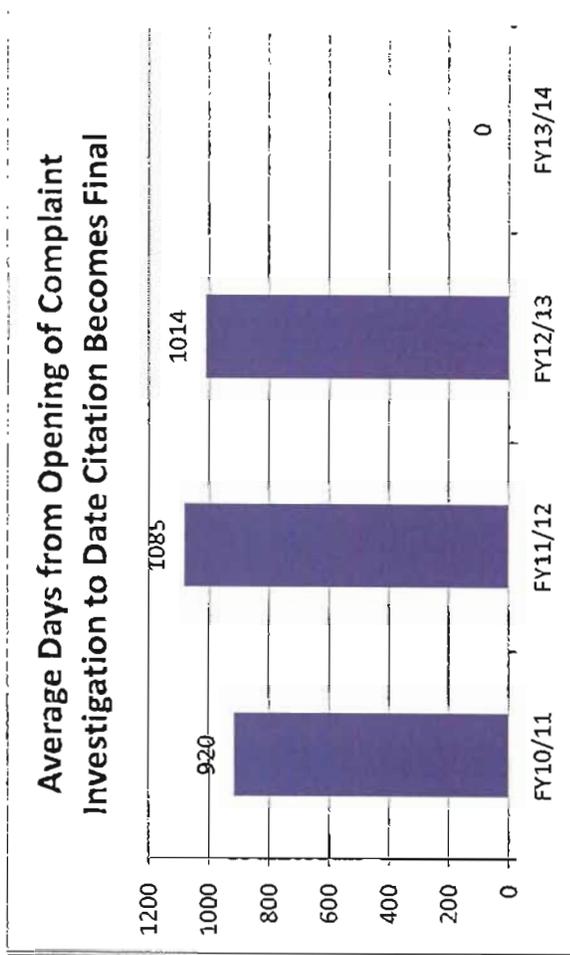
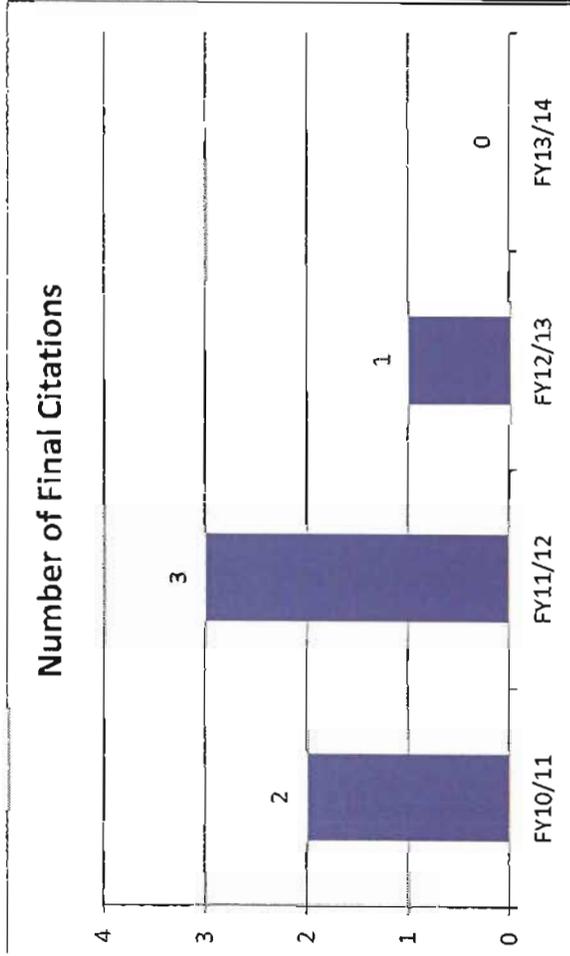
Complaint Investigation Phase



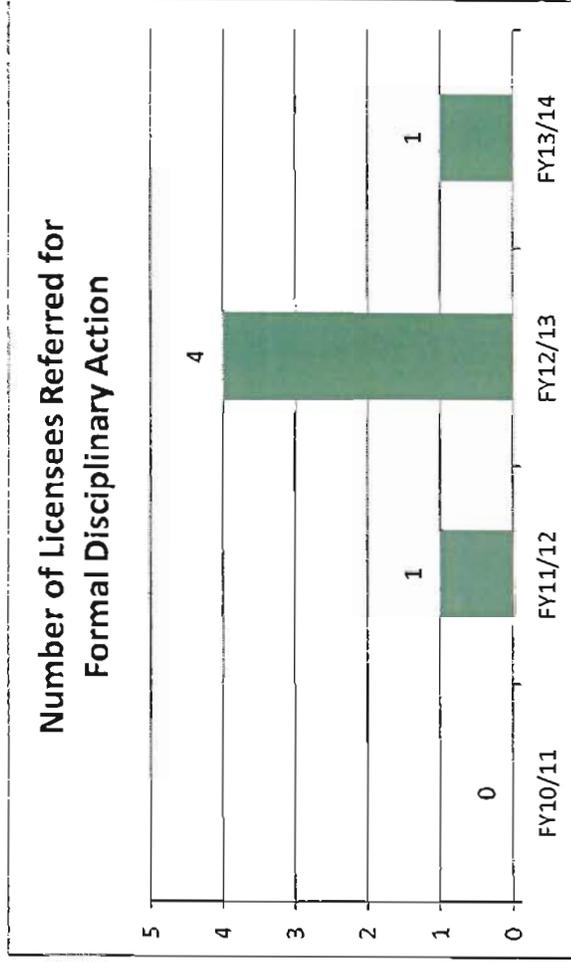
NOTE: FY13/14 statistics are through July 31, 2013

G&G ENFORCEMENT PROGRAM

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



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NOTE: FY13/14 statistics are through July 31, 2013

V.

EXAMS/LICENSING

- A. EIT/LSIT Certificate Process Discussion
- B. Update on October 2013 Exams

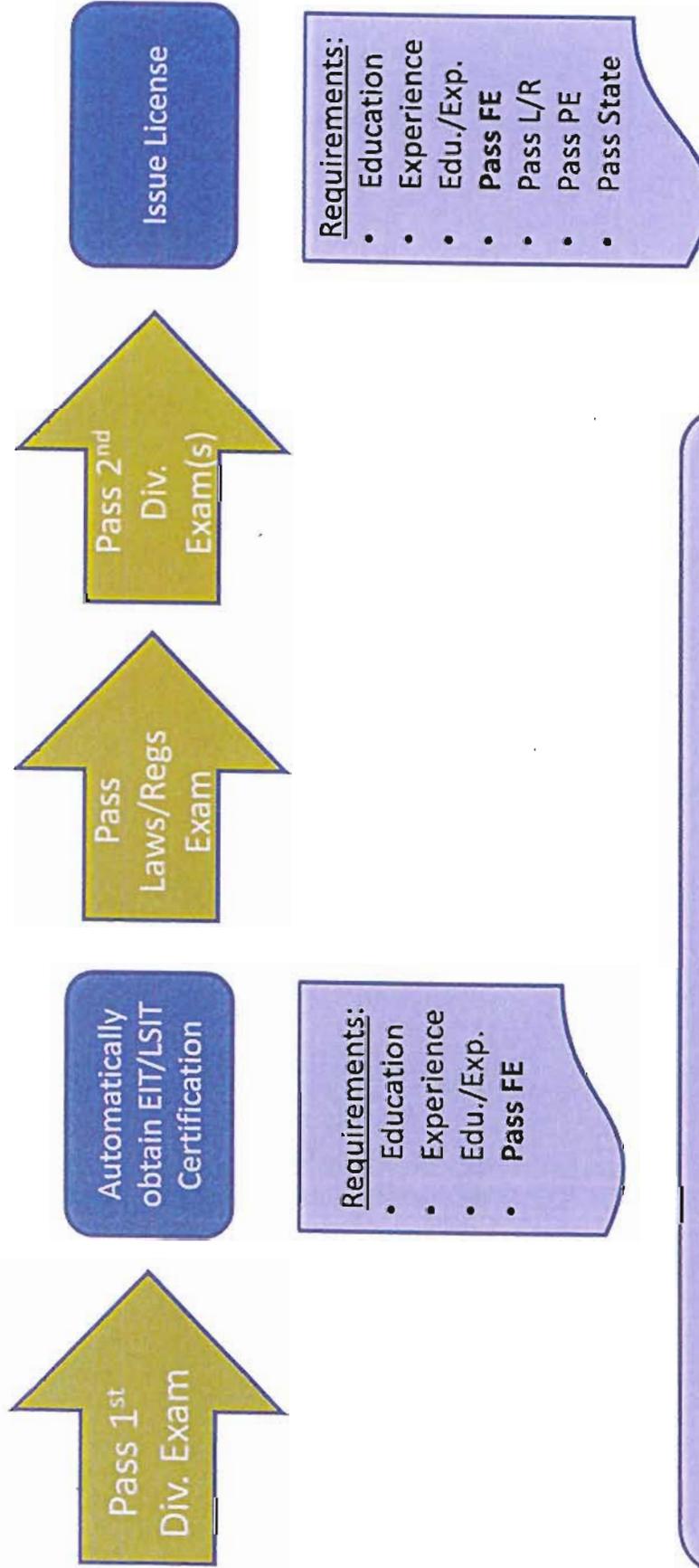
EIT / LSIT Certification Process

Issue:

- Certification before licensure is inconsistently referenced in law / regulation
- Some code sections:
- Assume automatic certification indirectly by process (6755 and 6756)
 - States the licensure examination (singular) includes the first division exam (FE/FS) and second division exam (PE / PS) but recognizes a distinct and separate passage of each division (6755)
 - Passage of first division exam verified for Comity applicants – not certification (staff process)
 - Waiver of first division exam recognizes previous certification in another jurisdiction as required criteria
- New examination process (began October 2012) does not require application for certification until after passage of first division exam (FE/FS)

Question: Is EIT / LSIT Certification required to qualify for licensure?

Board's Traditional PE / PLS Licensure Path



Exemptions for Waiving FE Exam:

- Comity – PE in another state; California only verifies passage of FE / PE
- Holds EIT or EI certification in another state; California verifies certification
- Various combinations of education requiring a degree and experience
- Similar requirements for waiving FS exam towards PLS license

Current Laws / Regulations

- BR 404(s) “Engineer-in-training” refers to a person who has been granted a certificate as an “engineering-in-training” in accordance with Section 6756 of the code.
- 6756 (a) An applicant for certification as an engineer-in-training shall, upon making a passing grade in that division of the examination prescribed in Section 6755, relating to fundamental engineering subjects, be issued a certificate as an engineer-in-training.
- 6755 (a) First division of the examination shall test the applicant’s knowledge of fundamental engineering subject...the second division of the examination shall test the applicant’s ability to apply his or her knowledge and experience and to assume responsible charge...
(b) The applicant for the second division of the examination shall have successfully passed the first division examination or shall be exempt therefrom.
- BR 438 (a) An applicant for licensure as a professional engineer whose qualifications meet all requirements of the code and rules of the Board will be allowed to appear for only the second division of the written examination prescribed by Section 6755 of the Code if he or she meets one or more of the following requirements:
(1) Holds valid licensure as a professional engineer in another branch in California
(2) Holds valid certification as an engineer-in-training in another state...
(3)-(7) various combinations of education and experience – requires a degree.

Current NCEES Model Law

130.10 General Requirements for Licensure

Education, experience, and examinations (as described in *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

A. As an Engineer Intern—The following shall be considered as minimum evidence that the applicant is **qualified for certification as an engineer intern**. A college senior or graduate of an...(approved)...engineering program...shall be admitted to the NCEES Fundamentals of Engineering (FE) examination. Upon passing such examination and providing proof of graduation, the **applicant shall be certified or enrolled as an engineer intern**, if otherwise qualified.

B. As a Surveyor Intern—The following shall be considered as minimum evidence that the applicant is **qualified for certification as a surveyor intern**. (Similar education / experience requirements) Upon passing such examination and providing proof of graduation, the **applicant shall be certified or enrolled as a surveyor intern**, if otherwise qualified.

Note: some states use term “intern” rather than “in-training”

Current NCEES Model Law (Cont.)

130.10 General Requirements for Licensure (Cont.)

Licensure by Examination (Effective until January 1, 2020)—The following individuals shall be admitted to the NCEES Principles and Practice of Engineering (PE) examination and, upon passing such examination and providing proof of graduation, shall be licensed as a **professional engineer**, if otherwise qualified:

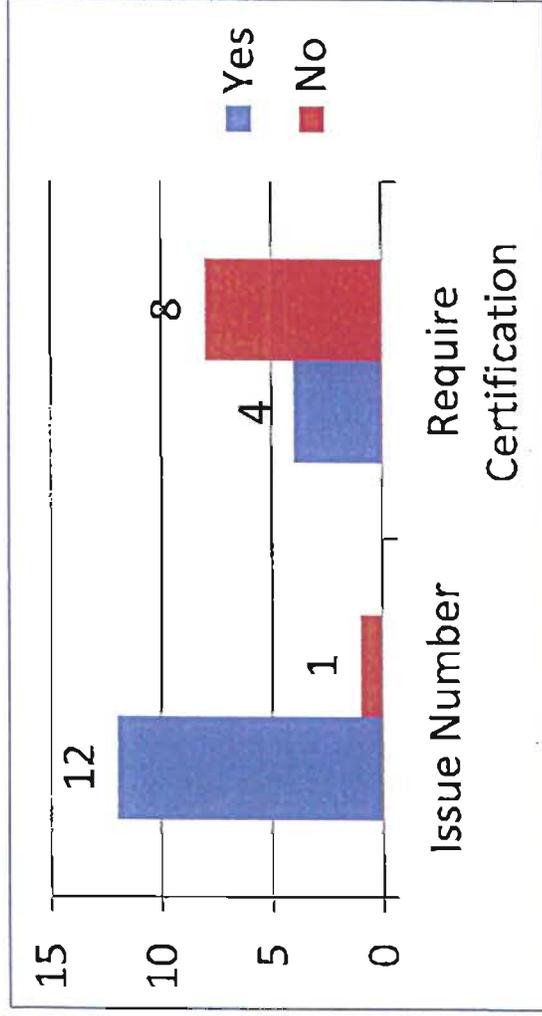
- (1) An **engineer intern** with a bachelor's degree in engineering...
- (2) An **engineer intern** with a master's degree in engineering and work experience...
- (3) An **engineer intern** with an earned doctoral degree and 2 years experience...
- (4) An **individual** with an earned doctoral degree and 4 years experience...

Licensure by Examination—A **surveyor intern** with...required education and/or experience...

California Licenses Issued January 2005 - Present

- Two-thirds automatically obtained EIT/LSIT certification through the California traditional licensure process
- Remaining one-third only verified as passing FE exam in other jurisdiction
 - Unknown how many actually achieved certification

Inquiry to other NCEES Member Boards - does your Board:



Note: Ohio is revising laws to require certification

Staff Recommendation

Question: Is EIT / LSIT Certification required to qualify for licensure?

For the purposes of implementing a consistent and comprehensive review procedure that is both compliant with the language of the law and appropriate in regards to fulfilling the Board's mission to protect the public, staff is requesting that the Board:

Recommended Motion:

Adopt a position requiring one of the following for all PE / PLS candidates:

1. EIT / LSIT Certification
2. Only successful passage of the FE / FS examination

And direct staff to evaluate current laws with legal counsel and if necessary pursue legislative / regulatory revisions to formalize the Board's position.

VI. APPROVAL OF DELINQUENT REINSTATEMENTS

VII. RECONSIDERATION OF DECISION REGARDING DELINQUENT REINSTATEMENT
APPLICATION OF DENNIS REID

Reconsideration of Decision Regarding Delinquent Reinstatement Application of Dennis Reid

At its January 31, 2013, meeting, the Board granted reinstatement of the delinquent Mechanical Engineer License, No. M 19459, issued to Dennis Reid condition upon him taking and passing the NCEES Mechanical Engineering Principles and Practices examination and paying all renewal and delinquent fees totaling \$1,772.50.

Subsequently, a letter, dated March 27, 2013, and supporting documentation was received from Adam G. Slote, Mr. Reid's attorney. In the letter, Mr. Slote requests that the Board reconsider its decision to require Mr. Reid to take and pass the examination because the information in the application and the supporting documentation shows that Mr. Reid is "qualified to practice" mechanical engineering, as required by Business and Professions Code section 6796.3.

This matter was discussed with Gary Duke, the Board's Legal Counsel. He advised that the Board could choose to set aside its previous decision and issue a new decision that would grant reinstatement of Mr. Reid's delinquent license without requiring him to take the examination, or the Board could choose to leave its original decision in place if it believes that Mr. Reid has not shown that he is "qualified to practice" mechanical engineering as required by Section 6796.3.

The Board discussed this matter at its June 13, 2013, meeting and decided to request that Mr. Reid make a personal appearance before the Board to discuss this matter and address the Board's concerns. Staff sent a letter to Mr. Slote advising of this request, and a letter was received in response indicating that Mr. Reid would attend the Board meeting on August 29, 2013.

Included in the agenda packet for the Board's review are the following documents:

1. Letter, dated March 27, 2013, from Adam G. Slote on behalf of his client Dennis Reid
NOTE: With his letter, Mr. Slote included a binder of 32 exhibits, which he references in the letter. All of this information will be available for review at the Board meeting.
2. Application for reinstatement of delinquent license of Dennis Reid
3. License Reinstatement Write-up as prepared by Board Staff Electrical Engineer Mike Donelson
4. Decision to Reinstate Expired License
5. Business and Professions Code section 6796.3
6. Letter, dated June 24, 2013, to Mr. Slote
7. Letter, dated July 3, 2013, from Mr. Slote

COPY

SLOTE & LINKS

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Robert D. "Bo" Links
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Adam G. Slote
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Of Counsel
Stephen M. Boreman
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March 27, 2013

Mr. Paul Wilburn
President
Board for Prof. Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944

RE: Dennis Reid, M 19459
Board of Professional Engineers, Land Surveyors, and Geologists
Application Appeal [16 CCR 429]

Dear Mr. Wilburn:

We represent Dennis Reid in matters related to his application for reinstatement of his expired license as a Mechanical Engineer. On behalf of Mr. Reid, we hereby appeal the Board's Decision to Reinstate Expired License dated January 31, 2013 pursuant to 16 CCR 429 and hereby provide supplemental information such that the board may be better informed of the applicant's qualifications.

In 1979, Mr. Reid passed the Mechanical Engineering Professional Examination and met all qualifications for licensure. He remained licensed and in good standing from March 14, 1979 through September 20, 1991 and retained the right to renew his license prior to October 1, 1994. The issue, as a matter of common sense, is whether Mr. Reid kept up the practice of mechanical engineering after October 1, 1994 so that he remains "qualified." The supplemental information provided with this appeal will establish that Mr. Reid is an extremely active and highly regarded mechanical engineer.

Mr. Reid has 40 years of continuous mechanical engineering experience. He graduated from the University of California at Berkeley with his BSME in 1972 and his MSME in 1982. He is the founder and president of Reid Racing, Inc. of Pleasant Hill. Reid Racing designs and sells transmission housings for dragsters and components for off-road vehicles, e.g., monster trucks. Reid Racing has developed a reputation for providing the best engineered and most durable components for these demanding applications. Mr. Reid has personally designed most of the company's products and holds 12 patents.

SLOTE & LINKS

Attorneys at Law

Mr. Paul Wilburn

March 27, 2013

Page 2

Mr. Reid's first two transmission patents (5,622,088 and 5,694,817) were issued in 1997. He obtained another transmission patent in 1999 (5,855,148) and a patent for an off-road vehicle component in 2011 (7,976,036). Reid Racing is famous in the world of auto sports for its nearly indestructible drag racing and monster truck products.

In 1979, prior to Reid Racing, Mr. Reid founded Dedenbear, which designs and sells drag racing products. Autometer acquired Dedenbear in 2007. Mr. Reid designed Dedenbear's famous drag racer throttle stops, which are mechanical devices with electronic controls and displays.

As the sole inventor and engineer for Dedenbear (until it was acquired) and Reid Racing product lines, Mr. Reid engaged in the following engineering activities as sole engineer for each of the products discussed in the next section:

- 1) Design concepts (e.g., weight, cost, strength, materials, features, manufacturing techniques, improvements to strength and endurance, improvements in rigidity to minimize flexing and power loss and friction loss);
- 2) Layout drawings;
- 3) Detailed design work for 3D modeling;
- 4) Design iteration;
- 5) Revision of machining drawings;
- 6) Working with foundry, pattern maker and machine shop for mold design, casting, tooling, machining and fixturing during manufacturing;
- 7) Design modification for compatibility with manufacturing equipment and processes;
- 8) Coordination of prototype manufacture and design changes;
- 9) Assembly and evaluation of design;
- 10) Supervision of dynamometer testing;
- 11) Supervision of on racetrack testing;
- 12) Disassembly and evaluation; and,
- 13) Reevaluation and design improvements.

SLOTE & LINKS

Attorneys at Law

Mr. Paul Wilburn

March 27, 2013

Page 3

Mr. Reid designed the following products, which are organized by company and year:

DEDENBEAR PRODUCTS, Inc.

1991-1993

Developed an **Air Shifter Unit** that automatically shifted a race car transmission using compressed CO₂ gas as the car drove down the race track. The Air Shifter Unit required design of a sheet metal structure, machined parts, pneumatic cylinders, and solenoid valves, which involved force, pressure, stress and temperature calculations. (See Ex. 1, Three-Speed Shifter, part number (hereinafter "P/N") AS-1.)

Redesigned an electronic control box that causes an automated shifter unit to shift a race car transmission based on a pre-set driver programmed RPM (revolutions per minute). The RPM-based controller involved circuit design, circuit board layout, sheet metal design, mechanical packaging design, vibration analysis, and coating requirement investigation. (See Ex. 1, RPM-2 Switch, P/N RPM2.)

1993-1995

Developed a **Delay Box** using microprocessor technology (U.S. Patent 5,652,468). The Delay Box involved circuit design, circuit board layout, sheet metal design, mechanical packaging design, vibration analysis, coating requirement investigation, software development, and extensive electronic noise filtering diagnostics design and testing using electronic filtering and mechanical packaging techniques to allow sensitive microprocessor circuitry to function. (See Ex. 2, P/N SCO1.)

Developed two new **Air Activated Shifter Units**, which required the same efforts as the unit developed in 1991-1993. (See Ex. 3, P/Ns AS2 & AS3.)

Developed a replacement transmission case for a General Motors PowerGlide transmission. (U.S. Patents 5,622,088 & 5,694,817 & 5,855,148) The **PowerGlide** transmission case required stress analysis, load calculations, castings design, machining techniques, heat treating design, failure analysis of failed GM cases, fluid flow and dynamics, and vibration analysis. This transmission case has become the standard transmission used in racing for 15 years and has more than 20,000 units in service. It is also the transmission installed in Chrysler Mopar factory limited production cars. (See Ex. 4, Chrysler Challenger 2011 spec sheet and P/N PG1000 and Ex. 5, *Super Stock & Drag Illustrated*, March 1995 and *GM High-Tech Performance Magazine*, August 2011.)

1997

Developed an advanced **Delay Box** using microprocessor technology. The Delay Box involved circuit design, circuit board layout, sheet metal design, mechanical packaging design, vibration

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Attorneys at Law

Mr. Paul Wilburn

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analysis, coating requirement investigation, software development, and extensive electronic noise filtering diagnostics design and testing using electronic filtering and mechanical packaging techniques to allow sensitive microprocessor circuitry to function. (See Ex. 6, P/N SCC1.)

Developed an **RPM Switch** electronic controller that activated the automated shifters based upon a pre-set driver programmed time. The time based controller involved circuit design, circuit board layout, sheet metal design, mechanical packaging design, vibration analysis, coating requirement investigation. (See Ex. 7, P/N ST1.)

Developed a new **Air Activated Shifter**. The Air Activated Shifter required design of sheet metal structure, machined parts, pneumatic cylinders, and solenoid valves, which involved force, pressure, stress and temperature calculations. (See Ex. 8, P/N AS4.)

Developed a **Two-Stage Pneumatic Control** for carburetor throttle stops, which required pneumatic design, machined parts, solenoid valves, material and plating selection along with force, pressure, stress, and flow calculations. (See Ex. 9, P/N TS2/5R.)

Developed a new larger **Throttle Stop** based upon a previous throttle stop design, which required air flow testing, hydraulics, thermodynamics, casting, machining, welding and bearing design. (See Ex. 10, P/N TS5.)

Developed a stronger **Tailhousing** with a roller bearing arrangement to replace the General Motors PowerGlide bushing style tailhousing, which required stress analysis, load calculations, casting, machining, bearing design and gasket sealing methods and material selection. (See Ex. 11, P/N PGH1.)

1997-1999

Developed a new design **Delay Box** using microprocessor technology with advanced features including both multiple time and RPM based outputs, which involved circuit design, circuit board layout, sheet metal design, mechanical packaging design, vibration analysis, coating requirement investigation, software development, and extensive electronic noise filtering diagnostics design and testing using electronic filtering and mechanical packaging techniques to allow sensitive microprocessor circuitry to function. (See Ex. 12, P/N CC1.)

Developed a new driver practice device called the **Practice Christmas Tree** that included the capability of replicating race car sounds for realism. (U.S. Patents 5,804,885 & 5,892,294) The Practice Tree required circuit board design, sheet metal design, mechanical packaging design like other electronic units. In addition extensive sound testing and recording techniques were developed to record race cars during actual running down the racetrack and extensive acoustical design was required. Note: this product was prototyped and tested but was not put into production.

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Developed the **Powerglide Front Pump** transmission oil pump with higher volume and pressure capabilities to replace the General Motors PowerGlide transmission oil pump. This involved flow and pressure calculations along with extensive testing of existing and modified oil pumps. It required cast iron casting design, pump design, gear design, flow testing, press fits, spline shaft, bearing, bushing, and seal design. (See Ex. 13, P/N PGP1.)

1999-2001

Developed the **Remote Display LED** display module for mounting on a race car. (US Patent *6,411,205B1*.) Involved extensive design and testing of high intensity LED (light emitting diodes), power dissipation, heat transfer, mechanical packaging, vibration analysis and plastic lens design. (See Ex. 14, P/N RD1.)

Developed the **2-Speed Solenoid Shifter**, an electro mechanical shifter unit that automatically shifted the transmission. This unit used an electric solenoid and spring power to activate a shift. The unit required design of sheet metal structure, machined parts, electric power solenoids, and spring design, which involved force, magnetism, spring rates, stress and thermal conductivity calculations. (See Ex. 15, P/N SS3.)

Developed the **Disc Stop**, a revolutionary new rotary disc throttle stop that used rotating discs instead of carburetor style butterflies (U.S. Patent *6,189,505B1*). This design required air flow testing, hydraulics, thermodynamics, casting, machining, pneumatics, and kinematics for complex linkages. (See Ex. 16, P/N TS6.)

2001-2003

Developed **Nitrous Oxide Controller**, a nitrous oxide control unit, which involved circuit design, circuit board layout, sheet metal design, mechanical packaging design, vibration analysis, coating requirement investigation, software development, and extensive electronic noise filtering diagnostics design and testing using electronic filtering and mechanical packaging techniques to allow sensitive microprocessor circuitry to function along with high power electrical circuit design for high current applications. (Ex. 17, P/N NOC1.)

Developed **Multiple Relay Center**, a relay center, which involved circuit design, circuit board layout, sheet metal design, mechanical packaging design, vibration analysis, coating requirement investigation, along with high power electrical circuit design for high current applications. (Ex. 17, P/N MRC1.)

Developed **Linkage Stops / Starting-Line Controllers**, five new air activated throttle stop units, which attached directly to the carburetor. Each had different operating characteristics and force levels. Required design of machined parts, pneumatic cylinders, solenoid valves, which involved

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force, pressure, stress and temperature calculations. (See Ex. 18, P/Ns TS15, TS20, TS25, TS30, & TS35.)

Developed **PowerGlide Oil Pans**, a deep drawn aluminum transmission oil pan, which required design for deep drawing techniques, heat treating, stamping, welding, and machining. (See Ex. 19, P/N PGPAN.)

2003-2005

Developed **Lightning** and **Lightning Plus**, two new Delay Boxes enclosed in billet aluminum housings using microprocessor technology with advanced features including multiple time based outputs along with the ability to automatically transmit data to a remote display. (U.S. Patent **6,411,205B1**.) This design involved circuit design, circuit board layout, billet aluminum enclosure design, mechanical packaging design, vibration analysis, coating requirement investigation, software development, and extensive electronic noise filtering diagnostics design and testing using electronic filtering and mechanical packaging techniques to allow sensitive microprocessor circuitry to function. (See Ex. 20, P/Ns L1 & L2.)

Developed a **PowerGlide Parts**, a small parts kit consisting of 48 individual parts for the General Motors PowerGlide transmission. These are all the small parts required to assemble a transmission. Each part was individually designed and involved every discipline of manufacturing including stamping, heat treating, plating, welding, casting, machining, and grinding along with spring and snap ring design. (See Ex. 21, P/N PGKIT.)

Developed **Dana 60 Kingpin Knuckles**, heavy duty steering knuckles for 4x4 off road vehicles, which required extensive stress and load analysis required for using ductile iron casting, heat treating, machining, coating studies, and press fits. (See Ex. 22, P/N D60001 and D60005.)

2005-2007

Developed **Thunder** Delay Boxes enclosed in billet aluminum housings using microprocessor technology with simplified features and the ability to transmit data to a remote display, which involved circuit design, circuit board layout, billet aluminum enclosure design, mechanical packaging design, vibration analysis, coating requirement investigation, software development, and extensive electronic noise filtering diagnostics design and testing using electronic filtering and mechanical packaging techniques to allow sensitive microprocessor circuitry to function. (See Ex. 23, P/N T1)

Developed **STS7**, a revolutionary throttle stop using stepper motors for actuation instead of electric solenoids or pneumatic circuits. (U.S. Patent **7,487,758**.) Design required air flow testing, rate/load testing, stepper motor circuit design, casting, machining, pneumatics, and kinematics for complex linkages. (See Ex. 24, P/N STS7.)

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Attorneys at Law

Mr. Paul Wilburn

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REID RACING, Inc.

2006-2007

Developed 2 **Piece PowerGlide Transmission Case**, a 2-piece PowerGlide transmission case, which required stress analysis, load calculations, castings design, machining techniques, heat treating design, failure analysis of failed GM cases, fluid flow and dynamics, and vibration analysis. **Note:** This transmission case is installed in Ford's factory-produced extreme performance cars. (See Ex. 25, P/N PG2000, and *Race Pages* showing manufacture of Ford's 2010 Cobra Jet with Reid Racing's transmission case.)

Developed **Bellhousing**, five adapter bellhousings to be used with the PG2000 transmission. These bellhousings allow a racer to use a non Chevrolet engine with the transmission case and required stress analysis, load calculations, castings design, machining techniques, heat treating design, and failure analysis of failed GM cases. (See Ex. 26, P/N BH001, BH010, BH020, BH030, BH040.)

Developed **Flexplates**, four flexplates to adapt various engines to the PG2000 transmission. (US patent pending application *11/447,625*.) These required stress analysis, load calculations, machining techniques, heat treating design, and rotational explosion analysis. (Ex. 26, P/N FP001, FP010, FP020 & FP040.)

Developed heavy duty **Steering Knuckles** for 4x4 off road vehicles, which involved extensive stress and load analysis required for using ductile iron casting, heat treating, machining, coating studies, and press fits. (See Ex. 27, P/N D44001 and D44003.)

2007-2009

Developed **Bellhousing**, two adapter bellhousings to be used with the PG2000 transmission. These are bellhousings that allow a racer to use a non Chevrolet engine with the transmission case. This design required stress analysis, load calculations, castings design, machining techniques, heat treating design, failure analysis of failed GM cases. (See Ex. 28, P/N BH050 & BH060.)

Developed **Flexplates**, two flexplates to adapt various engines to the PG2000 transmission. (U.S. patent pending application *11/447,625*.) These designs required stress analysis, load calculations, machining techniques, heat treating design, and rotational explosion analysis. (See Ex. 28, P/N FP050 & FP060.)

Developed **Steering Knuckles**, heavy duty conversion steering knuckles for 4x4 off road vehicles that allows off-roaders to bolt on axle components from one model truck to a different model truck. (U.S. Patent *7,976,036*.) This design required extensive stress and load analysis

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required for using ductile iron casting, heat treating, machining, coating studies, and press fits. (See Ex. 29, P/N D30001.)

2009-2012

Developed **Steering Knuckles**, heavy duty steering knuckles for 4x4 Jeep vehicles involving extensive stress and load analysis required for using ductile iron casting, heat treating, machining, coating studies, and press fits. (See Ex. 30, P/N JK0001.)

Developed **Super Hydra 400 PowerGlide**, a new transmission case to replace the General Motors Turbo 400 heavy duty transmission. This is an extremely complex transmission case. (U.S. patent pending application *13/739,376*, U.S. patent allowed on application *13/411,723*.) This design required stress analysis, load calculations, castings design, solidification modeling, machining techniques, heat treating design, failure analysis of failed GM cases, fluid flow and dynamics, and vibration analysis. (See Ex. 31, P/N SH400.) This transmission case is so strong that it is used in drag racing, desert racing (i.e., the Baja 1,000), rock crawling, and in monster trucks.

I believe that the evidence will establish Mr. Reid to be one of the most qualified mechanical engineers in the State of California, and one of the most respected engineers in the automotive sports industry. In fact, Mr. Reid's PowerGlide transmission case is famous for its engineering. (See *Fastest Street Car*, May 2010, Ex. 32.) The PowerGlide has even gained acceptance by "the Big 3"—Ford and Chrysler incorporate Mr. Reid's PowerGlide transmission cases in their factory-produced extreme performance vehicles and GM recognized the PowerGlide in its magazine. (See Exhibits 4 [Chrysler], 5 [GM], and 25 [Ford].)

In light of the new information provided, I request that the Board find Mr. Reid to be "qualified" and reinstate his license as a professional engineer.

Sincerely,



Adam G. Slote

cc: Dennis Reid



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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Facsimile: (916) 263-2246

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APPLICATION FOR LICENSE AS A PROFESSIONAL ENGINEER

For Office Use Only - Online

Receipt 52892755

Received _____

ID No. 127024

Cert No. _____

RECEIVED SEP 14 2012

ENGINEERING BRANCH: Mechanical

- Application for Comity I will be submitting a Council Record Application for Examination on: _____
 Month/Year
- Application for Reinstatement I will not be submitting a Council Record Final Filing Date for Examination: _____
 Date

Type your name exactly as you want it to appear on your wall certificate. Please note: The names and addresses of Board licensees are public records and are published in both electronic and print media, as well as disclosed upon request to the Board. You may use a home address, a post office box, or a business address.

1. Last Name <u>Reid</u>		First <u>Dennis</u>	Middle <u>Eugene</u>	2. Social Security No. _____	
3. Street Address <u>107 Rodeo Ct.</u>		City <u>Lafayette</u>	State <u>CA</u>	Zip Code <u>94549</u>	Country <u>USA</u>
4. Month/Day/Year of Birth: _____		5. Phone, with Area Code and Extension			
Home: _____		Business: _____			
6. If you have passed an engineering-in-training written examination, give the following information:					
State: <u>CA</u>		Certificate No. (if applicable): <u>Unknown</u>		Date of exam: <u>Approx 1973</u>	
				Waiver Requested <input type="checkbox"/>	
7. List branches of engineering in which you hold a valid license as a professional engineer obtained by written examination, or by comity. Indicate total length of the written examination such as 2-hour, 8-hour, or 16-hour.					
STATE	BRANCH	EXAM DATE	CERTIFICATE NO.	EXPIRATION DATE	EXAM DURATION (hours)
CA	Mechanical	1978?	M19459	09/30/91	8 hours
		3-14-79			
		15hr			
8. Education, University and Graduate Studies (Certified sealed transcripts only) (Foreign transcripts may not be sealed but must be translated into English)					
NAME AND LOCATION OF INSTITUTION		ATTENDANCE FROM (mo/yr) TO	COURSE CE, ME, EE, etc.	DATE OF DEGREE	TYPE OF DEGREE
Cal Poly, San Luis Obispo, CA		9/68 6/71	ME	N/A	N/A
UC Berkeley, Berkeley, CA		9/71 12/72	ME	1972	BSME
UC Berkeley, Berkeley, CA		9/80 6/82	ME	1982	MSME
9. HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENSE, MISDEMEANOR OR ENTERED A PLEA OF NOLO CONTENDERE OTHER THAN FOR A MINOR TRAFFIC OFFENSE? IF YES, EXPLAIN UNDER REMARKS ON REVERSE SIDE. CONVICTIONS DISMISSED UNDER PENAL CODE SECTION 1203.4 MUST BE DISCLOSED. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
10. HAVE YOU EVER HAD LICENSURE DENIED, DISCIPLINED, SUSPENDED, OR REVOKED IN ANY STATE (OTHER THAN FOR LACK OF MINIMUM QUALIFICATION OR FAILURE OF EXAMINATION)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
# YES, explain fully on reverse side					
11. HAVE YOU EVER FILED ANOTHER APPLICATION FOR LICENSURE AS A PROFESSIONAL ENGINEER WITH THIS BOARD? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
			BRANCH: <u>Mechanical</u> DATE: <u>1978?</u>		

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE INFORMATION ON THIS APPLICATION AS WELL AS ANY OTHER DOCUMENTS SUBMITTED IN SUPPORT OF THIS APPLICATION ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS THE APPLICANT'S RESPONSIBILITY TO SUBMIT A COMPLETE APPLICATION PACKET

Signature of Applicant Dennis Reid

Optional: e-mail address _____ Date 9/12/12 Year _____

USE TYPEWRITER OR FILL OUT FORM ONLINE, PRINT AND SIGN THIS APPLICATION

12. ENGAGEMENT SUMMARY AND REFERENCES FOR Reid , Dennis Eugene SS# 554 64 8696

List your engagements below in reverse chronological order. Leave no gaps in the record. Your present engagement is No. 1. An engagement is one association, with one employer, in one capacity, at one level of responsibility. A change in engagement is a promotion, a new employer, or a significant change in duties, authority, responsibility, etc. DIFFERENT PROJECTS IN THE SAME CAPACITY FOR ONE EMPLOYER ARE NOT CONSIDERED SEPARATE ENGAGEMENTS.

For each engagement claimed as qualifying experience, list the name of a person who will serve as a reference. These individuals should be licensed as Professional Engineers in the discipline for which you are applying. YOU MUST LIST AT LEAST FOUR PERSONS WILLING TO SERVE AS REFERENCES FOR YOU.

ENGAGEMENT NUMBER	FROM (m/d/yyyy) TO (m/d/yyyy)	Employer	Name of Reference	Reference's License No/State
	Months of Qual. Experience**	Applicant's Job Title	Professional Relationship	Branch
1	7/06 to Present	Reid Racing, Inc.	[REDACTED]	
	61 MONTHS	President	Co worker/Associate	ME
			[REDACTED]	
			Co Worker/Associate	ME
2	6/91-7/06	Dedenbear Products, Inc.	[REDACTED]	[REDACTED]
	181 MONTHS	President	Co Worker/Associate	ME
			[REDACTED]	[REDACTED]
			Co Worker/Associate	ME

13. REMARKS: Use this space for amplifying remarks, and for replies to questions above or on Page 1.

ITEM 7: I moved to a new residence in 1988. I believe that I sent in a change of address notice, but I never received a renewal notice. I didn't think about the renewal until recently, so I am now applying for a reinstatement.

Per Professional Licensing Information FAQ, pg 39 section (2):

Ref [REDACTED] is exempt from license requirement because he is an employee of LLNS (Federally funded private R&D LLC.)

Ref [REDACTED] is exempt from license requirement because he is an employee of a private industrial Corp (Applied Pumping Technologies, Inc.)

Ref [REDACTED] is exempt from license requirement because he was an employee of a the Federal Gov (Dept of Energy)

**NOTE: Qualifying experience does not include student trainee, orientation, technician or non-engineering work, and cannot overlap with credit claimed for education.

Under the laws of the State of California, the State Board of Equalization and the Franchise Tax Board are allowed to share taxpayer information with the Board for Professional Engineers, Land Surveyors, and Geologists; the laws require a licensee to pay his or her state tax obligation and his or her license may be suspended if the state tax obligation is not paid



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PROFESSIONAL ENGINEER ENGAGEMENT RECORD AND REFERENCE FORM

This form must be submitted for each engagement claimed as qualifying experience. Each engagement being claimed as qualifying experience must be summarized on a separate Engagement Record and Reference Form. "SEE ATTACHED" and resumés are not acceptable in lieu of this form. *Part A of this form must be typed, or it will be returned to applicant.*

The original of this form must be mailed to the Board Office postmarked by the Final Filing Date. Failure to have all documents in the Board Office by the final filing date will result in the Applicant not being set to the current examination.

A copy of the Information Collection, Access, and Disclosure Notice must be provided by the applicant to the reference.

PART A – TO BE COMPLETED BY THE APPLICANT				
I, the Applicant, hereby demonstrate qualifying experience as required by the Business and Professions Code and the California Code of Regulations, as detailed below.				
Last Name Reid		First Name Dennis		Middle Name Eugene
Address of Record (Mailing Address): 107 Rodeo Ct.		City Lafayette	State CA	Zip Code 94549 Country USA
Birth Date (MM/DD/YYYY):		E-Mail Address:		
Daytime Phone Number (including area code & extension):		Evening Phone Number (including area code):		Cell Phone Number (including area code):
Engagement Number 1	EMPLOYMENT DATES (MM/DD/YYYY)	TOTAL TIME WORKED IN MONTHS (for this engagement) 61	Employer: Reid Racing, Inc. Employer Address: 1917 Oak Park Blvd City/State/Zip: Pleasant Hill, CA 94523 Applicant's Title: President	
	From: 07/24/2006 To: Present	QUALIFYING EXPERIENCE IN MONTHS (**SEE NOTE BELOW) 61	Reference's Name: Reference's Address: City/State/Zip: Reference's Phone (including area code & extension): 925-838-9667	
All of the following items must be completed.				
Description of Engineering Tasks & Duties: Chief Engineer. Set engineering design goals and parameters. Actively participated in each product design				
Level of Responsibility: Overall. All major engineering decisions made by or approved by me				
Description of Engineering Decisions Made: Type of castings to be used, forging process, machining process and fixturing, performance features to be included, testing of finished parts. Please see attached list of US Patents awarded to these designs.				
Projects (include project name, location [city/state/country], & type): Redesign of automotive transmission housings and internal parts for Chevrolet Powerglide and Turbo 400 transmissions. Redesign of steering and power transmission components for automotive off-road front driving axles. Work performed in Pleasant Hill.				

** Qualifying experience claimed for this Engagement includes only subordinate level engineering work. It does not overlap with credit claimed for education. It does not include overtime, training, orientation, non-engineering work, or summer work while a student. Qualifying experience may be less than the total number of months worked; it is computed by Total Months Worked less Non-Qualifying Experience. Qualifying experience means engineering employment that requires the applicant to use sound judgment in making engineering decisions and contributes to progress towards becoming a Professional Engineer.

Signature of Applicant Dennis Reid Date: 8/28/12

I, the Reference, confirm that I have reviewed the information contained on Part A of this form.
Signature of Reference [Redacted] Date: 9/10/12

Applicant's Full Name: Dennis Eugene Reid

PART B - TO BE COMPLETED BY REFERENCE

PLEASE PRINT CLEARLY AND COMPLETE THE ENTIRE FORM.
INCOMPLETE FORMS MAY CAUSE THE APPLICANT TO BE DEEMED INELIGIBLE.

You, as the reference, may request additional experience information from the applicant, including the Board's licensing requirements as contained in the Business and Professions Code and the California Code of Regulations. You must personally complete, sign, seal or stamp, and return both Part A and Part B of this form to the applicant in a sealed envelope.

My relation with the Applicant has been/is: (check all that apply)
 Employer/Supervisor
 Co-Worker/Associate*
 In Responsible Charge*
 Reviewed Work*
 Other*

Are you related to this Applicant by blood, marriage, or adoption? YES* NO

Do you verify the Applicant's experience on Part A, including position title and employment dates? YES NO*

Have you personally seen and reviewed the Applicant's engineering work? YES NO*

I have personal knowledge of the Applicant's work experience from the date of JUNE 1991 to the date of PRESENT

Do you consider the Applicant technically qualified to be licensed as a Professional Engineer? YES NO* DO NOT KNOW*

*Explain in detail all responses marked with an asterisk in this section. Also, include any additional information about the Applicant's engineering experience, capabilities, or limitations. ATTACH ADDITIONAL SHEETS IF NEEDED. If you and the applicant currently have different employers, please explain how you know of the applicant's experience.

CO WORKER AT PREVIOUS EMPLOYER EG&G CORP. IN THE MECHANICAL ENGINEERING GROUP. PERFORMED CONTRACT WORK FOR REID RACING, LLC.

From personal knowledge, I verify that the applicant has the appropriate experience in the following areas (check all that apply):	PLEASE AFFIX YOUR PROFESSIONAL SEAL OR STAMP HERE
Technical Competency <input checked="" type="checkbox"/>	
Engineering Judgment <input checked="" type="checkbox"/>	
Professional Integrity/Ethics <input checked="" type="checkbox"/>	
Project Communications <input checked="" type="checkbox"/>	
Independent Decision Making <input checked="" type="checkbox"/>	
Coordination of Project Support Staff <input checked="" type="checkbox"/>	
Code/Regulatory Knowledge <input checked="" type="checkbox"/>	
Responsible Charge Capability <input checked="" type="checkbox"/>	

Your Title WELDING ENGINEER

Your Name [REDACTED]

Your Company Name LLNL

Lic No./Exp. Date NA

Address [REDACTED]

Branch/State/Country _____

City/State/Zip [REDACTED]

OR - I am legally exempt from licensure because EMPLOYEE OF A FEDERALLY FUNDED

Phone [REDACTED]

PRIVATE R&D LLC.

I certify under penalty of perjury that these statements are true and correct to the best of my knowledge and that I have personally reviewed and examined the applicant's engineering work.

Signature of Reference: [REDACTED]

Date: 9/10/12

US Patents List Awarded to Dennis Reid

Patent Number	Title	Issue Date
4,467,219	VARIABLE TIME DELAY APPARATUS FOR CONTROLLING THE START OF A VEHICLE	August 21, 1984
RE32,474	VARIABLE TIME DELAY APPARATUS FOR CONTROLLING THE START OF A VEHICLE	August 11, 1987
5,622,088	AUTOMATIC TRANSMISSION FOR RACING VEHICLE	April 22, 1997
5,652,468	CROSS-OVER COMPENSATION CIRCUIT	July 29, 1997
5,694,817	AIR BLEED AND ADJUSTABLE REVERSE PISTON RELEASE RATE IN AN AUTOMATIC TRANSMISSION FOR RACING VEHICLE	December 9, 1997
5,804,885	AUTOMATIVE RACING SIMULATION APPARATUS	September 8, 1998
5,855,148	EXPLOSION-PROOF TRANSMISSION HOUSING	January 5, 1999
5,892,294	MODULAR AUTOMATOVE RACING SIMULATION APPARATUS	April 6, 1999
US 6,189,505 B1	DISC TYPE THROTTLE STOP	February 20, 2001
US 6,411,205 B1	DISPLAY UNIT	June 25, 2002
7,487,758	CONTROL APPARATUS FOR A THROTTLE STOP OF AN INTERNAL COMBUSTION ENGINE	February 10, 2009
7,976,036	SYSTEM AND METHOD FOR ADAPTING A UNIT BEARING FRONT DRIVING AXLE	July 12, 2011



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PROFESSIONAL ENGINEER ENGAGEMENT RECORD AND REFERENCE FORM

This form must be submitted for each engagement claimed as qualifying experience. Each engagement being claimed as qualifying experience must be summarized on a separate Engagement Record and Reference Form. "SEE ATTACHED" and resumés are not acceptable in lieu of this form. *Part A of this form must be typed, or it will be returned to applicant.*

The original of this form must be mailed to the Board Office postmarked by the Final Filing Date. Failure to have all documents in the Board Office by the final filing date will result in the Applicant not being set to the current examination.

A copy of the Information Collection, Access, and Disclosure Notice must be provided by the applicant to the reference

PART A – TO BE COMPLETED BY THE APPLICANT				
I, the Applicant, hereby demonstrate qualifying experience as required by the Business and Professions Code and the California Code of Regulations, as detailed below.				
Last Name Reid		First Name Dennis		Middle Name Eugene
Address of Record (Mailing Address): 107 Rodeo Ct.		City Lafayette	State CA	Zip Code 94549 Country USA
Birth Date (MM/DD/YYYY):		E-Mail Address:		
Daytime Phone Number (including area code & extension):		Evening Phone Number (including area code):		Cell Phone Number (including area code):
Engagement Number 1	EMPLOYMENT DATES (MM/DD/YYYY)	TOTAL TIME WORKED IN MONTHS (for this engagement) 61	Employer: Reid Racing, Inc. Employer Address: 1917 Oak Park Blvd City/State/Zip: Pleasant Hill, CA 94523 Applicant's Title: President	
From: 07/24/2006 To: Present		QUALIFYING EXPERIENCE IN MONTHS ("SEE NOTE BELOW") 61	Reference's Name: [Redacted] Reference's Address: [Redacted] City/State/Zip: [Redacted] Reference's Phone (including area code & extension): 925-743-4095	
All of the following items must be completed.				
Description of Engineering Tasks & Duties: Chief Engineer. Set engineering design goals and parameters. Actively participated in each product design.				
Level of Responsibility: Overall. All major engineering decisions made by or approved by me				
Description of Engineering Decisions Made: Type of castings to be used, forging process, machining process and fixturing, performance features to be included, testing of finished parts. Please see attached list of US Patents awarded to these designs.				
Projects (include project name, location [city/state/country], & type): Redesign of automotive transmission housings and internal parts for Chevrolet Powerglide and Turbo 400 transmissions. Redesign of steering and power transmission components for automotive off-road front driving axles. Work performed in Pleasant Hill.				

** Qualifying experience claimed for this Engagement includes only subordinate level engineering work. It does not overlap with credit claimed for education. It does not include overtime, training, orientation, non-engineering work, or summer work while a student. Qualifying experience may be less than the total number of months worked; it is computed by Total Months Worked less Non-Qualifying Experience. Qualifying experience means engineering employment that requires the applicant to use sound judgment in making engineering decisions and contributes to progress towards becoming a Professional Engineer.

Signature of Applicant: Dennis Reid Date: 8/28/12

I, the Reference, confirm that I have reviewed the information contained on Part A of this form.
Signature of Reference: [Redacted] Date: 9/4/12

Applicant's Full Name: Dennis Eugene

PART B - TO BE COMPLETED BY REFERENCE

PLEASE PRINT CLEARLY AND COMPLETE THE ENTIRE FORM.
INCOMPLETE FORMS MAY CAUSE THE APPLICANT TO BE DEEMED INELIGIBLE.

You, as the reference, may request additional experience information from the applicant, including the Board's licensing requirements as contained in the Business and Professions Code and the California Code of Regulations. You must personally complete, sign, seal or stamp, and return both Part A and Part B of this form to the applicant in a sealed envelope.

My relation with the Applicant has been/is: (check all that apply)
 Employer/Supervisor
 Co-Worker/Associate*
 In Responsible Charge*
 Reviewed Work*
 Other*

Are you related to this Applicant by blood, marriage, or adoption? YES* NO

Do you verify the Applicant's experience on Part A, including position title and employment dates? YES NO*

Have you personally seen and reviewed the Applicant's engineering work? YES NO*

I have personal knowledge of the Applicant's work experience from the date of 6/91 to the date of PRESENT

Do you consider the Applicant technically qualified to be licensed as a Professional Engineer? YES NO* DO NOT KNOW*

*Explain in detail all responses marked with an asterisk in this section. Also, include any additional information about the Applicant's engineering experience, capabilities, or limitations. ATTACH ADDITIONAL SHEETS IF NEEDED. If you and the applicant currently have different employers, please explain how you know of the applicant's experience.

COWORKER AT PREVIOUS EMPLOYERS; TRANSAMERICA DELAYAL AND EGTG CORP. IN THE MECHANICAL ENGINEERING GROUP. ALSO COLLABORATED ON NUMEROUS ENGINE, PUMP & CONTROL PROJECTS WITH DEBENBEAR PRODUCTS, INC, & REID RACING, INC.

From personal knowledge, I verify that the applicant has the appropriate experience in the following areas (check all that apply):	PLEASE AFFIX YOUR PROFESSIONAL SEAL OR STAMP HERE
Technical Competency <input checked="" type="checkbox"/>	
Engineering Judgment <input checked="" type="checkbox"/>	
Professional Integrity/Ethics <input checked="" type="checkbox"/>	
Project Communications <input checked="" type="checkbox"/>	
Independent Decision Making <input checked="" type="checkbox"/>	
Coordination of Project Support Staff <input checked="" type="checkbox"/>	
Code/Regulatory Knowledge <input checked="" type="checkbox"/>	
Responsible Charge Capability <input checked="" type="checkbox"/>	

Your Title PRESIDENT

Your Name [REDACTED]

Your Company Name [REDACTED]

Lic No./Exp. Date NA

Address [REDACTED]

Branch/State/Country _____

City/State/Zip [REDACTED]

OR - I am legally exempt from licensure because EMPLOYEE OF PRIVATE

Phone ([REDACTED]) Ext. —

INDUSTRIAL CORPORATION

I certify under penalty of perjury that these statements are true and correct to the best of my knowledge and that I have personally reviewed and examined the applicant's engineering work.

Signature of Reference: [REDACTED]

Date: 9/4/12

US Patents List Awarded to Dennis Reid

Patent Number	Title	Issue Date
4,467,219	VARIABLE TIME DELAY APPARATUS FOR CONTROLLING THE START OF A VEHICLE	August 21, 1984
RE32,474	VARIABLE TIME DELAY APPARATUS FOR CONTROLLING THE START OF A VEHICLE	August 11, 1987
5,622,088	AUTOMATIC TRANSMISSION FOR RACING VEHICLE	April 22, 1997
5,652,468	CROSS-OVER COMPENSATION CIRCUIT	July 29, 1997
5,694,817	AIR BLEED AND ADJUSTABLE REVERSE PISTON RELEASE RATE IN AN AUTOMATIC TRANSMISSION FOR RACING VEHICLE	December 9, 1997
5,804,885	AUTOMATIVE RACING SIMULATION APPARATUS	September 8, 1998
5,855,148	EXPLOSION-PROOF TRANSMISSION HOUSING	January 5, 1999
5,892,294	MODULAR AUTOMATOVE RACING SIMULATION APPARATUS	April 6, 1999
US 6,189,505 B1	DISC TYPE THROTTLE STOP	February 20, 2001
US 6,411,205 B1	DISPLAY UNIT	June 25, 2002
7,487,758	CONTROL APPARATUS FOR A THROTTLE STOP OF AN INTERNAL COMBUSTION ENGINE	February 10, 2009
7,976,036	SYSTEM AND METHOD FOR ADAPTING A UNIT BEARING FRONT DRIVING AXLE	July 12, 2011


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.pels.ca.gov & www.geology.ca.gov


PROFESSIONAL ENGINEER ENGAGEMENT RECORD AND REFERENCE FORM

This form must be submitted for each engagement claimed as qualifying experience. Each engagement being claimed as qualifying experience must be summarized on a separate Engagement Record and Reference Form. "SEE ATTACHED" and resumés are not acceptable in lieu of this form. *Part A of this form must be typed, or it will be returned to applicant.*

The original of this form must be mailed to the Board Office postmarked by the Final Filing Date. Failure to have all documents in the Board Office by the final filing date will result in the Applicant not being set to the current examination.

A copy of the Information Collection, Access, and Disclosure Notice must be provided by the applicant to the reference.

PART A - TO BE COMPLETED BY THE APPLICANT			
I, the Applicant, hereby demonstrate qualifying experience as required by the Business and Professions Code and the California Code of Regulations, as detailed below.			
Last Name Reid		First Name Dennis	Middle Name Eugene
Address of Record (Mailing Address): 107 Rodeo Ct.		City Lafayette	State CA
		Zip Code 94549	Country USA
Birth Date (MM/DD/YYYY): [REDACTED]		E-Mail Address: [REDACTED]	
Daytime Phone Number (including area code & extension): [REDACTED]		Evening Phone Number (including area code): [REDACTED]	Cell Phone Number (including area code): [REDACTED]
Engagement Number 2	EMPLOYMENT DATES (MM/DD/YYYY)	TOTAL TIME WORKED IN MONTHS (for this engagement) 181	Employer: Dedenbear Products, Inc. Employer Address: 1917 Oak Park Blvd City/State/Zip: Pleasant Hill, CA 94523 Applicant's Title: President
	From: 06/30/1991 To: 07/24/2006	QUALIFYING EXPERIENCE IN MONTHS (**SEE NOTE BELOW) 181	Reference's Name: [REDACTED] Reference's Address: [REDACTED] City/State/Zip: [REDACTED] Reference's Phone (including area code & extension): 925-388-0562
All of the following items must be completed.			
Description of Engineering Tasks & Duties: Chief Engineer. Set engineering design goals and parameters. Actively participated in each product design.			
Level of Responsibility: Overall. All major engineering decisions made by or approved by me			
Description of Engineering Decisions Made: Type of circuitry to be used, mechanical packaging, S/W flow. Design parameters of pump flow/pressure curves, power and force levels of mechanical actuators, fabrication techniques and materials, testing of finished products. Please see attached list of US Patents awarded to these designs.			
Projects (include project name, location [city/state/country], & type): Reaction Time delay units, mechanical carburetor throttle stops, electrical and mechanical transmission shifters, electrically driven engine water pumps Work performed in Pleasant Hill.			

** Qualifying experience claimed for this Engagement includes only subordinate level engineering work. It does not overlap with credit claimed for education. It does not include overtime, training, orientation, non-engineering work, or summer work while a student. Qualifying experience may be less than the total number of months worked, it is computed by Total Months Worked less Non-Qualifying Experience. Qualifying experience means engineering employment that requires the applicant to use sound judgment in making engineering decisions and contributes to progress towards becoming a Professional Engineer.

Signature of Applicant: Dennis Reid Date: 8/28/12

I, the Reference, confirm that I have reviewed the information contained on Part A of this form.
Signature of Reference: [REDACTED] Date: 9/5/12

Applicant's Full Name: Dennis Eugene Reid

PART B - TO BE COMPLETED BY REFERENCE

PLEASE PRINT CLEARLY AND COMPLETE THE ENTIRE FORM.
INCOMPLETE FORMS MAY CAUSE THE APPLICANT TO BE DEEMED INELIGIBLE.

You, as the reference, may request additional experience information from the applicant, including the Board's licensing requirements as contained in the Business and Professions Code and the California Code of Regulations. You must personally complete, sign, seal or stamp, and return both Part A and Part B of this form to the applicant in a sealed envelope.

My relation with the Applicant has been/is: (check all that apply)
 Employer/Supervisor In Responsible Charge*
 Co-Worker/Associate* Reviewed Work* Other*

Are you related to this Applicant by blood, marriage, or adoption? YES* NO

Do you verify the Applicant's experience on Part A, including position title and employment dates? YES NO*

Have you personally seen and reviewed the Applicant's engineering work? YES NO*

I have personal knowledge of the Applicant's work experience from the date of 5/1984 to the date of 11/1989

Do you consider the Applicant technically qualified to be licensed as a Professional Engineer? YES NO* DO NOT KNOW*

*Explain in detail all responses marked with an asterisk in this section. Also, include any additional information about the Applicant's engineering experience, capabilities, or limitations. ATTACH ADDITIONAL SHEETS IF NEEDED. If you and the applicant currently have different employers, please explain how you know of the applicant's experience.

From personal knowledge, I verify that the applicant has the appropriate experience in the following areas (check all that apply):
Technical Competency
Engineering Judgment
Professional Integrity/Ethics
Project Communications
Independent Decision Making
Coordination of Project Support Staff
Code/Regulatory Knowledge
Responsible Charge Capability

PLEASE AFFIX YOUR PROFESSIONAL SEAL OR STAMP HERE

Your Title _____
Your Company Name _____
Address _____
City/State/Zip _____
Phone _____

Your Name _____
Lic No./Exp. Date _____ 09/30/01
Branch/State/Country MELHANCAL/CALIFORNIA/USA
OR - I am legally exempt from licensure because _____

I certify under penalty of perjury that these statements are true and correct to the best of my knowledge and that I have personally reviewed and examined the applicant's engineering work.

Signature of Reference: _____ Date: 9/5/12

US Patents List Awarded to Dennis Reid

Patent Number	Title	Issue Date
4,467,219	VARIABLE TIME DELAY APPARATUS FOR CONTROLLING THE START OF A VEHICLE	August 21, 1984
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PROFESSIONAL ENGINEER ENGAGEMENT RECORD AND REFERENCE FORM

This form must be submitted for each engagement claimed as qualifying experience. Each engagement being claimed as qualifying experience must be summarized on a separate Engagement Record and Reference Form. "SEE ATTACHED" and resumés are not acceptable in lieu of this form. *Part A of this form must be typed, or it will be returned to applicant.*

The original of this form must be mailed to the Board Office postmarked by the Final Filing Date. Failure to have all documents in the Board Office by the final filing date will result in the Applicant not being set to the current examination.

A copy of the Information Collection, Access, and Disclosure Notice must be provided by the applicant to the reference.

PART A - TO BE COMPLETED BY THE APPLICANT

I, the Applicant, hereby demonstrate qualifying experience as required by the Business and Professions Code and the California Code of Regulations, as detailed below.

Last Name Reid		First Name Dennis		Middle Name Eugene	
Address of Record (Mailing Address): 107 Rodeo Ct			City Lafayette	State CA	Zip Code 94549
Country USA					

Birth Date (MM/DD/YYYY): [REDACTED] E-Mail Address: [REDACTED]

Daytime Phone Number (including area code & extension): [REDACTED] Evening Phone Number (including area code): [REDACTED] Cell Phone Number (including area code): [REDACTED]

Engagement Number	EMPLOYMENT DATES (MM/DD/YYYY)	TOTAL TIME WORKED IN MONTHS (for this engagement)	Employer: Employer Address: City/State/Zip:
2	From: 06/30/1991 To: 07/24/2006	181	Dedenbear Products, Inc. 1917 Oak Park Blvd Pleasant Hill, CA 94523
		QUALIFYING EXPERIENCE IN MONTHS (**SEE NOTE BELOW)	Applicant's Title:
		181	President
			Reference's Name: Reference's Address: City/State/Zip: Reference's Phone (including area code & extension):
			[REDACTED] [REDACTED] [REDACTED] 925-570-0802

All of the following items must be completed.

Description of Engineering Tasks & Duties:

Chief Engineer. Set engineering design goals and parameters. Actively participated in each product design.

Level of Responsibility:

Overall. All major engineering decisions made by or approved by me

Description of Engineering Decisions Made:

Type of circuitry to be used, mechanical packaging, S/W flow. Design parameters of pump flow/pressure curves, power and force levels of mechanical actuators, fabrication techniques and materials, testing of finished products. Please see attached list of US Patents awarded to these designs.

Projects (include project name, location [city/state/country], & type):

Reaction Time delay units, mechanical carburetor throttle stops, electrical and mechanical transmission shifters, electrically driven engine water pumps. Work performed in Pleasant Hill.

** Qualifying experience claimed for this Engagement includes only subordinate level engineering work. It does not overlap with credit claimed for education. It does not include overtime, training, orientation, non-engineering work, or summer work while a student. Qualifying experience may be less than the total number of months worked, it is computed by Total Months Worked less Non-Qualifying Experience. Qualifying experience means engineering employment that requires the applicant to use sound judgment in making engineering decisions and contributes to progress towards becoming a Professional Engineer.

Signature of Applicant: Dennis Reid Date: 8/28/12

I, the Reference, confirm that I have reviewed the information contained on Part A of this form.
Signature of Reference: [REDACTED] Date: 9/2/12

Applicant's Full Name: Dennis Eugene Reid

PART B - TO BE COMPLETED BY REFERENCE

PLEASE PRINT CLEARLY AND COMPLETE THE ENTIRE FORM.
INCOMPLETE FORMS MAY CAUSE THE APPLICANT TO BE DEEMED INELIGIBLE.

You, as the reference, may request additional experience information from the applicant, including the Board's licensing requirements as contained in the Business and Professions Code and the California Code of Regulations. You must personally complete, sign, seal or stamp, and return both Part A and Part B of this form to the applicant in a sealed envelope.

My relation with the Applicant has been/is: (check all that apply)
 Employer/Supervisor In Responsible Charge*
 Co-Worker/Associate* Reviewed Work* Other*

Are you related to this Applicant by blood, marriage, or adoption? YES* NO

Do you verify the Applicant's experience on Part A, including position title and employment dates? YES NO*

Have you personally seen and reviewed the Applicant's engineering work? YES NO*

I have personal knowledge of the Applicant's work experience from the date of 06/1991 to the date of 08/2012

Do you consider the Applicant technically qualified to be licensed as a Professional Engineer? YES NO* DO NOT KNOW*

*Explain in detail all responses marked with an asterisk in this section. Also, include any additional information about the Applicant's engineering experience, capabilities, or limitations. ATTACH ADDITIONAL SHEETS IF NEEDED. If you and the applicant currently have different employers, please explain how you know of the applicant's experience.

CO-WORKER AT PREVIOUS EMPLOYER BEGEG CORP. IN THE SPECIAL MEASUREMENTS GROUP. HAVE HAD DISCUSSIONS WITH APPLICANT ON TECHNICAL ISSUES WHILE AT DEBBENBEAR PRODUCTS, INC

From personal knowledge, I verify that the applicant has the appropriate experience in the following areas (check all that apply):
Technical Competency
Engineering Judgment
Professional Integrity/Ethics
Project Communications
Independent Decision Making
Coordination of Project Support Staff
Code/Regulatory Knowledge
Responsible Charge Capability

PLEASE AFFIX YOUR PROFESSIONAL SEAL OR STAMP HERE

Your Title MECHANICAL DESIGN ENGINEER

Your Name [REDACTED]

Your Company Name [REDACTED]

Lic No./Exp. Date [REDACTED] 6/30/13

Address [REDACTED]

Branch/State/Country ME/CA/USA
OR - I am legally exempt from licensure because _____

City/State/Zip [REDACTED]

Phone [REDACTED] Ext. _____

I certify under penalty of perjury that these statements are true and correct to the best of my knowledge and that I have personally reviewed and examined the applicant's engineering work.

Signature of Reference: [REDACTED]

Date: 9/2/12

US Patents List Awarded to Dennis Reid

Patent Number	Title	Issue Date
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5,892,294	MODULAR AUTOMATOVE RACING SIMULATION APPARATUS	April 6, 1999
US 6,189,505 B1	DISC TYPE THROTTLE STOP	February 20, 2001
US 6,411,205 B1	DISPLAY UNIT	June 25, 2002
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7,976,036	SYSTEM AND METHOD FOR ADAPTING A UNIT BEARING FRONT DRIVING AXLE	July 12, 2011



MANUFACTURERS OF TRANSMISSION AND OFF-ROAD EQUIPMENT

September 12, 2012

Ms. Kate Tibbitts
Licensing Evaluator
Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Dear Kate,

Enclosed is the application for reinstatement of my Mechanical Engineers Professional Engineers License and a copy of the letter that you sent me. Below I've addressed all of the items from your letter.

Item 1) Completed "Application for license" is enclosed. Sealed returned reference forms from (4) references are enclosed.

Item 2) Check for \$125 and the "Take-Home" exam on the Board's Laws and Rules is enclosed.

Item 3) I moved to a different address in 1988. I believe that I sent in a change of address form, but I never received a change form. I didn't think about the renewal until just recently and I am now applying for reinstatement of my license.

Item 4) I do not have the original wall certificate. It appears to have been lost during my move in 1988.

Item 5) Engineering practice during the time of delinquency is covered in the "Application for license". Also included is a list of U.S. Patents that I was awarded during this time period, all of which pertain to engineering designs. If this is not sufficient, please notify me and I will expand further.

Item 6) Copy of letter is enclosed.

Thank you.

REID RACING, Inc.

A handwritten signature in cursive script that reads "Dennis Reid". The signature is written in black ink and is positioned above the printed name and title.

Dennis Reid
President

US Patents List Awarded to Dennis Reid

Patent Number	Title	Issue Date
4,467,219	VARIABLE TIME DELAY APPARATUS FOR CONTROLLING THE START OF A VEHICLE	August 21, 1984
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7,976,036	SYSTEM AND METHOD FOR ADAPTING A UNIT BEARING FRONT DRIVING AXLE	July 12, 2011

Subj: RE: Renewal of canceled license-Dennis Eugene Reid
 Date: 8/10/2012 3:01:22 P.M. Pacific Daylight Time
 From: Kate.Tibbitts@dca.ca.gov
 To: Readrodeo1@aol.com

To apply for reinstatement of these licenses, please submit the following documents and fees:

1. A completed "Application for license". Describe your engineering/surveying activities during the entire period of non-renewal. You must disclose the information regarding your engineering/surveying activities on the Engagement Record and Reference forms that are part of the application package. You must cover the entire period from the date your license expired to the date of your application. You do not need to include activities performed while your license was valid. All applicants for reinstatement must provide a minimum of four references. **Transcripts are not required.**

If you are reinstating a civil engineer license, a minimum of four (4) licensed **civil engineers** must provide references to verify the period of your work experience since your license expired. For the reinstatement of a license in any other discipline, you should provide references from at least four (4) engineers licensed in your branch of engineering. If you have been working in an area covered by an exemption, you must provide at least four (4) references from engineers working in the branch of engineering that you were licensed in. There is no exemption for the practice of civil engineering. Refer to Question 20, in the FAQ on the Board's website for the disclosure and reference requirements.

2. A check payable to the Department of Consumer Affairs for \$125, to cover all evaluation costs and written or oral examination costs. Please note, the Board may require you to retake the 8-hour branch examination, or may waive this examination. **However, the Board cannot waive, and you will be required to take, the "take-home" examination on the Board's Laws and Rules. Also, following Board Rule 424.5 (enclosed), all applicants for reinstatement in civil engineering whose initial license was issued before January 1, 1988 must take and pass the examinations on seismic principles and engineering surveying prior to reinstatement.**

3. A statement to explain the circumstances of your expired license.
4. You must return your original wall certificate with your application. Your wall certificate is no longer valid and, if the Board approves your application for reinstatement, the Board will return either your original certificate or will issue a duplicate wall certificate with your former license number. If you are unable to comply with this requirement, you must state the circumstances that prevent your compliance.
5. A statement detailing your engineering/surveying practice and identifying any projects in California, including projects which you have been in responsible charge during the entire period of your delinquency.
6. A copy of this letter.

The engineering staff will prepare a report for the Board's Examinations/Qualifications Committee. The committee will review each file during the closed session of the next available meeting. You will be notified if the Board requires additional information. The committee will make a recommendation to the Board, and the Board will render the final decision. The Board may attach conditions to the reinstatement, including requiring you to take an examination and/or

pay accrued delinquency fees.

Because staff and at least one Board Committee must review your application before it goes to the Board for action, the process may take several months. It will expedite the process if you ensure your application and supporting documentation are accurate and complete upon filing. Upon evaluation of these materials, you will be set to take the examination in your branch of engineering. You may choose to wait until the Board determines whether you must take an examination prior to being scheduled. However, as noted above, it could lengthen the reinstatement process. If you are scheduled for an examination and the Board waives the examination requirement prior to its administration, staff will notify you. If, after you have taken the examination, the Board waives the examination, the Board will void the examination and/or disregard the score.

Please remember that you may not call yourself a Civil, Registered, Licensed, or Professional Engineer in California. You also may not perform any services such as acting in responsible charge or signing and sealing documents that would require such a license until your reinstatement is completed.

If you have any questions, please feel free to contact me at (916) 263-1436.

Sincerely,

Kate Tibbitts
Reinstatement Coordinator

Enclosure: Board Rule 424.5

424.5 Reinstatement Requirements for Delinquent Applicants

(a) A license that has not been renewed within the time required under Business and Professions Code section 6796.3 or 8803 is considered delinquent and, except as provided in subdivision (c), shall be reinstated if the applicant complies with the following:

- (1) Submits evidence satisfactory to the Board that the applicant is qualified in the branch for which he or she is applying. This evidence shall consist of:
 - (A) A completed, typewritten application on a form as specified in Section 420 accompanied by the required application fee as specified in Section 407 (b)(1)-(4).
 - (B) Completed appropriate reference forms as specified in Sections 427.10, 427.20, or 427.30. The submission of a reference that states that the applicant is not technically qualified to be licensed shall be grounds for denial.
- (2) Takes and passes the examination on the applicable state laws and board regulations as specified in Business and Professions Code section 6755.2 or 8741.1.
- (3) Takes and passes examinations on seismic principles and engineering surveying, if he or she is a civil engineering applicant v¹12 initial registration was issued prior to

January 1, 1988.

(4) Pay all accrued and unpaid renewal fees.

(5) Has not committed any acts or crimes constituting grounds for denial of licensure under Business and Professions Code section 480.

(b) An applicant who is unable to submit evidence satisfactory to the Board that he or she is qualified as provided in subdivision (a)(1) shall take and pass the appropriate second division examination or the appropriate title authority examination in addition to the requirements specified in subdivision (a)(2)-(5) prior to reinstatement of the delinquent license.

(c) Notwithstanding subdivisions (a) and (b), the Board may pursue action, including but not limited to revocation or suspension of the license pursuant to Business and Professions Code sections 6775, 6776, 8780, and 8781, issuance of a citation containing an order to pay an administrative fine pursuant to Sections 473 through 473.4, filing of criminal charges pursuant to Business and Professions Code sections 6787 and 8792, and denial of the application pursuant to Section 420, against the applicant if evidence obtained during an investigation reveals that the applicant has violated any provision of the Business and Professions Code, the California Code of Regulations, or other applicable laws and regulations related to the practices of professional engineering or professional land surveying during the period of delinquency, including, but not limited to, practicing or offering to practice with an expired or delinquent license.

(d) The application response timeframe is as specified in Section 470 (a).

(e) The Board's period for processing an application from receipt of the initial application to the final decision regarding issuance or denial of licensure is as specified in Section 471.

As used in this section, "license" includes certificate of registration as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the title "structural engineer," "soil engineer," or "consulting engineer."

[Amended effective January 1, 2000]

Kate Tibbitts
Licensing Evaluator
Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Ste 300
Sacramento, CA 95833
Phone: (916) 263-1436
Fax: (916) 263-2246
Website: www.bpelsg.ca.gov
E-mail address: Kate.Tibbitts@dca.ca.gov

ALL APPROVED Candidates MUST register at <http://www.ncees.org/Exams.php> to be eligible to sit for ANY NCEES examination.

Registration for OCTOBER 2012 examinations will open in early June 2012.

* Please note, registration at NCEES is required for ALL exams.

PLEASE NOTE THAT OUR FINAL FILING DEADLINES:

- EIT/LSIT – JULY 30, 2012

- PE (NEW) – MAY 1, 2012

- PE (REFILE) – JULY 30, 2012

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender

and destroy all copies of the communication.

From: Readrodeo1@aol.com [mailto:Readrodeo1@aol.com]
Sent: Friday, August 10, 2012 12:21 PM
To: Evaluator3, BPELS@DCA
Subject: Renewal of canceled license-Dennis Eugene Reid

Sirs,

Dennis Eugene Reid
Mechanical Engineer
License # 19459

I checked the status of my Professional Engineers license and found that it has been canceled. The address listed is an out of date address by 24 years so I assume that is why I have never received any notifications. Could you please tell what I have to do to get the license re-instated?

Thanks,
Dennis

License Reinstatement Write-up

Review by Board Members William Wilburn and William Silva

For Consideration at the January 31 – February 1, 2013 Board Meeting

REID, DENNIS EUGENE

(Mechanical)

BACKGROUND

Mr. Reid received his Mechanical Engineering license in 1979. His license expired in September 1991 and became THREE years delinquent in 1994.

Activities During Period of Non-Renewal

From July 2006 to Present, Mr. Reid has been employed as President of Reid Racing, Inc. in Pleasant Hill, California. He acts as Chief Engineer and sets engineering design goals and parameters. He actively participated in each product design, and has overall responsibility for all major engineering decisions in the company.

Engineering decisions include:

- Type of castings to be used
- Forging process
- Machining process and fixturing
- Performance features to be included
- Testing of finished parts.

Projects include:

- The redesign of automotive transmission housings and internal parts for Chevrolet Powerglide and Turbo 400 transmissions.
- Redesign of steering and power transmission components for automotive off-road front driving axles.

From June 1991 to July 2006, Mr. Reid was employed as President of Dedenbear Products, Inc. in Pleasant Hill, California. He acted as Chief Engineer and set engineering design goals and parameters. He actively participated in each product design, and had overall responsibility for all major engineering decisions in the company.

Engineering decisions included:

- Type of circuitry to be used, the mechanical packaging, and the SAW flow.
- Design parameters of pump flow/pressure curves, power and force levels of mechanical actuators, fabrication techniques and materials, and testing of finished products.

Projects included:

- Reaction time delay units
- Mechanical carburetor throttle stops

- Electrical and mechanical transmission shifters
- Electrically driven engine water pumps

Enforcement Review

Further investigation is being performed to determine if Mr. Reid violated the Board laws during the period of delinquency.

Upon advice from legal counsel, the reinstatement application should be processed independent of the investigation. Reinstatement does not preclude us from taking disciplinary action should it be determined that a violation of our laws occurred during the period of delinquency.

RECOMMENDATION

The mission of the Board for Professional Engineers, Land Surveyors, and Geologists is to safeguard the life, health, property, and welfare of the public by regulating the practice of professional engineering, land surveying and geology in California.

After a technical evaluation by the Board staff engineer and members of the Board, there is reason to believe that the applicant, Mr. Reid, may not be technically qualified to practice Mechanical engineering in California due in part to the length of license delinquency.

Mr. Reid has not been licensed in the State of California for over twenty-one years. Requiring the second division examination will validate the technical competency of the reinstatement.

RECOMMENDED ACTION:

It is recommended that the Board require that he take the second division examination (Mechanical Engineering Examination). Once Mr. Reid takes and passes the second division examination (Mechanical Engineering), the Board shall grant him licensure by reinstatement in Mechanical Engineering.

BEFORE THE BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Reinstatement)
of the Expired License of:)
)
DENNIS EUGENE REID)
107 RODEO COURT)
LAFAYETTE, CA 94549)
)
License No. M 19459)
Respondent.)
_____)

DECISION TO REINSTATE EXPIRED LICENSE

FINDINGS OF FACT

1. On or about September 14, 2012, Dennis Eugene Reid (hereinafter referred to as respondent) submitted to the Board for Professional Engineers, Land Surveyors, and Geologists (hereinafter referred to as the Board) an application for licensure as a Mechanical Engineer.
2. Respondent had previously been licensed by the Board as a Mechanical Engineer from on or about March 14, 1979 through and including September 30, 1991. At that time, respondent ceased to renew his/her license as a Mechanical Engineer. Said license thereafter lapsed on October 1, 1994, and could not, by law, be renewed unless and until the respondent meets the requirements of Section 6796.3 of the Business and Professions Code.
3. Upon review of respondent's credentials and an investigation of his/her practice, it was established that respondent has not substantiated that he/she is qualified to practice mechanical engineering in California. Current regulations require that the respondent take and pass certain examinations in order to reinstate his/her Mechanical Engineer license.
4. On September 14, 2012, the respondent submitted \$125.00 as payment for the application fee.
5. On September 14, 2012, the respondent passed the California Laws and Board Rules examination with a score of 70% or better.

DETERMINATION OF ISSUES

1. Pursuant to the provisions of Business and Professions Code section 6796.3 and Title 16, California Code of Regulations section 424.5, the Board has the authority to reinstate a license which has not been renewed within three years after its expiration upon payment of all fees and satisfaction of all requirements and may waive examination of the applicant if the Board finds that, with due regard to the public interest, the holder of the expired license is qualified to practice engineering. In addition, the Board may attach conditions to the reinstatement of the expired license.

2. All applicants are required to pay the application fee to the Board and the examination development and administration fees to the Board and/or to the examination vendor in effect for each examination administration cycle for which they wish to be scheduled for an examination. Additionally, the Board may charge delinquent renewal fees as set forth in Business and Professions Code section 6796.3(c) and Title 16, California Code of Regulations section 424.5(a)(4).

3. Pursuant to Title 16, California Code of Regulations section 424.5(a) (2), all applicants shall take and pass the California Law and Board Rules examination with a score of 70% or better as a condition for reinstatement of the delinquent license.

ORDER

WHEREFORE, based upon the above Findings of Fact and Determination of Issues, the Board issues the following order:

Upon completion of the following conditions, respondent's Mechanical Engineer license No. M 19459 shall be reinstated.

1. Respondent shall take and pass, the Mechanical Engineering Professional Examination before reinstatement of the respondent's Mechanical Engineer license.

2. Respondent shall be required to tender to the Board the sum of \$1772.50 to pay for current and delinquent renewal fees. Such fees shall be payable within 90 days after receipt of this decision, or the application will be deemed abandoned pursuant to Title 16, California Code of Regulations section 428.

IT IS SO ORDERED this 31st day of January 2013, and shall become effective immediately.



Board for Professional Engineers,
Land Surveyors, and Geologists

Business and Professions Code 6796.3.

Certificates of registration as a professional engineer, and certificates of authority to use the title "structural engineer," "soil engineer," or "consulting engineer" that are not renewed within three years after expiration may not be renewed, restored, reinstated, or reissued unless all of the following apply:

(a) The registrant or certificate holder has not committed any acts or crimes constituting grounds for denial of registration or of a certificate under Section 480.

(b) The registrant or certificate holder takes and passes the examination that would be required of him or her if he or she were then applying for the certificate for the first time, or otherwise establishes to the satisfaction of the board that, with due regard for the public interest, he or she is qualified to practice the branch of engineering in which he or she seeks renewal or reinstatement.

(c) The registrant or certificate holder pays all of the fees that would be required of him or her if he or she were then applying for the certificate for the first time. If the registrant or certificate holder has been practicing in this state with an expired or delinquent license and receives a waiver from taking the examination as specified in subdivision (b) then he or she shall pay all accrued and unpaid renewal fees.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to this section.



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

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June 24, 2013

Adam G. Slote
Slote & Links
255 California Street, Suite 1300
San Francisco, CA 94111

RE: Dennis Reid, Mechanical Engineer License No. M 19459

Dear Mr. Slote:

This letter is regarding your request on behalf of your client Dennis Reid for the California Board for Professional Engineers, Land Surveyors, and Geologists to reconsider its decision to grant reinstatement of his delinquent Mechanical Engineer License conditioned upon his taking and passing the licensing examination.

At its June 2013 meeting, the Board reviewed all of the information you provided with your March 27, 2013, letter. The Board determined that it would be of benefit to speak directly with Mr. Reid prior to making a final decision on this matter. As such, the Board directed its staff to request that Mr. Reid attend an upcoming Board meeting so that the Board members may discuss the issue of the reinstatement of his delinquent license with him in person. Please note that while you, as Mr. Reid's attorney, are welcome to attend the meeting and speak on his behalf, the Board would prefer to speak directly with Mr. Reid. If Mr. Reid declines to attend a meeting and discuss this matter with the Board, the Board will have to take action on his request for reconsideration without further input from him.

The next Board meeting is scheduled to be held on August 28 and 29, 2013, in Riverside. The Board also anticipates holding at least one additional meeting following that meeting before the end of this calendar year; it is anticipated that that subsequent meeting will be held in Sacramento. However, at this time, subsequent meeting dates and locations have not been finalized. Please notify me in writing by July 8, 2013, if Mr. Reid is willing to attend a Board meeting to discuss this issue with the Board. If he is so willing, please also advise if he would like to attend the meeting in Riverside, including which of the two days he prefers, or if he prefers to wait for a subsequent meeting in Sacramento.

If you have any further questions regarding this matter, you may contact me at (916) 263-2241 or Nancy.Eissler@dca.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Nancy A. Eissler".

NANCY A. EISSLER
Enforcement Program Manager

RECEIVED JUL 05 2013

SLOTE
LINKS
& BOREMAN, LLP

One Embarcadero Center, Suite 400
San Francisco, CA 94111-3619
Phone: 415-393-8001
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Robert D. "Bo" Links
bo@slotelaw.com

•
Adam G. Slote
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•
Stephen M. Boreman
steve@slotelaw.com

July 3, 2013

Nancy A. Eissler
Board for Prof. Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944

Re: Dennis Reid, M 19459
Board of Professional Engineers, Land Surveyors, and Geologists
Application Appeal [16 CCR 429] -- March 27, 2013

Dear Ms. Eissler:

This letter is to inform you that Mr. Reid looks forward to the opportunity to discuss the above referenced matter with the Board. He is available to attend the Board meeting scheduled for August 29, 2013 in Riverside. If you need any additional information or have any questions or concerns please feel free to contact me at any time.

Sincerely,



Adam G. Slote

cc: Dennis Reid

VIII. **CONSIDERATION OF RULEMAKING PROPOSALS**

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

Substantial Relationship Criteria
Title 16, California Code of Regulations sections 416 and 3060

At its June 2013 meeting, the Board questioned whether the information contained in Title 16, California Code of Regulations sections 416 and 3060 was sufficiently clear in defining when a crime or act is substantially related to the qualifications, functions, and duties of a professional engineer, land surveyor, geologist, or geophysicist for the purposes of denying, suspending, revoking, or taking other enforcement action against the license. This item has been included on this agenda for the purpose of discussing these sections. Should the Board wish to make changes, it will be necessary to go through the formal rulemaking process to amend these regulations.

Business and Professions Code sections 480, 490, 6775, 6775.1, 7860, 8780, and 8780.1 give the Board the authority to deny issuing a license or the suspend or revoke or take other enforcement action against the license if the applicant/license holder has been convicted of a crime. These sections specify that the crime must be "substantially related to the qualifications, functions, and duties of a license professional [engineer, land surveyor, geologist, geophysicist]." (For purposes of these sections, "license" includes the In-Training certificate.)

Business and Professions Code sections 481 and 482 require the Board (as well as all boards/bureaus under the provisions of the Business and Professions Code) to adopt regulations to specify the criteria it uses to determine if a crime or act is substantially related to the qualifications, functions, and duties of the profession and the criteria used when considering the denial or revocation of a license to determine if the applicant or licensee has provided sufficient evidence of rehabilitation. These sections were added in 1975 and have remained unchanged since then. In compliance with these sections, the Board, as well as all the other DCA boards/bureaus adopted regulations. The vast majority of the regulations adopted use similar, if not identical, language as is used in 16 CCR 416: "a crime or act shall be considered substantially related to the qualifications, functions, and duties of a professional engineer or land surveyor if, to a substantial degree, it evidences present or potential unfitness of a professional engineer or land surveyor to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare." Some of the regulations also include a "shall include but not be limited to" list of crimes or acts, and some do not.

The Board's Liaison Deputy Attorney General (DAG) David E. Hausfeld will be in attendance at the meeting to discuss how these sections are interpreted and used by the DAGs when they are handling cases involving the denial, suspension, or revocation of a license based on a criminal conviction.

Title 16, California Code of Regulations

416. Substantial Relationship Criteria.

For the purpose of denial, suspension, or revocation of the license of a professional engineer or a land surveyor pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a professional engineer or land surveyor if, to a substantial degree, it evidences present or potential unfitness of a professional engineer or land surveyor to perform the functions authorized by his or her license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, those involving the following:

- (a) For professional engineers, any violations of the provisions of the Professional Engineers Act or aiding and abetting any person in such a violation;
- (b) For land surveyors, any violations of the provisions of the Professional Land Surveyors' Act or aiding and abetting any person in such a violation;
- (c) A conviction of a crime arising from or in connection with the practice of professional engineering or land surveying.

3060. Substantial Relationship Criteria.

For the purpose of denial, suspension, or revocation of the registration of a geologist, specialty geologist, geophysicists or specialty geophysicists pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a geologist, specialty geologist, geophysicists or specialty geophysicists if to a substantial degree it evidences present or potential unfitness of such geologist or geophysicists to perform the functions authorized by his registration in a manner consistent with the public health, safety or welfare. Such crimes or acts shall include, but not be limited to, the following:

- (a) Any violation of the provisions of Chapter 12.5 of Division 3 of the Business and Professions Code.

Business and Professions Code

Section 481.

Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

Section 482.

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

**APPROVAL AND ADOPTION OF RULEMAKING PROPOSALS
RELATING TO
ENFORCEMENT REGULATIONS**
[Title 16, California Code of Regulations Sections 3060, 3061, 3064 and 419]

The proposed amendments to the above regulations were noticed for public comment on June 14, 2013. The 45-day period for the submittal of written comments ended on July 29, 2013. No written comments were received regarding this proposed rulemaking decision.

No public hearing was scheduled regarding this rulemaking proposal, and a public hearing was not requested during the time period in which to request a hearing.

The proposed changes to Sections 3060, 3061, 3064, and 419 are as follows:

- Section 3060-Substantial Relationship Criteria
Amend Section 3060 to match Section 416, which adds language concerning aiding and abetting violations and convictions of crimes arising from the practices of geology and geophysics and to update other terminology used.
- Section 3061-Criteria for Rehabilitation
Amend Section 3061 to match Section 418 and to update other terminology used.
- Sections 3064 and 419-Disciplinary Orders
Amend Section 3064 to match Section 419 and to update other terminology used.

The amendments will adhere to the Board's Strategic Plan, Objective 2.10: "Review statutes and regulations to provide consistency among all of the Board's regulated professions."

RECOMMENDED MOTION

Adopt the proposed changes to Title 16, California Code of Regulations sections 3060, 3061, 3064 and 419 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.

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND
GEOLOGISTS**

Proposed Language

(1) Amend section 3060 of Article 5, Division 29, Title 16 of the California Code of Regulations to read as follows:

3060. Substantial Relationship Criteria.

For the purpose of denial, suspension, or revocation of the ~~registration~~ license of a professional geologist, specialty geologist, professional geophysicists, or specialty geophysicists pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions, and duties of a professional geologist, specialty geologist, professional geophysicists, or specialty geophysicists if to a substantial degree it evidences present or potential unfitness of such professional geologist, specialty geologist, professional geophysicist, or specialty geophysicists to perform the functions authorized by his or her ~~registration~~ license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include, but not be limited to, the following:

- (a) Any violation of the provisions of Chapter 12.5 of Division 3 of the Business and Professions Code: or aiding and abetting any person in such a violation.
- (b) A conviction of a crime arising from or in connection with the practice of professional geology or geophysics.

Note: Authority cited: Sections 481 and 7818, Business and Professions Code. Reference: Sections 481, 490, ~~and 493~~, 7860, and 7863, Business and Professions Code.

(2) Amend section 3061 of Article 5, Division 29, Title 16 of the California Code of Regulations to read as follows:

3061. Criteria for ~~Determining Rehabilitation or Appropriate Discipline.~~

(a) When considering the denial of ~~the registration of~~ an application for licensure as a professional geologist, or professional geophysicist, or certification as a specialty geologist, geophysicists or specialty geophysicists, or geologist-in-training under Section 480 of the Code, the Board, in evaluating the rehabilitation of the applicant and his or her present eligibility for ~~registration~~ such a license or certification, will consider the following criteria:

(1) The nature and severity of the act(s) or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed prior to or subsequent to the act(s) or crime(s) under consideration as grounds for denial which also could be considered as grounds for denial under Section 480 of the Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

(6) Total criminal record.

(7) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(b) When considering the suspension or revocation of the ~~registration license~~ of a professional geologist, or specialty geologist, professional geophysicist, or certification of a specialty geologist, specialty geophysicist, or geologist-in-training ~~on the grounds that the registrant has been convicted of a crime or violation of the Geologist and Geophysicist Act, the board or administrative law judge, in evaluating the appropriate level of discipline or rehabilitation of such person and his or her present eligibility for registration will consider the following criteria under Section 490 of the Code, the Board will consider the following criteria in evaluating the rehabilitation of such person and his or her present eligibility to retain his or her license:~~

(1) Nature and severity of the act(s) or offense(s) under consideration as grounds for suspension or revocation.

(2) ~~Total criminal record.~~ Evidence of any act(s) committed prior to or subsequent to the act(s) or offense(s) under consideration as grounds for suspension or revocation under Section 490 of the Code.

(3) The time that has elapsed since commission of the act(s) or offense(s) referred to in subdivision (1) or (2).

(4) ~~Whether~~ The extent to which the licensee has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

(7) ~~Actual or potential harm to the public, client, or employee.~~ Total criminal record.

(8) ~~Prior disciplinary record.~~

(9) ~~Number and/or variety of current violations.~~

(c) When considering a petition of reinstatement of the ~~registration~~ certification of as a geologist-in-training, specialty geologist, or specialty geophysicist, or the license of a professional geologist, specialty geologist, or professional geophysicist or specialty geophysicist,

the Board shall evaluate evidence of rehabilitation submitted by the petitioner, ~~considering these criteria specified in subsection (b).~~ including but not limited to the following:

(1) Educational courses, including college-level courses, seminars, and continuing professional development courses, completed after the effective date of the Board's decision ordering revocation.

(2) Professional geological or geophysical work done under the responsible charge of a licensee in good standing or under the direction of a person legally authorized to practice.

(3) Payment of restitution to the consumer(s) by the petitioner.

(4) Actual or potential harm to the public, client(s), employer(s), and/or employee(s) caused by the action(s) that led to the revocation or that could be caused by the reinstatement of the certificate, license, or authority.

(5) The criteria specified in subsection (b)(1) through (7), as applicable.

(6) Disciplinary history, other than criminal actions, after the revocation.

(7) Recognition by the petitioner of his or her own actions and/or behavior that led to the revocation.

(8) Correction of the petitioner's actions and/or behavior that led to the revocation.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 475, 480, 482, 490, and 7862, Business and Professions Code.

(3) Amend section 3064 of Article 5, Division 29 of Title 16 of the California Code of Regulations to read as follows:

3064. Disciplinary Guidelines Orders.

~~In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400 et seq.), the board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" (initially published July 1992, republished January 1996, revised June 1998) which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board in its sole discretion determines that the facts of the particular case warrant such a deviation for example: the presence of mitigating factors; the age of the case; evidentiary problems.~~

For violation of Business and Professions Code sections 7860 which result in an order issued in accordance with Chapters 4.5 and 5 of Part 1 of Division 3 of Title 2 of the Government Code against a professional geologist and/or a professional geophysicist license, the following provisions shall apply to disciplinary orders contained in decisions of the Board:

(a) The minimum disciplinary order shall be reproof. The maximum disciplinary order shall be revocation of the license.

(b) If warranted by extenuating and/or mitigating factors in the matter, the disciplinary order may be stayed by an express condition that the respondent comply with probationary

conditions. The minimum time period in which the respondent shall have to comply with the conditions shall be two years. For purposes of this section, this time period shall be known as the "period of probation."

(c) All decisions containing stayed disciplinary orders as described in subdivision (b) shall include the following probationary conditions:

(1) The respondent shall obey all laws and regulations related to the practices of professional geology and geophysics.

(2) The respondent shall submit such special reports as the Board may require.

(3) The period of probation shall be tolled during the time the respondent is practicing exclusively outside the state of California. If, during the period of probation, the respondent practices exclusively outside the state of California, the respondent shall immediately notify the Board in writing.

(4) If the respondent violates the probationary conditions in any respect, the Board, after giving the respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

(5) Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the respondent's license shall be unconditionally restored.

(d) All decisions containing stayed disciplinary orders as described in subdivision (b) may include one or more of the following probationary conditions:

(1) The respondent's license shall be suspended for a period not to exceed two years. If a suspension of the license is ordered, it shall begin on the effective date of the decision.

(2) The respondent shall successfully complete and pass a course in professional ethics, approved in advance by the Board or its designee. The probationary condition shall include a time period in which this course shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(3) Within 30 days of the effective date of the decision, the respondent shall provide the Board with evidence that he or she has provided all persons or entities with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional geology and/or professional geophysics in which the violation occurred with a copy of the decision and order of the Board and shall provide the Board with the name and business address of each person or entity required to be so notified. During the period of probation, the respondent may be required to provide the same notification to each new person or entity with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice

of professional geology and/or professional geophysics in which the violation occurred and shall report to the Board the name and address of each person or entity so notified.

(4) The respondent shall provide verifiable proof to the Board that restitution has been paid as ordered. The probationary condition shall include a time period in which the verifiable proof shall be provided to the Board which time period shall be at least 60 days less than the time period ordered for the period of probation.

(e) In addition to the conditions as may be ordered pursuant to subdivisions (c) and/or (d), the following conditions shall be included for the following specific violations:

(1) Incompetency in the practice of professional geology and/or professional geophysics:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(B) The respondent shall take and achieve the passing score for the Professional Geologist or Professional Geophysicist examination, provided that in the event the respondent holds multiple licenses, the Board shall select the examination in the area of practice of professional geology and/or professional geophysics in which the violation occurred and in the area of professional geology and/or professional geophysics in which the respondent is licensed. The Board or its designee may select the specific examination questions such that the questions relate to the specific area of violation and comprise an examination of the same duration as that required of an applicant for licensure. The respondent shall be required to pay the application and examination fees as described in Section 3005. The probationary condition shall include a time period in which the examination(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(C) During the period of probation, the respondent may practice professional geology and/or professional geophysics only under the review of a professional geologist and/or professional geophysicist licensed in the same branch as the respondent. This person or persons shall be approved in advance by the Board or its designee. Such reviewing professional geologist and/or

professional geophysicist shall initial every stamped or sealed document in close proximity to the respondent's stamp or seal.

(2) Negligence in the practice of professional geology and/or professional geophysics:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(3) Violation and/or breach of contract in the practice of professional geology and/or professional geophysics:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

In addition to the disciplinary orders described in this section, all decisions shall address recovery of the Board's investigation and enforcement costs, as described in and authorized by Business and Professions Code section 125.3.

Notwithstanding this section, non-conforming terms and conditions may be included as part of the disciplinary order, including such other further or lesser action as the Board deems appropriate, in the interest of protecting the public health, safety, and welfare.

Note: Authority cited: Section 7818, Business and Professions Code; ~~and~~ Sections 11400.20 ~~and~~ ~~11400.21~~, Government Code. Reference: Sections 125.3, 494, 7860, 7861, 7863 and 7872, Business and Professions Code; ~~and~~ Sections 11400.20, ~~11400.21~~ ~~and~~ 11415.60, 11425.50(e), and 11519, Government Code.

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND
GEOLOGISTS**

Proposed Language

Amend subsection (e) of section 419 of Article 1, Division 5 of Title 16 of the California Code of Regulations to read as follows:

419. Disciplinary Orders.

For violations of Business and Professions Code sections 6775 and/or 8780 which result in an order issued in accordance with Chapters 4.5 and 5 of Part 1 of Division 3 of Title 2 of the Government Code against a professional engineering and/or a professional land surveying license, the following provisions shall apply to disciplinary orders contained in decisions of the Board:

* * *

(e) In addition to the conditions as may be ordered pursuant to subdivisions (c) and/or (d), the following conditions shall be included for the following specific violations:

(1) Incompetency in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(B) The respondent shall take and achieve the passing score as set by the Board for the second division examination (including the seismic principles and engineering surveying examinations for civil engineers), provided that in the event the respondent holds multiple licenses, the Board shall select the examination in the area of practice of professional engineering and/or professional land surveying in which the violation occurred and in the area of professional engineering and/or professional land surveying in which the respondent is licensed. The Board or its designee may select the specific examination questions such that the questions relate to the specific area of violation and comprise an examination of the same duration as that required of an applicant for licensure. The respondent shall be required to pay the application fee as described in Section 407 and shall be afforded all examination appeal rights as described in Sections 407, 443, and 444. The probationary condition shall include a time period in which the examination(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(C) During the period of probation, the respondent may practice professional engineering and/or professional land surveying only under the ~~supervision~~ review of a professional engineer and/or professional land surveyor licensed in the same branch as the respondent. This person or persons shall be approved in advance by the Board or its designee. Such ~~supervising~~ reviewing professional engineer and/or professional land surveyor shall initial every stamped or sealed document in close proximity to the respondent's stamp or seal.

(2) Negligence in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(3) Violation and/or breach of contract in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(4) Failure to file a record of survey and/or corner record in the practice of professional land surveying:

(A) For any records of survey and/or corner records found not to have been filed and recorded, the respondent shall file or record, as appropriate, the required record(s) with the appropriate governmental agency within 90 days of the effective date of the decision. The respondent shall provide the Board with verifiable proof that the required record(s) have been filed or recorded, as appropriate, by the governmental agency within 30 days of such filing or recordation. If an actual suspension of the respondent's license is ordered as a probationary condition, the record(s) required by this subdivision shall be the only professional land surveying work the respondent is allowed to perform during the suspension.

* * *

Note: Authority cited: Sections 6716 and 8710, Business and Professions Code; ~~and~~ Sections 11400.20 ~~and~~ 11400.21, Government Code. Reference: Sections 125.3, 494, ~~6706.3~~, 6710, ~~6732~~, 6775, 6776, 8780 and 8781, Business and Professions Code; ~~and~~ Sections 11400.20, ~~11400.21~~, 11415.60, 11425.50 and 11519, Government Code.

**APPROVAL AND ADOPTION OF RULEMAKING PROPOSALS
RELATING TO
SEAL, SIGNATURE, AND ADDRESS CHANGE
[Title 16, California Code of Regulations sections 411, 412, 3008, and 3009]**

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 ended on April 15, 2013. One comment was received from a licensed Land Surveyor and it was rejected. No public hearing was scheduled regarding this rulemaking proposal, and a public hearing was not requested during the time period in which to request a hearing.

Office of Administrative Law (OAL) reviewed the final rulemaking file and determined that the language was not clear according to statute. The Board chose to withdraw the regulatory package and make clarifying language changes and issue a 15-day notice for comments to be heard. The 15-day period for submittal of written comments started July 23, 2013 and ended on August 9, 2013. No comments were received during the comment period.

The Board adopted the proposed language at the April 18, 2013 Board meeting. Amendments have been made to the proposed language and staff is recommending that 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 OAL for review and approval.

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 OAL for review and approval.

Professional Engineers, Land Surveyors, and Geologists

Proposed Language

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 (1½) 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 ½) 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 a~~ 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.

NOTE: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections 6732, 6735, 6735.3, 6735.4, 6764, 8750, and 8761 Business and Professions Code.

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.

NOTE: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections 136, 6715 and 8712, Business and Professions Code.

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 ~~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~~ 1 ½) inches in diameter; and shall contain the following information:

(1) Within the top border of seal: "Professional Geologist."

(2) Within the bottom border of seal: "State of California."

(3) In the center of seal:

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

(2) (B) 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~~ 1 ½) inches in diameter; and shall contain the following information:

(1) Within the top border of seal: Either "Certified Engineering Geologist" or "Certified Hydrogeologist," depending on the certification of the licensee.

(2) Within the bottom border of seal: "State of California."

(3) In the center of seal:

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

(2) (B) 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.

3008. Seal.

(a) The seal authorized by Section 7852 of the Code 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~~ 1 1/2) inches in diameter- and shall contain the following information:

(1) Within the top border of seal: "Professional Geologist."

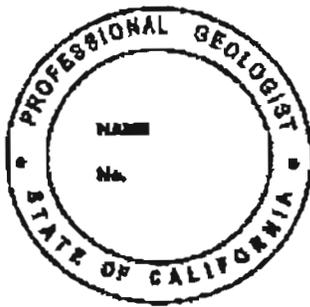
(2) Within the bottom border of seal: "State of California."

(3) In the center of seal:

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

~~(2) (B) 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~~ 1 1/2) inches in diameter- and shall contain the following information:

(1) Within the top border of seal: Either "Certified Engineering Geologist" or "Certified Hydrogeologist," depending on the certification of the license.

(2) Within the bottom border of seal: "State of California."

(3) In the center of seal:

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

~~(2) (B) 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 ($1\frac{1}{2}$) inches in diameter, and shall contain the following information:

(1) Within the top border of seal: "Professional Geophysicist."

(2) Within the bottom border of seal: "State of California."

(3) In the center of seal:

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

(2) (B) 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.

NOTE: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7835, 7835.1 7852 and 7852.1, Business and Professions Code.

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 to his or her old and new address: of record, he or she shall notify the Board in writing of such change.

NOTE: Authority cited: Section 7818, Business and Professions Code. Reference: Section 7815 and 7821, Business and Professions Code.

APPROVAL AND ADOPTION OF RULEMAKING PROPOSALS RELATING TO APPLICANT FINGERPRINTING

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

The proposed adoption of Board Rules 420.1 and 3021.1 were noticed for public comment October 26, 2012. The 45-day period for the submittal of written comments ended on December 11, 2012. No public hearing was scheduled on this rulemaking proposal, and none was requested during the time period in which to request a hearing. One written comment was received during the comment period and it was originally rejected. The comment suggested that the proposed regulation is unclear regarding the requirements for fingerprinting of initial applicants versus renewal applicants.

Office of Administrative Law (OAL) reviewed the final rulemaking file and agreed with the public comment. The regulatory language did not clearly define who was and who was not supposed to provide fingerprints. The Board chose to withdraw the regulatory package and make clarifying language changes and issue a 15-day notice for comments to be heard. The 15-day period for submittal of written comments started July 9, 2013 and ended on July 24, 2013. No comments were received during the comment period.

The Board adopted the proposed language at the January 31, 2013 Board meeting. Amendments have been made to the proposed language and staff is recommending that the Board adopt the proposed changes and direct staff to finalize the rulemaking file for submittal to the Department of Consumer Affairs and the OAL for review and approval.

RECOMMENDED MOTION

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

Professional Engineers, Land Surveyors, and Geologists

Proposed Language

Add section 420.1 to Article 1 in Division 5 of Title 16 of the California Code of Regulations to read as follows:

420.1. Applicant Fingerprint Submittal.

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

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

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

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

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

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

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

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

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

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

~~(k) As used in this section, the term "applicant" shall have the meaning given to it by Section 144(c) of the Business and Professions Code, which states, "the term 'applicant' shall~~

be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category.”

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

Add section 3021.1 to Article 1 in Division 29 of Title 16 of the California Code of Regulations to read as follows:

3021.1. Applicant Fingerprint Submittal and Review.

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

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

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

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

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

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

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

~~(h) (g) This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, 7845, 7846, 7847, 7848, 7848.1, and 7884 of the Business and Professions Code.~~

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

~~(j) This section shall be operative for any and all applicants who submit applications for the October 2013 examination administration cycle. For applicants who are not required to take and pass a regularly scheduled examination pursuant to Sections~~

7847, 7848, and 7848.1 and of the Business and Professions Code, this section shall be operative for any and all applicants who submit applications on or after July 1, 2013.

(i) As used in this section, the term "applicant" shall have the meaning given to it by Section 144(c) of the Business and Professions Code, which states, "the term 'applicant' shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category."

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 144, 475, 480, 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, ~~7845~~ 7846, 7847, 7848, 7848.1, and 7884, Business and Professions Code; and Section 11105, Penal Code.

**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 ended on April 15, 2013 without receiving any comments. No public hearing was scheduled on this rulemaking proposal, and none was requested during the time period in which to request a hearing.

At the April 18, 2013 Board Meeting, the Board adopted this rulemaking proposal and directed staff to submit the proposal to the Office of Administrative Law (OAL) for review. During their review, OAL notified staff that some of the proposed language was not underlined, as required, and needed to be re-noticed for public comment with the proposed language underlined. This would make it clear to the public what language is being added. Therefore, staff withdrew the rulemaking proposal from OAL so that a 15-day notice could be sent to allow for public comment.

Section 442 is being re-noticed so that subsection (b)(5) will read: "The examination results may be voided and the application and examination fee forfeited," with the words "and examination" underlined since they are being added to the subdivision, and the underline indicating they are being added was inadvertently left out when the language was originally noticed for public comment.

Additionally, the words "and examination" were inadvertently not added to Section 3035 when the language was originally noticed, so the 15-day notice shows those words as being added.

As of August 9, 2013, the Board has not received any written comments on the 15-day notice of the proposed language. If no comments are received by the end of the public comment period on August 19, 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 re-submittal to the Office of Administrative Law for review and approval. If comments are received between August 9, 2013 and the close of the public comment period, an oral report will be provided at the 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 re-submittal to the Office of Administrative Law for review and approval.

Board for Professional Engineers, Land Surveyors, and Geologists

Proposed Language

Changes to the originally proposed language are shown by double underline for new text.

Amend section 442 of Article 3 in Division 5 of Title 16 of the California Code of Regulations to read as follows:

§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 and 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.

NOTE: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections 123, 123.5 and 496, Business and Professions Code.

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 advisement of his or her understanding of and intent to comply with 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) 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.

NOTE: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 123, 496, and 7844, Business and Professions Code.

IX.

ADMINISTRATION

- A. Board Budget Presentation Options
- B. FY 2012/13 Budget Overview and FY 2013/14 Introduction

Option 1 – Presented at November 2010 Board Meeting

A. Fund Condition (Possible Action)

The fund condition for the Engineers and Land Surveyors is identified in Attachment A and the fund condition for the Geology/Geophysicists is identified in Attachment B.

The Engineers and Land Surveyors' fund revenue received through September 30, 2010, of the fiscal year was \$4,519,770, which is a \$504,032 reduction from prior fiscal year revenue received at this time. This revenue drop is a result of both the normal renewal revenue decline that occurs every other fiscal year and the reduction in examination applications received for the October 2010 examinations.

The Geologist and Geophysicists' Fund revenue received through September 30, 2010, was \$863,768, which is a \$4,406 increase as compared to the prior fiscal year. This includes an \$11,727 increase in license renewal revenue and a drop of \$7,875 in examination applications and initial license fee revenue from the prior fiscal year. Workload and revenue statistics show this drop is a result of the declining number of applications and initial license fees received for the Geophysicist, Hydrogeologist and Engineering Geologist disciplines during the last three fiscal years.

ATTACHMENT A

Professional Engineers and Land Surveyors
 FUND CONDITION
 As of November 1, 2010

FUND CONDITION:	Prior Actual		Current	
	<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>
Total Reserves, July 1	\$ 5,530	\$ 3,982	\$ 5,330	\$ 5,301
Revenue:				
License Renewal Fees	\$ 5,395	\$ 6,308	\$ 5,425	\$ 6,405
Exam Application Fees	\$ 3,970	\$ 3,775	\$ 3,852	\$ 3,906
Delinquent Fees	\$ 59	\$ 64	\$ 64	\$ 64
Surplus Money Investment Income	\$ 136	\$ 44	\$ 50	\$ 50
Other Miscellaneous	\$ 35	\$ 32	\$ 38	\$ 38
Total Revenue:	\$ 9,595	\$ 10,223	\$ 9,429	\$ 10,463
Total Revenue & Transfers	\$ 15,125	\$ 14,205	\$ 14,759	\$ 15,764
Unreimbursed Loans to GF	\$ (2,000)			
Total Resources	\$ 13,125	\$ 14,205	\$ 14,759	\$ 15,764
Expenditures:	\$ 9,143	\$ 8,875	\$ 9,466	\$ 9,643
Reserve, June 30	\$ 3,982	\$ 5,330	\$ 5,293	\$ 6,121
MONTHS IN RESERVE	5.4	6.8	6.6	7.5

Notes:

- A. Assumes workload and revenue projections as realized for FY 20010-11 & ongoing.
- B. Assumes interest rate at 1%.
- C. Assumes appropriation growth of 2% per year.
- D. Excludes 5% workforce cap and employee salary adjustments included in Budget Act of 2010.

ATTACHMENT B

Geology and Geophysicists Fund
 FUND CONDITION
 November 1, 2010

FUND CONDITION:	Prior Actual		Current	
	2008-09	2009-10	2010-11	2011-12
Total Reserves, July 1	\$ 963	\$ 828	\$ 724	\$ 397
Revenue:				
License Renewal Fees	\$ 811	\$ 758	\$ 820	\$ 784
Application & Exam Fees	\$ 220	\$ 186	\$ 183	\$ 183
Delinquent Fees	\$ 12	\$ 14	\$ 14	\$ 14
Surplus Money Investment Income	\$ 22	\$ 5	\$ 4	\$ -
Other Miscellaneous	\$ 2	\$ 3	\$ 6	\$ 6
Total Revenue:	\$ 1,067	\$ 966	\$ 1,027	\$ 987
Total Revenue & Transfers	\$ 2,030	\$ 1,794	\$ 1,751	\$ 1,384
Unreimbursed Loans to GF	\$ -	\$ -	\$ -	\$ -
Total Resources	\$ 2,030	\$ 1,794	\$ 1,751	\$ 1,384
Total Expenditures	\$ 1,201	\$ 1,070	\$ 1,260	\$ 1,413
Reserve, June 30	\$ 829	\$ 724	\$ 491	\$ 114
MONTHS IN RESERVE	9.3	6.9	4.6	1.0

Notes:

- A. Assumes workload and revenue projections as realized for FY 2010-11 & ongoing.
- B. Assumes interest rate at 1%.
- C. Assumes appropriation growth of 2% per year.
- D. Excludes 5% workforce cap and employee salary adjustments included in Budget Act of 2010.

Option 2 – Presented at November 2011 Board Meeting

A. Fund Condition Overview:

The Engineers and Land Surveyors (PELS) Fund as of September 30, 2011:

	FY 11/12	FY 10/11
Expenditures	\$5.5 Million	\$3.8 Million
Revenue	\$5.0 Million	\$4.5 Million
Applications	7,144	7,141
Renewals	8,454	7,777

Notes: Application & Renewal stats captured since August 31, 2011.

Applications received have remained steady versus last year's figures. In addition, renewals have increased based on the cyclical nature of the PELS population. Overall, revenue should increase by \$1.1M as a result.

The Geologist and Geophysicists (GEO) Fund as of September 30, 2011:

	FY 11/12	FY 10/11
Expenditures	\$238 Thousand	\$206 Thousand
Revenue	\$95 Thousand	\$134 Thousand
Applications	59	46
Renewals	665	623

Notes: Application & Renewal stats captured since August 31, 2011.

Applications and renewals have increased versus last year's figures which will provide additional revenue for the Geology and Geophysicists Account this FY.

Option 3

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 April 2013.

The **Engineers and Land Surveyors (PELS) Fund** as of June 30, 2013 (year-end):

	FY 12/13	FY 11/12
Expenditures	\$7.0 Million	\$10.5 Million
Revenue	\$8.1 Million	\$10.1 Million
Applications	12,633	17,632
Renewals	47,667	47,847

Budget Allotment	\$9.23 Million
Projection to Year-End	\$7.00 Million
Surplus/Deficit	\$2.18 Million
Revenue (Year-End)	\$8.14 Million

Expenditures have been reduced by \$3.5 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 **Geologist and Geophysicists (GEO) Fund** as of June 30, 2013 (year-end):

	FY 12/13	FY 11/12
Expenditures	\$1.05 Million	\$1.0 Million
Revenue	\$1.05 Million	\$987 Thousand
Applications	258	333
Renewals	3,987	3,671

Budget Allotment	\$1.36 Million
Projection to Year-End	\$1.09 Million
Surplus/Deficit	\$265 Thousand
Revenue (Year-End)	\$1.05 Million

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

0770 - Board for Prof. Engineers and Land Surveyors

Analysis of Fund Condition

Prepared 8/12/13

(Dollars in Thousands)

Governor's Budget 2013-14

***\$7.0 million GF loan outstanding**
Includes FY 2012-13 year-end revenue and expenditures

Governor's
Budget
CY
2013-14

	ACTUAL 2012-13	Governor's Budget CY 2013-14	BY 2014-15
BEGINNING BALANCE	\$ 697	\$ 1,745	\$ 3,783
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 697	\$ 1,745	\$ 3,783
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 88	\$ 44	\$ 44
125700 Other regulatory licenses and permits	\$ 2,560	\$ 3,325	\$ 3,325
125800 Renewal fees	\$ 5,417	\$ 5,994	\$ 5,994
125900 Delinquent fees	\$ 57	\$ 75	\$ 75
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 7	\$ 1	\$ 1
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 8	\$ 8	\$ 8
161400 Miscellaneous revenues	\$ 1	\$ 2	\$ 2
Totals, Revenues	\$ 8,138	\$ 9,449	\$ 9,449
Transfers from Other Funds			
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2008	\$ -	\$ 2,000	\$ -
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ 500	\$ 500
Totals, Revenues and Transfers	\$ 8,138	\$ 11,949	\$ 9,949
Totals, Resources	\$ 8,835	\$ 13,694	\$ 13,732
EXPENDITURES			
Disbursements:			
8840 SCO (State Operations)	\$ 13	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 50	\$ 43	\$ -
1110 Program Expenditures (State Operations)	\$ 7,027	\$ 9,868	\$ 10,065
Total Disbursements	\$ 7,090	\$ 9,911	\$ 10,065
FUND BALANCE			
Reserve for economic uncertainties	\$ 1,745	\$ 3,783	\$ 3,667
Months in Reserve	2.1	4.5	4.3

0205 - Geology

Analysis of Fund Condition

Prepared 8/12/2013

(Dollars in Thousands)

Governor's Budget 2013-14	Governor's			
	ACTUAL	Budget	BY	
Includes FY 2012-13 year-end revenue and expenditures	2012-13	CY	2013-14	2014-15
BEGINNING BALANCE	\$ 1,041	\$ 1,037	\$ 633	
Prior Year Adjustment	\$ -	\$ -	\$ -	
Adjusted Beginning Balance	\$ 1,041	\$ 1,037	\$ 633	
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 1	\$ 1	\$ 1	
125700 Other regulatory licenses and permits	\$ 221	\$ 195	\$ 195	
125800 Renewal fees	\$ 815	\$ 753	\$ 753	
125900 Delinquent fees	\$ 14	\$ 14	\$ 14	
141200 Sales of documents	\$ -	\$ -	\$ -	
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	
150300 Income from surplus money investments	\$ 4	\$ 2	\$ 2	
160400 Sale of fixed assets	\$ -	\$ -	\$ -	
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	
Totals, Revenues	\$ 1,055	\$ 965	\$ 965	
Totals, Revenues and Transfers	\$ 1,055	\$ 965	\$ 965	
Totals, Resources	\$ 2,096	\$ 2,002	\$ 1,598	
EXPENDITURES				
Disbursements:				
8840 FSCU (State Operations)	\$ 1	\$ -	\$ -	
8880 Financial Information System for CA (State Operations)	\$ 7	\$ 6	\$ -	
BCP 1111-01 (Senior Registrar)	\$ -	\$ (15)	\$ (15)	
1110 Program Expenditures (State Operations)	\$ 1,051	\$ 1,378	\$ 1,406	
Total Disbursements	\$ 1,059	\$ 1,369	\$ 1,391	
FUND BALANCE				
Reserve for economic uncertainties	\$ 1,037	\$ 633	\$ 207	
Months in Reserve	9.1	5.3	1.7	

Budget Overview

- Introduction
- FY 2012/13 – Summary
- FY 2013/14 - Introduction

Introduction

Expenditure Authority

- Non-Discretionary
 - Salaries and Wages
 - Staff Benefits
 - Pro-Rata (DCA,DGS, SCSA, DOF, SCO)
- Discretionary
 - General Operating Expense
 - Travel
 - Training
 - Enforcement

Introduction Cont.

Revenue and Revenue Codes

- Application / License Fees
 - 125700
- Renewal Fees
 - 125800
- Delinquency Fees
 - 125900

Introduction Cont.

- **Appropriation**

- A program's annual expenditure authority approved by Governor

3-YEAR EXPENDITURES BY PROGRAM	<u>2011-12*</u>	<u>2012-13*</u>	<u>2013-14*</u>
State Operations:			
0770 Professional Engineers' and Land Surveyors' Fund	\$10,336	\$9,230	\$9,868
0205 Geology and Geophysics Account, Professional Engineer's and Land Surveyor's Fund	1,006	1,358	1,378
0995 Reimbursements	48	16	16
Totals, State Operations	\$11,390	\$10,604	\$11,262

* Dollars in thousands

- **Fund**

- A program's account where expenditures are paid and revenue is deposited

- 0770 - Engineers, 0205 – Geology

- 0995 – Investigative Cost Recovery, OIS Public Sales

0770 - Board for Prof. Engineers and Land Surveyors Analysis of Fund Condition

(Dollars in Thousands)

Prepared 8/12/13

Governor's Budget 2013-14

*\$7.0 million GF loan outstanding
Includes FY 2012-13 year-end revenue and expenditures

	ACTUAL 2012-13	Governor's Budget CY 2013-14	BY 2014-15
BEGINNING BALANCE	\$ 697	\$ 1,745	\$ 3,783
Prior Year Adjustment	-	-	-
Adjusted Beginning Balance	\$ 697	\$ 1,745	\$ 3,783

REVENUES AND TRANSFERS

Revenues:

125600 Other regulatory fees	\$ 88	\$ 44	\$ 44
125700 Other regulatory licenses and permits	\$ 2,560	\$ 3,325	\$ 3,325
125800 Renewal fees	\$ 5,417	\$ 5,994	\$ 5,994
125900 Delinquent fees	\$ 57	\$ 75	\$ 75
141200 Sales of documents	-	-	-
142500 Miscellaneous services to the public	-	-	-
150300 Income from surplus money investments	7	1	1
160400 Sale of fixed assets	-	-	-
161000 Escheat of unclaimed checks and warrants	8	8	8
161400 Miscellaneous revenues	1	2	2
Totals, Revenues	\$ 8,138	\$ 9,449	\$ 9,449

Transfers from Other Funds

FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2008	\$ -	\$ 2,000	\$ -
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ 500	\$ 500
Totals, Revenues and Transfers	\$ 8,138	\$ 11,949	\$ 9,949

Totals, Resources

	\$ 8,835	\$ 13,694	\$ 13,732
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EXPENDITURES

Disbursements:

8840 SCO (State Operations)	\$ 13	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 50	\$ 43	\$ -
1110 Program Expenditures (State Operations)	\$ 7,027	\$ 9,868	\$ 10,065

Total Disbursements

	\$ 7,090	\$ 9,911	\$ 10,065
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FUND BALANCE

Reserve for economic uncertainties

	\$ 1,745	\$ 3,783	\$ 3,667
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Months in Reserve

	2.1	4.5	4.3
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0205 - Geology Analysis of Fund Condition

(Dollars in Thousands)

Prepared 8/12/2013

Governor's Budget 2013-14

Includes FY 2012-13 year-end revenue and expenditures

	ACTUAL 2012-13	Governor's Budget CY 2013-14	BY 2014-15
BEGINNING BALANCE	\$ 1,041	\$ 1,037	\$ 633
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,041	\$ 1,037	\$ 633
REVENUES AND TRANSFERS			
Revenues:			
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Totals, Resources	\$ 2,096	\$ 2,002	\$ 1,598
EXPENDITURES			
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1110 Program Expenditures (State Operations)	\$ 1,051	\$ 1,378	\$ 1,406
Total Disbursements	\$ 1,059	\$ 1,369	\$ 1,391
FUND BALANCE	\$ 1,037	\$ 633	\$ 207
Reserve for economic uncertainties			
Months in Reserve	9.1	5.3	1.7

FY 2012/13 - Summary

Expenditures

- PELS Baseline Budget - \$9,230,000
- GEO Baseline Budget - \$1,358,000

Revenue (as of 6/30/13)

- PELS Revenue - \$8,137,563
- GEO Revenue - \$1,054,962

PROFESSIONAL ENGINEERS & LAND SURVEYORS FUND - 0770
Budget Report
Expenditure Projection

SUBJECT DESCRIPTION	FY 2011-12		FY 2012-13		PERCENT OF BUDGET SPENT	PROJECTIONS TO YEAR END	UNCUMBERED BALANCE
	ACTUAL EXPENDITURES (MONTH 13)	EXPENDITURES AS OF 6/30/2012	BUDGET ALLOTMENT	EXPENDITURES AS OF 6/30/2013			
PERSONAL SERVICES:							
Salaries and Wages							
Civil Service-Perm	1,906,746	1,906,746	2,008,116	1,894,740	94.4%	1,894,740	113,376
Temp Help (907)	70,815	68,824	101,908	59,965	58.8%	59,965	41,943
Exam Proctor (915)	0	0	116,780	3,618	3.1%	3,618	113,162
Allocated Proctor Cost	133,913	131,712	0	14,251	0.0%	14,251	(14,251)
Statutory Exempt - EO	105,923	105,923	93,686	102,610	40.3%	102,610	(9,024)
Board/Commission (910,920)	3,300	3,100	16,100	6,491	6.0%	6,491	9,609
Comm Member (911)	0	0	6,429	200	3.1%	200	6,229
Overtime (909)	2,299	2,299	14,100	3,024	21.4%	3,024	11,076
Staff Benefits	827,810	827,740	893,773	904,139	101.2%	904,139	(10,366)
Salary Savings	0	0	0	0	0.0%	0	0
TOTAL PERSONAL SVC	3,050,806	3,046,345	3,260,792	2,989,038	91.9%	2,989,038	261,754
OPERATING EXPENSE AND EQUIPMENT:							
Fingerprints	0	0	0	0	0.0%	0	0
General Expense	46,081	45,836	67,474	57,334	89.8%	57,334	142
Printing	48,377	45,958	24,312	36,749	159.4%	36,749	(14,436)
Communication	22,127	20,927	23,108	31,146	134.8%	31,144	(8,036)
Postage	77,323	77,323	36,140	74,114	210.9%	74,114	(38,974)
Insurance	135	135	0	185	0.0%	185	(185)
Travel In State	41,702	39,612	88,993	50,504	56.8%	50,505	38,488
Travel Out-of-State	0	0	0	0	0.0%	0	0
Training	130	130	13,863	655	4.7%	655	13,188
Facilities Operations	261,785	261,785	369,619	253,647	69.6%	253,647	115,972
C/P Services - Internal	326,466	319,163	23,958	4,867	20.3%	4,867	19,091
C/P Services - External	0	0	6,012	253,159	6051.1%	253,157	(248,145)
Departmental Staff Fees	28,534	28,534	836	29,014	3474.7%	29,014	(28,179)
All Other DCA Pro Rata	1,027,393	1,062,855	1,029,388	1,014,368	98.5%	1,029,388	0
Consolidated Data Center (Teale)	344	344	17,186	515	3.0%	515	16,670
Information Technology	11,736	11,736	33,266	30,339	91.2%	30,339	16,670
Central (State) Adm Pro Rata	400,548	400,548	394,941	394,941	100.0%	394,941	0
Examinations:							
Exam Supplies/Materials	567	567	0	0	0.0%	0	0
Exam Rent	131,686	131,686	363,457	478	0.1%	478	362,979
Admin - External Svs	3,734,823	3,684,823	2,230,930	253,118	11.6%	241,447	1,989,383
C/P Svs - Expert Exa	0	0	146,322	73,461	50.9%	73,461	71,861
Major Equipment	0	0	0	18,775	0.0%	18,775	(18,775)
Other Items of Expense	0	0	308	0	0.0%	0	308
Vehicle Operations	3,725	3,725	2,993	0	0.0%	0	2,993
Entertainment:							
Attorney General	600,745	508,188	608,188	654,445	107.6%	654,445	(46,257)
Office Admin, Hearing	126,404	120,654	162,611	163,044	100.3%	163,044	(433)
Evidence / Witness Fees	163,508	151,439	77,077	236,597	307.0%	236,597	(159,520)
Court Reporters	13,925	12,925	0	6,548	0.0%	6,548	(14,234)
DOI - Investigation	390,175	405,560	347,273	347,273	100.0%	347,273	0
Minor Equipment	35,588	35,588	8,000	26,423	330.3%	26,423	(18,423)
School Oversight	0	0	0	0	0.0%	0	0
Board of Control Claims	0	0	0	0	0.0%	0	0
TOTALS, OE&E:	7,493,817	7,370,027	6,063,133	4,023,699	66.4%	4,058,559	2,004,674
TOTAL EXPENSE:	10,544,623	10,416,372	9,313,926	7,012,737	75.3%	7,047,597	2,266,328
REIMBURSEMENTS:							
Scheduled	(8,000)	(16,000)	(8,000)	0	0.0%	0	(8,000)
External & Unscheduled	(8,000)	(8,000)	(8,000)	0	0.0%	0	(8,000)
Distributed Cost - Int. Geology	(68,000)	(68,000)	(68,000)	0	0.0%	0	(68,000)
TOTAL REIMBURSEMENTS:	(84,000)	(84,000)	(84,000)	0	0	0	(84,000)
NET APPROPRIATION:	10,460,623	10,332,372	9,229,926	7,012,737	76.3%	7,047,597	2,182,328
						SURPLUS/(DEFICIT):	23.64%

FUND NO. 0206

Expense Index 5100

July 31, 2013

**GEOLOGISTS AND GEOPHYSICISTS PROGRAM
BUDGET REPORT
EXPENDITURE PROJECTION**

MONTH 12

FY 2012-13

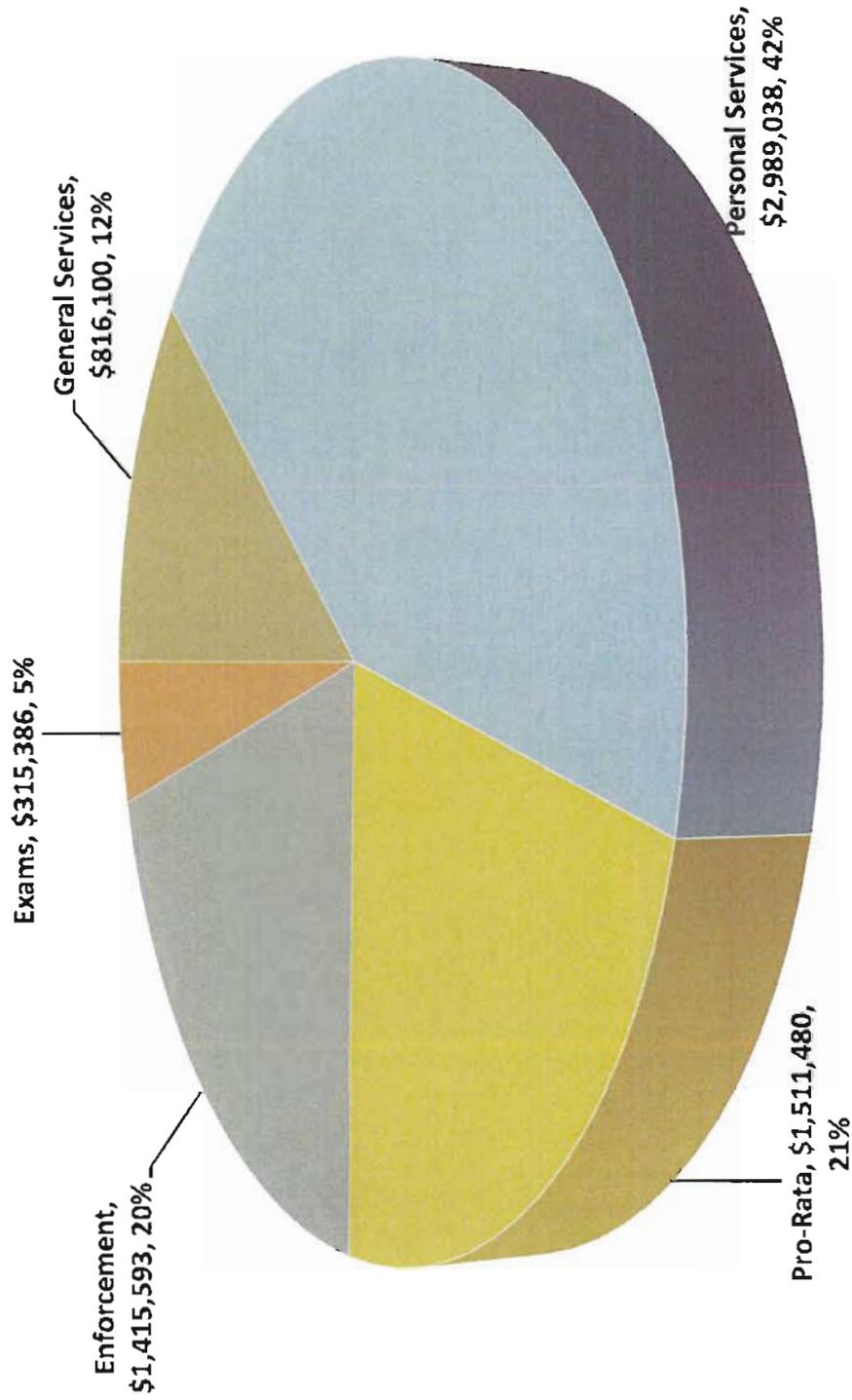
PERCENT UNENCUMBERED
OPENY BALANCE

OBJECT DESCRIPTION	FY 2011-12 ACTUAL EXPENDITURES (MONTH TO)	FY 2011-12 PY EXPENDITURES \$/MO	CY EXPENDITURES \$/MO	PERCENT OPENY SPENT	FY 2012-13 PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES:						
Salaries and Wages	174,606	174,606	209,071	92.2%	209,071	17,637
Civil Service-Perm	2,400	2,400	2,400	0.0%	2,400	16,533
Statutory Exempt	19,165	18,894	16,737	202.1%	16,737	(8,455)
Temp Help (907)	700	700	900	0.0%	900	(900)
Allocated Proctor Cost	1,557	1,557	1,096	0.0%	1,096	(1,096)
Board/Commission (910,920)	60,287	60,287	111,373	94.1%	111,373	6,932
Committee Member (911)	0	0	0	0.0%	0	0
Overtime (909)	0	0	0	0.0%	0	0
Staff Benefits	0	0	0	0.0%	0	0
Salary Savings	0	0	0	0.0%	0	0
TOTAL PERSONAL SVC	278,715	278,444	339,177	91.1%	341,577	30,651
OPERATING EXPENSE AND EQUIPMENT:						
General Expense	7,903	7,903	3,205	20.1%	3,206	12,741
Fingerprint Reports	3,583	3,395	2,520	92.3%	2,519	212
Printing	922	722	1,212	19.3%	1,214	5,061
Communication	8,323	8,323	9,793	262.5%	9,800	(6,069)
Postage	0	0	0	0.0%	0	0
Insurance	15,342	14,642	8,969	628.5%	8,977	(7,550)
Travel In State	0	0	0	0.0%	0	0
Travel, Out-of-State	0	0	250	11.2%	250	1,981
Training	0	0	6,800	75.5%	6,800	2,208
Facilities Operations	0	0	59,100	0.0%	59,100	59,100
C & P Services - Interdept	40,668	42,543	1,511	170.7%	2,580	(1,069)
C & P Services - External	13,740	13,817	32,134	100.0%	32,134	0
DP Billing (OIS)	88,000	68,000	42,155	100.0%	42,155	0
Indirect Distributed Cost (OAS & ISO)	205,476	146,238	170,558	0.0%	276,124	(276,124)
Interagency Services	30	37	0	0.0%	0	25,761
Interagency Agreement (OER)	0	0	0	0.0%	0	0
DOI Prorata	844	873	2,924	0.0%	2,924	(68)
Public Affairs Office	44	44	16	100.0%	16	0
Consumer & Comm Rel. (CCED)	0	0	0	0.4%	0	4,050
Consolidated Data Center (Teale)	0	0	0	0.0%	0	4,108
Data Processing Maint/Supplies	0	0	0	0.0%	0	0
Central Admin Pro Rata	61,036	61,036	57,695	100.0%	57,695	0
EXAMINATIONS:						
Exam Supplies/Materials	1,440	1,440	142	0.0%	142	142
Exam Rent - Non State	149,172	149,172	5,153	0.0%	5,153	5,153
Administrative External Svcs	115,459	104,853	168,307	46.8%	101,306	258,629
C/P Svcs - Ext Expert Examiners	628	828	158,654	143.8%	158,654	(48,335)
C/P Svcs - Sub Matter Experts	0	0	0	0.0%	0	0
Major Equipment	1,435	1,435	0	0.0%	0	0
Minor Equipment	0	0	0	0.0%	0	0
Special Adjustments	0	0	0	0.0%	0	0
ENFORCEMENT:						
Attorney General	810	570	7,148	3.3%	7,148	208,185
Office Admin. Hearing	298	298	264	3.4%	264	7,519
Evidence / Witness Fees	35,619	35,094	23,622	202.5%	23,622	(11,955)
Court Reporters	0	0	0	0.0%	0	0
DOI Investigation	0	0	4,354	100.0%	4,354	0
School Oversight	0	0	8,876	0.0%	8,876	(8,876)
TOTALS, OE&E:	730,972	661,263	712,037	72.3%	760,618	234,750
TOTAL EXPENSE:	1,009,687	939,707	1,051,214	77.4%	1,092,195	265,401
Sched. Reimb. - Other	0	0	0	0.0%	0	0
Sched. Reimb. - Fingerprints	0	0	0	0.0%	0	0
Unsched. Reimb.	0	0	0	0.0%	0	0
TOTAL REIMBURSEMENTS:	0	0	0	0.0%	0	0
NET APPROPRIATION:	1,009,687	939,707	1,051,214	77.4%	1,092,195	265,401
						19.56%

Mos. Remaining: 0

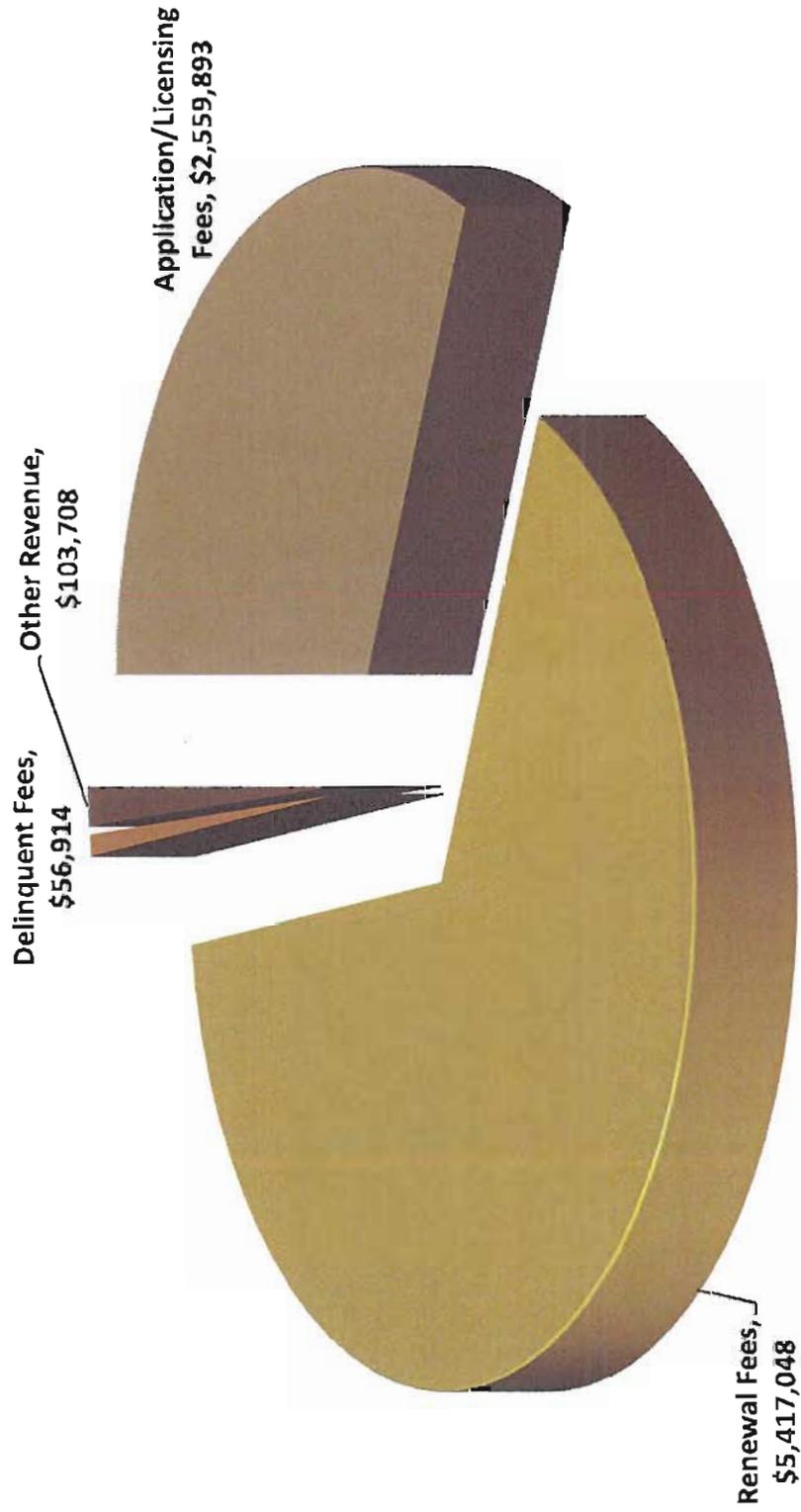
SURPLUS/(DEFICIT):

FY 2012/13 – PELS Expenditures



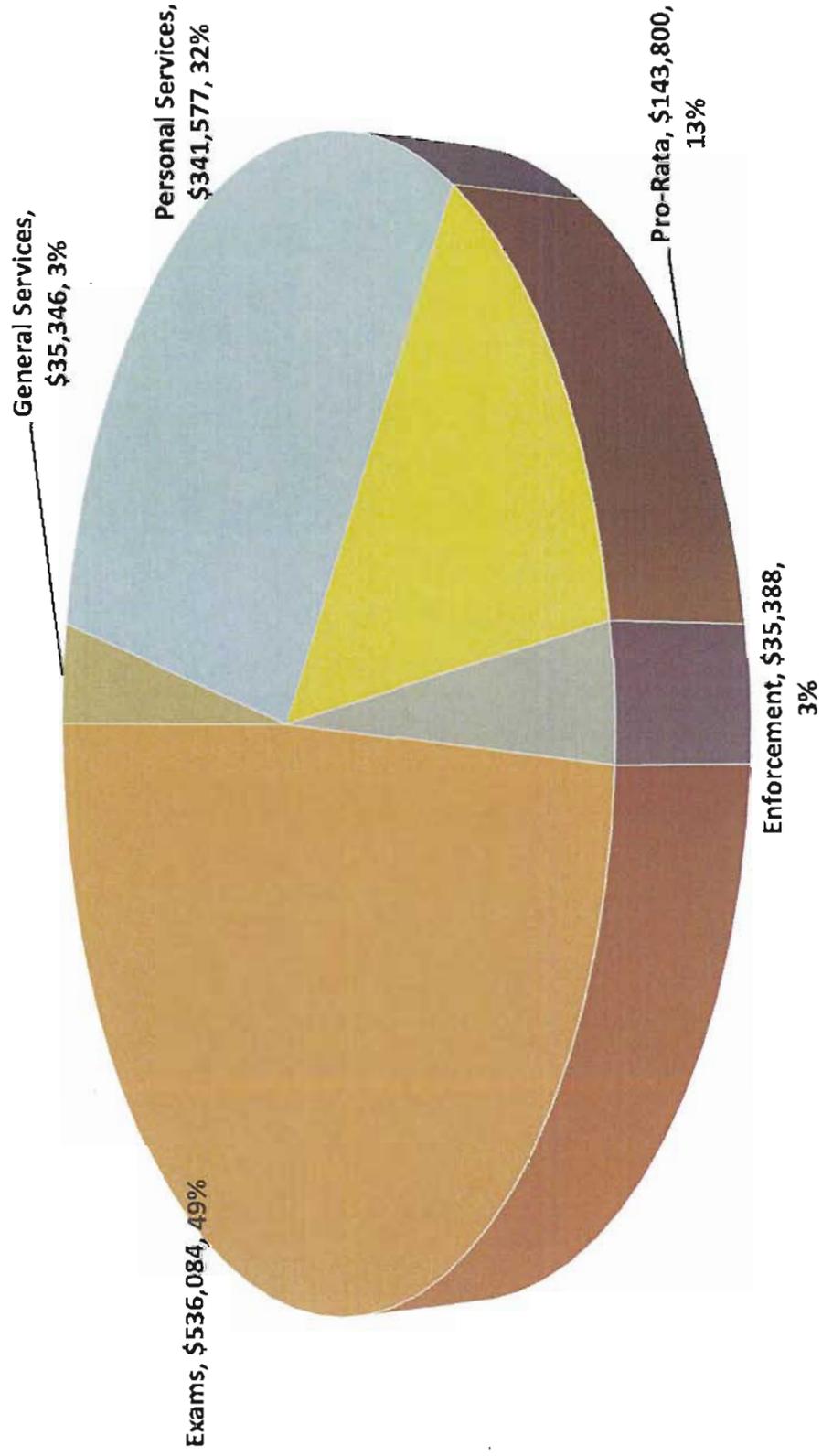
Notes: FY 2012-13 expenditures - \$7,047,597

FY 2012/13 - PELS Revenue



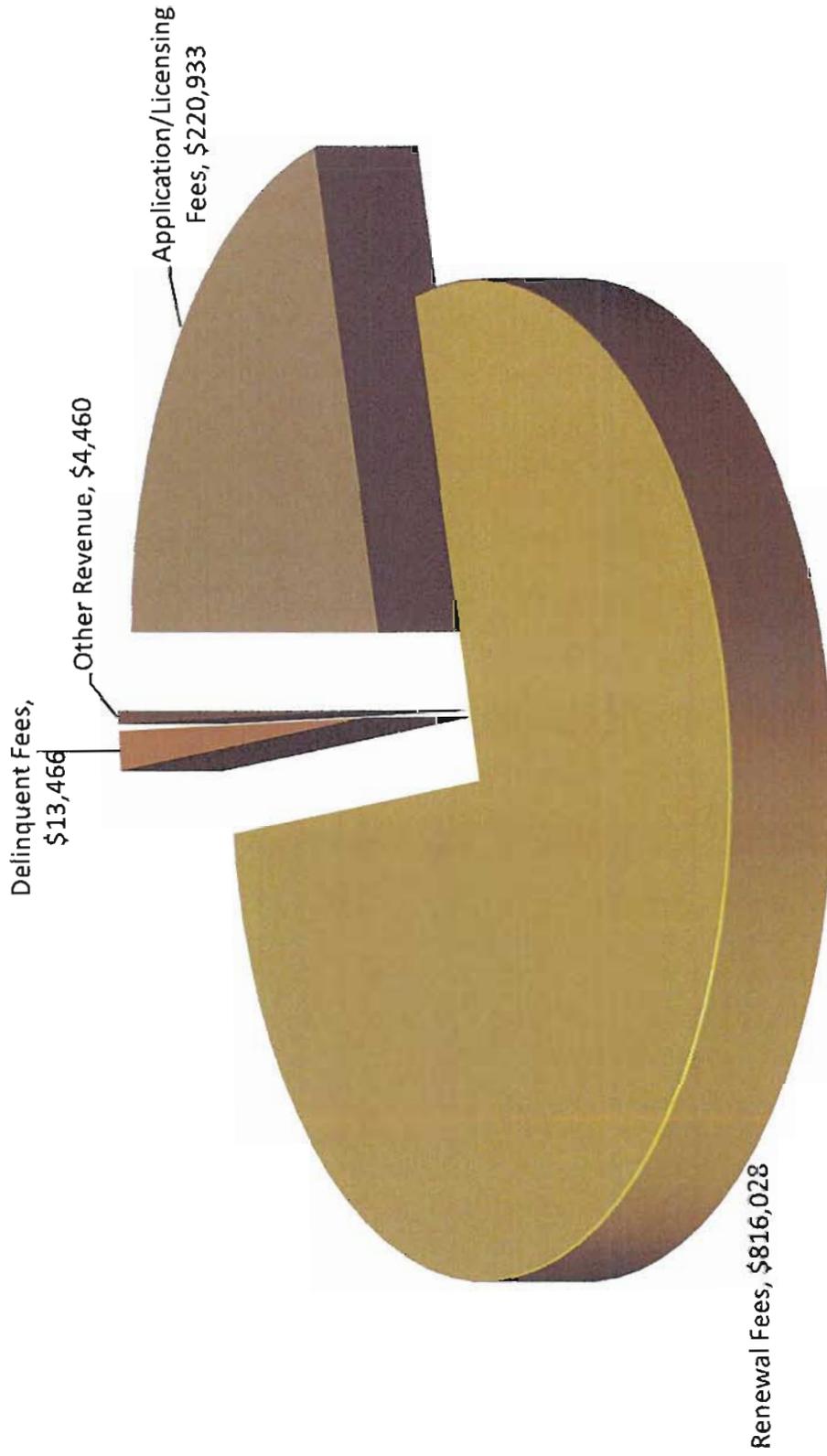
Projected Revenue: \$8,137,563

FY 2012/13 – GEO Expenditures



Notes: FY 2012-13 expenditures - \$1,092,195

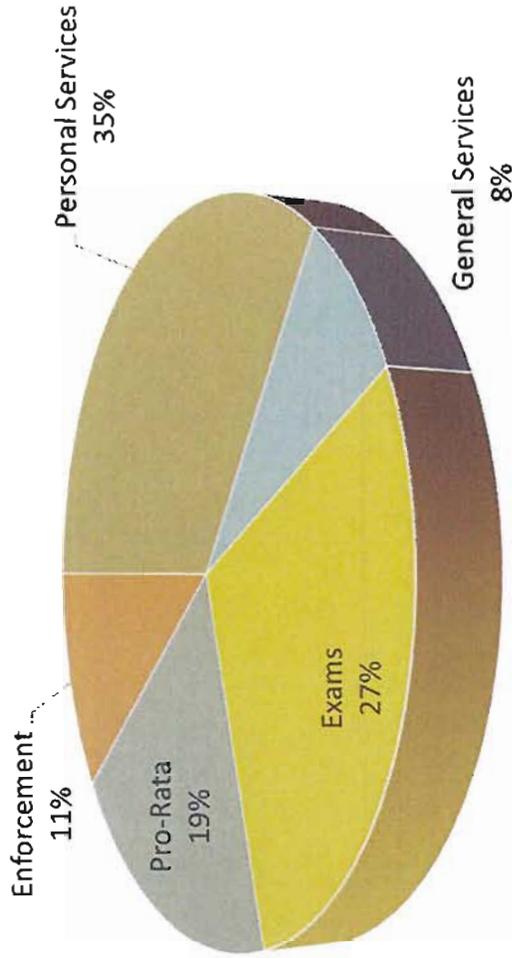
FY 2012/13 – GEO Revenue



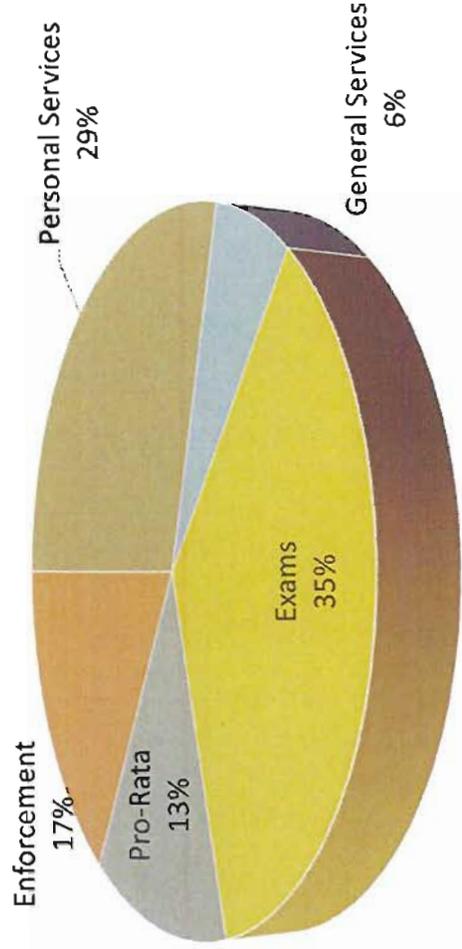
Projected Revenue: \$1,054,962

FY 2013/14 Introduction

PELS Fund	
Personal Services	\$3,437,262
General Services	\$773,840
Exams	\$2,739,609
Pro-Rata	\$1,895,311
Enforcement	\$1,105,978
Subtotal	\$9,952,000
Reimbursements	(\$84,000)
Total	\$9,868,000



GEO Account	
Personal Services	\$401,935
General Services	\$88,874
Exams	\$475,549
Pro-Rata	\$176,859
Enforcement	\$234,783
Total	\$1,378,000



Questions?



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

- A. Board Assignments to TACs
- B. Appointment of TAC Members
- C. Reports from the TACs
 - 1. Civil TAC
 - a. Discussion and Possible Recommendation Regarding Request to Amend Title 16, California Code of Regulation section 424 (Experience Requirements – Professional Engineers)
 - b. Discussion and Possible Recommendation Regarding Request to amend Business and Professions Code section 6731 (Civil Engineering Defined)
 - 2. Joint TAC
 - a. Evaluation of Subsurface Utility Engineering (Locating) pertaining to Business and Professions Code, sections 6731, 6731.1, 7802.1, and 8726.
- D. Approval of Proposed 2013/2014 Workplans

**APPOINTMENT OF NEW STRUCTURAL ENGINEERING TECHNICAL ADVISORY
COMMITTEE MEMBERS**

MOTION: To recommend for approval by the Board the individuals named below for appointment to the Structural Engineering Technical Advisory Committee (SE-TAC) for the terms specified:

Mr. Alireza Asgari, PhD, SE (term to expire 6/30/15)

Mr. Ryan Huxley, SE (term to expire 6/30/15)

REPORT: There are currently two vacant positions on the Structural Engineering Technical Advisory Committee (SE-TAC). Board member Carl Josephson has nominated Alireza Asgari of Sacramento and Ryan Huxley of San Diego for appointment to the SE-TAC.

Mr. Asgari has been a licensed structural engineer since January of 2009 and a licensed civil engineer since June of 2005. He is currently employed by OSHPD in Sacramento where he reviews seismic evaluation reports and structural computer models. Mr. Asgari has previous experience in structural analysis, structural and seismic design and detailing of buildings, and evaluation of existing structures for retrofit plans.

Mr. Huxley has been a licensed structural engineer since January of 2005 and a licensed civil engineer since July of 1999. He is currently employed by the California Department of General Services, Division of the State Architect. Mr. Huxley has nearly two decades of public sector regulatory and private residential and commercial design experience. He has also served as a subject matter expert for structural engineering licensure examinations at both the state and national level.

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

RECOMMENDATION:

Mr. Alireza Asgari, PhD, SE be appointed as a member of the Structural Engineering Technical Advisory Committee for the term requested.

Mr. Ryan Huxley, SE be appointed as a member of the Structural Engineering Technical Advisory Committee for the term requested.



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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July 24, 2013

State Mining & Geology Board
Stephen M. Testa, Executive Officer
801 K Street, Suite 2015
Sacramento CA 95814

Re: Practice of Geology & Geophysics - Formal Collaboration Efforts

Stephen,

At its June 13, 2013 meeting, Board Members from the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) discussed formalizing collaborative efforts with the State Mining & Geology Board (SMGB), particularly pertaining to areas of practice that are impacted by, or that can impact, licensing requirements for Geologists, Geophysicists, and related certificate holders.

I appreciate the efforts you have made by previously attending a couple of our Geologists and Geophysicists Technical Advisory Committee (TAC) meetings over the last two years, including the February 7, 2012 TAC meeting at which you presented an update of *Guidelines and Policies Pertaining to Professional Standards of Practice of Geology*.

Our TAC has subsequently discussed SMBG working in collaboration with BPELSG to update and resurrect several policies and DMG notes during several meetings, one of which you attended. I believe this can be best accomplished by maintaining an open communication link between our two boards, with the communications to the boards being respectively funneled through you and I.

One avenue that may be advantageous for us at the outset would be to attend each other's board meetings and technical advisory meetings on a regular basis. I most likely will encourage Erik Zinn, our Geologist Board Member, or a current member of our TAC to accompany me to any SMGB meetings to help further our communication.

I look forward to working together with you and SMGB towards the common mission of ensuring that the public is protected with respect to the practice of geology and geophysics in California. Please feel free to contact me directly at any time at (916) 263-2285 or by email at Ric.moore@dca.ca.gov.

Respectively,


Richard B. Moore, PLS
Executive Officer

Cc: Erik N. Zinn, PG, CEG – 2013-14 Board President

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**PROPOSED
WORK PLAN
TECHNICAL ADVISORY COMMITTEE (PROFESSIONAL CIVIL ENGINEER)****INTRODUCTION**

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

YEAR PLAN

1. To assist the Board staff in the review of applications for licensure as a Professional Civil Engineer.
2. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practice of civil engineering and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of civil engineering, and to advise the Board staff upon review of such enforcement cases.
4. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
5. To review proposed legislation that would affect the practice of civil engineering.
6. To review ABET matters regarding the practice of civil engineering when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding civil engineering when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.
9. To assist the Board as directed.

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www.bpelsg.dca.ca.gov**YEAR PLAN - 2012/2013
TECHNICAL ADVISORY COMMITTEE (GEOLOGY AND GEOPHYSICS)**

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.

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**PROPOSED
WORK PLAN
TECHNICAL ADVISORY COMMITTEE (PROFESSIONAL LAND SURVEYOR)****INTRODUCTION**

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

YEAR PLAN

1. To assist the Board staff in the review of applications for licensure as a Professional Land Surveyor.
2. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practice of land surveying and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of land surveying, and to advise the Board staff upon review of such enforcement cases.
4. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
5. To review proposed legislation that would affect the practice of land surveying.
6. To review ABET matters regarding the practice of land surveying when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding land surveying when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.
9. To assist Board staff with recommended changes to Corner Record requirements as specified in Board Rule 464.
10. To assist Board staff in the review of Board Rule 425 - Responsible training and educational requirements and make recommended changes to meet practice standards.

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**PROPOSED
WORK PLAN
STRUCTURAL ENGINEER - TECHNICAL ADVISORY COMMITTEE****INTRODUCTION**

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

YEAR PLAN

1. To assist the Board staff in the review of applications for licensure as a Structural Engineer.
2. To help clarify existing laws, rules, and regulations regarding the practice of structural engineering and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of structural engineering, and to advise the Board staff upon review of such enforcement cases.
4. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
5. To review proposed legislation that would affect the practice of structural engineering.
6. To review the results of the NCEES Structural Engineering Exam, evaluate whether or not the exam is adequate for the needs of California, and make recommendations to the Board.
7. Review ABET matters regarding the practice of structural engineering when referred by the Board.
8. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding structural engineering when referred by the Board.
9. To coordinate with the Board's other Technical Advisory Committees as required by the Board.
10. To assist Board staff in the review and application of Board Rules 426.10 through 426.14 regarding qualification requirements and qualifying experience for licensure as a Structural Engineer.

XI. **LIAISON REPORTS**

- A. ASBOG
- B. ABET
- C. NCEES
- D. Technical and Professional Societies

XII.

CLOSED SESSION

A. Civil Litigation

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

XIII. **OPEN SESSION TO ANNOUNCE THE RESULTS OF CLOSED SESSION**

XIV. **PRESIDENT'S REPORT/BOARD MEMBER ACTIVITIES**

XV.

APPROVAL OF CONSENT ITEMS



Approval of the Minutes of the June 13, 2013, Board Meeting

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

2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

Thursday, June 13, 2013
Beginning at 10:00 a.m.

Board Members Present: Paul Wilburn, President; Erik Zinn, Vice President; Diane Hamwi; Carl Josephson; Coby King; Mike Modugno; Hong Beom Rhee; Ray Satorre; Jerry Silva; and Patrick Tami

Board Members Absent: Kathy Jones Irish; Philip Quartararo; Robert Stockton; and Michael Trujillo [All absent due to pre-disclosed reasons.]

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

I. **Roll Call to Establish a Quorum**

The meeting was called to order by President Wilburn at 10:10 a.m. Roll Call was taken, and a quorum established.

II. **Public Comment**

Emmitt Miller from Lafayette commented on the issues encountered with the Bay Bridge project. He noted numerous implications made by outside experts and acknowledged by those in charge. He pointed out the various defects that have been encountered during the build and inquired if there is cause for enforcement action, and if action has not been taken, why. He encouraged the Board to investigate media reports of negligence and incompetence. He shared a list of 27 articles for Board review and provided some history from the 1928 St. Francis Dam. He asked if the PE Act was in place during the construction of the Dam, would the Board have acted before the collapse. Mr. Miller is a P.E. but is speaking as a concerned citizen.

Mr. Moore read a letter into public comment from King Kaul, civil engineering comity applicant, regarding his examination experience. Mr. Tami suggested special accommodations for Mr. Kaul. Mr. Moore will be advising him of that option. Mr. Modugno understands the concern with computer based testing with respect to Mr. Kaul's age; however, he must pass the exam as there are no waivers.

President Wilburn welcomed Diane Hamwi and Coby King as the new members of the Board.

III. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2013:

Ms. Arnold introduced herself to the new Board members and reported on the following legislation:

AB 186 –Professions and vocations: military spouses: temporary licenses. This bill would authorize a board within DCA to issue a temporary license for 12 months to an applicant who meets certain requirements.

STATUS: Introduced 1/28/13. Last amended 5/24/13. Passed ASM Appropriations 5/24/13 – to SEN.

BOARD POSITION: Oppose unless amended

Mr. Duke drafted language and provided a copy to the author's office and the Senate Business, Professions, and Economic Development Committee.

AB 1057 – 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 – commencing January 1, 2015.

STATUS: Introduced 2/22/13, amended 4/9/13. Passed Assembly. To be heard in SEN B,P&ED Committee 6/10/13.

BOARD POSITION:..Watch

AB 1063 –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.

STATUS: Introduced 2/22/13. Last amended 5/6/13. Heard in ASM Appropriations 5/24/13 – held under submission.

BOARD POSITION: Oppose unless amended

This bill is now a two-year bill at the request of ACEC, the sponsor of the bill.

SB 152 –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.

STATUS: Last amended 4/8/13. Passed out of SEN BP&ED Committee 4/1/13. Passed out of SEN Appropriations 4/15/13 - on consent. To be heard in ASM B,P & CP Committee 6/11/13.

BOARD POSITION: Support

Ms. Arnold indicated that it is moving through appropriations.

SB 207 – 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. This is a Board-sponsored bill.

STATUS: Introduced 2/8/13. Scheduled to be heard in SEN BP&ED Committee 4/15/13 - bill pulled by author. This is a two-year bill.

BOARD POSITION: Support

SB 679 – Licensees: reporting requirements. (Amend Sections 6770, 6770.1, 6770.2, 8776, 8776.1, and 8776.2 of the B&P Code) This bill would revise the amount for a licensed engineer or Land surveyor to report a civil action judgment, settlement, arbitration award, or administrative action to the Board from "\$50,000 or more" to "more than \$50,000." It also reduces the reportable amount of any civil action judgment or binding arbitration award or administrative action of \$25,000 or greater.

STATUS: Introduced 2/22/13. Amended 4/8/13. Passed out of SEN. To be heard in ASM B,P&CP Committee 6/11/13 and then Judiciary Committee.

BOARD POSITION: Watch

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 license" for geologists and geophysicists. Language provided by the Board.

STATUS: Introduced 3/20/13. Amended 4/22/13. Passed out of SEN. To be heard in ASM.

BOARD POSITION: Support

B. Strategic Plan Update

Mr. Alameida reported on the five main goals within the strategic plan. The chart in the agenda packet shows a breakout of the three-year plan,

indicating what has been completed, what is in progress, or what is remaining. Based on comments made at the April 18 Board meeting, Board members asked for quantifiable measurements and dates of when items were completed in lieu of a checkmark.

Mr. Silva would like a running list to add to the Strategic Plan as to not lose the items discussed and pointed out that the newsletter has not been produced in a while and inquired as to the delay. He believes that it is a great opportunity to highlight what the Board is doing. Mr. Moore indicated that Mr. Phayer has been assigned with the task to coordinate deadlines for the Board Bulletin.

- C. **Personnel** – President Wilburn reported that the Board hosted the NCEES Western Zone meeting in San Francisco in April 2013. It was a large undertaking, and he recognized several staff members for their efforts in making it possible. He thanked Linda Brown, Ray Mathe, Nancy Eissler, Michael Donelson, and Celina Calderone, who did everything necessary to ensure that all ran smoothly. He particularly thanked Brooke Phayer for his diligence in coordinating the meetings and activities and presented Mr. Phayer with a Certificate of Appreciation.
- D. **Administrative Task Force** – Mr. Moore reported that the task force has met twice since April. Currently, their main concern is with the aging of enforcement cases. The Task Force is comprised of two former Board members, enforcement staff, and Mr. Moore. They have analyzed the data that the enforcement staff has assembled. A group of investigation cases completed between January and March of 2013 were reviewed. Recommendations were made that staff is working on implementing. Some of the recommendations are as follows:
- One of the concepts is the implementation of a tracking system that is designed to monitor the status of investigation. Each analyst handles around 50 cases at any given time which can be in various stages. They recommended keeping the status in front of them at all time. The tools should be useful without being too cumbersome to maintain.
 - Another suggestion is to monitor adjustments in the workload volumes to balance the load. Consider an unlicensed case coordinator to encourage monitoring of unlicensed cases.
 - Suggest using internal staff more effectively to handle general inquiries about the practice and utilizing TAC members in a similar role.
 - Establish timeframe criteria on whether a complaint is within the Board's jurisdiction prior to opening a case.
 - Create a checklist to communicate with independent experts to assist in making sure we are tracking the experts and their role within the case.

- Consider implementing a regular case monitoring meeting to help with review cases that are not meeting their goals.
- Work out a schedule to regularly monitor cases with the Attorney General's Office.

Ms. Eissler added that the idea of utilizing TAC members to assist with reviewing the legal reporting cases was to focus on what information should be obtained from the licensee. Both Jim Foley and Gregg Brandow, members of the Administrative Task Force, have offered to help with that as well.

Mr. Satorre suggested a written summary for members to follow along. Mr. Moore acknowledged his request, and will provide a status report at the August Board meeting.

XV. Nomination and Election of President and Vice President for Fiscal Year 2013-2014

MOTION: Mr. Silva and Mr. Josephson moved to elect Mr. Zinn as President and Ms. Jones Irish as Vice-President.

President Wilburn inquired if there were any other nominations. Since there were none, the voting continued.

VOTE: 10-0, Motion Carried

Mr. Satorre requested term expiration dates for the Board Members. Ms. Eissler read them from the Board's website.

IX. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

A. Civil Litigation

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

B. Executive Officer Performance Evaluation

11:34 a.m. Mr. Silva left the meeting during closed session due to a pre-disclosed reason.

11:34 a.m. Mr. Satorre left the meeting during closed session and did not return.

X. Open Session to Announce the Results of Closed Session

Mr. Duke reported that the Board considered the evaluation of the Executive Officer as well as took action on five proposed decisions, and Ms. Eissler reported that the Board also took action on several stipulations and discussed the two lawsuits as noticed.

XII. Technical Advisory Committees (TACs)

A. Board Assignments to TACs

No assignments made.

B. Appointment of TAC Members

1. Reappointment of Mark Riches and William Owen to Geologist and Geophysicist TAC

MOTION: Mr. Zinn and Mr. Tami moved to reappoint Mark Riches and William Owen to the Geologist and Geophysicist TAC for a second term.

VOTE: 8-0, Motion Carried

MOTION: Mr. Zinn and Mr. Josephson moved to reappoint Williston Warren to the Structural TAC.

VOTE: 8-0, Motion Carried

VII. Consideration of Rulemaking Proposals

B. Adoption of Proposed Amendments to Title 16, California Code of Regulations Sections 475, 476, and 3065 (Codes of Professional Conduct)

Mr. Kereszt reported that on March 22, 2013, the regulation was noticed for public comment. There were no comments during the 45-day comment period. The next course of action is to prepare the final rulemaking package and submit it to the Department of Consumer Affairs and the Office of Administrative Law for review and approval.

MOTION: Mr. Tami and Mr. Zinn moved to adopt the proposed changes.

VOTE: 8-0, Motion Carried

MOTION: Mr. King and Mr. Tami moved to delegate to the Executive Officer the authority to finalize and submit the rulemaking file to the Office of Administrative Law.

VOTE: 8-0, Motion Carried

VI. Approval of Delinquent Reinstatements

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

VOTE: 8-0, Motion Carried

VII. Reconsideration of Decision Regarding Delinquent Reinstatement Application of Dennis Reid

Ms. Eissler reported that the Board issued a decision granting reinstatement to someone whose license has gone delinquent conditioned upon his taking and passing the licensing examination again. When the applicant received the decision, he made a request, through his attorney, asking that the decision be changed to not require him to take and pass the licensing examination because he believes he is still technically competent since he has been performing mechanical engineering work during the period of delinquency. Ms. Eissler noted that he falls under the industry exemption and, therefore, did not need a license and was not practicing illegally at the time. In addition to the letter from the attorney that was included in the agenda packet, they also provided a binder of exhibits for review.

Mr. Donelson explained the reinstatement process and added that this applicant has been delinquent for 21 years; however, in the applicant's work area, it is considered exempt because he is doing research and development for and manufacturing of specialized transmissions for race cars/racing purposes. Mr. Donelson's concerns lie with the length of his delinquency. Mr. Duke pointed out that the laws do not specify a period of time after which the license cannot be reinstated without taking and passing the examination; therefore, the period of time the license has been delinquent cannot be the sole factor in deciding that the applicant must take and pass the licensing examination in order to reinstate a delinquent license. Mr. Duke noted that the law requires the applicant to demonstrate, to the Board's satisfaction, that he is currently competent to practice in the discipline in which he was licensed.

Mr. Tami expressed concern with the applicant's knowledge in other areas of mechanical engineering as described in the PE Act. Mr. Moore suggested that the Board might want to ask Mr. Reid to personally attend a Board meeting so that the Board members could discuss his experience with him. President Wilburn directed staff to invite Mr. Reid to attend an upcoming meeting. This item was continued until a future meeting.

XVII. Approval of Consent Items

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the April 18, 2013, Board Meeting

MOTION: Mr. Tami and Mr. Zinn moved to approve minutes.

VOTE: 6-0-2, Motion carried, Mr. King and Ms. Hamwi abstained.

2:30 p.m. Mr. King left the meeting due to a pre-disclosed reason. There was no longer a quorum.

F. Discussion of Plastic ID Cards

Due to a lack of a quorum, this item was deferred to the August meeting.

III. Executive Officer's Report (Continued)

E. BreEZe Status Update

Mr. Moore explained BreEZe to the new Board members. The first phase was scheduled for July 2012, and Release III, which is the phase the Board is in, was scheduled for September 2013. He explained Release I has not yet started, and so there is currently about a year delay in transitioning to the new tracking system. BreEZe will be a standing item under the Executive Officer's Report to keep everyone up to date as workload will increase when Release I is introduced. Mr. Donelson reported that the Board's current system is antiquated. It currently incorporates two different systems, CAS and ATS. The new system will take both current systems and combine them into a web browser-type system. His estimation for production is 2014-15. Release I is tentatively scheduled for August 2013, but that date has been postponed in the past.

Mr. Alameida indicated that when the system goes live, the Board will begin a five-year payback period of costs. The Board will not see a drastic amount of costs in the beginning. Since there has been a delay, a portion of the costs have affected the budget. The dollars are built into our appropriation. At the end of the year, because the system has not begun, the Board will receive a reimbursement of those costs. The average annual cost for PELS is \$277,000.00 and \$2,000.00 for the Geology Program. There is an annual maintenance fee that goes into effect in five years, which for PELS is \$15,000.00 and \$200.00 for Geology. In addition to renewals, it will allow a credit card feature for application fees, delinquencies, etc. which is a separate project but combined with the implementation of BreEZe.

Mr. Donelson noted that the resource requirements will be great. It is anticipated that there will be considerable staff time dedicated to make sure that it is programmed, tested, and approved prior to production.

XI. Administration

A. Board Budget Presentation Options

Due to a lack of a quorum, this item was deferred to the August meeting.

B. FY 2012/13 Budget Overview

Mr. Alameida reviewed the PELS fund and the Geology fund. It identified the expenditures and revenue as of April 30, 2013. In addition, he discussed the budget allotment, projection to year-end, and surplus/deficit. The \$2 million loan payback is scheduled for 2013-14 which will then go into reserve.

IV. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler presented the statistics. She indicated that there are still variations with case aging between meetings. Many are going through the Attorney General's Office. It will still be a while that the aging will increase as old cases go through the process. Mr. Moore reported that the Enforcement Program was able to utilize their entire appropriation without any of the appropriation being borrowed by another program.

B. Posting of Enforcement Actions on the Board's Website

Ms. Eissler suggested deferring this item to the August meeting as both Ms. Jones Irish and Mr. Satorre, who had requested this item be placed on the agenda for discussion, were not present. President Wilburn directed this item be included on the next meeting agenda.

V. Exams/Licensing

A. Spring 2013 Examinations Update

Ms. LaPerle reported that the pass rates for the geology examinations were in line with other states. There was a 74% pass rate for California applicants for the National ASBOG exams.

Mr. Mathe indicated that the State CBT examinations for civil engineering and land surveying went better than normal, and the administration was a positive experience overall. He reported that 78 out of 142 candidates passed the NCEES structural lateral forces for a 55% pass rate, and 76 out of 146 candidates passed the NCEES structural vertical forces for a 52% pass rate.

Mr. Mathe also reported that the timeframe for the release of the State Land Surveyor exam results was 32 days, and the State Civil Engineer examination results was 28 days.

B. EIT/LSIT Certification Update

Mr. Moore reported that in October 2012 the Board went to the process of allowing the Fundamentals of Engineering and Fundamentals of Surveying candidates to take the examination prior to applying to the California Board for certification. As of the end of May, 85% of passing FE candidates and 86% of FS candidates have applied for certification and have been certified. He added that outreach is continually being conducted to remind the candidates to apply for certification once they pass the examination.

C. EIT/LSIT Certificate Process Discussion

Due to a lack of a quorum, this item was deferred to the August meeting.

D. Licensing Statistics

Mr. Donelson reported that in the month of May, 1,886 credit card renewals were processed. Updates made to the renewal notice helped generate numerous online renewals.

He also reported that from January 1, 2013 through May 31, 2013, a total of 148 licenses were issued by comity.

Mr. Donelson presented a graph that indicated the average length of licensure by discipline from the time it was issued to its expiration.

Mr. Phayer revealed the new wall certificates. Mr. Moore indicated that there were complaints that the existing certificates were not lined up properly, and the seal was difficult to see. Therefore, the Board office will now be responsible for the printing of the wall certificates, rather than being printed by another agency. This is expected to begin for those candidates who passed the spring examinations.

VII. Consideration of Rulemaking Proposals (Continued)

A. Update on Board Rules 420.1 and 3021.1 (16 CCR 420.1 and 3021.1), Engineers, Land Surveyors, Geologists, and Geophysicists Applicants Fingerprints

Mr. Alameida reported that the Office of Administrative Law is currently reviewing, and the reviewing attorney has indicated that it should be approved and filed with the Secretary of State by August 31, 2013, so that the regulations would become effective October 1, 2013.

Ms. Eissler explained there are mandatory fees for the Department of Justice, the FBI, and Live Scan. A fourth fee goes to the facility where the Live Scan is administered. However, these are one-time fees that the applicant pays. Once the applicant has provided fingerprints and been placed in the system for criminal history reports to be sent to the Board, the applicants do not have to provide fingerprints again, nor do they have to pay any further fees.

Mr. Moore indicated that a license will not be issued until the Board receives and investigates a report from the Department of Justice.

XII. Technical Advisory Committees (TACs) (Continued)

C. Reports from the TACs

Mr. Zinn reported that the Geology & Geophysics TAC discussed formalizing interaction with the State Mining and Geology Board. He indicated that there are specific outdated notes that need to be updated. He requested that the Board initiate correspondence with the Executive Officer of the State Mining and Geology Board. Mr. Moore indicated that he will draft a letter for review by the Board President.

D. August 27, 2013 Joint TAC Meeting

Mr. Moore reported that there will be a joint meeting of the Civil Engineering, Land Surveying, and Geology & Geophysics TACs on August 27, 2013, the day before the next Board meeting, in Riverside, CA. Geology & Geophysics TAC member Bill Owen presented a report at the January 2013 Board meeting pertaining to Subsurface Utility Location. The Board directed staff to pursue an evaluation of this topic with the assistance of the Civil Engineering, Geology & Geophysics, and Land Surveying TACs and report their findings to the Board.

Mr. Zinn would like to discuss the general overlap between civil engineering, geology, and land surveying as well.

Mr. Modugno inquired as to the existence of a mechanical or electrical TAC. Mr. Moore stated that there was not one at this time. Mr. Modugno indicated that there could possibly be an issue coming up with the Field Act.

XIII. Liaison Reports

A. ASBOG

Mr. Moore reported that an out-of-state travel request has already been initiated for funding to attend the National ASBOG meeting.

B. ABET

No report given.

C. NCEES

1. Propose Amendment to NCEES Policy Regarding Number of Funded Delegates

Mr. Moore indicated that there are two representatives of other boards who are running for NCEES President Elect. Mr. Duke confirmed that if permission is granted to attend, a Board member may vote on behalf of the Board. However, since there is no longer a quorum, the Board cannot vote to direct its delegates on how to vote.

Mr. Moore also reported that President Elect Patty Mamola has appointed Mr. Tami to be Chair of the ACCA Committee, Mr. Josephson to the Mobility Committee, Mr. Donelson to the Foreign Experience Evaluation Task Force, and he, himself, to the Examination Professional Surveyor Committee. Mr. Modugno added that he was appointed to the Education Committee.

D. Technical and Professional Societies

No report given.

XIV. President's Report/Board Member Activities

Mr. Moore presented President Wilburn with a gavel plaque in recognition of his term as Board President. President Wilburn thanked everyone for their support and accomplishments.

XVI. Other Items Not Requiring Board Action

Mr. Moore reminded everyone that the next Board meeting will be held August 28 and 29, 2013 in Riverside, CA at the Department of General Services building.

XVII. Adjourn

Meeting adjourned at 4:44 p.m.

PUBLIC PRESENT

Emmett R. Miller

Roger Hanlin, CLSA

Bob DeWitt, ACEC

Craig Copelan, PECG

DRAFT

XVI. OTHER ITEMS NOT REQUIRING BOARD ACTION

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



The existing October meeting is only 5 weeks after the August meeting. Therefore, it is proposed that we move it to October 17 & 18 (7 weeks) and move the November meeting to either December 5 and 6 (7 weeks) or 12 and 13 (8 weeks).

XVII. ADJOURN
