



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

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

Thursday, September 25 beginning at 10:00 a.m.
and continuing on
Friday, September 26, beginning at 9:00 a.m., if
necessary

Judge Joseph Rattigan Building
50 D Street, Conference Room 405
Santa Rosa, CA 95040

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

BOARD MEETING LOCATION

SEPTEMBER 25 26, 2014

JUDGE JOSEPH RATTIGAN BUILDING
50 D STREET, CONFERENCE ROOM 405
SANTA ROSA, CA 95404

BOARD MEMBERS

Board Members: Kathy Jones Irish, President; Robert Stockton, Vice President; Natalie Alavi; Asha Brooks; Diane Hamwi; Eric Johnson; Coby King; Philip Quartararo; Mohammad Qureshi; Hong Beom Rhee; Karen Roberts; Ray Satorre; Jerry Silva; Patrick Tami and Erik Zinn

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

II. PUBLIC COMMENT

**III. HEARING ON THE PETITION FOR REDUCTION/MODIFICATON OF PENALTY OF
SCOTT S. BENNETT**

IV. CLOSED SESSION – ADMINISTRATIVE ADJUDICATION [PURSUANT TO GOVERNMENT CODE SECTION 11126(c)(3)]

V. LEGISLATION

2014 SEPTEMBER

MONDAY
FIRST DAY OF WEEK

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Wk 1	01	02	03	04	05	06	07
Wk 2	08	09	10	11	12	13	14
Wk 3	15	16	17	18	19	20	21
Wk 4	22	23	24	25	26	27	28
	29	30 Last day for Governor to sign or veto bills	01	02	03	04	05
No Hrsg	06	07	08	09	10	11	12

IMPORTANT DATES OCCURRING DURING FINAL RECESS

2014

- **Sep. 30** Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- **Oct. 2** Non-urgency bills enacted on or before this date take effect January 1, 2015. (Art. IV, Sec. 8(c)).
- **Nov. 4** General Election.
- **Nov. 30** Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).
- **Dec. 1** 2015-16 Regular Session convenes for Organizational Session at 12 noon. (Art. IV, Sec.3(a)).

2015

- **Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).

Opposed Legislation

Assembly Bill 2396 (Bonta D)

Convictions: expungement: licenses.

Introduced: 2/21/2014

Status: To Engrossing and Enrolling- 8/26/2014

Location: ASSEMBLY ENROLLMENT- 8/26/2014

Laws: Amends Section 480 of the Business and Professions Code.

Bill Summary: This bill would prohibit boards within the Department of Consumer Affairs (DCA) from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside or dismissed by the court.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
2/21/14	4/30/14	5/7/14	5/23/14	6/5/14	6/24/14	8/14/14	8/21/14				
1st House				2nd House				8/21/14	8/26/14		

Staff Analysis: AB 2396

As written, AB 2396 prohibits the Board from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside or dismissed by the court pursuant to Penal Code Sections 1203.4, 1203.4a, or 1203.41.

The Board has great discretion when determining whether to deny a license. Existing law authorizes each board to deny a professional license based on an applicant's past conviction, "act involving dishonest, fraud, or deceit," or other act that could subject a licensee to license suspension or revocation, if that conviction or act is "substantially related" to the qualifications, functions, or duties of the business or profession for which application is made. In addition to general Business and Professions Code Section 480, 16 California Code of Regulations (CCR) 416 and 3060 define the substantial relationship for such crimes and acts. Additionally, 16 CCR 418 and 3061 describe the criteria for rehabilitation that the Board must consider when denying an application. Regulatory language is meant to provide direction when considering between types of convictions or types of dishonest acts, and determine that these convictions could be cause for denial of a license. It is up to each board to determine what they consider as criteria for license denial or rehabilitation. AB 2396 attempts to remove some of that authority. The Board reviews applications on a case by case basis to determine if the applicant has successfully rehabilitated and can pursue licensure. Accordingly, the licensing board needs to be able to determine if someone is sufficiently rehabilitated to protect the public health, safety, and welfare if given a license to practice a profession.

This bill could result in a risk to consumers by prohibiting the denial of a license based on a conviction that has been expunged, withdrawn, or dismissed under the Penal Code restricting lawful authority. The condition of rehabilitation should still be considered when reviewing the requirements of a candidate for licensure. Accordingly, the licensing boards need to be able to determine if someone is sufficiently rehabilitated to protect the public health, safety, and welfare of given a license to practice a profession.

For the reasons stated above, BPELSG opposes AB 2396

Watched Legislation

Assembly Bill 186 (Maienschein R)

Professions and vocations: military spouses: temporary licenses.

Introduced: 1/28/2013

Status: Enrolled and presented to the Governor - 9/5/2014

Location: ASSEMBLY ENROLLED- 9/5/2014

Laws: Adds Section 115.6 to the Business and Professions Code.

Bill Summary: This Bill requires the Board to issue a 12 month temporary licenses to an applicant who is a spouse or domestic partner of an active duty member of the Armed Forces and holds a current, active, and unrestricted license in another state, district of territory of the U.S. Additionally, applicants seeking temporary license must pass the appropriate California specific examinations.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1/28/13	2/7/13	4/30/13	5/24/13	5/29/13	6/17/14	6/30/14	8/25/14	Conc.			
1st House				2nd House				8/25/14	8/26/14		

Staff Analysis: AB 186

The Board for Professional Engineers, Land Surveyors, and Geologists sponsored a bill to repeal temporary authorization, on grounds of public safety. *Senate Bill (SB) 152 (Chapter 178, Statutes 2013) removed sections 6760, 7848, and 7848.1 from Business and Professions Code pertaining to temporary authorizations being issued to practice professional engineering, geology, or geophysics.*

The Board currently 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. *Business and Professions code section 6759, 7847, and 8748 defines Comity applicants.*

Additionally, The Board currently offers an expedited licensure process for an applicant who is married or in a domestic partnership with an active military member and holds a current license in another state, district or territory. *Business and Professions code section 115.5 defines Expedited Licensure Process for Active Duty Military Spouses/ RDP's.*

In conclusion, AB 186 current language is ambiguous as it indicates that the Board will provide a temporary license, something that we do not do, and similar to something that the Board recently repealed with prior legislation. It further identifies that there shall only be temporary licenses for certain individuals that meet stated qualifications, but under our statutes these individuals would be considered comity applicants. Additionally, if the applicant was to meet all the qualifications required for comity, this would allow them to become fully licensed, needing no temporary status.

Watched Legislation

Assembly Bill 1702 (Maienschein R)
Professions and vocations: incarceration.

Introduced: 2/13/2014

Location: ASSEMBLY ENROLLED- 8/19/2014

Status: Presented to the Governor- 8/19/2014

Laws: Adds Section 480.5 to the Business and Professions Code.

Bill Summary: This bill would provide an individual who has satisfied the requirements needed to obtain a license while incarcerated, who upon release from incarceration, shall not be subject to a delay in processing the application or a denial of the license solely based on the prior incarceration, except when the incarceration was for a crime substantially related to the qualifications, functions, or duties of the business or profession.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
2/13/24	4/22/14	5/7/14	5/15/14	5/15/14	6/17/14	7/1/14	8/13/14		8/19/14		
1st House				2nd House							

Staff Analysis: AB 1702

AB 1702 seeks to give incarcerated applicants the opportunity to gain qualifying experience necessary to receive a license as a professional engineer, land surveyor, or geologist during the applicant's time of incarceration. However, AB 1702 does not address how our applicants would be able to get the required qualifying experience while incarcerated. Additionally, bill language does not address how the individual would be able to perform engineering, surveying, geology, or geophysics under the responsible charge of a licensee while incarcerated.

Furthermore, California Code of Regulations (CCR) section 418 defines criteria for rehabilitation "when considering the denial of an application" for certification, or licensure, or for authority to use a restricted title. The criteria defines eligibility for licensure based on the nature and severity of a crime, time elapsed since the crime was committed, compliance with the law in response to the crime, and evidence of rehabilitation. Both statute and regulation offers the Board appropriate authority to determine eligibility without extensive delays in processing an application.

Moreover, incarcerated individuals are unable to gaining qualifying experience to receive a license during their time of incarceration. As written AB 1702 will not have a significant impact on the Board. As a result of this bills inconsequential nature the board has taken a watch position.

Supported Legislation

Senate Bill 1467

(Committee on Business, Professions and Economic Development)

Professions and vocations.

Introduced: 3/25/2014

Location: SENATE ENROLLED- 8/28/2014

Status: Enrolled and presented to the Governor- 8/28/2014

Laws: Amends Sections 6730.2, 6735, 6759, 7842, 7860, 8771, add Sections 7864 and 8725.1 to, the Business and Professions Code.

Bill Summary: This is one of the Committee’s omnibus bills. Removes reference to title “Petroleum Geologist” and adds petition for reinstatement language to the Geology and Geophysicist Act to mirror Professional Engineers (PE) Act and Professional Land Surveyors (PLS) Act. Cross-references existing authority to the Education Code and Health and Safety Code sections. Modifies language to clarify monument preservation requirements in the PLS Act. Requires an authorized land surveyor be designated as the person in responsible charge of professional land surveying work practiced in any public agency.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
3/25/14	4/30/14	5/12/14	5/15/14	5/23/14	6/24/14	8/7/14	8/20/14				
1st House				2nd House				8/22/14	8/28/14		

Staff Analysis: SB 1467

This bill amends 6730.2 of the PE Act and 8771 of the LS Act to clarify that the engineer or land surveyor designated as the person in responsible charge of professional engineering or professional land surveying work of a public agency is responsible for ensuring compliance with monument preservation requirements.

This bill amends Section 6735 of the PE Act to cross-references existing authority to the Education Code and Health and Safety Code sections that require structural engineers to prepare plans for hospitals and schools. This change is being proposed to make the references more accessible and clear.

The Board is sponsoring legislation to amend Section 6759 of the PE Act (PE - Business and Professions Code section 6700, et seq.) to remove the “eight-hour” term for written examination.

The Board is seeking to amend Section 7842 of the Geologist and Geophysicist Act (GG - Business and Professions Code section 7800, et seq.) to remove language providing for the qualifications for a certification in Petroleum Geology because the Board does not issue a certification in Petroleum Geology.

The Board is seeking to add Section 7864 to the GG Act which specifically addresses petitions for reinstatement of revoked licenses and petitions for reduction or modification or penalty probations orders. The addition mirrors Sections 6780 and 8785 in the PE and PLS Acts.

This bill adds 8725.1 to the PLS Act (PLS - Business and Professions Code section 8700, et seq.) that requires at least one person authorized to practice land surveying be designated as the person in responsible charge of professional land surveying work practiced in any public agency.

Senate Business, Professions and Economic Development identifies that “many of the provisions of this bill are minor, technical and updating changes, while other provisions are substantive changes intended to improve the ability of various licensing programs and other entities to efficiently and effectively administer their respective laws. However, as a Committee bill, if controversy or opposition should arise regarding any provision that cannot be resolved, then that provision will be removed from the bill. This will eliminate the chance of placing any of the other provisions in jeopardy.”

Opposed Legislation
Assembly Bill No. 2396

An act to amend Section 480 of the Business and Professions Code, relating to expungement.

Legislative counsel's digest

AB 2396, Bonta. Convictions: expungement: licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license on various grounds, including, but not limited to, conviction of a crime if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. Existing law prohibits a board from denying a license on the ground that the applicant has committed a crime if the applicant shows that he or she obtained a certificate of rehabilitation in the case of a felony, or that he or she has met all applicable requirements of the criteria of rehabilitation developed by the board, as specified, in the case of a misdemeanor.

Existing law permits a defendant to withdraw his or her plea of guilty or plea of nolo contendere and enter a plea of not guilty in any case in which a defendant has fulfilled the conditions of probation for the entire period of probation, or has been discharged prior to the termination of the period of probation, or has been convicted of a misdemeanor and not granted probation and has fully complied with and performed the sentence of the court, or has been sentenced to a county jail for a felony, or in any other case in which a court, in its discretion and the interests of justice, determines that a defendant should be granted this or other specified relief and requires the defendant to be released from all penalties and disabilities resulting from the offense of which he or she has been convicted.

This bill would prohibit a board within the Department of Consumer Affairs from denying a license based solely on a conviction that has been dismissed pursuant to the above provisions. The bill would require an applicant who has a conviction that has been dismissed pursuant to the above provisions to provide proof of the dismissal.

The people of the State of California do enact as follows:

SECTION 1. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section

4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or

1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

Watched Legislation

Assembly Bill No. 186

An act to add Section 115.6 to the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

Legislative counsel's digest

AB 186, Maienschein. Professions and vocations: military spouses: temporary licenses.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides for the issuance of reciprocal licenses in certain fields where the applicant, among other requirements, has a license to practice within that field in another jurisdiction, as specified. Existing law requires that the licensing fees imposed by certain boards within the department be deposited in funds that are continuously appropriated. Existing law requires a board within the department to expedite the licensure process for an applicant who holds a current license in another jurisdiction in the same profession or vocation and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders.

This bill would, in addition to the expedited licensure provisions described above, establish a temporary licensure process for specified licensed professions for an applicant who holds a current, active, and unrestricted license in another jurisdiction, as specified, and who supplies satisfactory evidence of being married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in California under official active duty military orders. The bill would require a temporary license issued pursuant to these provisions to expire 12 months after issuance, upon issuance of an expedited license, or upon denial of the application for expedited licensure by the board, whichever occurs first.

This bill would also require an applicant seeking a temporary license as a civil engineer, geotechnical engineer, and structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist to successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists.

Because the bill would authorize the expenditure of continuously appropriated funds for a new purpose, the bill would make an appropriation.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 115.6 is added to the Business and Professions Code, to read:

115.6. (a) A board within the department shall, after appropriate investigation, issue the following eligible temporary licenses to an applicant if he or she meets the requirements set forth in subdivision (c):

(1) Registered nurse license by the Board of Registered Nursing. (2) Vocational nurse license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California. (3) Psychiatric technician license issued by the Board of Vocational Nursing and Psychiatric Technicians of the State of California.

(4) Speech-language pathologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

(5) Audiologist license issued by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board.

(6) Veterinarian license issued by the Veterinary Medical Board. (7) All licenses issued by the Board for Professional Engineers, Land Surveyors, and Geologists.

(8) All licenses issued by the Medical Board of California.

(b) The board may conduct an investigation of an applicant for purposes of denying or revoking a temporary license issued pursuant to this section. This investigation may include a criminal background check.

(c) An applicant seeking a temporary license pursuant to this section shall meet the following requirements:

(1) The applicant shall supply evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.

(2) The applicant shall hold a current, active, and unrestricted license that confers upon him or her the authority to practice, in another state, district, or territory of the United States, the profession or vocation for which he or she seeks a temporary license from the board.

(3) The applicant shall submit an application to the board that shall include a signed affidavit attesting to the fact that he or she meets all of the requirements for the temporary license and that the information submitted in the application is accurate, to the best of his or her knowledge. The application shall also include written verification from the applicant's original licensing jurisdiction stating that the applicant's license is in good standing in that jurisdiction.

(4) The applicant shall not have committed an act in any jurisdiction that would have constituted grounds for denial, suspension, or revocation of the license under this code at the time the act was committed. A violation of this paragraph may be grounds for the denial or revocation of a temporary license issued by the board.

(5) The applicant shall not have been disciplined by a licensing entity in another jurisdiction and shall not be the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing entity in another jurisdiction.

(6) The applicant shall, upon request by a board, furnish a full set of fingerprints for purposes of conducting a criminal background check.

(d) A board may adopt regulations necessary to administer this section.

(e) A temporary license issued pursuant to this section may be immediately terminated upon a finding that the temporary licenseholder failed to meet any of the requirements described in subdivision (c) or provided substantively inaccurate information that would affect his or her eligibility for temporary licensure. Upon termination of the temporary license, the board shall issue a notice of termination that shall require the temporary licenseholder to immediately cease the practice of the licensed profession upon receipt.

(f) An applicant seeking a temporary license as a civil engineer, geotechnical engineer, structural engineer, land surveyor, professional geologist, professional geophysicist, certified engineering geologist, or certified hydrogeologist pursuant to this section shall successfully pass the appropriate California-specific examination or examinations required for licensure in those respective professions by the Board for Professional Engineers, Land Surveyors, and Geologists.

(g) A temporary license issued pursuant to this section shall expire 12 months after issuance, upon issuance of an expedited license pursuant to Section 115.5, or upon denial of the application for expedited licensure by the board, whichever occurs first.

Watched Legislation

Assembly Bill No. 1702

An act to add Section 480.5 to the Business and Professions

Code, relating to professions and vocations.

Legislative counsel's digest

AB 1702, Maienschein. Professions and vocations: incarceration. Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, among other entities. Existing law establishes various eligibility criteria needed to qualify for a license and authorizes a board to deny a license on the grounds that the applicant has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

This bill would provide that an individual who has satisfied any of the requirements needed to obtain a license while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing the application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

The people of the State of California do enact as follows:

SECTION 1. Section 480.5 is added to the Business and

Professions Code, to read:

480.5. (a) An individual who has satisfied any of the requirements needed to obtain a license regulated under this division while incarcerated, who applies for that license upon release from incarceration, and who is otherwise eligible for the license shall not be subject to a delay in processing his or her application or a denial of the license solely on the basis that some or all of the licensure requirements were completed while the individual was incarcerated.

(b) Nothing in this section shall be construed to apply to a petition for reinstatement of a license or to limit the ability of a board to deny a license pursuant to Section 480.

(c) This section shall not apply to the licensure of individuals under the initiative act referred to in Chapter 2 (commencing with Section 1000) of Division 2.

Supported Legislation

Senate Bill No. 1467

An act to amend Sections 5000, 5070, 5070.5, 5093, 5096, 5096.4, 6730.2, 6735, 6759, 7842, 7860, 8771, 17901, 17913, 17914, 17916, and 22454 of, and to add Sections 7864 and 8725.1 to, the Business and Professions Code, relating to professions and vocations.

Legislative Counsel's Digest

SB 1467, Committee on Business, Professions and Economic

Development. Professions and vocations.

* * *

(2) The Professional Engineers Act provides for the regulation and licensure of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law requires all civil engineering plans, calculations, specifications, and reports to be prepared by, or under the responsible charge of, a licensed civil engineer, as specified.

This bill would require all civil engineering plans, calculations, specifications, and reports for the construction of all hospitals and other medical facilities having surgery and emergency treatment areas to be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer. The bill would require that all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures be prepared by, or under the responsible charge of, a licensed architect holding a valid certificate or a licensed civil engineer who is also licensed as a structural engineer.

Existing law requires an applicant for registration as a professional engineer, among other things, to furnish evidence of

6 years or more of qualifying experience in engineering work, as specified, and to successfully pass the second division of the licensure examination. Existing law authorizes the board to issue a certificate of registration as a professional engineer, without a written examination, to a person holding a certificate of registration issued by another state or country if the applicant's qualifications meet the requirements of the act. For purposes of these provisions, the act requires equivalent second division examinations to be

8-hour written examinations prepared or administered by a state or territory, as specified.

This bill would delete the requirement that an equivalent second division examination be an 8-hour examination.

(3) Under the Geologist and Geophysicist Act, the Board for

Professional Engineers, Land Surveyors, and Geologists registers person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district. The bill would revise nomenclature associated with actions that affect land survey monuments. The bill would require that the governmental agency performing or

permitting construction or maintenance work be responsible for ensuring that the landowner or governmental agency performing the work provides for monument perpetuation. The bill would require that the designated person in responsible charge of professional civil engineering work for a governmental entity, pursuant to the Professional Engineers Act, be responsible for the requirements associated with monuments under the Professional Land Surveyors' Act, as described above. By creating new duties for local officials and expanding the definition of a crime, the bill would impose a state-mandated local program.

* * *

The people of the State of California do enact as follows:

* * *

SEC. 9. Section 6730.2 of the Business and Professions Code is amended to read:

6730.2. (a) It is the intent of the Legislature that the licensure requirements that are imposed upon private sector professional engineers and engineering partnerships, firms, or corporations shall be imposed upon the state and any city, county, or city and county that shall adhere to those requirements. Therefore, for the purposes of Section 6730 and this chapter, at least one licensed engineer shall be designated the person in responsible charge of professional engineering work for each branch of professional engineering practiced in any department or agency of the state, city, county, or city and county.

(b) Any department or agency of the state or any city, county, or city and county that has an unlicensed person in responsible charge of engineering work on January 1, 1985, shall be exempt from this requirement until that time as the person currently in responsible charge is replaced.

(c) The designated person in responsible charge of professional civil engineering work of any department or agency of the state, city, county, city and county, district, or special district pursuant to this section is responsible for compliance with subdivisions (b) and (c) of Section 8771.

SEC. 10. Section 6735 of the Business and Professions Code is amended to read:

6735. (a) All civil (including structural and geotechnical) engineering plans, calculations, specifications, and reports (hereinafter referred to as "documents") shall be prepared by, or under the responsible charge of, a licensed civil engineer and shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as "preliminary," "not for construction," "for plan check only," or "for review only." All civil engineering plans and specifications that are permitted or that are to be released for6735. (a) All civil (including structural and geotechnical) engineering plans, calculations, specifications, and reports (hereinafter referred to as "documents") shall be prepared by, or under the responsible charge of, a licensed civil engineer and shall include his or her name and license number. Interim documents shall include a notation as to the intended purpose of the document, such as "preliminary," "not for construction," "for plan check only," or "for review only." All civil engineering plans and specifications that are permitted or that are to be released for construction shall bear the signature and seal or stamp of the licensee and the date of signing and sealing or stamping. All final civil engineering calculations and reports shall bear the signature and seal or stamp of the licensee, and the date of signing and sealing or stamping. If civil

engineering plans are required to be signed and sealed or stamped and have multiple sheets, the signature, seal or stamp, and date of signing and sealing or stamping shall appear on each sheet of the plans. If civil engineering specifications, calculations, and reports are required to be signed and sealed or stamped and have multiple pages, the signature, seal or stamp, and date of signing and sealing or stamping shall appear at a minimum on the title sheet, cover sheet, or signature sheet.

(b) (1) All civil engineering plans, calculations, specifications, and reports for the construction of structures described in paragraph (2) shall be prepared by, or under the responsible charge of, a licensed architect holding a valid certificate under Chapter 3 (commencing with Section 5500) or a licensed civil engineer who is also licensed as a structural engineer in accordance with Section

6736.

(2) All public school structures, as provided under Chapter 3 (commencing with Section 17251) of Part 10.5 of Division 1 of Title 1 of the Education Code.

(c) (1) All civil engineering plans, calculations, specifications, and reports for the construction of the structures described in paragraph (2) shall be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer in accordance with Section 6736.

(2) Hospitals and other medical facilities having surgery and emergency treatment areas, as provided under Part 7 (commencing with Section 129675) of Division 107 of the Health and Safety Code.

(d) Notwithstanding subdivision (a) or (b), a licensed civil engineer who signs civil engineering documents shall not be responsible for damage caused by subsequent changes to or uses of those documents, if the subsequent changes or uses, including changes or uses made by state or local governmental agencies, are not authorized or approved by the licensed civil engineer who originally signed the documents, provided that the engineering service rendered by the civil engineer who signed the documents was not also a proximate cause of the damage.

SEC. 11. Section 6759 of the Business and Professions Code is amended to read:

6759. The board, upon application therefor, on its prescribed form, and the payment of the fee fixed by this chapter, may issue a certificate of registration as a professional engineer, without written examination, to any person holding a certificate of registration issued to him or her by any state or country when the applicant's qualifications meet the requirements of this chapter and rules established by the board. The board shall not require a comity applicant to meet any requirement not required of California applicants. For purposes of this section, equivalent second division examinations shall be written examinations prepared by or administered by a state or territory either by single or combined branch at the level generally administered by the board to persons who passed or were exempted from the first division examination. Applicants who have passed an equivalent second division combined branch or a single branch examination in a branch not recognized for registration in California shall be registered in the branch in which their experience and education indicate the closest relationship.

SEC. 12. Section 7842 of the Business and Professions Code is amended to read:

7842. An applicant for certification in a specialty in geology shall meet all of the requirements of Section 7841 and, in addition, his or her seven years of professional geological work shall include one of the following:

(a) A minimum of three years performed under the supervision of a geologist certified in the specialty for which the applicant is seeking certification or under the supervision of a licensed civil engineer if the applicant is seeking certification as an engineering geologist, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is performed under the supervision of a geologist qualified in the specialty for which the applicant is seeking certification or under the supervision of a licensed civil engineer if the applicant is seeking certification as an engineering geologist.

(b) A minimum of five years' experience in responsible charge of professional geological work in the specialty for which the applicant is seeking certification.

SEC. 13. Section 7860 of the Business and Professions Code is amended to read:

7860. (a) The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any professional geologist or geophysicist, and make findings thereon.

(b) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any geologist or geophysicist registered hereunder, on any of the following grounds:

(1) Conviction of a crime substantially related to the qualifications, functions, or duties of a geologist or geophysicist. (2) Misrepresentation, fraud, or deceit by a geologist or geophysicist in his or her practice.

(3) Negligence or incompetence by a geologist or geophysicist in his or her practice.

(4) Violation of any contract undertaken in the capacity of a geologist or geophysicist.

(5) Fraud or deceit in obtaining a certificate to practice as a geologist or geophysicist.

(c) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or may revoke the certificate of any geologist or geophysicist registered under this chapter, for unprofessional conduct. Unprofessional conduct includes, but is not limited to, any of the following:

(1) Aiding or abetting any person in a violation of this chapter or any regulation adopted by the board pursuant to this chapter.

(2) Violating this chapter or any regulation adopted by the board pursuant to this chapter.

(3) Conduct in the course of practice as a geologist or geophysicist that violates professional standards adopted by the board.

SEC. 14. Section 7864 is added to the Business and Professions

Code, to read:

7864. (a) A petitioner may petition the board for reinstatement or modification of penalty, including reduction, modification, or termination of probation, after the following minimum periods have elapsed from the effective date of the decision ordering the disciplinary action, or if the order of the board or any portion of it is stayed by a court, from the date the disciplinary action is actually implemented in its entirety:

(1) Except as otherwise provided in this section, at least three years for reinstatement of a certificate that was revoked or surrendered. However, the board may, in its sole discretion, specify in its order of revocation or surrender a lesser period of time that shall be at a minimum of one year.

(2) At least two years for early termination of a probation period of three years or more.

(3) At least one year for early termination of a probation period of less than three years.

(4) At least one year for reduction or modification of a condition of probation.

(b) The board shall notify the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and the petitioner and the Attorney General shall be given the opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(c) The board itself or an administrative law judge, if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision. (d) The board may grant or deny the petition or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction or modification of the penalty.

(e) A petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. A petition shall not be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(f) The board may, in its discretion, deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

(g) Judicial review of the board's decision following a hearing under this section may be sought by way of a petition for writ of administrative mandamus pursuant to Section 1094.5 of the Code of Civil Procedure. The party seeking to overturn the board's decision shall have the burden of proof in any mandamus proceeding. In the mandamus proceeding, if it is alleged that there has been an abuse of discretion because the board's findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in light of the whole record.

(h) The following definitions shall apply for purposes of this section:

(1) "Certificate" includes a certificate of registration or license as a professional geologist or professional geophysicist or certification as a geologist-in-training.

(2) "Petitioner" means a professional geologist or professional geophysicist or a geologist-in-training whose certificate has been revoked, suspended, or surrendered or placed on probation.

SEC. 15.Section 8725.1 is added to the Business and Professions Code, to read:

8725.1. It is the intent of the Legislature that the licensure requirements that are imposed upon private sector professional land surveyors and land surveying partnerships, firms, or corporations shall be imposed upon the state and any city, county, city and county, district, and special district that shall adhere to those requirements. Therefore, for the purposes of Section 8725 and this chapter, at least one person authorized to practice land surveying shall be designated the person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district.

SEC. 16. Section 8771 of the Business and Professions Code is amended to read:

8771. (a) Monuments set shall be sufficient in number and durability and efficiently placed so as not to be readily disturbed, to ensure, together with monuments already existing, the perpetuation or facile reestablishment of any point or line of the survey.

(b) When monuments exist that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, the monuments shall be located and referenced by or under the direction of a licensed land surveyor or licensed civil engineer legally authorized to practice land surveying, prior to the time when any streets, highways, other rights-of-way, or easements are improved, constructed, reconstructed, maintained, resurfaced, or relocated, and a corner record or record of survey of the references shall be filed with the county surveyor.

(c) A permanent monument shall be reset in the surface of the new construction or a witness monument or monuments set to perpetuate the location if any monument could be destroyed, damaged, covered, disturbed, or otherwise obliterated, and a corner record or record of survey shall be filed with the county surveyor prior to the recording of a certificate of completion for the project. Sufficient controlling monuments shall be retained or replaced in their original positions to enable property, right-of-way and easement lines, property corners, and subdivision and tract boundaries to be reestablished without devious surveys necessarily originating on monuments differing from those that currently control the area.

(d) The governmental agency performing or permitting construction or maintenance work is responsible for ensuring that either the governmental agency or landowner performing the construction or maintenance work provides for monument perpetuation required by this section.

(e) It shall be the duty of every licensed land surveyor or licensed civil engineer legally authorized to practice land surveying to assist the governmental agency in matters of maps, field notes, and other pertinent records. Monuments set to mark the limiting lines of highways, roads, streets or right-of-way or easement lines shall not be deemed adequate for this purpose, unless specifically noted on the corner record or record of survey of the improvement works with direct ties in bearing or azimuth and distance between these and other monuments of record.

(f) The decision to file either a corner record or a record of survey as required by subdivision (b) or (c) shall be at the election of the licensed land surveyor or the licensed civil engineer legally authorized to practice land surveying submitting the document.

* * *

VI. CONSIDERATION OF RULEMAKING PROPOSALS

July 29, 2014

Ric Moore
Executive Director
California Board for Professional Engineers, Land Surveyors and Geologists

Dear Ric,

The California Geotechnical Engineering Association (CalGeo) is a professional association that supports the business, educational and legislative interests of geotechnical engineering firms in California. Many of our member firms provide construction materials testing and inspection as part of our Civil Engineering services in order to document that construction was performed in accordance with the project design recommendations, plans, and specifications. As Registered Civil Engineers (RCE), we are committed to public safety. We believe that an RCE review of construction is required to uphold this commitment to the public's health and safety.

Recently, several CalGeo member firms have become aware of individuals and companies that perform construction materials testing and inspection services without the direct oversight of a RCE. As stated above, CalGeo believes that construction materials testing and inspection is part of Civil Engineering, and as such, must be performed by an employee of a company that employs a RCE that has experience in materials testing and inspection and oversight of the company's materials testing and inspection services. This belief is consistent with the California Division of the State Architect (DSA) that requires all construction materials testing and inspection be performed by testers and inspectors under direct oversight of a RCE.

Based on preliminary discussions with you, the California Board for Professional Engineering, Land Surveyors and Geologists (CBPELSG) likely agrees with CalGeo regarding this issue and that the first step in upholding this requirement is to provide more clarity/specificity in Title 16, California Code of Regulations, Section 461. Therefore, we request that the CBPELSG review the current language and work with CalGeo to determine what revision may be necessary to provide necessary clarity/specificity.

We appreciate your attention to this matter and look forward to working with you.

Sincerely,



Michael W. Laney, P.E., G.E.
President, CalGeo

VII. ADMINISTRATION

Budget Overview

- Introduction
- FY 2013/14 – Summary
- FY 2014/15 - 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

Fund Code	Fund	Actual 2012-13*	Estimated 2013-14*	Proposed 2014-15*
0770	Professional Engineer's and Land Surveyor's Fund	\$6,819	\$9,739	\$9,640
0205	Geology and Geophysics Account, Professional Engineer's and Land Surveyor's Fund	\$1,042	\$1,379	\$1,394
0995	Reimbursements	\$49	\$16	\$16
Total State Operations	* Dollars in thousands	\$7,910	\$11,134	\$11,050

- **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

Prepared 9/4/13

Analysis of Fund Condition

(Dollars in Thousands)

Governor's Budget 2014-15

Governor's Budget

***\$4.5 million GF loan outstanding**

**ACTUAL
2013-14**

**CY
2014-15**

**BY
2015-16**

Includes FY 2013-14 year-end revenue and expenditures

BEGINNING BALANCE

Prior Year Adjustment

Adjusted Beginning Balance

\$ 1,745	\$ 5,171	\$ 3,809
\$ -	\$ -	\$ -
\$ 1,745	\$ 5,171	\$ 3,809

REVENUES AND TRANSFERS

Revenues:

125600	Other regulatory fees	\$ 117	\$ 72	\$ 117
125700	Other regulatory licenses and permits	\$ 2,573	\$ 2,604	\$ 2,573
125800	Renewal fees	\$ 5,962	\$ 5,031	\$ 5,962
125900	Delinquent fees	\$ 57	\$ 50	\$ 57
141200	Sales of documents	\$ -	\$ -	\$ -
142500	Miscellaneous services to the public	\$ -	\$ -	\$ -
150300	Income from surplus money investments	\$ 7	\$ 11	\$ 7
160400	Sale of fixed assets	\$ -	\$ -	\$ -
161000	Escheat of unclaimed checks and warrants	\$ 11	\$ 8	\$ 11
161400	Miscellaneous revenues	\$ 1	\$ 2	\$ 1

Totals, Revenues

\$ 8,728	\$ 7,778	\$ 8,728
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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	\$ 1,000

Totals, Revenues and Transfers

\$ 11,228	\$ 8,278	\$ 9,728
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Totals, Resources

\$ 12,973	\$ 13,449	\$ 13,537
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EXPENDITURES

Disbursements:

8840	SCO (State Operations)	\$ -	\$ -	\$ -
8880	Financial Information System for CA (State Operations)	\$ 43	\$ -	\$ -
1110	Program Expenditures (State Operations)	\$ 9,739	\$ 9,640	\$ 9,833

SURPLUS/DEFICIT:

Total Disbursements

\$ (1,980)	\$ 9,640	\$ 9,833
\$ 7,802	\$ 9,640	\$ 9,833

FUND BALANCE

Reserve for economic uncertainties

\$ 5,171	\$ 3,809	\$ 3,704
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Months in Reserve

41

6.4	4.6	4.4
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0205 - Geology

Prepared 9/4/14

Analysis of Fund Condition

(Dollars in Thousands)

Includes FY 2013-14 year-end revenue and expenditures

		Governor's		
		Budget	BY	
		CY	2015-16	
		2014-15		
		ACTUAL		
		2013-14		
BEGINNING BALANCE		\$ 1,066	\$ 679	\$ 346
Prior Year Adjustment		\$ -	\$ -	\$ -
Adjusted Beginning Balance		\$ 1,066	\$ 679	\$ 346
REVENUES AND TRANSFERS				
Revenues:				
125600	Other regulatory fees	\$ 7	\$ 2	\$ 2
125700	Other regulatory licenses and permits	\$ 182	\$ 226	\$ 226
125800	Renewal fees	\$ 759	\$ 815	\$ 815
125900	Delinquent fees	\$ 13	\$ 15	\$ 15
141200	Sales of documents	\$ -	\$ -	\$ -
142500	Miscellaneous services to the public	\$ -	\$ -	\$ -
150300	Income from surplus money investments	\$ 3	\$ 4	\$ 4
160400	Sale of fixed assets	\$ -	\$ -	\$ -
161000	Escheat of unclaimed checks and warrants	\$ 1	\$ -	\$ -
161400	Miscellaneous revenues	\$ -	\$ -	\$ -
Totals, Revenues		\$ 965	\$ 1,062	\$ 1,062
Totals, Revenues and Transfers		\$ 965	\$ 1,062	\$ 1,062
Totals, Resources		\$ 2,031	\$ 1,741	\$ 1,408
EXPENDITURES				
Disbursements:				
8840	FSCU (State Operations)	\$ -	\$ -	\$ -
8880	Financial Information System for CA (State Operations)	\$ 6	\$ 1	\$ -
1110	Program Expenditures (State Operations)	\$ 1,379	\$ 1,394	\$ 1,422
SURPLUS/DEFICIT:		\$ (242)		
Total Disbursements		\$ 1,143	\$ 1,395	\$ 1,422
FUND BALANCE				
Reserve for economic uncertainties		\$ 888	\$ 346	\$ -14
Months in Reserve	42	7.5	2.9	-0.1

FY 2013/14 - Governor's Budget

Expenditures

- PELS Baseline Budget - \$9,738,928
- GEO Baseline Budget - \$1,378,611

Revenue

- PELS Revenue - \$8,717,000
- GEO Revenue -\$998,000

PROFESSIONAL ENGINEERS & LAND SURVEYORS FUND - 0770

**Budget Report
Expenditure Projection**

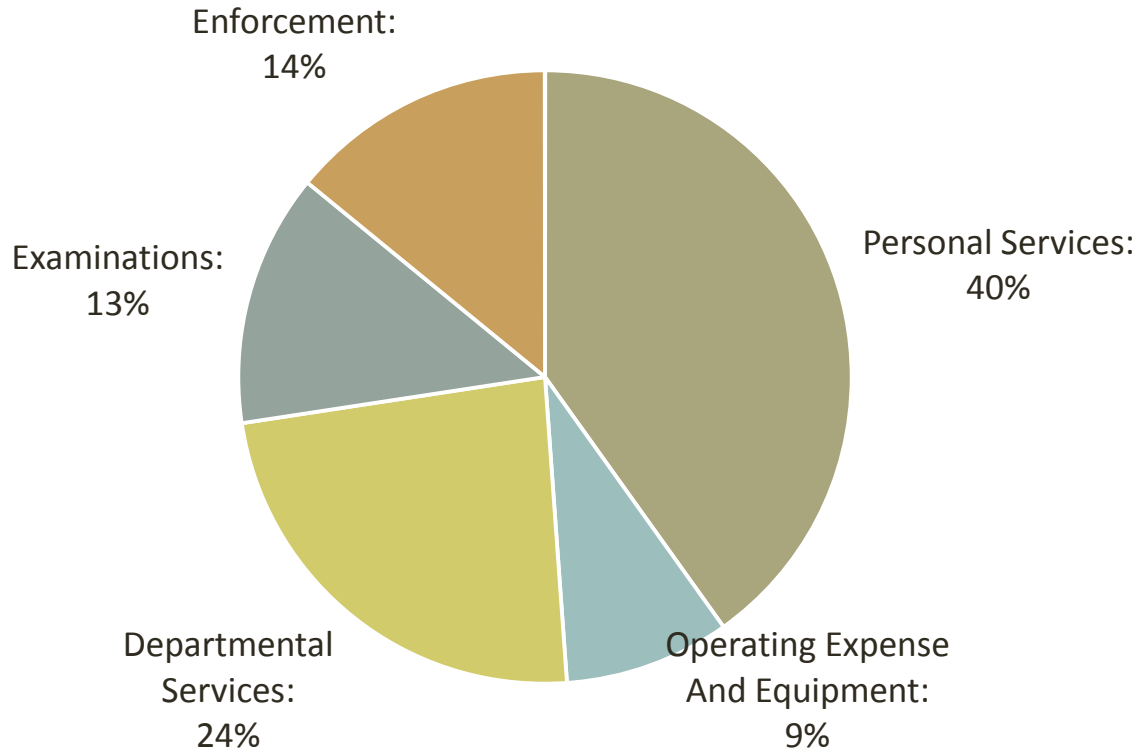
June 30, 2014

Current Fiscal Month: 13

Months Remaining: -1

OBJECT DESCRIPTION	FY 2012-13		FY 2013-14				
	ACTUAL EXPENDITURES (MONTH 13)	EXPENDITURES AS OF 6/30/2013	BUDGET ALLOTMENT	EXPENDITURES AS OF FM 13	PERCENT OF BUDGET SPENT	PROJECTIONS TO YEAR END	UNCUMBERED BALANCE
PERSONAL SERVICES:							
Salaries and Wages							
Civil Service-Perm	1,894,740	1,894,740	2,163,563	2,002,423	92.6%	2,002,423	161,140
Temp Help (907)	59,965	59,965	101,908	50,823	49.9%	50,823	51,085
Exam Proctor (915)	3,618	3,618	116,780		0.0%		116,780
Allocated Proctor Cost	14,251	13,249		14,372	0.0%	14,372	(14,372)
Statutory Exempt - EO	102,610	102,610	93,586	111,873		111,873	(18,287)
Board/Commission (910,920)	6,491	5,254	16,100	3,500	21.7%	3,500	12,600
Comm Member (911)	200	200	6,429	1,900	29.6%	1,900	4,529
Overtime (909)	3,024	3,024	14,100	346	2.5%	346	13,754
Staff Benefits	904,139	904,109	961,010	961,725	100.1%	961,725	(715)
Salary Savings					0.0%		0
TOTAL, PERSONAL SVC	2,989,038	2,986,769	3,473,476	3,146,962	90.6%	3,146,962	326,514
OPERATING EXPENSE AND EQUIPMENT:							
Fingerprints			0	138	0.0%	138	(138)
General Expense	57,332	57,334	48,849	59,421	121.6%	59,421	(10,572)
Printing	38,748	38,749	24,312	41,525	170.8%	41,525	(17,213)
Communication	31,144	31,146	12,849	25,235	196.4%	25,235	(12,386)
Postage	74,114	74,114	35,140	52,027	148.1%	52,027	(16,887)
Insurance	185	185	0	0	0.0%	0	0
Travel In State	50,505	50,504	88,993	75,329	84.6%	75,329	13,664
Travel Out-of-State	0	0	0	0	0.0%	0	0
Training	655	655	13,853	2,400	17.3%	2,400	11,453
Facilities Operations	253,647	253,647	369,619	344,171	93.1%	344,171	25,448
C/P Services - Internal	4,867	4,867	23,958	320	1.3%	320	23,638
C/P Services - External	253,157	248,183	5,012	398,532	7951.6%	398,532	(393,520)
Departmental Services:							
Interagency	29,014	29,014	835		0.0%		835
All Other DCA Pro Rata	871,045	1,014,368	1,335,498	1,347,653	100.9%	1,347,653	(12,155)
Consolidated Data Center (Teale)	515	499	17,185	214	1.2%	214	16,971
Information Technology	57,622	30,339	33,256	27,305	82.1%	27,305	5,951
Central (State) Adm Pro Rata	394,941	394,941	485,906	485,906	100.0%	485,906	0
Examinations:							
Exam Supplies/Materials			0		0.0%		0
Exam Rent	478	478	363,457		0.0%		363,457
Admin. External Sys	241,447	236,798	2,230,830	683,517	30.6%	683,517	1,547,313
C/P SVS - Expert Exa	80,009	73,461	145,322		0.0%		145,322
Major Equipment	18,775	18,775	0		0.0%		0
Other Items of Expense	0		308		0.0%		308
Vehicle Operations	0		2,993		0.0%		2,993
Enforcement:							
Attorney General	654,445	654,445	608,188	523,820	86.1%	523,820	84,368
Office Admin. Hearing	163,044	163,044	162,611	104,924	64.5%	104,924	57,687
Evidence / Witness Fees	236,597	220,764	77,077	208,446	270.4%	208,446	(131,369)
Court Reporters	14,234	13,234		4,552	0.0%	4,552	(4,552)
DOI - Investigation	347,273	347,273	263,401	263,053	99.9%	263,053	348
Minor Equipment	26,423	26,423		47,182	0.0%	47,182	(47,182)
Special Adjustments - OE&E		6,548					0
Board of Control Claims							0
TOTALS, OE&E:	3,900,216	3,989,788	6,349,452	4,695,670	74.0%	4,695,670	1,653,782
TOTAL EXPENSE:	6,889,254	6,976,557	9,822,928	7,842,632	79.8%	7,842,632	1,980,296
REIMBURSEMENTS:							
Scheduled	(8,000)	(16,000)	(8,000)	(8,000)	100.0%	(8,000)	0
External & Unscheduled	(8,000)		(8,000)	(8,000)	100.0%	(8,000)	0
Distributed Cost - Int. Geology	(68,000)	(68,000)	(68,000)	0	0.0%	0	(68,000)
TOTAL REIMBURSEMENTS:	(84,000)	(84,000)	(84,000)	(16,000)	2	(16,000)	(68,000)
NET APPROPRIATION:	6,805,254	6,892,557	9,738,928	7,826,632	80.4%	7,826,632	1,912,296
SURPLUS/(DEFICIT):							19.64%

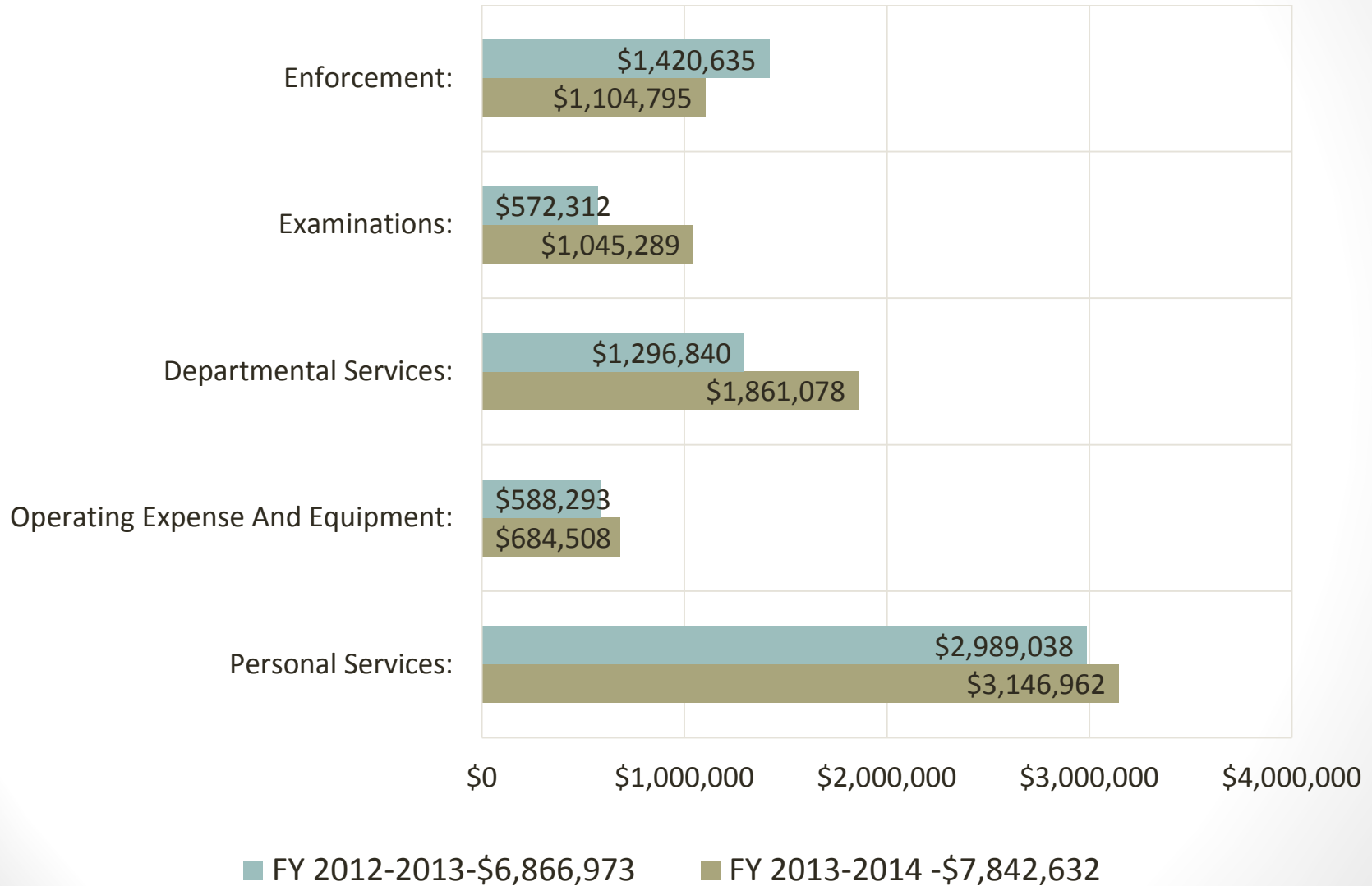
FY 2013/14 – PELS Expenditures



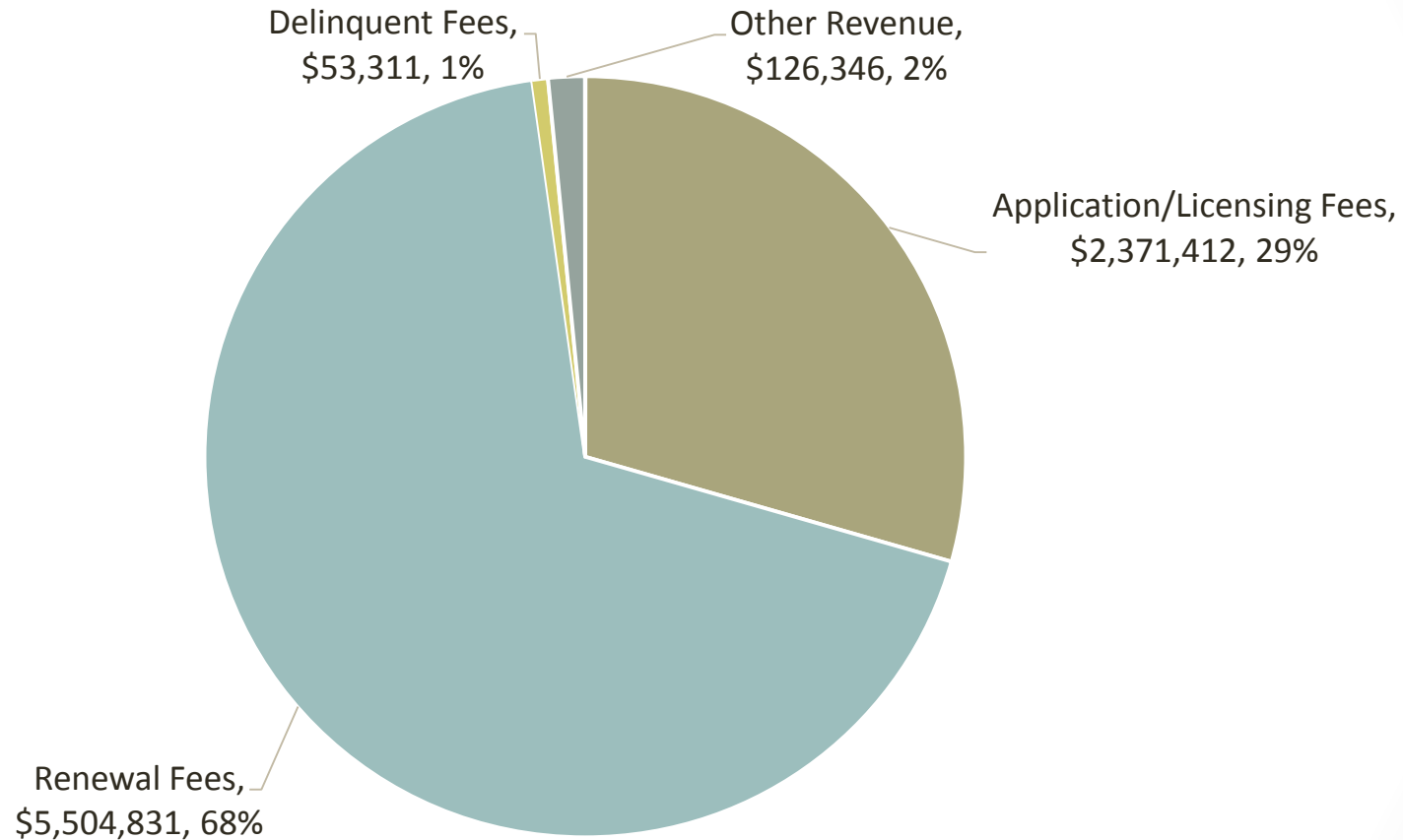
Personal Services:	\$3,146,962
Operating Expense And Equipment:	\$684,508
Departmental Services:	\$1,861,078
Examinations:	\$1,045,289
Enforcement:	\$1,104,795

Total Actual Expenditures: ⁴⁵\$ 7,842,632

PELS Expenditures 2012-13/2013-14



FY 2013/14 – PELS Revenue



Revenue: \$ 8,727,936

FUND NO. 0205

Expense Index 5100

June 30, 2014

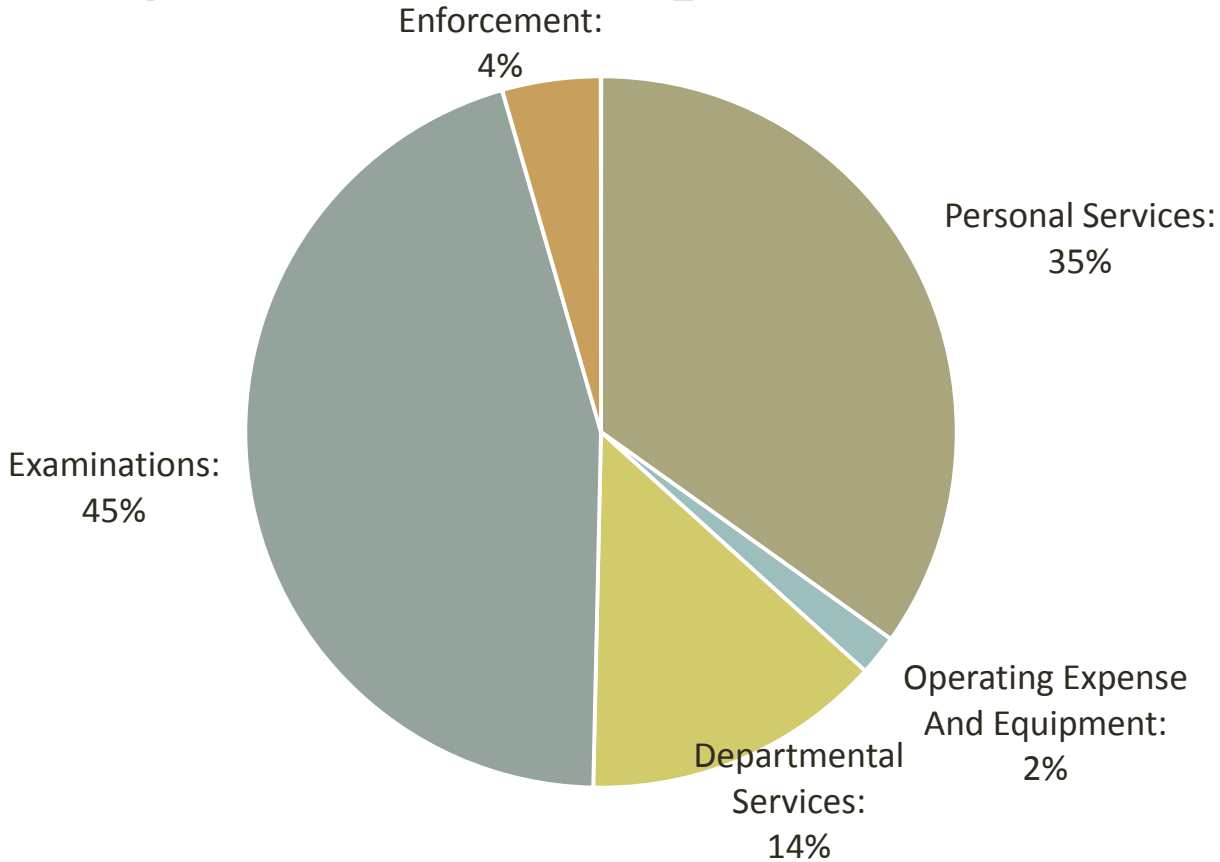
**GEOLOGISTS AND GEOPHYSICISTS PROGRAM
BUDGET REPORT
EXPENDITURE PROJECTION**

MONTH 13

Mos. Remaining: -1

OBJECT DESCRIPTION	FY 2012-13		FY 2013-14				
	ACTUAL EXPENDITURES (MONTH 13)	PY EXPENDITURES 6/30/13	BUDGET ALLOTMENT	CY EXPENDITURES FM 13	PERCENT OF BUDGET SPENT	PROJECTIONS TO YEAR END	UNENCUMBERED BALANCE
PERSONAL SERVICES:							
Salaries and Wages							
Civil Service-Perm	209,071	209,071	344,868	247,024	71.6%	247,024	97,844
Statutory Exempt							
Temp Help (907)	2,400		5,000		0.0%		5,000
Allocated Proctor Cost	16,737	15,653	8,282	21,695	262.0%	21,695	(13,413)
Board/Commission (910,920)					0.0%		0
Committee Member (911)	900	900		1,500	0.0%	1,500	
Overtime (909)	1,096	1,096		598	0.0%	598	(598)
Staff Benefits	111,373	111,068	126,163	125,319	99.3%	125,319	844
Salary Savings					0.0%		0
TOTAL, PERSONAL SVC	341,577	337,788	484,313	396,136	81.8%	396,136	89,677
OPERATING EXPENSE AND EQUIPMENT:							
General Expense	3,206	3,205	862	3,355	389.2%	3,355	(2,493)
Fingerprint Reports							
Printing	2,519	2,520	731	1,571	214.9%	1,571	(840)
Communication	1,214	1,212	1,275	933	73.2%	933	342
Postage	9,800	9,800	731	4,597	628.9%	4,597	(3,866)
Insurance					0.0%		0
Travel In State	8,977	8,975	1,427	10,238	717.4%	10,238	(8,811)
Travel, Out-of-State	0		0		0.0%		0
Training	250	250	231		0.0%		231
Facilities Operations	6,800	6,800	7,006	3,400	48.5%	3,400	3,606
C & P Services - Interdept.			24,033		0.0%		24,033
C & P Services - External	2,580	2,580	1,511	0	0.0%		1,511
DP Billing (OIS)	32,134	32,134	45,126	44,655	99.0%	44,655	471
Indirect Distributed Cost (OAS & IS)	42,155	42,155	51,449	51,142	99.4%	51,142	307
Interagency Services	0		25,761		0.0%		25,761
Interagency Agreement (OER)	276,124	170,558		156,648	0.0%	156,648	(156,648)
DOI Prorata	0		1,612	1,604	99.5%	1,604	8
Public Affairs Office	0		2,276	1,862	81.8%	1,862	414
Consumer & Comm Rel. (CCED)	2,924	2,925	1,979	1,866	94.3%	1,866	113
Consolidated Data Center (Teale)	16	14	4,066	19	0.5%	19	4,047
Data Processing Maint/Supplies			4,108		0.0%		4,108
Central Admin Pro Rata	57,695	57,695	53,867	53,867	100.0%	53,867	0
EXAMINATIONS:							
Exam Supplies/Materials			142		0.0%		142
Exam Rent - Non State	0		5,153	660	12.8%	660	4,493
Administrative External Svcs	101,306	168,307	359,935	218,569	60.7%	218,569	141,366
C/P Svcs - Ext Expert Examiners	158,654	155,654	110,319	133,922	121.4%	133,922	(23,603)
C/P Svcs - Sub Matter Experts					0.0%		0
Major Equipment					0.0%		0
Minor Equipment					0.0%		0
Special Adjustments					0.0%		0
ENFORCEMENT:							
Attorney General	7,148	7,148	171,248	22,950	13.4%	22,950	148,298
Office Admin. Hearing	264	264	7,783	2,097	26.9%	2,097	5,686
Evidence / Witness Fees	23,622	21,622	11,667	25,908	222.1%	25,908	(14,241)
Court Reporters							0
DOI Investigation	4,354	4,354			0.0%		0
School Oversight		8,876					0
TOTALS, OE&E:	741,742	707,048	894,298	739,863	82.7%	739,863	154,435
TOTAL EXPENSE:	1,083,319	1,044,836	1,378,611	1,135,999	82.4%	1,135,999	244,112
Sched. Reimb. - Other	0	0	0	0	0.0%	0	0
Sched. Reimb. - Fingerprints	0	0	0	0	0.0%	0	0
Unsched. Reimb.	0	0	48	0	0.0%	0	0
TOTAL REIMBURSEMENTS:	0	0	48	0	0.0%	0	0
NET APPROPRIATION:	1,083,319	1,044,836	1,378,611	1,135,999	82.4%	1,135,999	244,112
SURPLUS/(DEFICIT):							17.71%

FY 2013/14 – GEO Expenditures



Personal Services:	\$396,136
Departmental Services:	\$311,663
Operating Expense And Equipment:	\$24,094
Examinations:	\$353,151
Enforcement:	\$50,955

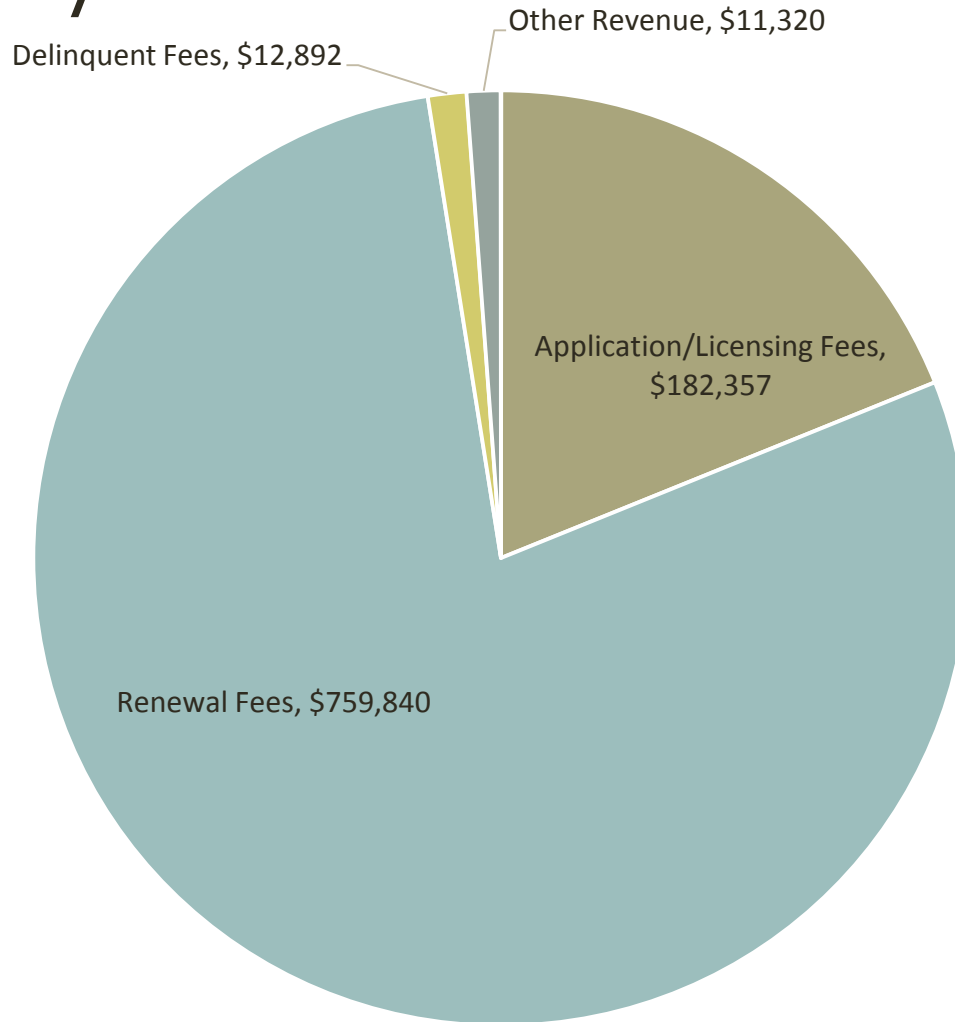
Total Expenditures: \$1,135,999

GEO Expenditures 2012-13/2013-14

ACTUAL EXPENDITURES

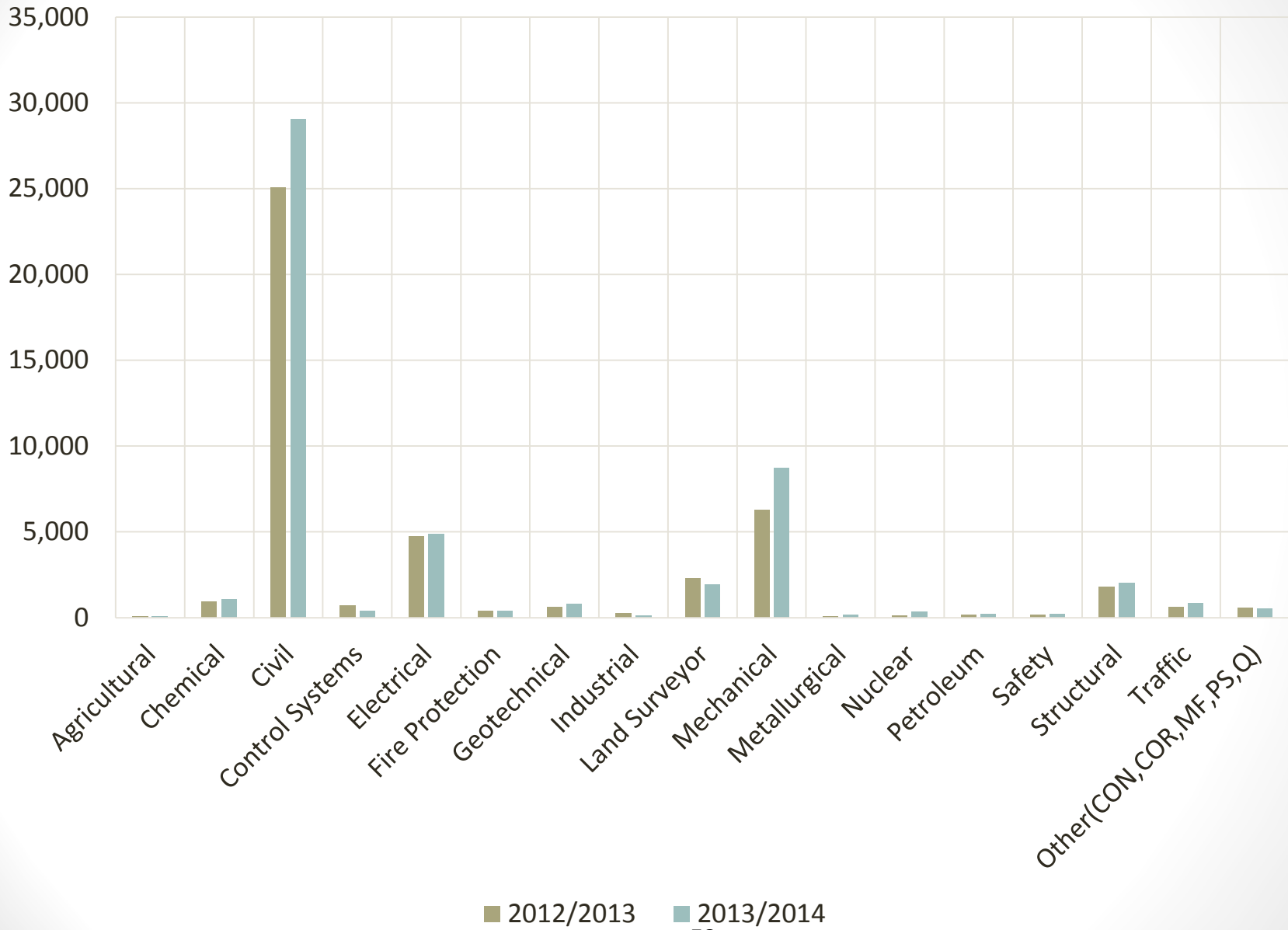


FY 2013/14 – GEO Revenue



Revenue: \$966,409

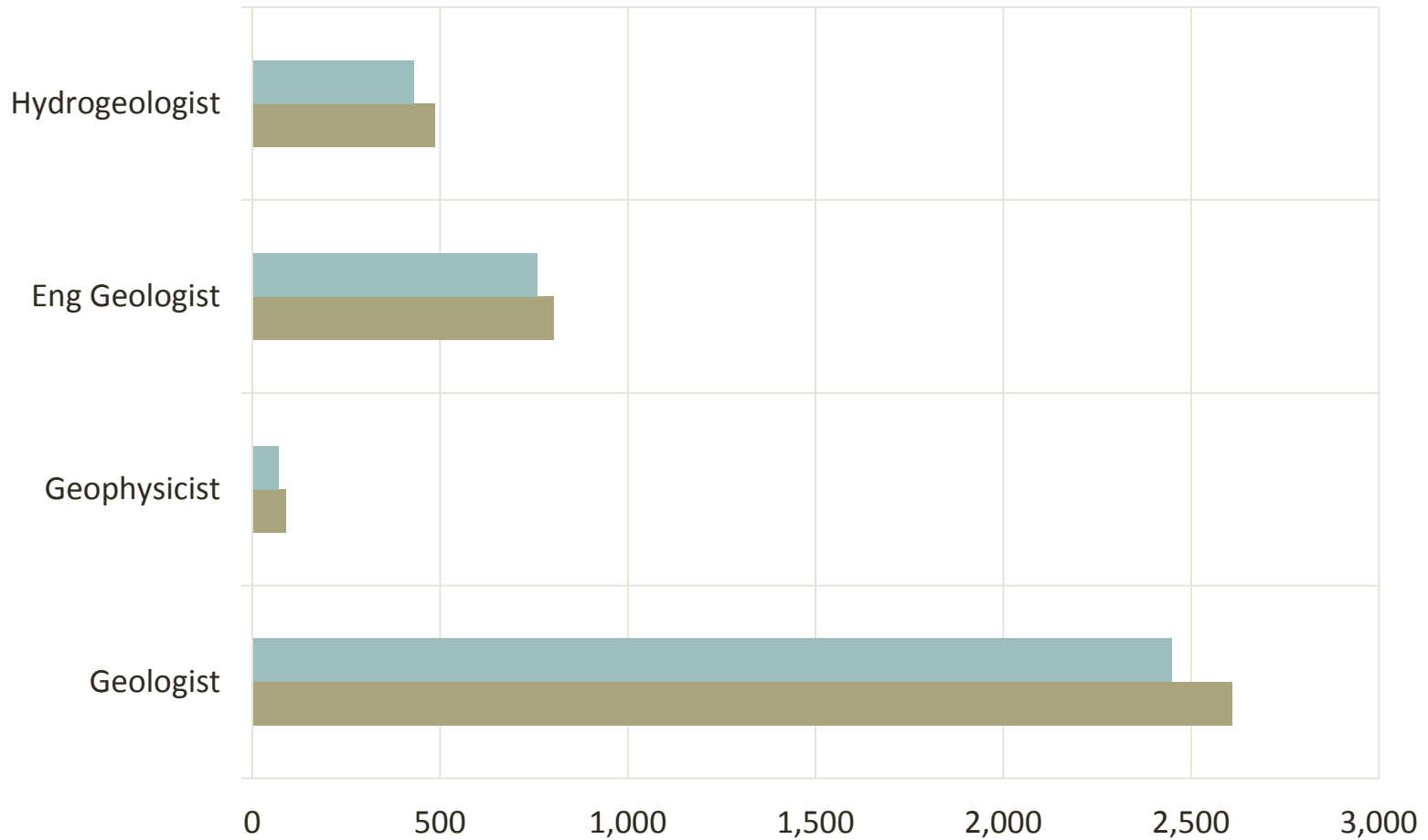
PELS Renewals



PELS Renewals

Renewals:	2012/2013	2013/2014	Difference
Agricultural	61	87	26
Chemical	921	1,049	128
Civil	25,052	29,059	4,007
Control Systems	691	409	-282
Electrical	4,758	4,878	120
Fire Protection	364	391	27
Geotechnical	595	787	192
Industrial	263	104	-159
Land Surveyor	2,296	1,930	-366
Mechanical	6,267	8,703	2,436
Metallurgical	78	146	68
Nuclear	112	327	215
Petroleum	149	201	52
Safety	163	227	64
Structural	1,790	2,036	246
Traffic	626	848	222
Other (CON,COR,MF,PS,Q)	589	537	-52
Total	44,775	⁵³ 51,719	6,944

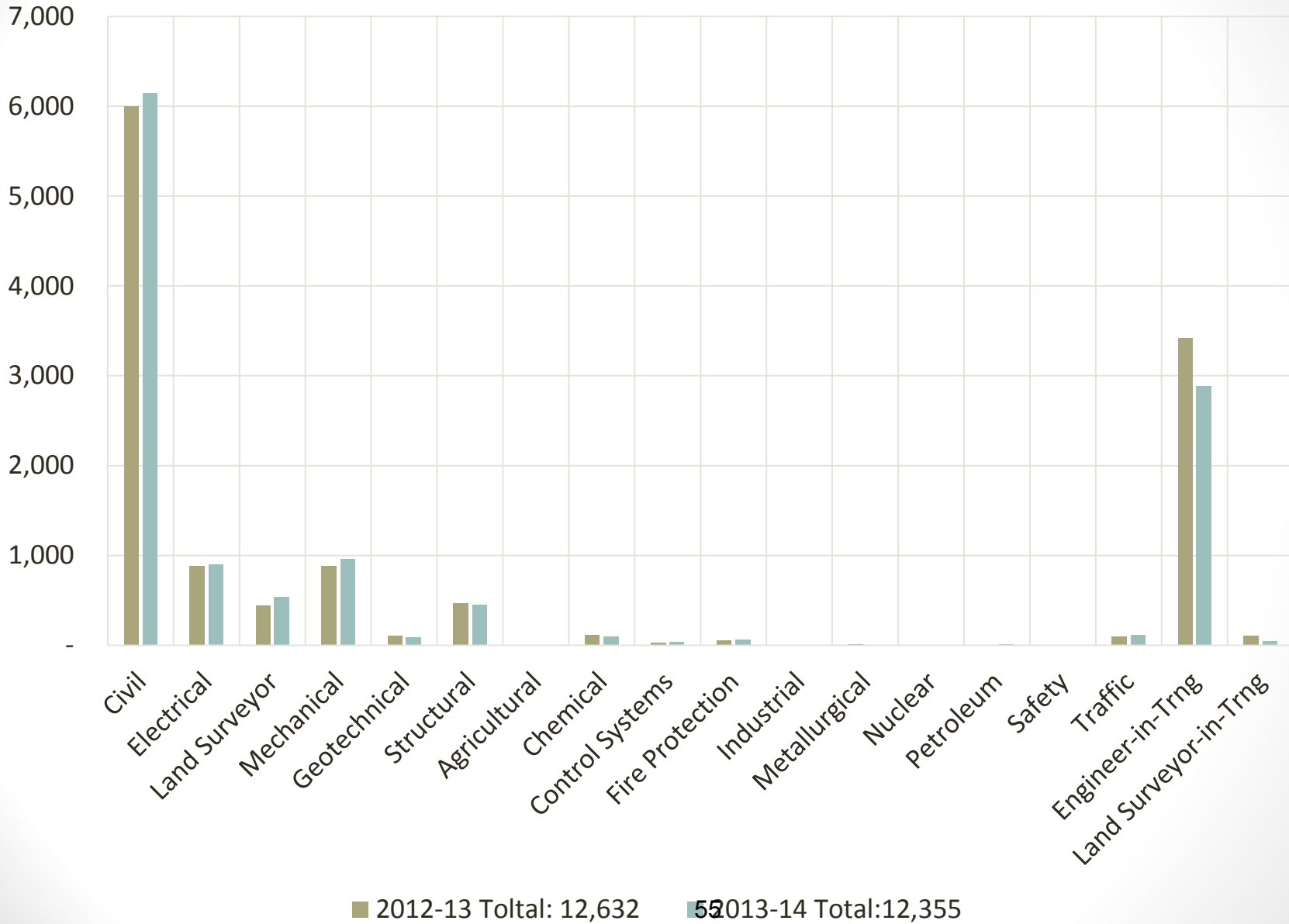
GEO Renewals



	Geologist	Geophysicist	Eng Geologist	Hydrogeologist
■ 2013-14 Total: 3,705	2,448	69	758	430
■ 2012-13 Total:3,987	2,608	89	803	487

■ 2013-14 Total: 3,705 ■ 2012-13 Total:3,987

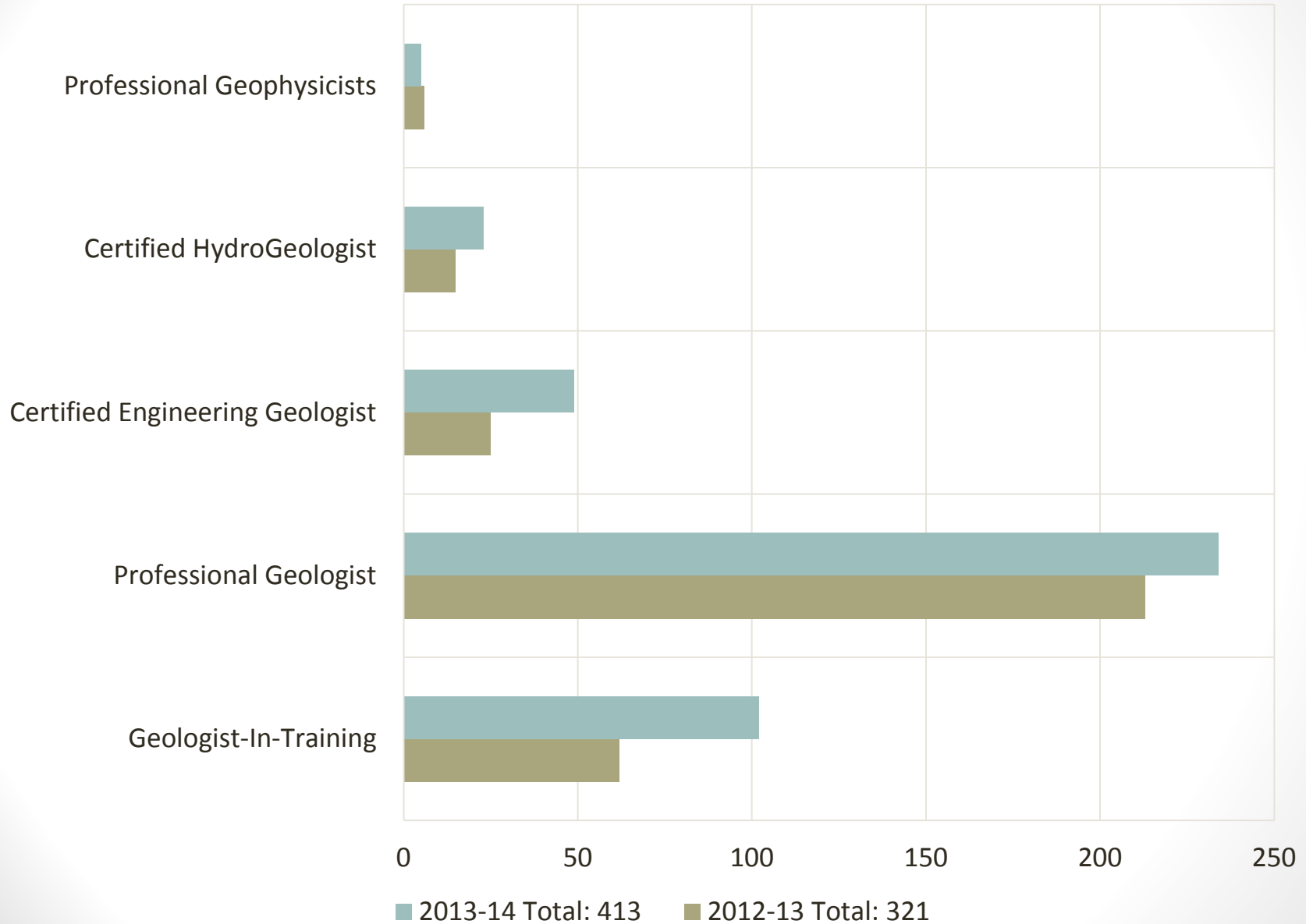
PELS Applications



PELS Applications

Applications	2012-13	2013-14	Difference
Civil	6,003	6,144	141
Electrical	883	898	15
Land Surveyor	448	540	92
Mechanical	880	957	77
Geotechnical	104	94	-10
Structural	468	453	-15
Agricultural	3	2	-1
Chemical	112	102	-10
Control Systems	30	37	7
Fire Protection	51	61	10
Industrial	4	6	2
Metallurgical	10	3	-7
Nuclear	7	2	-5
Petroleum	6	11	5
Safety	-	-	0
Traffic	100	115	15
Engineer-in-Trng	3,417	2,884	-533
Land Surveyor-in-Trng	106	46	-60
Total	12,632	12,355	-277

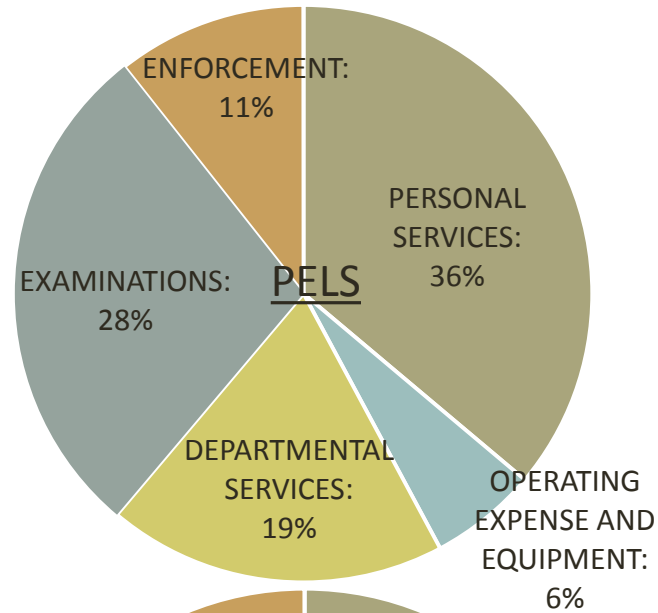
GEO Applications



FY 2014/15 Introduction

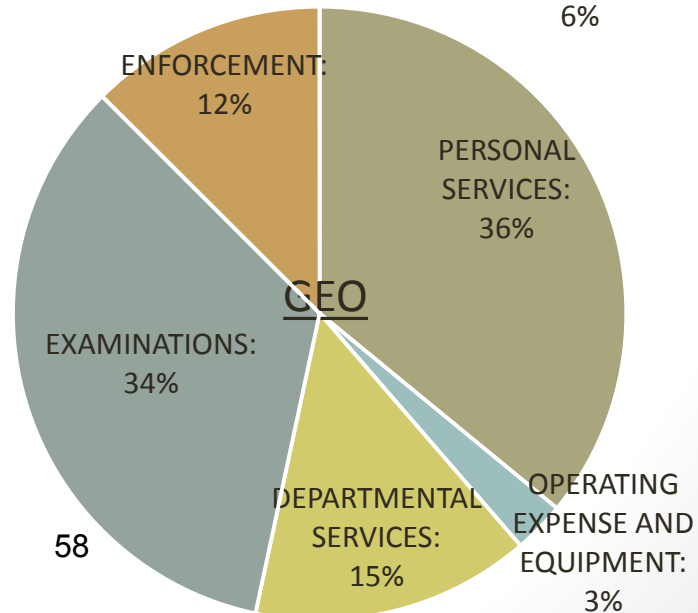
BUDGET ALLOTMENT PELS:

PERSONAL SERVICES:	\$3,513,598
OPERATING EXPENSE AND EQUIPMENT:	\$585,923
DEPARTMENTAL SERVICES:	\$1,847,144
EXAMINATIONS:	\$2,742,910
ENFORCEMENT:	\$1,034,425
TOTAL:	\$9,724,000



BUDGET ALLOTMENT GEO:

PERSONAL SERVICES:	\$501,016
OPERATING EXPENSE AND EQUIPMENT:	\$37,818
DEPARTMENTAL SERVICES:	\$205,042
EXAMINATIONS:	\$475,549
ENFORCEMENT:	\$174,575
TOTAL:	\$1,394,000



Questions?



Outreach Calendar (Future Events) as of 9/12/14

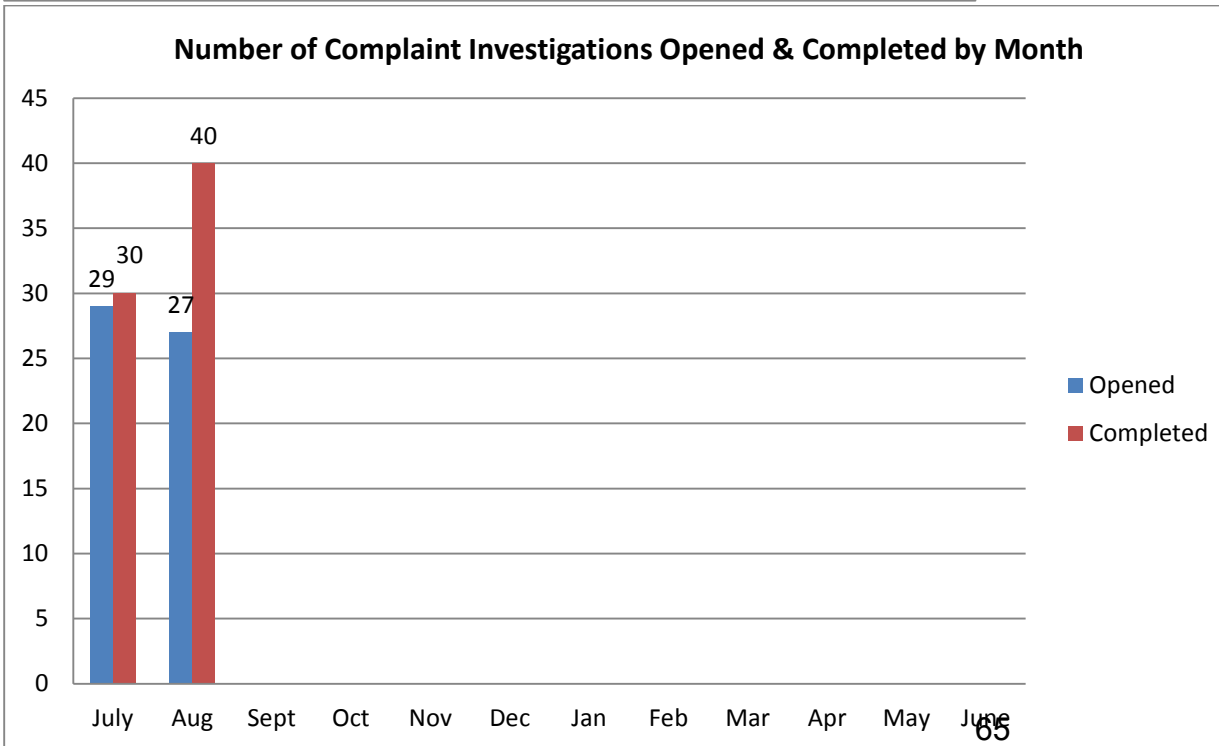
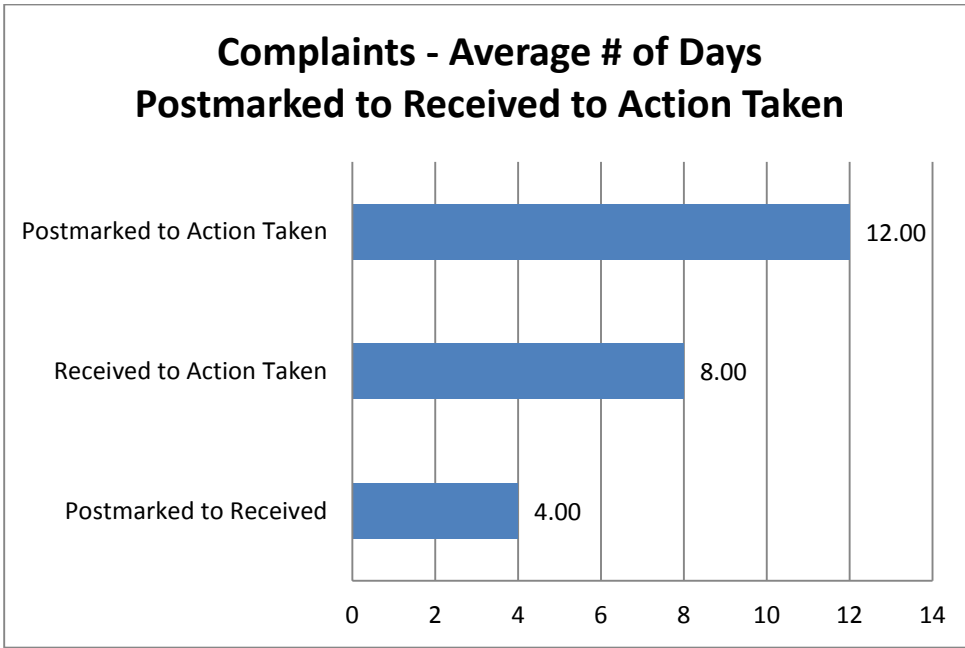
Newly added (since last sending) events highlighted in **red**.

Date	Day of Week	Location	Type of Event (tradeshow/school, etc.)	Event Site	Time	Staff Rep	Board Rep
Sept 21 -23	Sunday - Tuesday		ABET Visit		All Day		Qureshi, PE
Sept 21 -25	Sunday - Thursday	Assoc. of State Dam Safety Officials	Tradeshow	San Diego Convention Center	All Week		
Sept 23	Tuesday	Oakland	Bay Area Geologic Society Dinner - Speech	Oakland	6 pm	Moore, PLS	Owen, PG, CEG, PGP TAC Member
Oct 12- 14	Sunday - Tuesday		ABET Visit		ALL Day	Donelson, PE	
Oct 12 – 17	Sunday – Friday	Long Beach	Society of Fire Protection Engineers Expo	Long Beach Hilton	All Week		
Oct 12 – 18	Sunday – Saturday	Statewide – all CA geology programs	American Geosciences Institute (AGI)	Earth Sciences Week Statewide	Statewide – all CA geology programs		
Oct 16	Thursday	San Bernardino	Riverside/San Bernardino Section Institute of Transportation Engineers	San Bernardino	11:30 am	Donelson, PE	Quereshi, PE
Oct 26 - 28	Sunday - Tuesday		ABET Visit		All Day		Johnson, PE
Oct 29	Wednesday	Escondido	North San Diego County Civ. Eng. & Land Surveyor Assn. Meeting	Escondido	6 pm	Eissler Moore, PLS	
Dec 15-19	Monday-Friday	San Francisco	American Geophysical Union (AGI) Expo	Moscone Center	All Week		

VIII. ENFORCEMENT

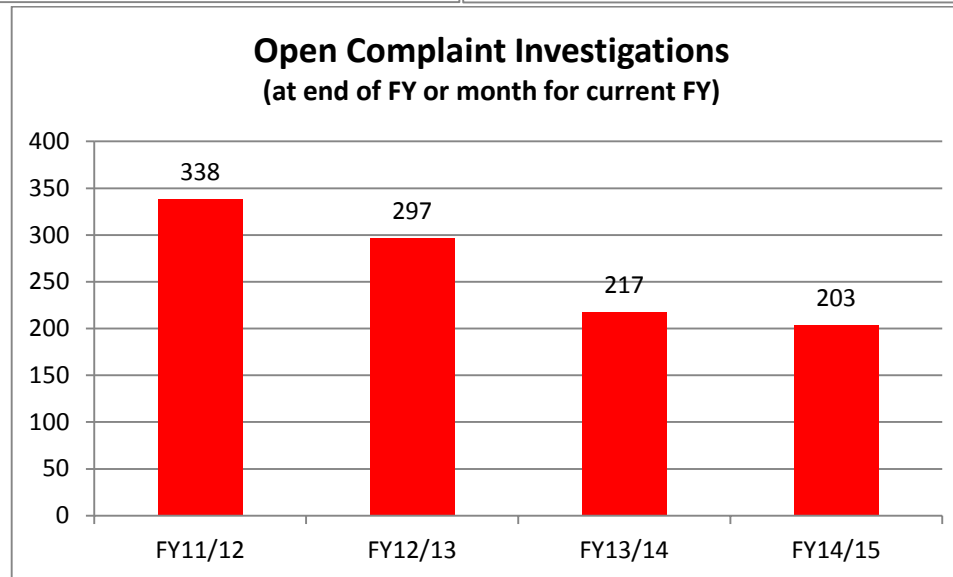
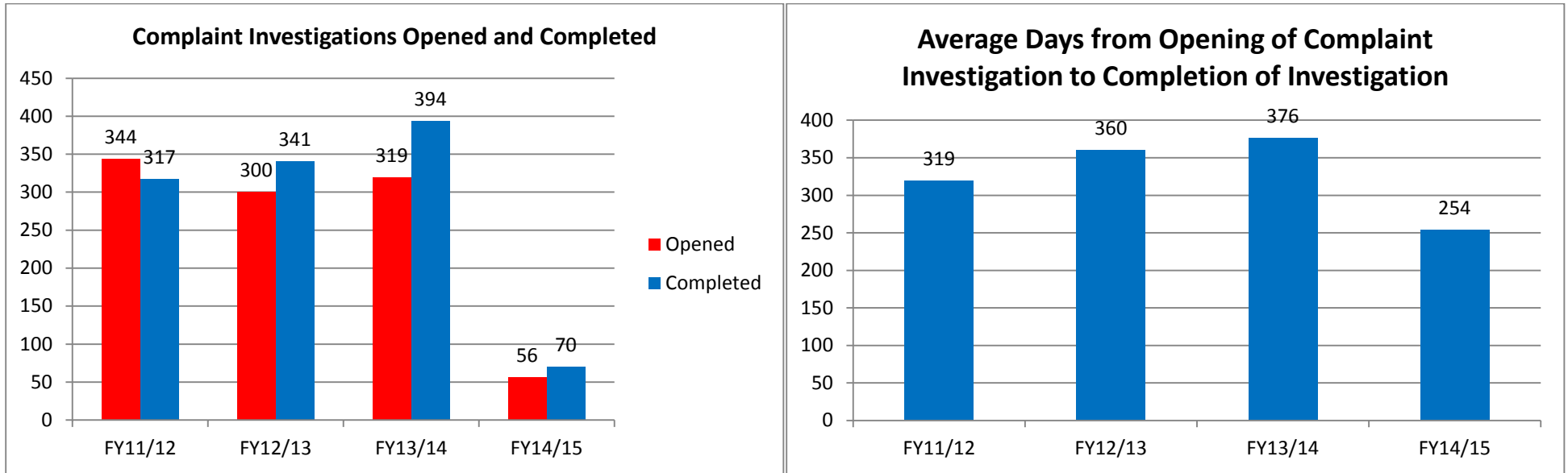
PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase



PELS ENFORCEMENT PROGRAM

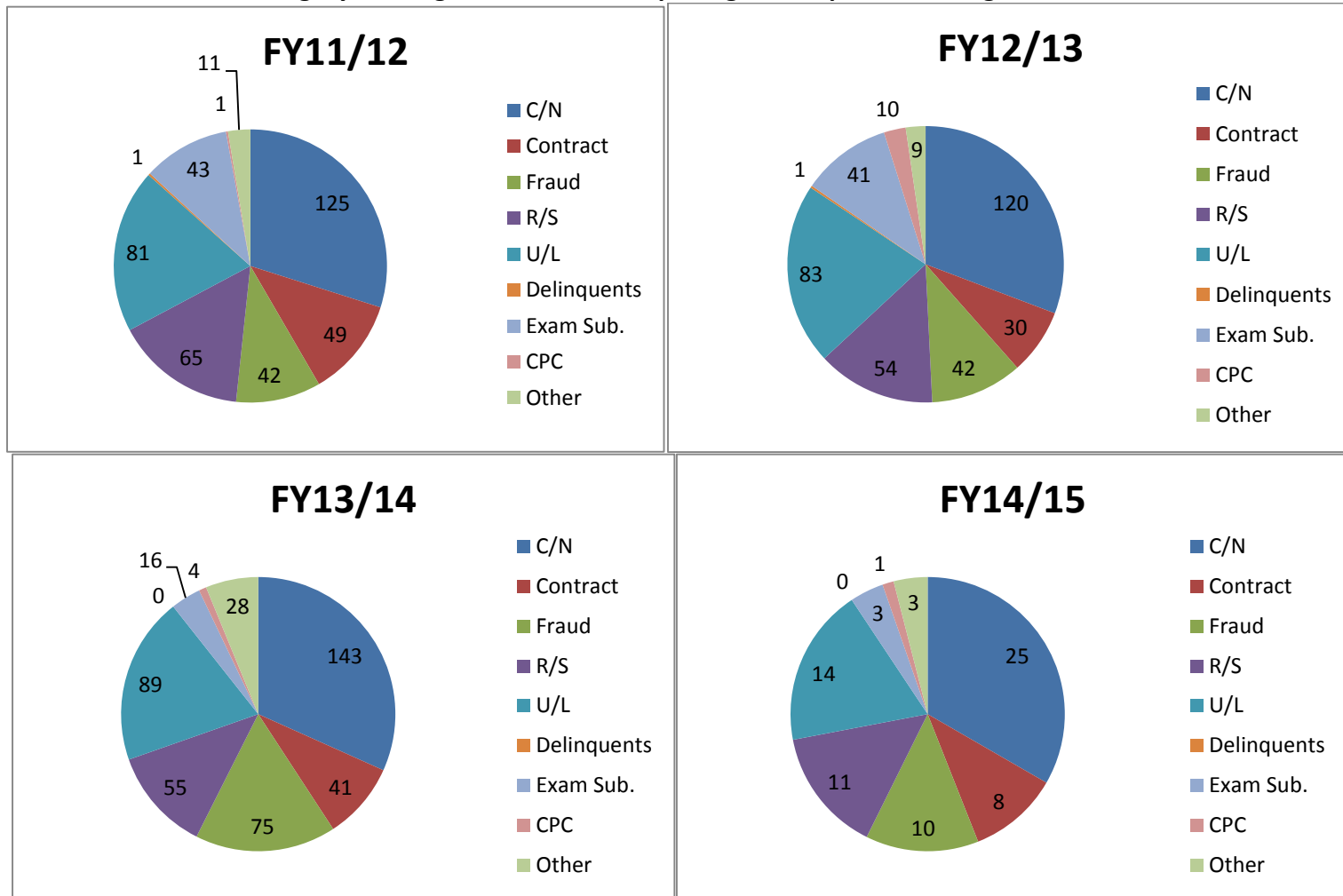
Complaint Investigation Phase



NOTE: FY14/15 statistics are through August 31, 2014

PELS ENFORCEMENT PROGRAM

Category of Alleged Violations at Opening of Complaint Investigation Case



NOTE: FY14/15 statistics are through August 31, 2014

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

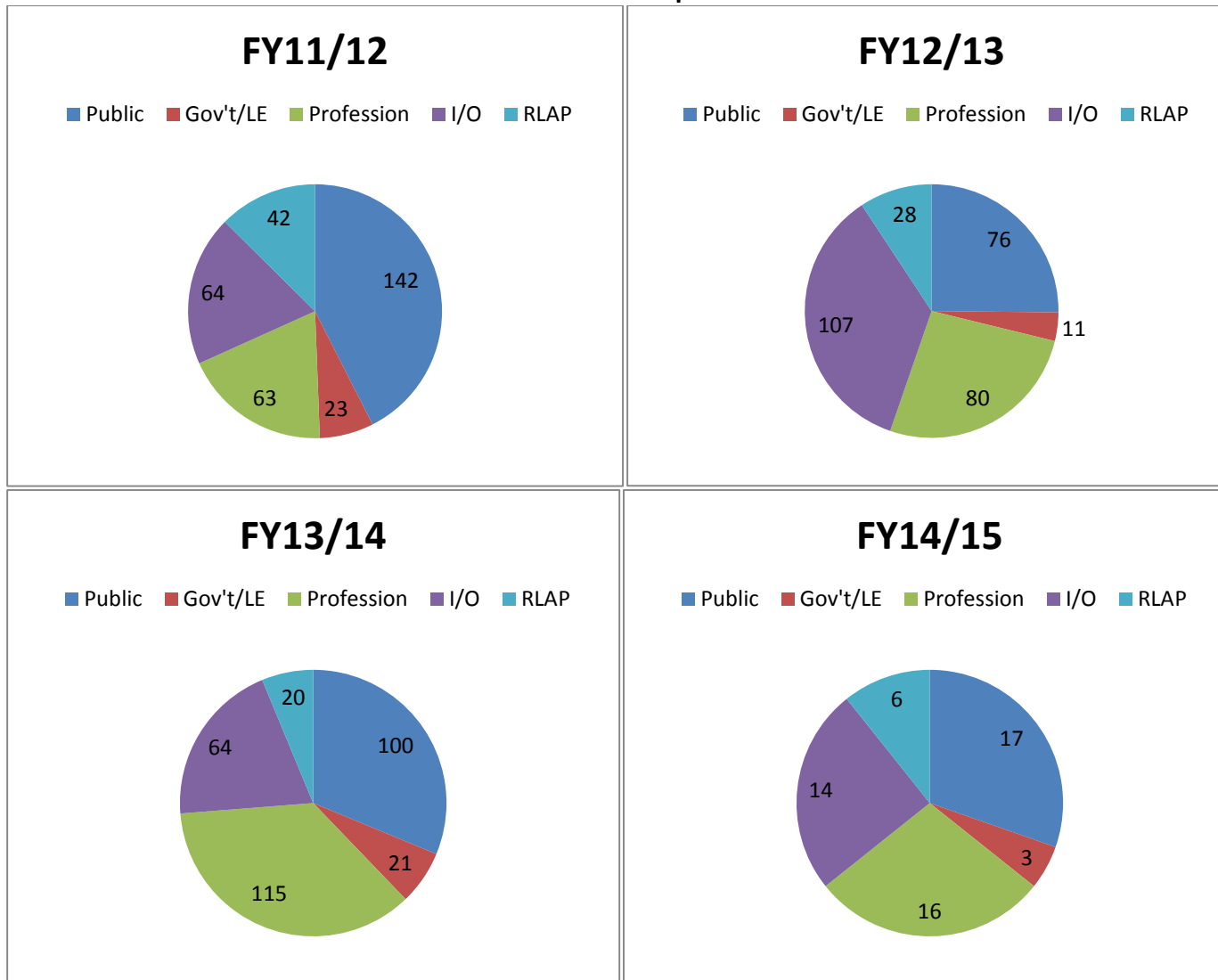
Delinquents = Delinquent Reinstatement applicants

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: FY14/15 statistics are through August 31, 2014

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.

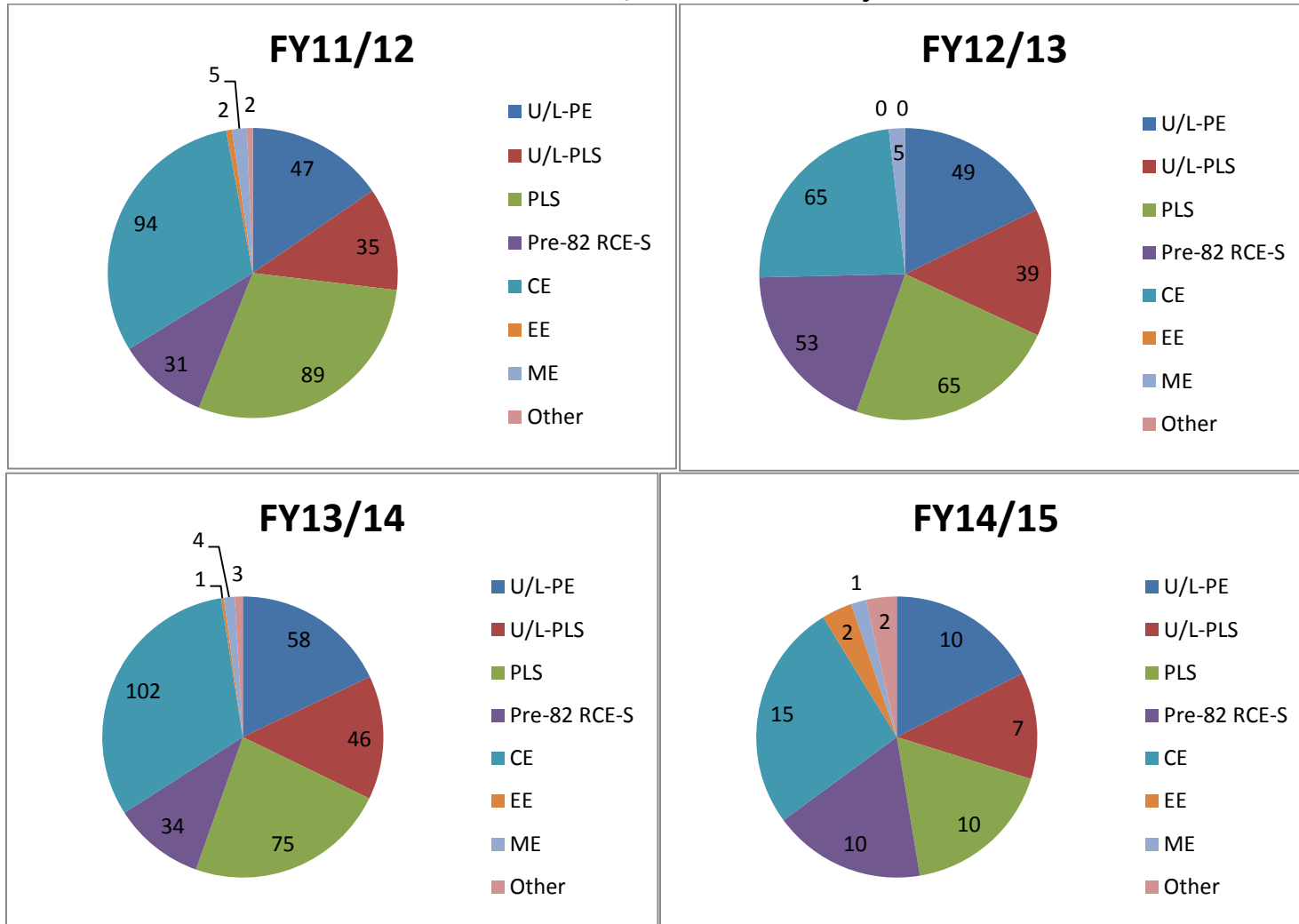
Gov't/LE = Government Agency or Law Enforcement (includes federal, state, and local governmental entities, e.g. County Surveyor's Office, Building Dept.)

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



NOTE: FY14/15 statistics are through August 31, 2014

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

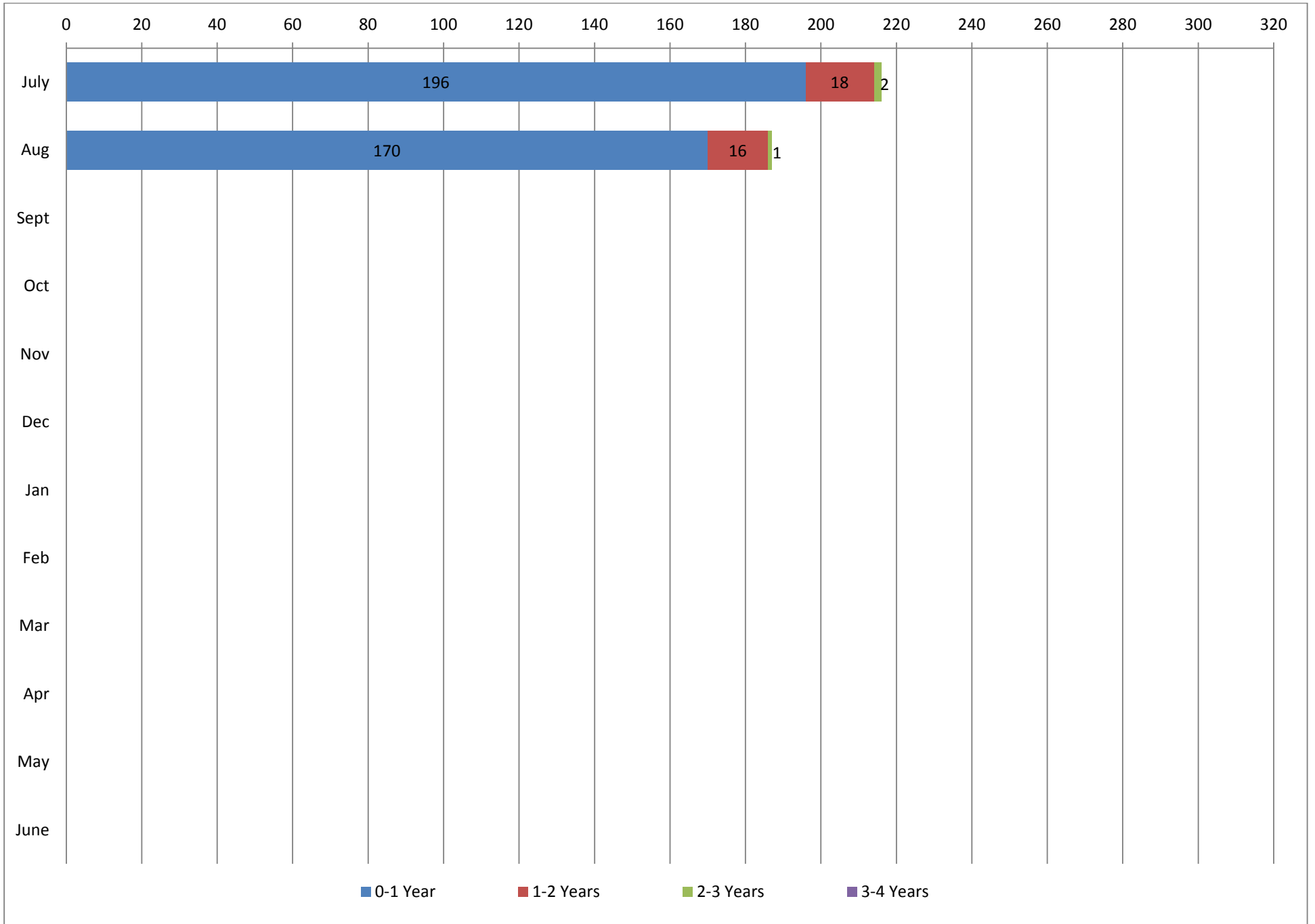
CE = allegations relating to the practice of civil engineering by a Civil Engineer

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

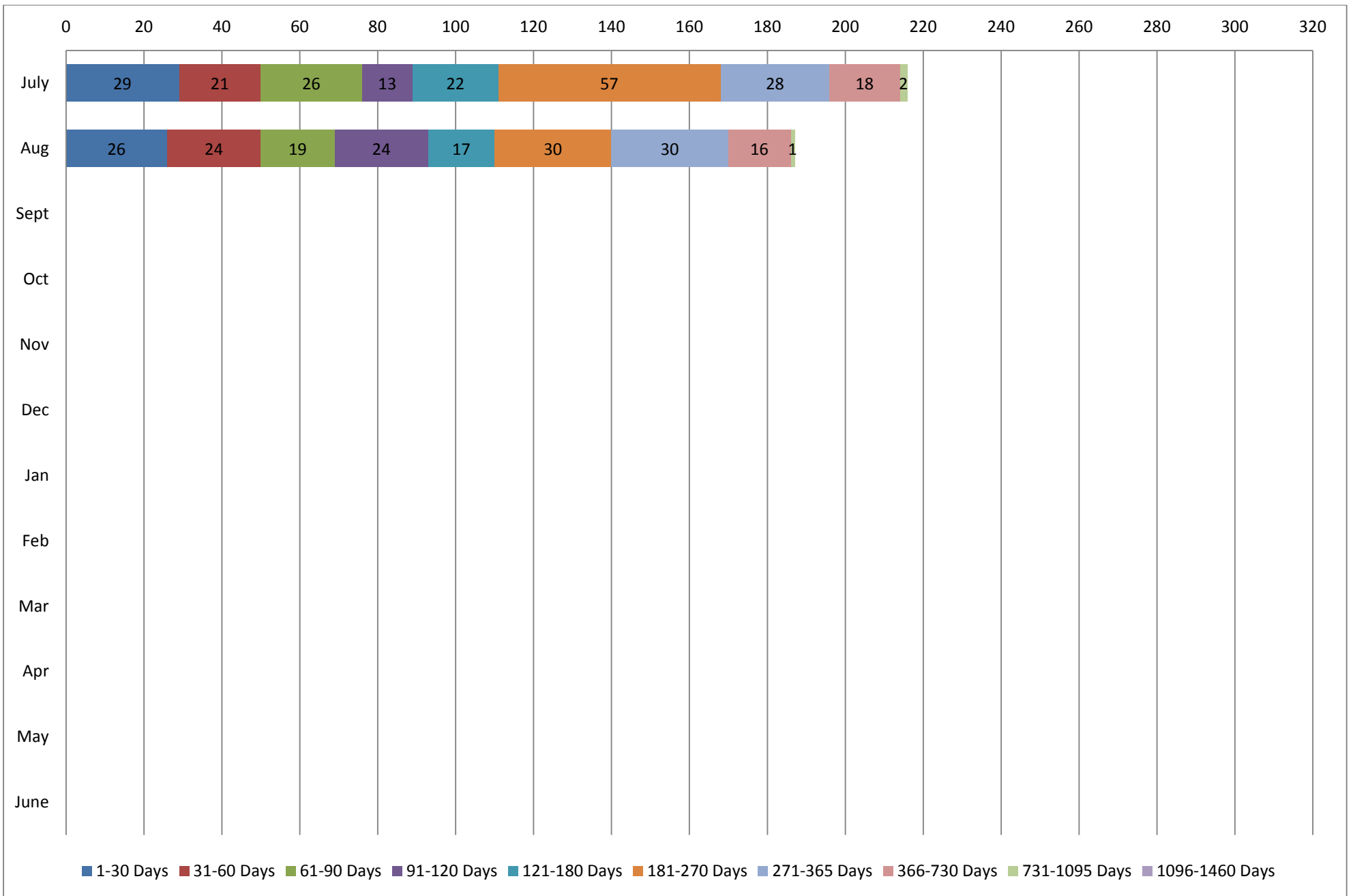
ME = allegations relating to the practice of mechanical engineering by a Mechanical Engineer

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)

Aging of Open (Pending) Complaint Investigation Cases FY14/15

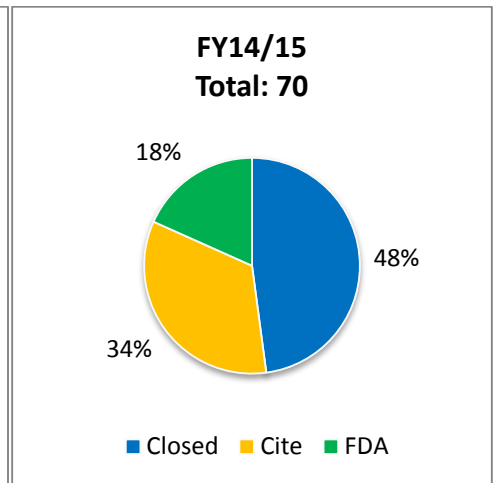
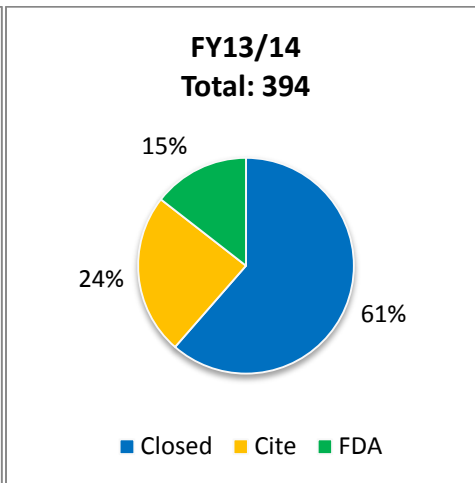
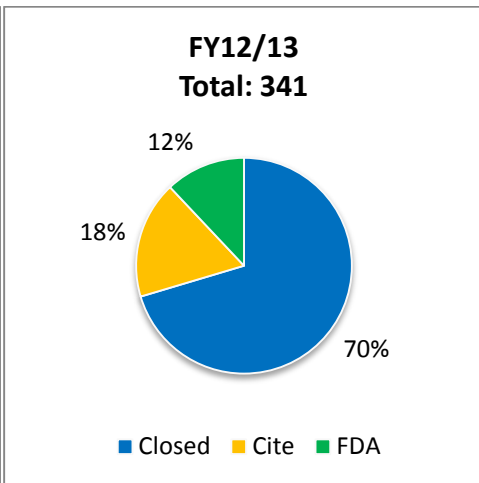
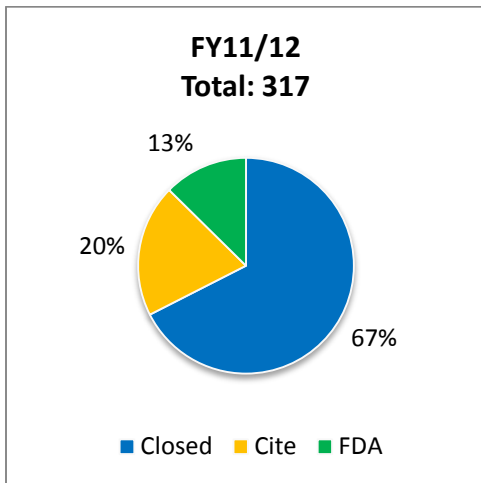
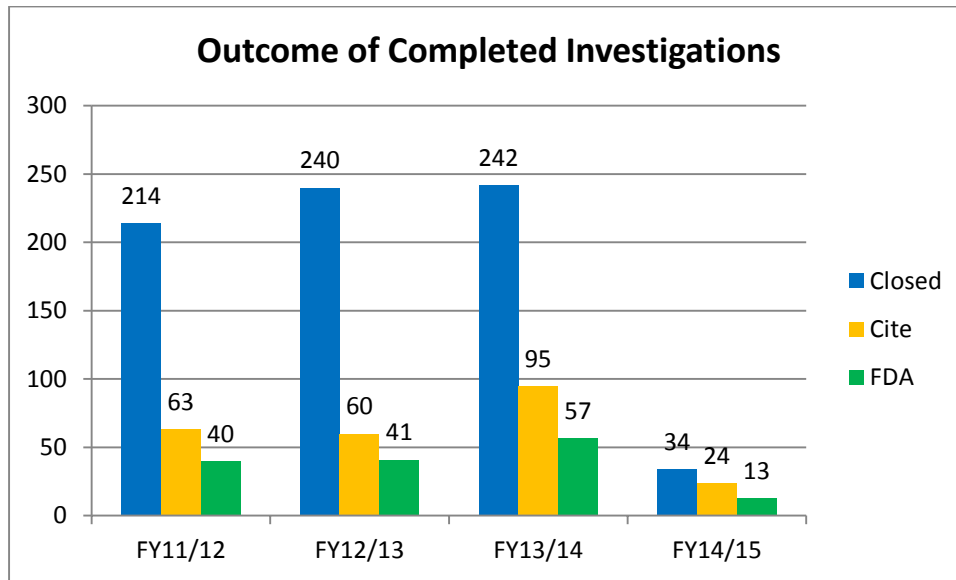


Aging of Open (Pending) Complaint Investigation Cases FY14/15



PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY14/15 statistics are through August 31, 2014

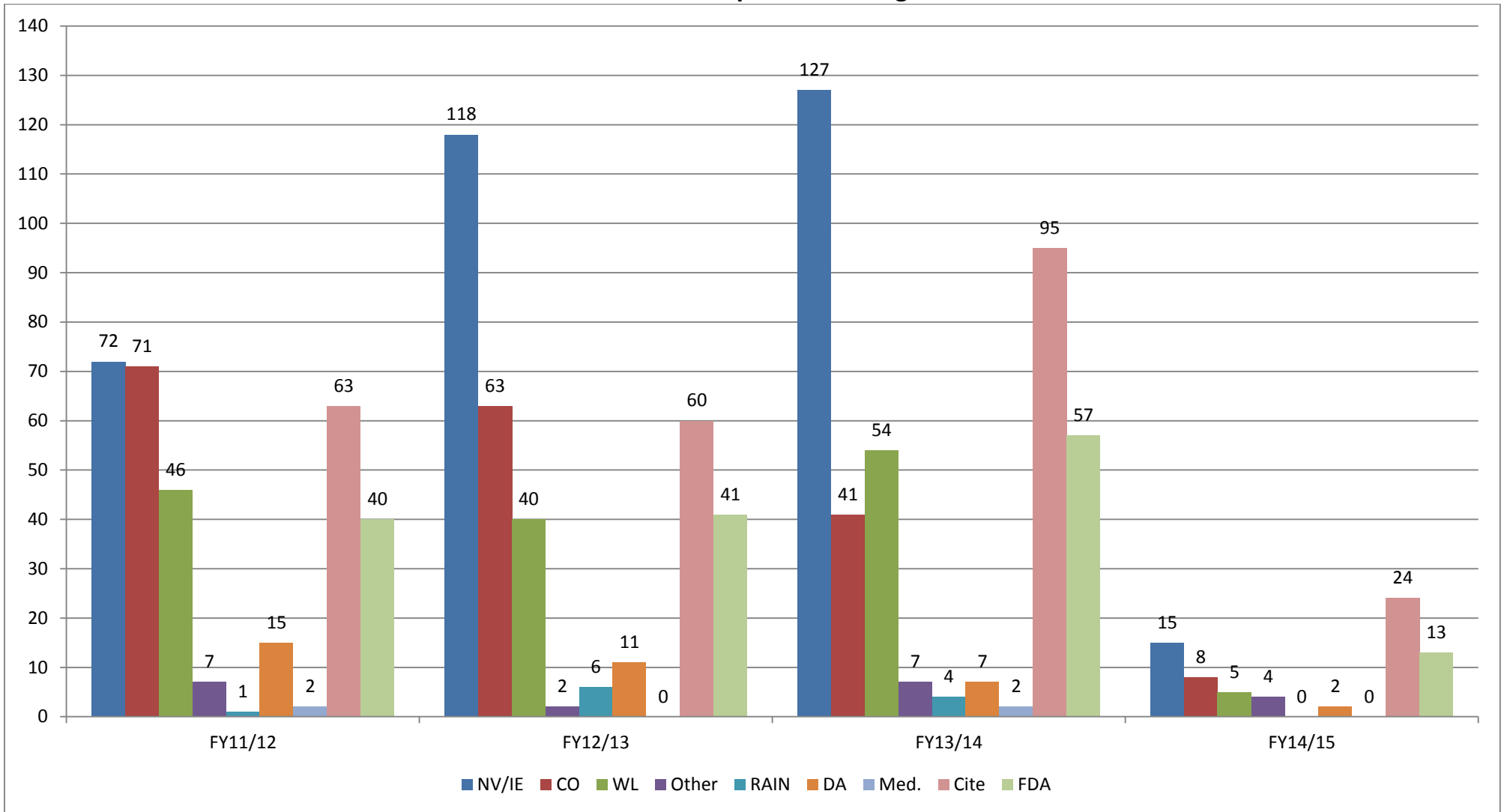
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY14/15 statistics are through August 31, 2014

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

NV/IE = No Violation/Insufficient Evidence

CO = Compliance Obtained

WL = Warning Letter

Other = Other Reason for Closing Without Action (e.g., subject deceased)

RAIN = Resolved After Initial Notification

DA = Referred to District Attorney with Request to File Criminal Charges

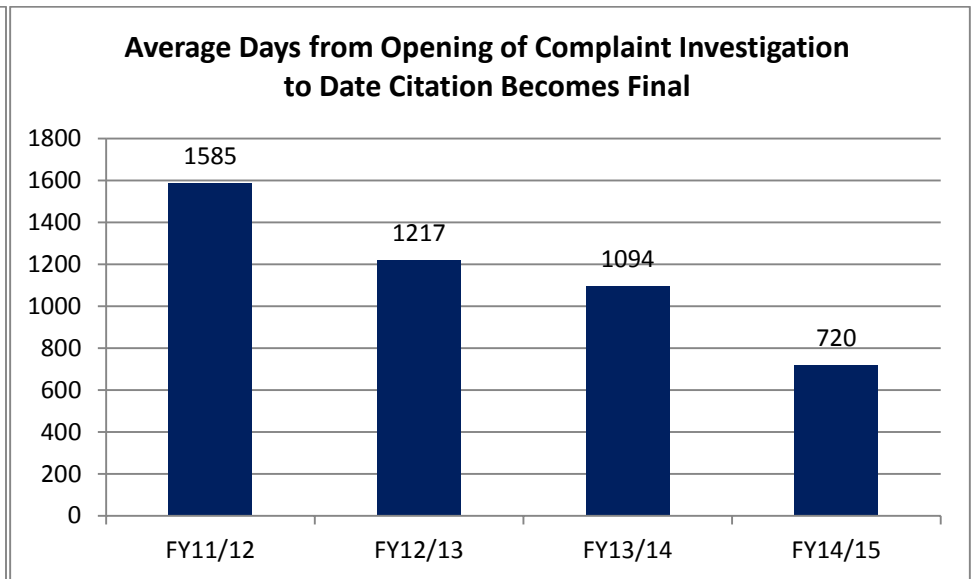
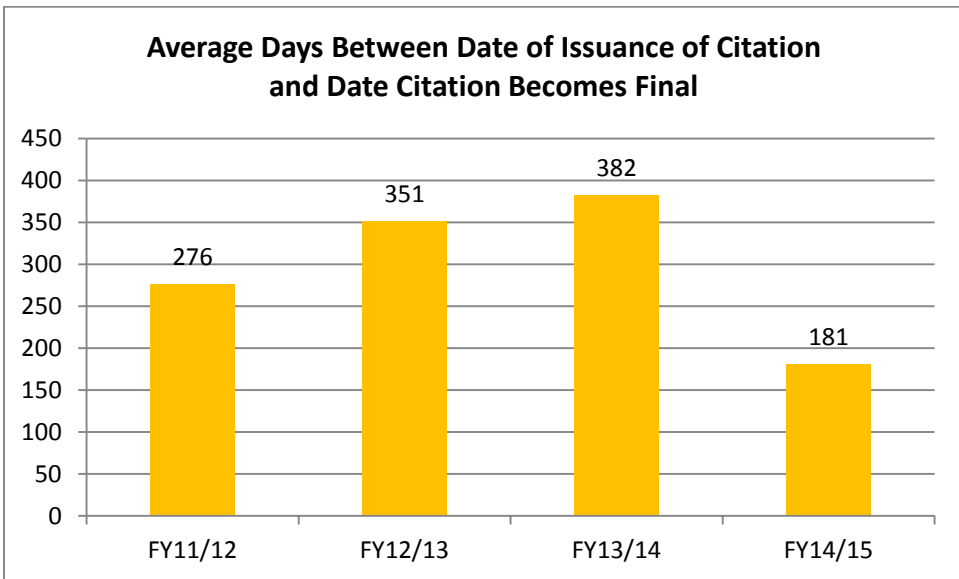
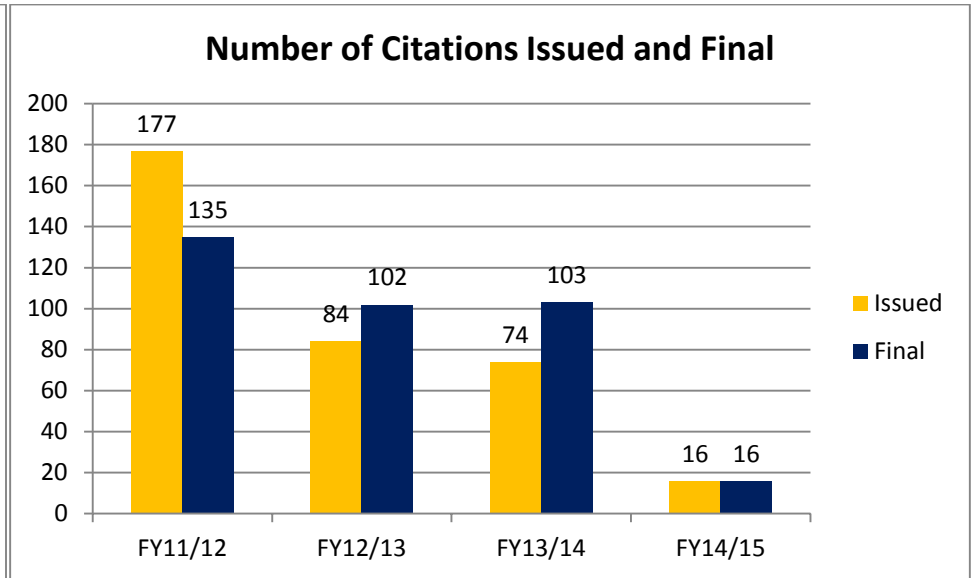
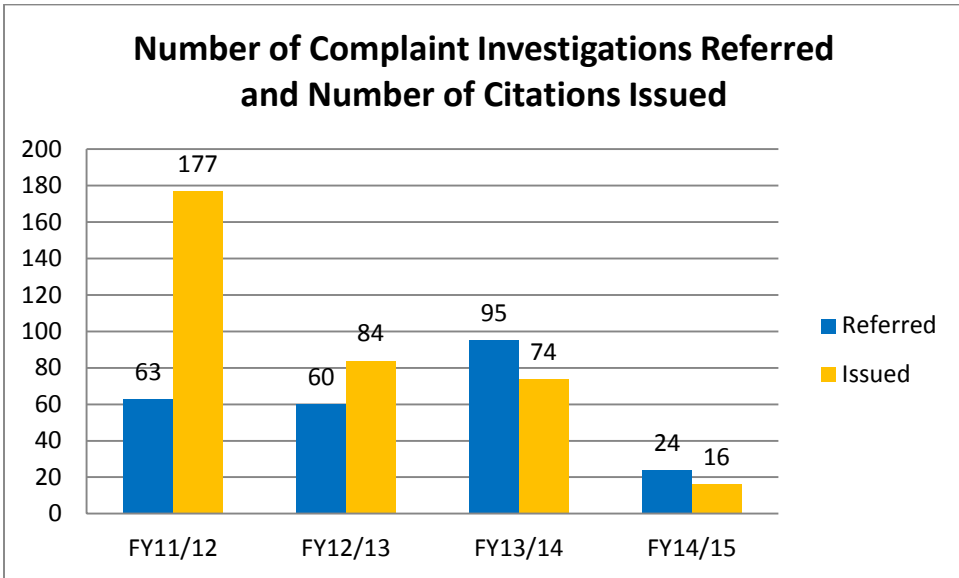
Med. = Mediated

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

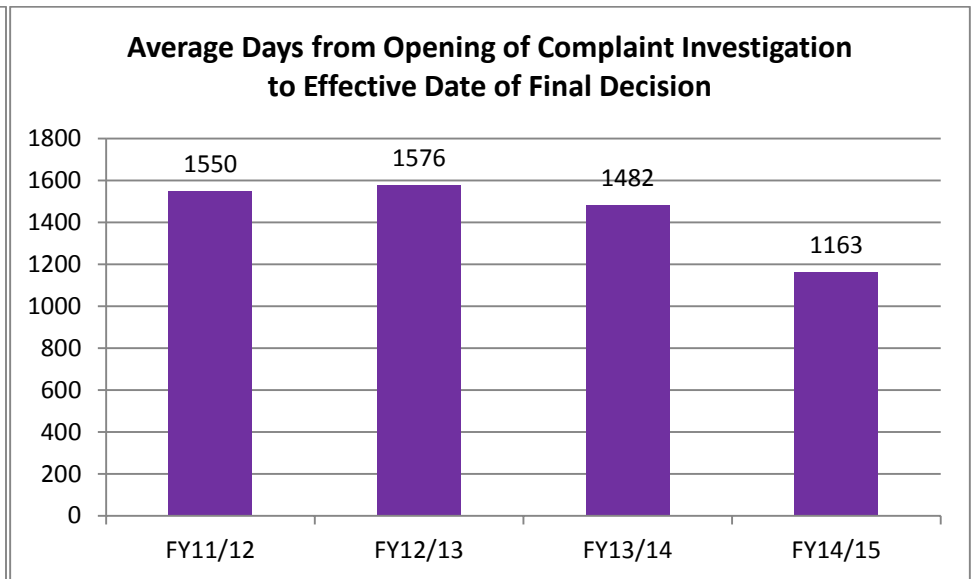
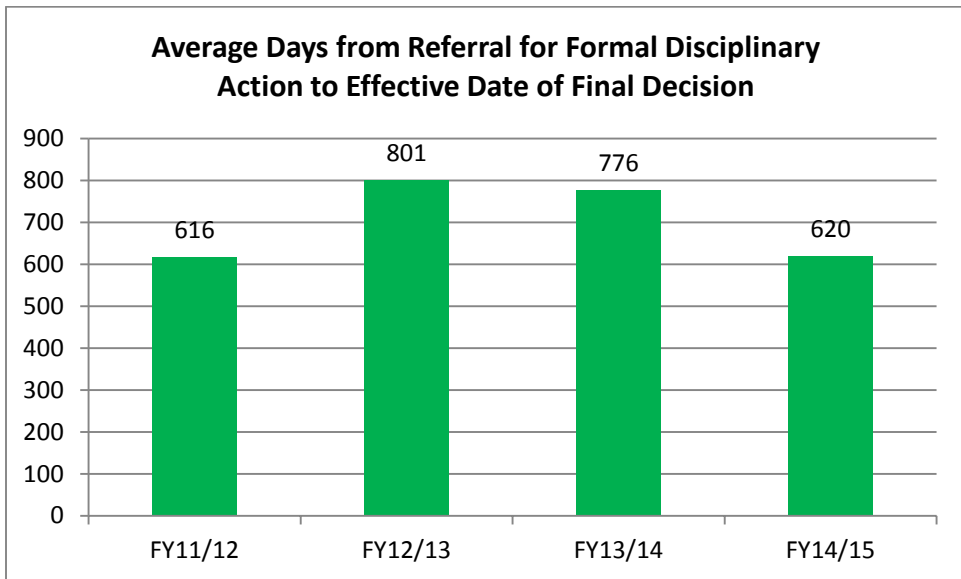
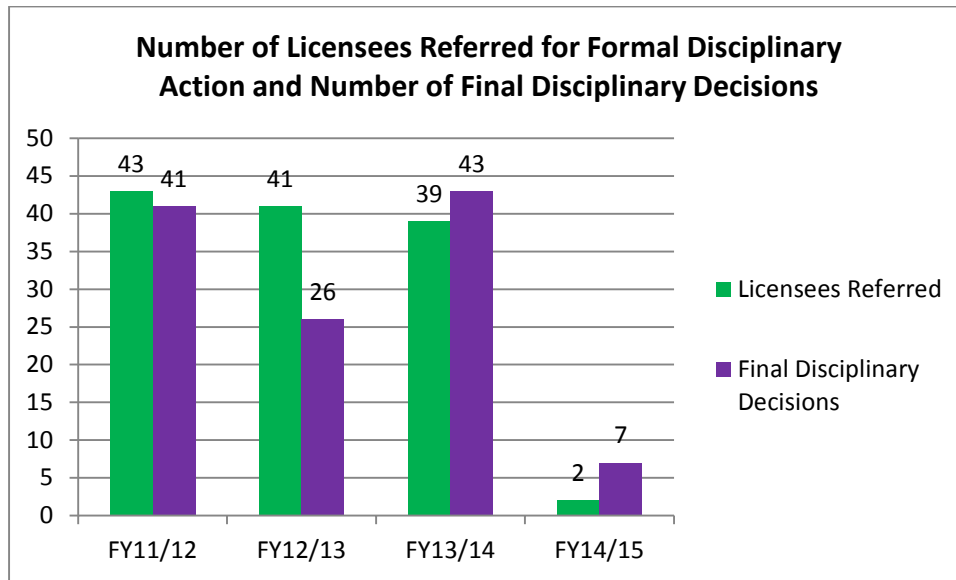
Citations (Informal Enforcement Actions)



NOTE: FY14/15 statistics are through August 31, 2014

PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

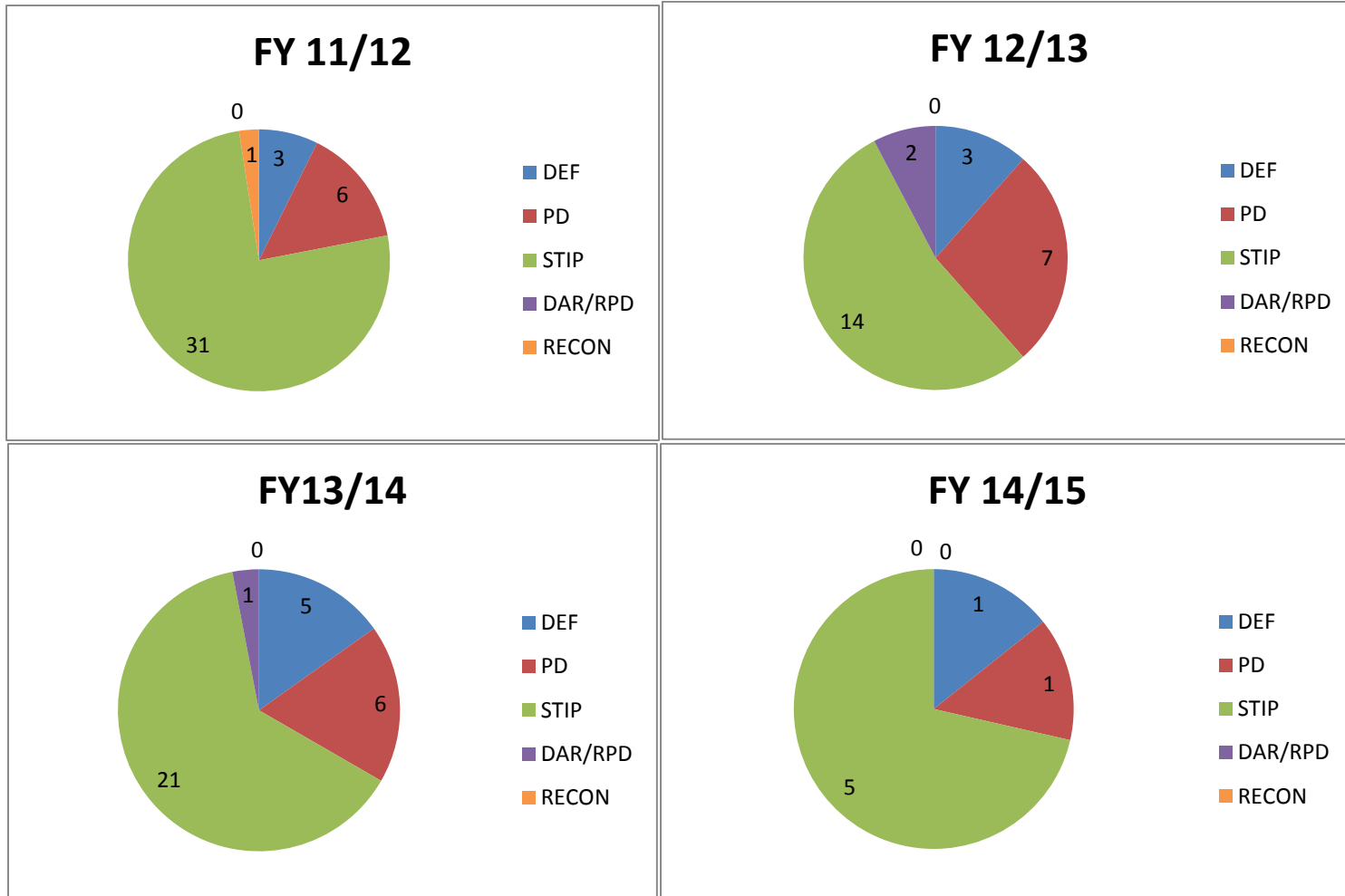


NOTE: FY14/15 statistics are through August 31, 2014

PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

Types of Decisions



NOTE: FY14/15 statistics are through August 31, 2014

DEF = Default Decision

PD = Proposed Decision

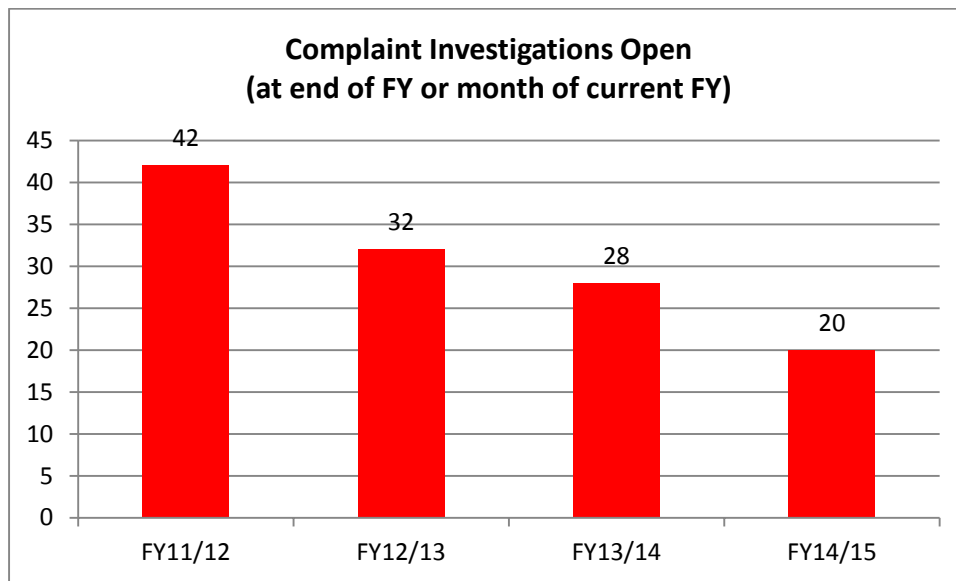
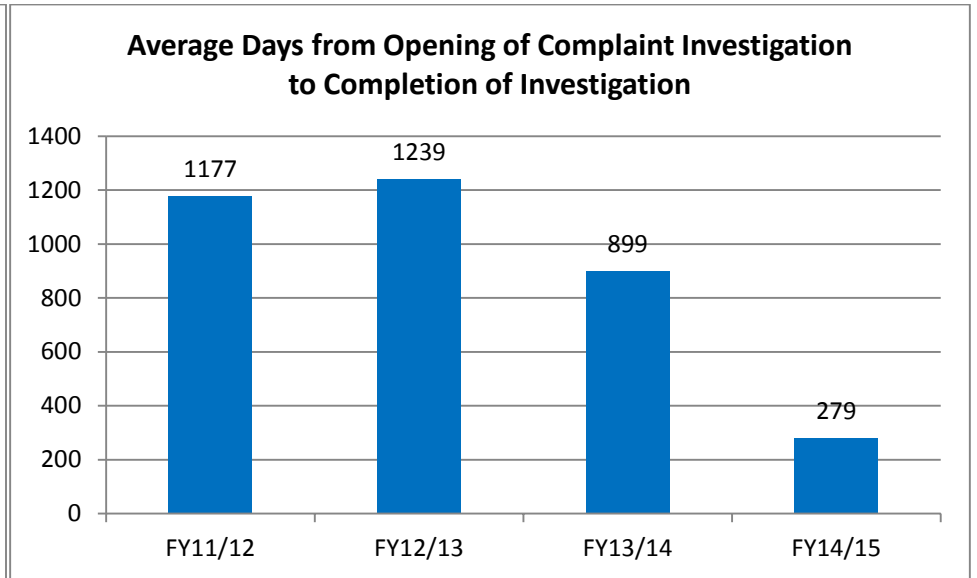
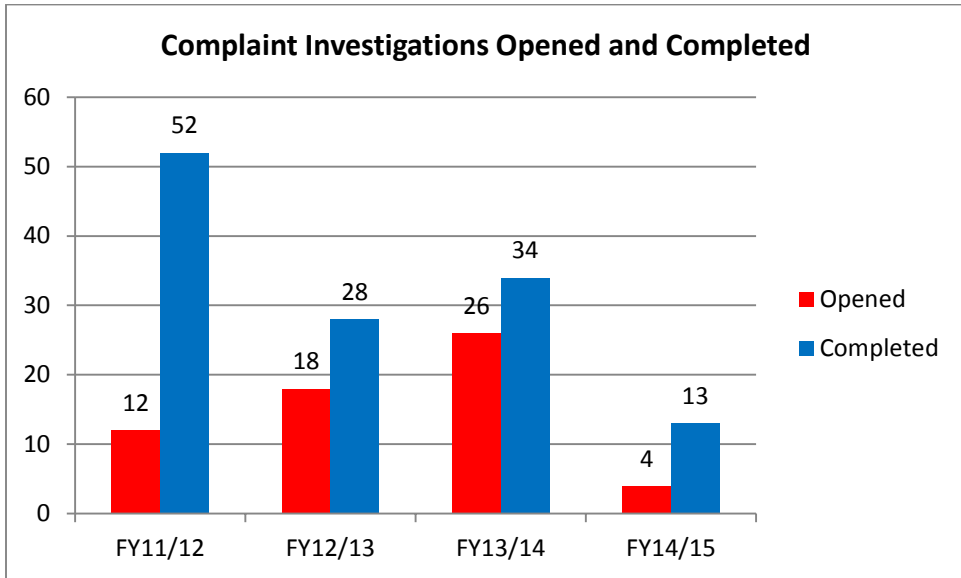
STIP = Stipulated Settlement

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

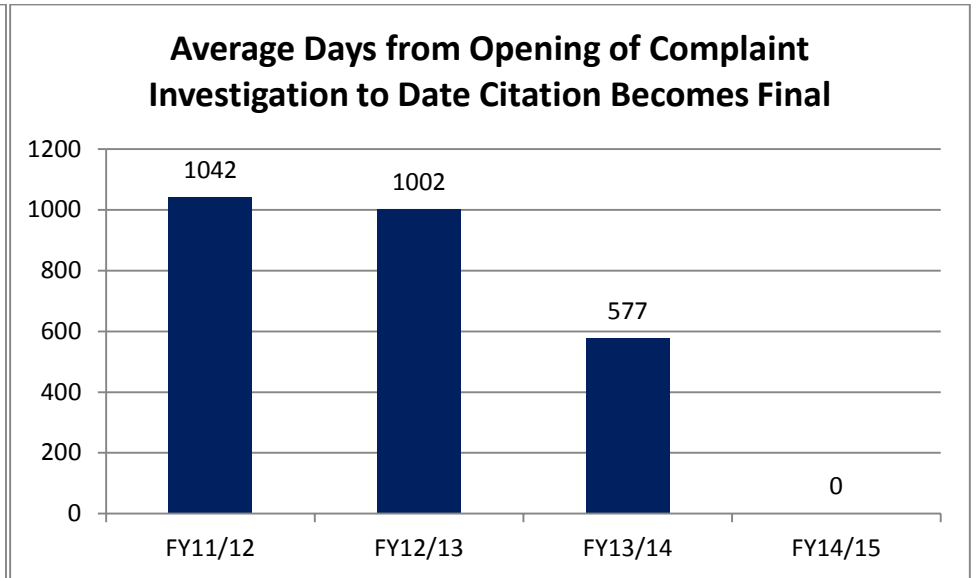
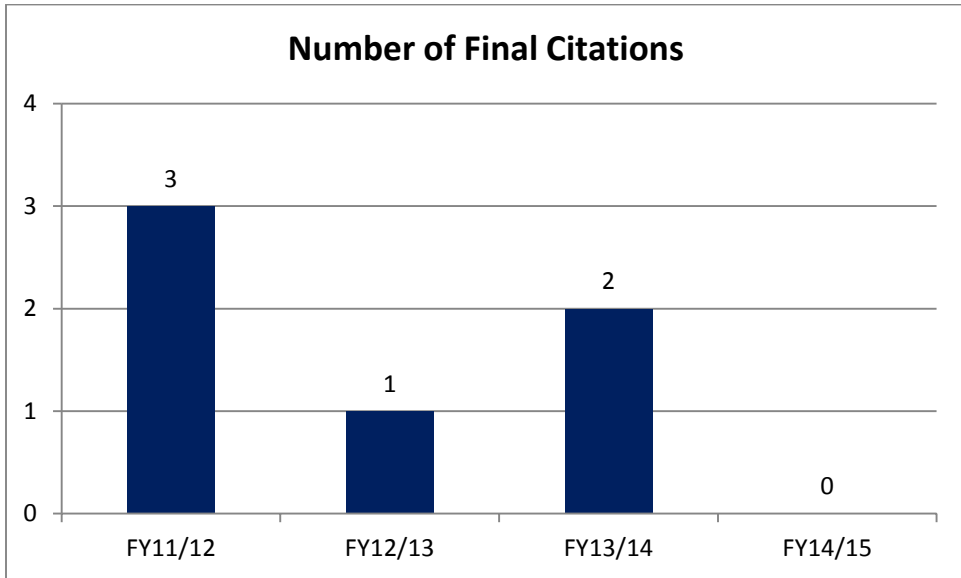
Complaint Investigation Phase



NOTE: FY14/15 statistics are through August 31, 2014

G&G ENFORCEMENT PROGRAM

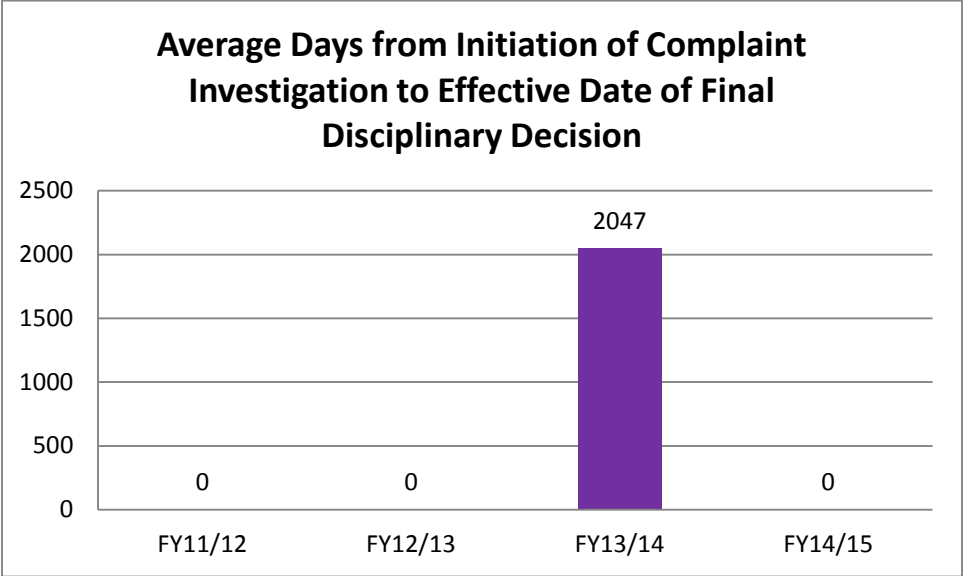
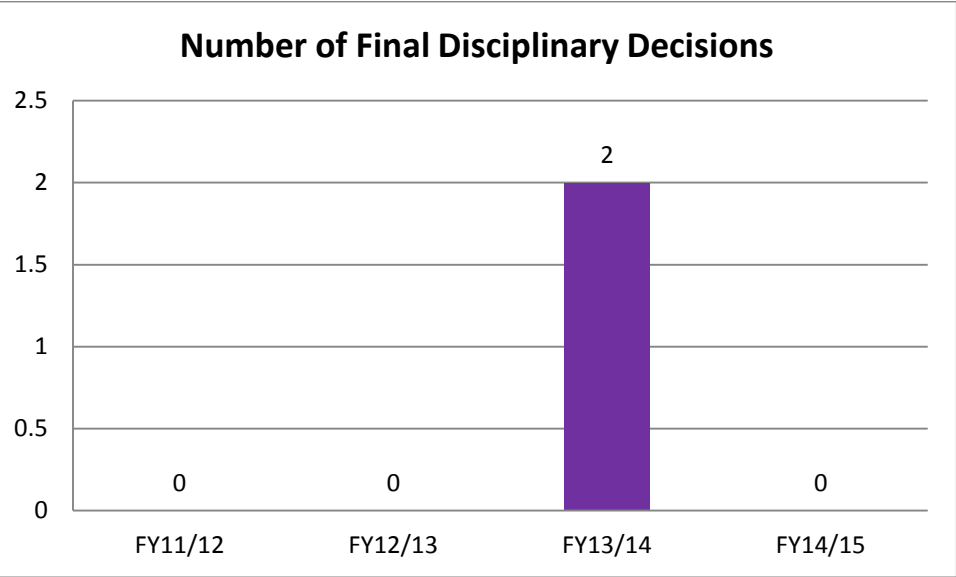
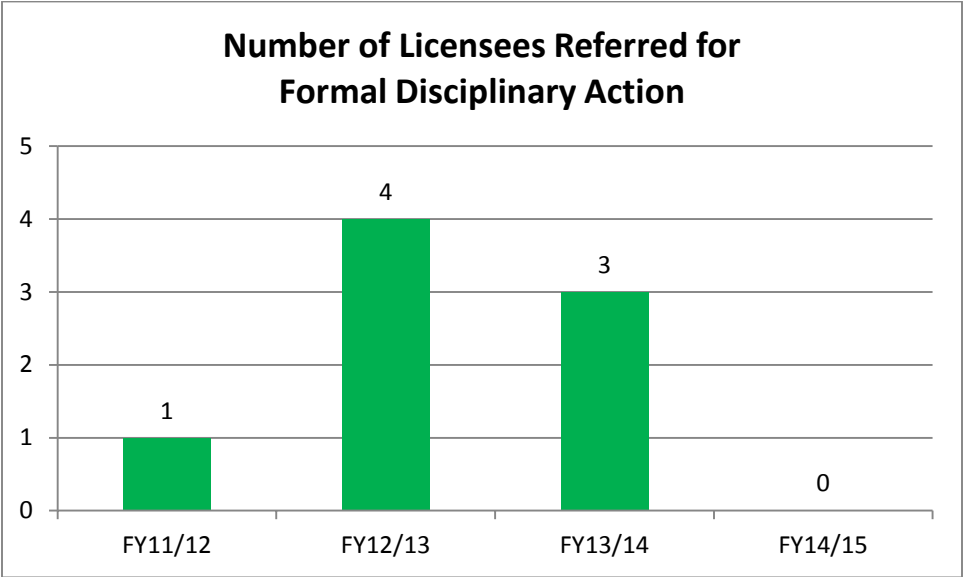
Citations (Informal Enforcement Actions)



NOTE: FY14/15 statistics are through August 31, 2014

G&G ENFORCEMENT PROGRAM

Formal Disciplinary Actions against Licensees



NOTE: FY14/15 statistics are through August 31, 2014

IX. EXECUTIVE OFFICER'S REPORT

2014-16 AUDIT SCOPE AND OBJECTIVES

California Department of Consumer Affairs—BreEZe System

Release date: February 2015.

The audit by the California State Auditor will provide independently developed and verified information related to the California Department of Consumer Affairs' (Consumer Affairs) online licensing and enforcement system—BreEZe—and will include, but not be limited to, the following:

1. Review and evaluate the laws, rules, and regulations significant to the audit objectives.
2. Assess whether Consumer Affairs followed laws, rules, regulations, policies and/or best practices when planning, developing, and implementing BreEZe, including the level of outreach provided to stakeholders and the adequacy of training provided to staff.
3. Review and assess Consumer Affairs' justification for selecting BreEZe.
4. Evaluate whether Consumer Affairs provided sufficient oversight and testing during the planning, development, and implementation of BreEZe, including whether the executive office was involved in making key decisions and ensuring that BreEZe met the needs of the Board of Registered Nursing (board).
5. Review and evaluate all contract(s) and contract amendments that Consumer Affairs entered into with BreEZe's developer and determine whether goals have been met based on the expenditures to date. To the extent possible, determine whether the State has adequate recourse in the event that BreEZe vendors and/or developers do not fulfill contract requirements.
6. Determine the estimated and actual implementation timeline for BreEZe as well as Consumer Affairs' estimated and actual costs.
7. Determine and evaluate whether BreEZe's system design and requirements impacted the board's implementation timeline and business processes. In addition, determine whether Consumer Affairs modified BreEZe as a result of the board's business processes or whether the board modified its business processes to conform with the implementation of BreEZe.
8. 8. Determine the average amount of time it took the board to process licenses before and after Consumer Affairs implemented BreEZe. If processing times increased after implementation, determine the causes for the increases.
9. Assess the current backlog of license applications, if any, and determine what steps Consumer Affairs and the board are taking or have taken to address any backlog and to provide services for new and renewing applicants.
10. Determine and evaluate whether Consumer Affairs and/or the board had contingency plans in place to address potential delays in implementing BreEZe and gaps in staff capacity or the processing of license applications.
11. Review and assess any other issues that are significant to the audit.

X. EXAMS/LICENSING



Receive Approval postcard from your assigned Evaluator with instructions on how to take your exam(s)
(National and/or State Specific Exams)

State Specific Exams

(Civil Engineering Surveying, Civil Seismic Principles, Geotechnical, Land Surveyor, Traffic)

Did you receive an Authorization to Test (ATT) letter by E-mail from BPELSG 5-6 weeks prior to exam date

No

Yes

Download, print and read Candidate Information Bulletin (CIB) through Prometric's website

Schedule your exam with Prometric

Take Exam at the location you selected when registering

National Exams

(NCEES)

Set up an Account/Log In on the NCEES website

Register for exam with NCEES during the open registration period

Approval by a BPELSG Evaluator via the NCEES system four weeks prior to the exam

Receive an email 2-3 weeks before the exam from NCEES with information on how to print your Exam Authorization

Print your Exam Authorization on the NCEES website by accessing your account

Take Exam at the location you selected when registering

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

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

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www.bpelsg.ca.gov

In an effort to provide better access to licensure for Geotechnical Engineer candidates, the Geotechnical Engineer Examination will be administered in a continuous testing format throughout the year, beginning in 2015. This new continuous testing format will allow the opportunity for eligible candidates to become licensed Geotechnical Engineers as they become qualified on a year-round basis. Effective immediately, there is no longer a final filing date for this license. Candidates can apply year-round and, once approved, can schedule their examination on any available date within the calendar year for which they are approved. Once tested, unsuccessful candidates can reapply for the next examination window. However, at this time, candidates must wait until the next calendar year for their reexamination. Please note that approval times for applicants will be based on the volume of applications for all BPELSG's licenses at any given time. The Board is making every effort to streamline and reduce processing times for applicants wishing to become licensed.

XI. APPROVAL OF DELINQUENT REINSTATMENTS

LICENSE REINSTATEMENT

September 2014 Board Meeting

Hugh Shuitong Wong (Civil)

BACKGROUND

Mr. Wong received his California civil license in 1991 and it expired in 2000. He became three years delinquent in 2003.

Mr. Wong quit engineering work in 1998 to relocate to work at Morgan Stanley in Hong Kong. He has been unemployed since leaving Morgan Stanley in 2006 and returning to California. In accordance with Title 16, California Code of Regulations section 424.5(a) applicants shall be reinstated if they provide satisfactory evidence of qualifications, including references. This applicant is unable to provide references and therefore falls under section 424.5(b), which provides for reinstatement applicants unable to provide satisfactory evidence of qualifications and references. These applicants are required to take and pass the required exams.

Enforcement Review: Further investigation is being performed to determine if the applicant 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

Based upon the technical evaluation by Susan Christ, Senior Registrar Civil Engineer, and review by Board Member Robert Stockton, CE, and public Board Member Kathy Jones Irish, there is reason to believe that the applicant is not technically qualified to practice civil engineering in California and since this applicant has not provided evidence of being qualified in civil engineering, current regulations require that he take and pass the NCEES PE-Civil engineering examination, the California Seismic Principles examination and the California Engineering Surveying examination prior to reinstatement. This applicant has taken and passed the take home examination.

RECOMMENDED ACTION

That once this applicant has taken and passed the NCEES PE-Civil engineering examination, the California Seismic Principles examination and the California Engineering Surveying examination, the Board shall grant licensure by re-instatement in Civil Engineering.

Board Rules and Regulations

Relating to the Practices of Professional Engineering and Professional Land Surveying
California Code of Regulations, Title 16, Division 5, §§ 400-476
Section 424.5(b)

424.5. Reinstatement Requirements for Delinquent Applicants.

(a) A license which 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 which 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 whose initial registration was issued prior to January 1, 1988.

(4) Pays 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 time 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."

XII. TECHNICAL ADVISORY COMMITTEES (TACS)

XIII. LIAISON REPORTS

XIV. PRESIDENT'S REPORT/BOARD MEMBER ACTIVITIES

XV. APPROVAL OF CONSENT ITEMS

DRAFT

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

2535 Capitol Oaks Drive, Third Floor Conference Room
Sacramento, CA 95833

July 31- August 1, 2014
Beginning at 9:00 a.m.

Thursday, July 31, 2014

Board Members Present:	Kathy Jones Irish, President; Robert Stockton, Vice President; Asha Brooks; Diane Hamwi; Eric Johnson; Coby King; Mohammad Qureshi; Karen Roberts; Ray Satorre; Jerry Silva; Patrick Tami and Erik Zinn
Board Members Absent:	Natalie Alavi; Philip Quartararo; Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Budget Analyst); Larry Kereszt (Examinations Manager); Susan Christ (Registrar); Michael Donelson (Registrar); Ray Mathe (Registrar); and Gary Duke (Legal Counsel).

I. Roll Call to Establish a Quorum

The meeting was called to order by President Jones Irish at 9:03 a.m. Roll call was taken, and a quorum was established.

9:03 a.m. Mr. Satorre arrived.

II. Public Comment

Charles Greenlaw, SE, asked to speak on the rulemaking item when it comes up for discussion.

Thor Mateson, SE, expressed his frustration with the outcome of a case. He said he had considered submitting another complaint but was warned it would further delay the process another year. Mr. Duke noted the Board cannot do anything if a complaint is not submitted. Mr. Duke advised that, even though the case is now closed, it does not preclude the Board from taking additional action based on new complaints, and he strongly encouraged Mr. Mateson to file a complaint. Mr. Mateson stated that, because of his prior experience and the amount of time spent on the previous complaint, he was not interested in going through the process again. President Jones Irish urged Mr. Mateson to follow the formal complaint process.

Craig Rhodes, TE; representing Traffic Management Inc., explained that several employees applied for a civil engineering license but were denied because their

work experience does not constitute civil engineering. Mr. Rhodes admitted to some confusion with the description of work. He would like to provide more information to the Board to help alleviate the situation.

Ms. Christ clarified that the Board does not license companies and only refers to the company's website to clarify the description of work.

Mr. Moore suggested meeting with applicants and references to discuss distinctions and ensure clarity.

Mr. Rhodes explained problems with the narrow definition of traffic engineering. He feels it makes a small defined space and creates a second class engineer.

Mr. Moore recommended discussing the issue in depth with the Civil Technical Advisory Committee (TAC) and with Dr. Qureshi, TE.

III. Legislation

A. Discussion of Legislation for 2014

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 6/25/14. Passed Assembly on 5/29/13. Passed Senate Business, Professions, and Economic Development Committee on 6/17/14. Passed Senate Appropriations on 6/30/14. Ordered to third reading on 7/1/14.

BOARD POSITION: Watch on 6/6/14.

AB 1702 Maienschein. Professions and vocations: incarceration. This bill would provide an individual who has satisfied the requirements needed to obtain a license while incarcerated, who upon release from incarceration, shall not be subject to a delay in processing the application or a denial of the license solely based on the prior incarceration, except when the incarceration was for a crime substantially related to the qualifications, functions, or duties of the business or profession.

STATUS: Introduced 2/13/14. Last amended 4/23/14. Passed Assembly on 5/15/14. Passed Senate B., P. & E.D. on 5/22/14. Passed Senate APPR. on 6/30/14. Ordered to third reading on 7/1/14.

BOARD POSITION: Watch on 4/24/14.

AB 2396 Bonta. Convictions: Expungement: licenses. This bill would prohibit boards within the Department of Consumer Affairs (DCA) from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside or dismissed by the court.

STATUS: Introduced 2/20/14. Last Amended 5/15/14. Passed Assembly on 5/23/14. Passed Senate B., P. & E.D. on 6/24/14. Referred to Senate APPR. on 6/24/14.

BOARD POSITION: Opposed on 6/6/14. Currently, DCA is reviewing but does not have a formal position yet.

SB 1467 Committee on Business, Professions, and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. Removes petroleum geology qualifications as the Board does not have regulations to certify petroleum geologists. Adds petition for reinstatement language to mirror PE and LS Act. Incorporates cross-references to Education Code and Health and Safety Code sections. Adds language to specify monument preservation requirements. Requires an authorized land surveyor be designated as the person in responsible charge of professional land surveying work practiced in any public agency. STATUS: Introduced 3/25/14. Last amended 6/16/14. Passed Senate on 5/15/14. Passed Assembly Business, Professions, and Consumer Protection on 6/24/14. Referred to Assembly APPR. on 6/24/14. BOARD POSITION: Support on 4/24/14.

Don Schinske, representing SEAOC, explained the design of hospitals and schools in California is an authority reserved for structural engineers. Mr. Schinske explained that when the language was first brought forward he felt that it should be incorporated into the PE Act for clarity.

Mr. Moore reported there are some issues with a section in the LS Act, specifically 8771, which discusses monument conservation. CLSA amended language into the omnibus bill to clarify 8771 and also included a portion into the PE Act. Mr. Moore recommended that the Board maintain its support position.

B. Legislative Committee Workgroup

Mr. Moore suggested two Board Members serve as liaisons with staff on legislative matters in the form of a workgroup, as defined in Board Operating Procedure 3.1.2. Mr. Stockton and Mr. King volunteered.

Mr. Duke added that SB 1243 was significantly amended to include many provisions affecting all Boards and Bureaus within DCA with how services are provided. It is set for hearing in the Appropriations Committee on August 6, 2014. Ms. Eissler noted that it is considered a Senate Business, Professions and Economic Development Committee bill as it involves the Sunset of the Veterinary Board. Through the Sunset Process, provisions are included that would amend general sections of the Business and Professions Code that affect all boards as well as the specific sections for the board that is under Sunset review.

IV. Consideration of Rulemaking Proposals

- A. Possible Adoption of Proposed Amendments to Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria)

Mr. Moore reported that a hearing was held July 18, 2014. Staff continues to analyze the public comments with Mr. Duke. He anticipates presenting it to the Board for continued action at the September Board meeting.

Mr. Greenlaw, representing himself, provided his concerns with the proposed language. Mr. Satorre requested that Mr. Greenlaw provide examples to illustrate his concerns; Mr. Greenlaw refused to do so. President Jones Irish questioned whether Mr. Greenlaw had presented his comments as part of the rulemaking process; Mr. Greenlaw indicated that he had testified at the hearing and submitted written comments. Mr. Duke clarified that the comments Mr. Greenlaw had submitted during the rulemaking process would be considered and addressed as part of the official rulemaking file but that Mr. Greenlaw's comments at today's meeting are not considered part of the official rulemaking file. Mr. Greenlaw agreed that he understood that.

V. Administration

- A. FY 2013/14 Budget Overview

Mr. Alameida provided an update on the Board's funds. He is waiting for the final reports for Fiscal Year 2013-14. This information will be available at the September Board meeting and will include what will be introduced for Fiscal Year 2014-15 in terms of appropriation and revenue.

Mr. Alameida also discussed the general fund loan and repayments.

- B. Fund Solvency Proposals

Mr. Alameida reported the Board has been discussing merging the Professional Engineer's and Land Surveyor's Fund with the Geology and Geophysics Account in an effort to become an integrated program in both name and funding. He presented three scenarios that illustrated the combination of the two programs, potential fund balance, and projections.

He pointed out that the Board would need to address fee structures and possibly employ a temporary fee reduction, such as the renewal fees, if the Board received General Fund loan repayment.

- C. Outreach Calendar

Mr. Alameida presented the outreach calendar to the Board where he identified new outreach opportunities. He encouraged the Board members to contact the Board's outreach coordinator, Brooke Phayer, if they had any ideas which could be beneficial to licensure.

Mr. Moore noted that in an effort to justify travel, every attempt is made to combine outreach travel.

Mr. Tami would like an additional column to reflect the Board member who would provide outreach to highlight Board member participation.

Mr. Stockton would like a more focused approach with colleges and universities to discuss licensure. He suggested contacting Board members that would be willing to go to schools within their geographical area.

Dr. Qureshi indicated that he is an officer for his local ITE Chapter and believes there is an opportunity to make presentations during one of their meetings. Mr. Zinn and Mr. Moore indicated they have presentations they would be able share. Mr. Zinn noted there is a geological session to add to the calendar for December.

Mr. Moore reminded Board members and staff that all outreach must be approved prior to attending such events.

Mr. Donelson reported that he provided outreach to Camp Pendleton in coordination with the Society of American Military Engineers. During this trip, he also met with deans from San Diego State, UC San Diego, and the University of San Diego to discuss the Fundamentals of Engineering examination and EIT certification process and reminded them to disseminate the information to the professors.

VI. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler reported on the enforcement statistics for the entire fiscal year. A new chart was added per the Ms. Alavi's request outlining the number of complaint investigations completed based on the fiscal year in which the investigation was opened.

Several Board members indicated that there are too many graphs and suggested reducing them. Ms. Hamwi indicated that the positive progress related to the reduction of old cases is really showcased. President Jones Irish requested that staff and Board members provide suggestions at the next meeting regarding what graphs should be included and what ones do not need to be included.

VII. Executive Officer's Report

A. Strategic Plan

Mr. Moore reviewed the Strategic Plan with the Board members and discussed amendments.

MOTION: Mr. Silva and Mr. Satorre moved to adopt the Strategic Plan with the amendments as discussed.

VOTE: 12-0, motion passed

Mr. Moore suggested the Board review the Strategic Plan in late fall/early winter and a more detailed report be provided twice a year to show progress. Mr. Stockton suggested having a report included in the agenda materials for every Board meeting. Mr. King agreed with Mr. Stockton but would like a more detailed report twice a year. He explained he would like a report from staff at every Board meeting on the achievements and a report twice a year to provide an opportunity to make changes to the Strategic Plan.

B. Sunset Report

Mr. Moore identified two sections within the Board's Sunset Report that represent opportunities for the Board to identify issues and present them to the Legislature. The first, Section 10, is in reference to the Geophysicist licensure, which is carry over item from the 2010 Sunset Report.

Section 11 provides an opportunity for the Board to inform the Legislature with new issues facing the Board along with suggestions on how to address those issues. Items identified by staff for inclusion within the Sunset Report included:

1. Merge the Geologist and Geophysicist Account with the Professional Engineer's and Land Surveyor's Fund
2. Exam Development –Emphasize what is being done with exam development for computer based testing (CBT).
3. Certificate of Authorization – Research Certifications of Authorization and other methods of registering businesses and public agencies to ensure appropriately licensed individuals are in responsible charge of the professional services provided.
4. Renewal Fee –Ms. Eissler explained this is clean-up. In the PE and PLS Acts, it says the Board shall set the renewal fee at not more than the application fee in effect at the time whereas in the Geologist and Geophysicist Act it says the Board shall set the renewal fee at not more than \$400. The problem exists when changes are made to the application fee, changes to the renewal fee may have to occur as well, which could lead to a situation where the renewal fee would have to be lowered and then the Board could not sustain itself operationally. The language needs to change so that the renewal fee is not dependent on the application fee.

5. Delinquent Reinstatements –Ms. Eissler explained that the language in the Geologist and Geophysicist Act specifies the number of years in which a licensee can just pay renewal and delinquency fees before they must re-test in order to reinstate an expired/delinquent license. It requires them to re-test rather than going through the process currently in effect for professional engineers and land surveyors to demonstrate that they are still technically competent to practice. There has always been concern by the Board and the staff about whether delinquent professional engineers and land surveyors have sufficiently demonstrated to the Board's satisfaction that they are still competent to practice. She suggested reviewing the language in the Geologist and Geophysicist Act to determine if it should be used to replace the language in the PE and PLS Acts so that the process will be more consistent and so that the Board is assured that the person is currently competent to practice upon reinstatement of the delinquent license.
6. California Laws and Board Rules Exam – Mr. Moore recommended adding a requirement to test geologist and geophysicist applicants' understanding of laws and regulations, as is already done for professional engineer and land surveyor applicants.. In addition, he suggested requiring an examination on the laws and regulations as a condition for renewal to ensure licensees are maintaining and updating their knowledge of the laws and regulations. He indicated that many enforcement cases are caused because changes to the laws are ignored.
7. Arrangements with outside organization to conduct exams – Change language for Geologists and Geophysicists Act to include the language already in the PE and PLS Acts.
8. Out of State Travel (OST)
9. Business and Professions Code Section 27 (Address of Record, email address, etc.)

Mr. Moore indicated that he had briefly discussed the above items with G.V. Ayers, the Consultant to the Senate Business, Professions, and Economic Development Committee, and Mr. Ayers was receptive to considering the issues during the Sunset Review process. Mr. Moore advised that a few additional items had been brought up since that discussion, including researching the possibility of enacting an inactive status, clean-up to Business and Professions Code section 8771, and SEAOC's definition of significant structures.

In addition to Mr. Moore and Ms. Eissler, President Kathy Jones Irish, and Vice-President Robert Stockton will be part of the subcommittee to represent the Board during the Sunset hearings.

C. Personnel

Mr. Moore introduced Linda Liu as the Board's new receptionist. Mr. Kereszt reported Christina Trujillo was promoted to examination analyst. Mr. Moore added that Angela Smith was hired as an enforcement analyst. Mr. Alameida reported that Kara Kellycheek was hired as the new budget/legislative analyst.

Mr. Moore provided an update on the amendments to the Senior Registrar classification specifications. The proposal is scheduled for the State Personnel Board's September meeting.

D. Discussion on Customer/licensee Service Procedures

Mr. Zinn requested feedback from Board members of what they consider a reasonable amount of time to return calls. Mr. Moore indicated that the Board office policy is that calls are to be returned by the next business day. Mr. Tami added that if further research is required in order to respond to the inquiry, a reasonable timeframe should be provided, and follow-up should be done within that timeframe.

E. Electronic Agenda Delivery Discussion

Mr. Moore indicated that he and Mr. Duke discussed the use of electronic tablets for the purpose of providing the agenda. Mr. Duke reported that he does not have a problem with it as long as every measure is taken to avoid external communication, it is noticed on the agenda, and a hard copy is provided for the public.

President Jones Irish would like recommendations at the September meeting on how to proceed.

F. Board Member Travel

Mr. Moore reported that several Board members inquired about using lower airfare rates through Southwest. Christine Lally, Deputy Director of Board & Bureau Relations, indicated that it was fine as a cost savings measure. Mr. Eissler explained that any flight credits earned from cancelled trips on non-refundable fares could not be used for personal travel since the fare had already been paid for by the State.

VIII. Exams/Licensing

A. Spring 2014 Structural Examination Results

Mr. Kereszt reviewed the statistics for the spring 2014 examination results. He reported that the structural results are considerably lower than they have been previously.

B. 2014 EIT/LSIT Exam Results

Mr. Kereszt reported that there was a slow start during the January/February examination window when there were 306 candidates, but during the April/May examination window, there were 1,198 candidates.

Mr. Kereszt will provide updates after each examination window and, in addition, provide National statistics.

The Board recessed at 4:07 p.m.

DRAFT

Friday, August 1, 2014

Board Members Present:	Kathy Jones Irish, President; Robert Stockton, Vice President; Asha Brooks; Diane Hamwi; Eric Johnson; Coby King; Mohammad Qureshi; Karen Roberts; Ray Satorre; Jerry Silva; Patrick Tami and Erik Zinn
Board Members Absent:	Natalie Alavi; Philip Quartararo; Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Larry Kereszt (Examinations Manager); Susan Christ (Registrar); Michael Donelson (Registrar); Ray Mathe (Registrar); and Gary Duke (Legal Counsel).

I. Roll Call to Establish a Quorum

The meeting was called to order by President Jones Irish at 9:02 a.m. Roll call was taken, and a quorum was established.

IX. Approval of Delinquent Reinstatements

MOTION: Mr. Satorre and Dr. Qureshi moved to approve the reinstatement.

VOTE: 12-0, Motion Passed.

X. Local Agency Authority Pertaining to PE, PLS, and Geologist Act

Mr. Zinn reported that Santa Cruz County is one of many counties that require licensing that may be contradictory to the Board's laws. Mr. Duke explained that the only legal issue is the supremacy of state law over local law. Mr. Duke's opinion is that, by law, they are not authorized to do so, but it is difficult to enforce. He will have a report at the next meeting.

XI. Technical Advisory Committees (TACs)

A. Board Assignments to TACs

B. Appointment of TAC Members

MOTION: Dr. Qureshi and Mr. Satorre moved to re-appoint Gary Simpson and Hugh Robertson to the Geologist and Geophysicist TAC.

VOTE: 12-0, motion passed.

C. Reports from the TACs

XII. Liaison Reports

A. ASBOG

Mr. Moore reported that he had been in communication with the director of ASBOG to determine if they would be willing to allow candidates, if statutes were revised, to pay ASBOG directly for the examination. They indicated that is something they currently do with other states, but the Board would still have to administer the examinations.

B. ABET

Mr. Moore indicated that requests and assignments for the ABET visits have been made and are awaiting approval from ABET of the observers to attend.

C. NCEES

1. Summary of Upcoming Motions at Annual Meeting

Mr. Moore reported that the Board received approval for travel and advised that several Board members and staff would be attending the Annual Meeting. He outlined what will take place, what to expect, and reported on the motions.

One of the motions made was by the State of Oklahoma that pertained to MLE (Model Law Engineer) 2020. So far, no schools or member boards have enacted the provisions of the Model Law that require additional education credits beyond a baccalaureate degree for licensure. The recommended motion is to remove the provisions from the Model Law and place them in an NCEES policy statement instead.

MOTION: Mr. Tami and Mr. Stockton moved to support the motion made by the Oklahoma Board.

VOTE 12-0, motion passed.

MOTION: Dr. Qureshi and Mr. Stockton moved to support the UPLG (Uniformed Procedures and Legislative Guidelines) substitute motion to un-couple the education/experience requirements and the examination requirements on basis that California is already considered an early admission state.

VOTE: 12-0, motion passed.

MOTION: Mr. Tami and Mr. Stockton moved to take an oppose position on the proposal to amend the Model Law definition of engineering since it would allow all professional engineers to perform incidental surveys.

VOTE: 12-0, motion passed.

MOTION: Mr. Tami and Mr. Stockton moved to take an oppose position on the EPS (Examinations for Professional Surveyors) motion to reflect the BS degree requirement for surveying and alignment to the content and qualifications of exams and exam preparers with model laws and rules because there are many other degree programs for surveying besides those that award a BS degree and many colleges and universities are no longer offering a BS degree.

VOTE: 12-0, motion passed.

Mr. King would like a report at the next meeting of what took place at the Annual Meeting.

D. Technical and Professional Societies

Mr. Mathe reported that he and Mr. Moore attended several review classes for the land surveyor examination. While they do not provide content, they review the test plan based on the occupational analysis. He reported that the California Land Surveyors Association (CLSA) has asked him to provide an interactive webinar on September 10, 2014, to assist candidates in preparing to acquire the correct education and experience.

10:30 Mr. Silva left the meeting.

XIII. President's Report/Board Member Activities

President Jones Irish thanked all who have offered encouragement and appreciates the support.

Dr. Qureshi reported he was appointed as Secretary Treasurer of the Riverside/San Bernardino ITE Chapter.

Mr. Johnson reported that he is on the Hospital Building Safety Board for OSHPD. He has been tasked as a chairperson of the sub-committee of advanced technologies and the impact it has to healthcare in California.

Dr. Qureshi added that he also serves the ASCE transportation and development group.

Mr. Stockton reported that he is running for Western Municipal Water District in Western Riverside County.

XIV. Approval of Consent Items

(These items are before the Board for consent and will be approved with a single motion. 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 June 5-6, 2014 Board Meeting

MOTION: Mr. King and Dr. Qureshi moved to approve minutes.

VOTE: 11-0, motion passed.

XV. Other Items Not Requiring Board Action

Mr. Zinn requested an explanation of how the Building Standards Commission and the committees are being tracked. Mr. Moore indicated that currently tracking is not done but would like to assign it to the TAC members.

Ms. Eissler announced there may be a petition hearing at next Board meeting.

Mr. Moore indicated that DCA has offered their services to webcast board meetings in their hearing rooms. These webcasts would not be interactive with the public.

Mr. Tami inquired if the Board has ever considered having a regional office in Southern California. Mr. Moore indicated that several Boards and Bureaus have succeeded in opening additional offices, but this Board has not explored it in recent years. He will research and provide information at the next meeting.

XVI. 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, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
3. Ruvn Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145675
4. Ruvn Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145796
5. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185

12:00 p.m. Ms. Karen Roberts left the meeting.

XVII. Open Session to Announce the Results of Closed Session

Ms. Eissler announced that, during closed session, the Board discussed examination procedures and the civil litigation as noticed and took action on a petition for reconsideration, five stipulations, and five default decisions.

XVIII. Adjourn

The meeting adjourned at 12:30 p.m.

PUBLIC PRESENT

Steve Hao, CalTrans
 Roger Hanlin, CLSA
 Kelly Garman, ACEC
 Craig Rhodes, Traffic Management, Inc.
 Don Schinske, SEAOC
 Charles O. Greenlaw, S.E.

XVI. OTHER ITEMS NOT REQUIRING BOARD ACTION

XVII. CLOSED SESSION

XVIII. OPEN SESSION TO ANNOUNCE THE RESULTS OF CLOSED SESSION

XIX. ADJOURN
