



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

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

June 9-10, 2016

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

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



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LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING

June 9-10, 2016

DEPARTMENT OF GENERAL SERVICES  
3737 MAIN STREET, HIGHGROVE ROOM, SECOND FLOOR  
RIVERSIDE, CA 92501

## BOARD MEMBERS

Robert Stockton, President; Coby King, Vice President; Natalie Alavi; Fel Amistad; Chelsea Esquibias; Cynthia Guzman; Eric Johnson; Kathy Jones Irish; Asha Lang; Betsy Mathieson; Mohammad Qureshi; Hong Beom Rhee; Karen Roberts; Jerry Silva; and Patrick Tami

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

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## II. **Public Comment**

**NOTE:** The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda.

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**III. Presentation from ASCE on ASCE’s “Raise the Bar” Initiative**

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#### **IV. Legislation**

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- A. Discussion of Legislation for 2016: AB 2237, SB 1085, SB 1155, SB 1165, SB 1195, and SB 1479



JUNE							
	S	M	T	W	TH	F	S
No Hrgs.				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30		

- June 3** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- June 6** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).
- June 30** Last day for a legislative measure to qualify for the Nov. 8 General Election ballot (Elections Code Section 9040).

JULY							
	S	M	T	W	TH	F	S
Wk. 4						1	2
Summer Recess	3	4	5	6	7	8	9
Summer Recess	10	11	12	13	14	15	16
Summer Recess	17	18	19	20	21	22	23
Summer Recess	24	25	26	27	28	29	30
Wk. 1	31						

- July 1** Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)). **Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(b)(2)).
- July 4** Independence Day observed.

AUGUST							
	S	M	T	W	TH	F	S
Wk. 1		1	2	3	4	5	6
Wk. 2	7	8	9	10	11	12	13
No Hrgs.	14	15	16	17	18	19	20
No Hrgs.	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

- Aug. 1** Legislature reconvenes from Summer Recess (J.R. 51(b)(2)).
- Aug. 12** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).
- Aug. 15 - 31 Floor Session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(b)(15), J.R. 61(h)).
- Aug. 19** Last day to **amend** on the Floor (J.R. 61(b)(16)).
- Aug. 31** Last day for each house to pass bills, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c), J.R. 61(b)(17)). **Final Recess** begins upon adjournment (J.R. 51(b)(3)).

### IMPORTANT DATES OCCURRING DURING FINAL RECESS

#### 2016

- Sept. 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 Bills enacted on or before this date take effect January 1, 2017 (Art. IV, Sec. 8(c)).
- Nov. 8 General Election.
- Nov. 30 Adjournment *sine die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 5 2017-18 Regular Session convenes for Organizational Session at 12 noon (Art. IV, Sec. 3(a)).

#### 2017

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

\*Holiday schedule subject to final approval by Rules Committee.



# Introduced Legislation

## AB 2237 (Olsen)

**Science, Technology, Engineering, and Mathematics Partnership Academies.**

**Status:** 5/4/2016-In committee:

**Location:** 5/4/2016-Assembly Appropriations Committee- SUSPENSE FILE

**Last Amendment:** 4/25/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chapters
1st House				2nd House							

**Updated 5/26/16**

**Staff Analysis: AB 2237**

**Bill Summary:** This bill would establish a program for purposes of providing grants to school districts for the establishment of up to 100 partnership academies dedicated to training young people in science, technology, engineering, and mathematics (STEM) occupations.

**Staff Comment:** This bill establishes Science, Technology, Engineering, and Mathematics (STEM) Partnership Academies for the purpose of providing grants to school districts to establish up to 100 academies in STEM occupations. This bill is modeled after the existing California Partnership Academies (CPA). The CPA is a three-year program (grades 10-12) that provides 3 year grants, in the amounts of approximately \$73,620, \$62,980 and \$38,190. Academies are structured as a school-within-a-school and incorporate integrated academic and career technical education, business partnerships, mentoring, and internships. Districts are required to match 100 percent of the state grant with in-kind support. The private sector also provides a 100 percent match of state funds in either direct or in-kind support. According to the author, about 95 percent of CPA students graduate high school, whereas only 85 percent are graduating state wide. The author's office states the increased upfront investment in these academies yields long term savings in the out years.

**Staff Recommendation:** Board staff wishes to encourage quality STEM learning opportunities for California's youth. The STEM students of today will be the Professional Engineers, Land Surveyors, and Geologists of tomorrow. AB 2237 would provide enhanced access to quality STEM learning opportunities in schools so that students are better prepared for the jobs and careers of the future. Board staff recommends the Board take a Support position on the bill, as it relates to the concept of increased STEM learning opportunities for our youth.

**Laws:** An act to add Article 14 (commencing with Section 33480) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to partnership academies.

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2237**

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**Introduced by Assembly Member Olsen**  
**(Coauthors: Assembly Members Baker, Bonilla, Chang, and Gray**  
**Gray, Kim, and O'Donnell)**  
*(Coauthor: Senator Bates)*

February 18, 2016

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An act to add Article 14 (commencing with Section 33480) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to partnership academies.

LEGISLATIVE COUNSEL'S DIGEST

AB 2237, as amended, Olsen. Science, Technology, Engineering, and Mathematics Partnership Academies.

Existing law establishes a system of public elementary and secondary education, with instruction provided by school districts at schoolsites throughout the state. The State Department of Education, under the administration of the Superintendent of Public Instruction, has numerous duties with respect to the funding and conduct of the instructional activities undertaken by school districts.

This bill would establish a program for purposes of providing grants to school districts for the establishment of up to 100 partnership academies dedicated to training young people in science, technology, engineering, and mathematics (STEM) occupations.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.



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

1 SECTION 1. (a) The Legislature finds and declares all of the  
2 following:

3 (a)

4 (1) All young people should be prepared to think deeply and  
5 critically so that they can become innovators, educators,  
6 researchers, and leaders capable of solving the most pressing  
7 challenges facing our nation and world, both today and tomorrow.  
8 However, currently, not enough of our youth have access to quality  
9 science, technology, engineering, and ~~math~~ *mathematics* (STEM)  
10 learning opportunities, and too few ~~students~~ *pupils* see these  
11 disciplines as springboards to their careers.

12 (b)

13 (2) Only 81 percent of Asian American high school pupils and  
14 71 percent of white high school pupils attend high schools where  
15 the full range of mathematics and science courses, namely ~~Algebra~~  
16 ~~I, Geometry, Algebra II, Calculus, Biology, Chemistry, and~~  
17 ~~Physics,~~ *algebra I, geometry, algebra II, calculus, biology,*  
18 *chemistry, and physics,* are offered. Access to these courses for  
19 American Indian, Native Alaskan, black, and Hispanic high school  
20 pupils is significantly worse. A child's race, ZIP code, or  
21 socioeconomic status should never determine his or her STEM  
22 fluency. Children must be provided with the opportunity to be  
23 career- and college-ready in order to thrive in a modern STEM  
24 economy.

25 (c)

26 (3) Only 16 percent of American high school seniors are  
27 proficient in mathematics and interested in a STEM career. Even  
28 among those who do go on to pursue a college or university major  
29 in STEM fields, only about half choose to work in a STEM-related  
30 career. In 2014, California's K–12 public education system ranked  
31 43rd in the nation. Surveys reveal that only 29 percent of  
32 Americans rated our nation's K–12 education system in STEM  
33 subjects as above average or the best in the world. In our  
34 competitive global economy, these statistics are unacceptable.

35 (d)

36 (4) Partnership academies provide smaller learning communities  
37 with a career-focused theme. Academy components include  
38 rigorous academics and career technical education, a committed

1 team of teachers, and active business and postsecondary  
2 partnerships.

3 (e)

4 (b) Therefore, *it is the intent of the Legislature* ~~needs~~ to provide  
5 more opportunities for pupils in our state's public schools to access  
6 high-quality STEM preparation through a variety of opportunities,  
7 including additional funding for establishing STEM-related  
8 partnership academies.

9 SEC. 2. Article 14 (commencing with Section 33480) is added  
10 to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education  
11 Code, to read:

12

13 Article 14. Science, Technology, Engineering, and Mathematics  
14 Partnership Academies Act

15

16 33480. This article shall be known, and may be ~~cited as~~, *cited*,  
17 as Science, Technology, Engineering, and Mathematics Partnership  
18 Academies.

19 33481. (a) Science, Technology, Engineering, and Mathematics  
20 Partnership Academies is hereby established. Commencing with  
21 the ~~2016-17~~ 2017-18 school year, the department, in coordination  
22 with the ~~Superintendent~~ *Superintendent*, shall, with funds  
23 appropriated in the annual Budget Act, issue grants for the  
24 establishment of 100 partnership academies dedicated to training  
25 young people in science, technology, engineering, and mathematics  
26 (STEM) occupations, including, but not limited to, application  
27 software developer, computer user support specialist, computer  
28 programmer, computer hardware engineer, industrial engineer,  
29 civil engineer, architectural engineer, aerospace engineer, dietetic  
30 technician, medical scientist, microbiologist, general medical  
31 practitioner, dental services provider, and chemist.

32 (b) (1) The selection of school districts to establish STEM  
33 partnership academies, and the planning and development of these  
34 academies, shall be conducted pursuant to the procedures and  
35 requirements established as specified in Section 54691. Planning  
36 and development grants under this article shall be made available  
37 for up to 100 partnership academies in addition to the total number  
38 of grants established pursuant to Section 54691.

39 (2) A school district applying to convert an existing school  
40 program into a *STEM* partnership academy that meets the criteria

1 for a partnership academy pursuant to Section 54692 and paragraph  
2 ~~(3)~~ (4) may receive first-year implementation funds, as appropriate,  
3 in accordance with this article.

4 (3) *In awarding grants pursuant to this section, the*  
5 *Superintendent shall grant priority to proposals that address the*  
6 *participation of pupils traditionally underrepresented in STEM*  
7 *education or professions.*

8 ~~(3)~~

9 (4) To be eligible for funding pursuant to this article, each  
10 proposed *STEM* partnership academy shall satisfy both of the  
11 following requirements:

12 (A) (i) Coursework and internship or preapprenticeship  
13 programs of the proposed academy shall focus significant time on  
14 the use of emerging technologies and state-of-the-art equipment.

15 (ii) The proposed *STEM* partnership academy shall demonstrate  
16 compliance with clause (i) through its efforts to obtain input from  
17 industry and professional trade organizations.

18 (B) Staff development opportunities shall be included in the  
19 proposed *STEM* partnership academy plan to ensure that teaching  
20 staff has the opportunity to be trained in the use of emerging  
21 technologies and become familiar with new equipment and current  
22 practices in *STEM* fields.



## Supported Legislation

### Senate Bill 1085 (Roth)

#### Laws and Regulations Renewal Examination

**Status:** 5/19/2016-Referred to Assembly Business and Professions Committee

**Location:** 5/19/2016- Assembly Business and Professions Committee

**Last Amendment:** 4/20/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 5/26/16**

**Staff Analysis: SB 1085**

**Bill Summary:** Existing law makes the Board responsible for the certification, licensure, and regulation of the practice of professional engineering, the practice of professional geologists and geophysicists, and the practice of professional land surveyors. This bill would additionally require an applicant for renewal to complete a specified board-administered examination. The bill would make the failure to complete the examination a cause for disciplinary action.

**Staff Comment:** This is Board sponsored legislation. This bill is needed to safeguard the public from unnecessary non-practice-related violations of the laws committed by California Professional Engineers, Land Surveyors, and Geologists. Based on the Board's experience, licensees fail to adequately and independently stay up-to-date with critical legal and regulatory changes that directly affect the manner in which they provide services to and for the general public. This bill would institute an online assessment relating to California laws and regulations under the Board's jurisdiction to reinforce licensee's knowledge of the relevant laws.

**Board Position:** Support position as amended 4/20/2016

**Staff Recommendation:** Board staff recommends the Board take a **support** position on the bill.

**Laws:** An act to add Sections 6795.2, 7881.5, and 8801.1 to the Business and Professions Code, relating to professions and vocations.



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

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March 1, 2016

The Honorable Jerry Hill  
Chair, Senate Business, Professions and Economic Development Committee  
State Capitol, Room 2053  
Sacramento, CA 95814

Re: Support of SB 1085

Dear Chairman Hill:

The Board for Professional Engineers, Land Surveyors, and Geologists has voted to **SUPPORT** Senate Bill 1085.

This bill is needed to safeguard the public from unnecessary non-practice-related violations of the laws committed by California Professional Engineers, Land Surveyors, Geologists, and Geophysicists. This bill would institute an examination relating to California laws and regulations under the Board's jurisdiction to reinforce licensees' knowledge of the relevant laws. Based on the Board's experience, licensees fail to adequately and independently stay up-to-date with critical legal and regulatory changes that directly affect the manner in which they provide services to and for the general public.

This bill would NOT put a hold on the renewal of the license or impact the status of the license. Instead this bill would give the Board the authority to pursue disciplinary action only in situations where a licensee failed to complete the examination. Such action would be pursued under the provisions of the Administrative Procedure Act to ensure the licensee's due process rights.

If you have any questions or concerns please contact Kara Williams, Legislative Analyst, at 916.263.5438.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Moore".

Richard B. Moore, PLS  
Executive Officer

AMENDED IN SENATE APRIL 20, 2016

AMENDED IN SENATE APRIL 7, 2016

**SENATE BILL**

**No. 1085**

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**Introduced by Senator Roth**

February 17, 2016

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An act to *amend Section 7841.1 of, and to add Sections 6795.2, 7881.5, and 8801.1 to*, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1085, as amended, Roth. Professional engineers: geologists: land surveyors.

Existing law makes the Board for Professional Engineers, Land Surveyors, and Geologists responsible for the certification, licensure, and regulation of the practice of professional engineering, the practice of professional geologists and geophysicists, and the practice of professional land surveyors. *Except for an applicant for a geophysicist license, existing law requires these applicants for a certificate or license to complete an examination that tests knowledge of state laws, as provided.* Existing law subjects these certificates and licenses to renewal and requires the holder of the certificate or license to apply for renewal on a form prescribed by the board and pay a prescribed fee, as provided.

This bill would additionally require an applicant for renewal to complete a board-administered assessment, which includes questions to reinforce the certificate holder's or licenseholder's knowledge of laws applicable to his or her practice area. The bill would make the failure to complete the assessment within a specified period of time a cause for disciplinary action. *The bill would also require an applicant*

for a geophysicist license to complete an examination that tests knowledge of state laws, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 6795.2 is added to the Business and  
2 Professions Code, to read:

3 6795.2. (a) At the time of renewal specified in Section 6795  
4 or 6796, the board shall administer an assessment of the certificate  
5 holder that includes questions to reinforce the certificate holder's  
6 knowledge of state laws and the board's rules and regulations  
7 relating to the practice of professional engineers. Failure to  
8 complete this assessment within 60 days after the date of expiration  
9 of the certificate shall constitute a cause for disciplinary action  
10 under Section 6775, but shall not affect the renewal of the  
11 certificate.

12 (b) The crime in subdivision (j) of Section 6787 shall not apply  
13 to this section.

14 *SEC. 2. Section 7841.1 of the Business and Professions Code*  
15 *is amended to read:*

16 7841.1. An applicant for licensure as a geophysicist shall have  
17 all of the following qualifications. This section shall not apply to  
18 applicants for licensure as geologists.

19 (a) Not have committed any acts or crimes constituting grounds  
20 for denial of licensure under Section 480.

21 (b) Meet one of the following educational requirements fulfilled  
22 at a school or university whose curricula meet criteria established  
23 by rules of the board.

24 (1) Graduation with a major in a geophysical science or any  
25 other discipline that, in the opinion of the board, is relevant to  
26 geophysics.

27 (2) Completion of a combination of at least 30 semester hours,  
28 or the equivalent, in courses that, in the opinion of the board, are  
29 relevant to geophysics. At least 24 semester hours, or the  
30 equivalent, shall be in the third or fourth year, or graduate courses.

31 (c) Have at least seven years of professional geophysical work  
32 that shall include either a minimum of three years of professional  
33 geophysical work under the supervision of a professional



1 geophysicist, except that prior to July 1, 1973, professional  
2 geophysical work shall qualify under this subdivision if it is under  
3 the supervision of a qualified geophysicist, or a minimum of five  
4 years' experience in responsible charge of professional geophysical  
5 work. Professional geophysical work does not include the routine  
6 maintenance or operation of geophysical instruments, or, even if  
7 carried out under the responsible supervision of a professional  
8 geophysicist, the routine reduction or plotting of geophysical  
9 observations.

10 Each year of undergraduate study in the geophysical sciences  
11 referred to in this section shall count as one-half year of training  
12 up to a maximum of two years, and each year of graduate study  
13 or research counts as a year of training.

14 Teaching in the geophysical sciences referred to in this section  
15 at a college level shall be credited year for year toward meeting  
16 the requirement in this category, provided that the total teaching  
17 experience includes six semester units per semester, or equivalent  
18 if on the quarter system, of third or fourth year or graduate courses.

19 Credit for undergraduate study, graduate study, and teaching,  
20 individually, or in any combination thereof, shall in no case exceed  
21 a total of four years towards meeting the requirements for at least  
22 seven years of professional geophysical work as set forth above.

23 The ability of the applicant shall have been demonstrated by his  
24 or her having performed the work in a responsible position, as the  
25 term "responsible position" is defined in regulations adopted by  
26 the board. The adequacy of the required supervision and experience  
27 shall be determined by the board in accordance with standards set  
28 forth in regulations adopted by it.

29 (d) Successfully pass a written examination *that shall test the*  
30 *applicant's knowledge of state laws, rules, and regulations, and*  
31 *of the principles and practices of geophysics within this state. The*  
32 *board shall administer the test on the state laws and the board's*  
33 *rules and regulations as a separate part of the examination for*  
34 *licensure as a geophysicist.*

35 ~~SEC. 2.~~

36 SEC. 3. Section 7881.5 is added to the Business and Professions  
37 Code, to read:

38 7881.5. (a) At the time of renewal specified in Section 7880  
39 or 7881, the board shall administer an assessment of the certificate  
40 holder that includes questions to reinforce the certificate holder's

1 knowledge of state laws and the board's rules and regulations  
2 relating to the practice of professional geologists and geophysicists.  
3 Failure to complete this assessment within 60 days after the date  
4 of expiration of the certificate shall constitute a cause for  
5 disciplinary action under Section 7860, but shall not affect the  
6 renewal of the certificate.

7 (b) The crime in subdivision (h) of Section 7872 shall not apply  
8 to this section.

9 ~~SEC. 3.~~

10 *SEC. 4.* Section 8801.1 is added to the Business and Professions  
11 Code, to read:

12 8801.1. (a) At the time of renewal specified in Section 8801  
13 or 8802, the board shall administer an assessment of the  
14 licenseholder that includes questions to reinforce the  
15 licenseholder's knowledge of state laws and the board's rules and  
16 regulations regulating the practice of professional land surveyors.  
17 Failure to complete this assessment within 60 days after the date  
18 of expiration of the license shall constitute a cause for disciplinary  
19 action under Section 8780, but shall not affect the renewal of the  
20 license.

21 (b) The crime in subdivision (j) of Section 8792 shall not apply  
22 to this section.

## Supported Legislation

### Senate Bill 1165 (Cannella)

#### Sign/Seal and Delinquent Reinstatement

**Status:** 5/17/2016-From committee with author's amendments. Read second time and amended. Re-referred to Business and Professions Committee

**Location:** 5/17/2016-Assembly Business and Professions Committee

**Last Amendment:** 5/17/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 5/26/16**

#### **Staff Analysis: SB 1165**

**Bill Summary:** Currently, the laws allow professional geologists and geophysicists to either sign or seal their documents. This bill would require professional geologists and geophysicists to both sign and seal (or stamp) their final work product documents to indicate their responsibility for them and to require professional geologists and geophysicists to obtain a seal (or stamp). This bill would extend the delinquent reinstatement rights to a licensee from 3-years to 5-years after expiration of their license. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of these licensee after this time. This bill would additionally allow an applicant for licensure as a geologist, instead of the graduation requirement, to have completed a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology and would require that at least 24 semester hours, or the equivalent, be in upper division or graduate courses. The bill would also make other technical and conforming changes.

**Staff Comment:** This is Board sponsored legislation. This Bill would provide for more uniformity among the Boards acts. The Board anticipates the increased uniformity of our acts will permit licensees and consumers with improved protection and comprehension of our acts.

**Board Position:** Support as Introduced 3/29/2016

**Staff Recommendation:** Board staff recommends the Board take a **Support** position as amended 5/17/2016

**Laws:** An act to amend Sections 6751, 6755, 6756, 6762, 6763.5, 6796, 6796.3, 6796.5, 6799, 7835, 7835.1, 7841, 7842, 7843, 7850, 7850.1, 7850.5, 7852, 7852.1, 7884, 8731, 8740, 8741, 8741.1, 8742, 8743, 8744, 8747, 8748.5, 8802, 8803, 8803.1, and 8805 of the Business and Professions Code, relating to professions and vocations.



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

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April 1, 2016

The Honorable Jerry Hill  
Chair, Senate Business, Professions and Economic Development Committee  
State Capitol, Room 2053  
Sacramento, CA 95814

Re: Support of SB 1165

Dear Chairman Hill:

The Board for Professional Engineers, Land Surveyors, and Geologists has voted to **SUPPORT** Senate Bill 1165 (Cannella). The Board for Professional Engineers, Land Surveyors, and Geologists administers and enforces the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act, each of which defines and regulates their respective professions.

SB 1165 would provide the consumers of California with improved assurance that the documents of professional geologists and geophysicists reflect their final professional opinion. SB 1165 would also provide for consistent operations among the Board for Professional Engineers, Land Surveyors, and Geologists licensing programs by conforming the correlating laws.

If you have any questions or concerns please contact Kara Williams, Legislative Analyst, at 916.263.5438.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Moore".

Richard B. Moore, PLS  
Executive Officer

AMENDED IN ASSEMBLY MAY 17, 2016

AMENDED IN SENATE MARCH 29, 2016

**SENATE BILL**

**No. 1165**

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**Introduced by Senator Cannella**

February 18, 2016

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An act to amend Sections 6751, 6755, 6756, 6762, 6763.5, 6796, 6796.3, 6796.5, 6799, 7835, 7835.1, 7841, 7842, 7843, 7850, 7850.1, 7850.5, 7852, 7852.1, 7884, 8731, 8740, 8741, 8741.1, 8742, 8743, 8744, 8747, 8748.5, 8802, 8803, 8803.1, and 8805 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1165, as amended, Cannella. Engineers, geologists, geophysicists, and land surveyors.

The Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, administers the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act. Those acts provide for licensure and regulation of those respective professions by the board.

The Professional Engineers Act requires an applicant for registration as a professional engineer to meet specified requirements, including that an applicant for the second division examination has successfully passed the first division examination. That act requires an applicant for a certificate as an engineer-in-training to meet specified requirements and requires the applicant to satisfactorily complete 3 years or more of postsecondary education or engineering experience, or a combination of both, before the applicant is eligible to sit for the first division examination. That act authorizes the board to waive the first division

examination for an applicant whose education and experience substantially exceeds the requirements for registration or certification. That act generally permits certificates of registration as a professional engineer and certificates of authority, which authorize the use of specific titles, to be renewed at any time within 3 years after expiration. That act prohibits the renewal, restoration, reinstatement, or reissuance of these certificates unless the applicant meets certain requirements. That act requires the board to set fees, as specified, and requires the renewal fee for a license to be no more than the application fee currently in effect and prohibits the application fee from being greater than \$400.

This bill ~~would~~ would delete the requirement that an applicant for licensure as a professional engineer pass the first division examination in order to sit for the second division examination and would delete the requirement that an applicant for a certificate as an engineer-in-training successfully complete 3 years or more of postsecondary education or engineering experience, or a combination of both, before the applicant is eligible to sit for the first division examination. The bill would instead authorize the board to provide for a waiver of the first division examination for an applicant for a certificate as an engineer-in-training if the applicant's education and experience substantially exceeds the requirements for a certificate. The bill would extend the 3-year renewal period to 5 years after expiration of the certificate of licensure or certificate of authority. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of those certificates after 5 years and would authorize the holder of the certificate, after that time, to apply and obtain a new certificate if he or she has not committed acts or crimes that are grounds for denial and he or she passes an examination, if required. The bill would require the renewal fee for a license to be no more than \$400. The bill would also make other technical and conforming changes.

Existing law, the Geologist and Geophysicist Act, requires an applicant for *licensure as a geologist to meet certain requirements, including graduation from a college or university with a major in geological sciences or any other discipline, that in the opinion of the board, is relevant to geology, and requires an applicant for a certification in a specialty in geology to meet certain requirements, including 7 years of specified professional geological work.* That act prescribes requirements for plans, specifications, reports, or other documents prepared by a professional geologist or geophysicist, or by a subordinate, including a requirement that they be signed or stamped

with the practitioner's seal. Existing law authorizes geologists, specialty geologists, geophysicists, and specialty geophysicists to obtain a seal that meets specified requirements.

This bill would *additionally allow an applicant for licensure as a geologist, instead of the above-mentioned graduation requirement, to have completed a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology and would require that at least 24 semester hours, or the equivalent, be in upper division or graduate courses.* The bill would additionally require an applicant for a certification in a specialty in geology to successfully pass a written examination in that specialty. The bill would require the plans, specifications, reports, and other documents prepared by geologists or geophysicists, or their subordinates, to be both signed and stamped. The bill would instead require geologists, specialty geologists, geophysicists, and specialty geophysicists to obtain a seal.

The Professional Land Surveyors' Act requires an applicant for licensure under the act to meet specified requirements, including successfully passing the second division of the examination, and requires an applicant for a certificate as a land-surveyor-in-training to meet specified requirements, including passing the first division of the examination. That act requires an application for each division of the examination to be made to the board, as specified. That act generally permits licenses to be renewed at any time within 3 years after expiration. The act prohibits the renewal, restoration, reinstatement, or reissuance of a license unless the applicant meets certain requirements. That act requires the board to set fees, as specified, and requires the renewal fee for a license to be no more than the application fee currently in effect and prohibits the application fee from being greater than \$400.

This bill would additionally require an applicant for certification as a land surveyor-in-training and an applicant for licensure as a land surveyor to not have committed specified acts or crimes constituting grounds for denial of licensure. The bill would require an applicant for a certification as a land surveyor-in-training to have satisfactorily completed 2 years or more of postsecondary education in land surveying or experience in land surveying, or a combination of both, and would authorize the board to prescribe the reasonable educational or experience requirements an applicant needs to meet by regulation. The bill would additionally require an applicant for licensure as a land surveyor to be certified as a land surveyor-in-training in this state, be certified as a

land surveyor-in-training or surveyor intern in another state or United States territory, or be exempt, as specified. The bill would instead require an application for certification or licensure under the act to be made to the board on a form prescribed by the board. The bill would extend the period within which a renewal of a license may be made to 5 years after expiration. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of a license after 5 years and would authorize the holder of a license, after that time, to apply and obtain a new license if he or she has not committed acts or crimes that are grounds for denial and he or she passes an examination, if required. The bill would require the renewal fee for a license to be no more than \$400. This bill would also make other technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 6751 of the Business and Professions  
2 Code is amended to read:  
3 6751. (a) The applicant for certification as an  
4 engineer-in-training shall comply with all of the following:  
5 (1) Not have committed acts or crimes constituting grounds for  
6 denial of licensure under Section 480.  
7 (2) Successfully pass the first division of the examination.  
8 (3) Satisfactorily complete three years or more of postsecondary  
9 engineering education, three years or more of engineering  
10 experience, or a combination of postsecondary education and  
11 experience in engineering totaling three years.  
12 (b) The board need not verify the applicant's eligibility for  
13 certification as an engineer-in-training other than to require the  
14 applicant to sign a statement of eligibility on the application form.  
15 (c) The applicant for licensure as a professional engineer shall  
16 comply with all of the following:  
17 (1) Not have committed acts or crimes constituting grounds for  
18 denial of licensure under Section 480.  
19 (2) Furnish evidence of six years or more of qualifying  
20 experience in engineering work satisfactory to the board evidencing  
21 that the applicant is competent to practice the character of  
22 engineering in the branch for which he or she is applying for  
23 licensure.



1 (3) Be certified as an engineer-in-training in this state, be  
2 certified as an engineer-in-training or engineer intern in another  
3 state or territory of the United States, or be exempt therefrom.

4 (4) Successfully pass the second division of the examination.

5 SEC. 2. Section 6755 of the Business and Professions Code is  
6 amended to read:

7 6755. (a) Examination duration and composition shall be  
8 designed to conform to the following general principle: The first  
9 division of the examination shall test the applicant's knowledge  
10 of appropriate fundamental engineering subjects, including  
11 mathematics and the basic sciences; the second division of the  
12 examination shall test the applicant's ability to apply his or her  
13 knowledge and experience and to assume responsible charge in  
14 the professional practice of the branch of engineering in which the  
15 applicant is being examined.

16 (b) The board may by rule provide for a waiver of the first  
17 division of the examination for applicants whose education and  
18 experience qualifications substantially exceed the requirements of  
19 subdivision (a) of Section 6751.

20 (c) The board may by rule provide for a waiver of the second  
21 division of the examination for persons eminently qualified for  
22 licensure in this state by virtue of their standing in the engineering  
23 community, their years of experience, and those other qualifications  
24 as the board deems appropriate.

25 SEC. 3. Section 6756 of the Business and Professions Code is  
26 amended to read:

27 6756. (a) An applicant for certification as an  
28 engineer-in-training shall, upon meeting all of the requirements  
29 prescribed in subdivisions (a) and (b) of Section 6751, be issued  
30 a certificate as an engineer-in-training. A renewal or other fee,  
31 other than the application and examination fees, shall not be  
32 charged for this certification. The certificate shall become invalid  
33 when the holder has qualified as a professional engineer as  
34 provided in Section 6762.

35 (b) An engineer-in-training certificate does not authorize the  
36 holder thereof to practice or offer to practice civil, electrical, or  
37 mechanical engineering work, in his or her own right, or to use  
38 the titles specified in Sections 6732, 6736, and 6736.1.

1 (c) It is unlawful for anyone other than the holder of a valid  
2 engineer-in-training certificate issued under this chapter to use the  
3 title of “engineer-in-training” or any abbreviation of that title.

4 SEC. 4. Section 6762 of the Business and Professions Code is  
5 amended to read:

6 6762. Any applicant for licensure as a professional engineer,  
7 upon meeting all of the requirements prescribed in subdivision (c)  
8 of Section 6751 and who has otherwise qualified hereunder as a  
9 professional engineer, shall have a certificate of registration issued  
10 to him or her as a professional engineer in the particular branch  
11 for which he or she is found qualified.

12 SEC. 5. Section 6763.5 of the Business and Professions Code  
13 is amended to read:

14 6763.5. If an applicant for licensure as a professional engineer,  
15 for certification as an engineer-in-training, or for authorization to  
16 use the title “structural engineer” or “soil engineer” is found by  
17 the board to lack the qualifications required for admission to the  
18 examination for such licensure, certification, or authorization, the  
19 board may, in accordance with the provisions of Section 158 of  
20 this code, refund to him or her one-half of the amount of his or her  
21 application fee.

22 SEC. 6. Section 6796 of the Business and Professions Code is  
23 amended to read:

24 6796. Except as otherwise provided in this article, certificates  
25 of registration as a professional engineer and certificates of  
26 authority may be renewed at any time within five years after  
27 expiration on filing of application for renewal on a form prescribed  
28 by the board and payment of all accrued and unpaid renewal fees.  
29 If the certificate is renewed more than 60 days after its expiration,  
30 the certificate holder, as a condition precedent to renewal, shall  
31 also pay the delinquency fee prescribed by this chapter. Renewal  
32 under this section shall be effective on the date on which the  
33 application is filed, on the date on which the renewal fee is paid,  
34 or on the date on which the delinquency fee, if any, is paid,  
35 whichever last occurs.

36 The expiration date of a certificate renewed pursuant to this  
37 section shall be determined pursuant to Section 6795.

38 SEC. 7. Section 6796.3 of the Business and Professions Code  
39 is amended to read:

1 6796.3. (a) Certificates of registration as a professional  
2 engineer, and certificates of authority to use the title “structural  
3 engineer,” “soil engineer,” or “consulting engineer” that are not  
4 renewed within five years after expiration may not be renewed,  
5 restored, reinstated, or reissued. After five years after expiration,  
6 the holder of a certificate may apply for and obtain a new certificate  
7 subject to the following:

8 (1) He or she has not committed any acts or crimes constituting  
9 grounds for denial of licensure under Section 480.

10 (2) He or she takes and passes the examination, if any, that  
11 would be required of him or her if he or she were then applying  
12 for the certificate for the first time.

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

17 SEC. 8. Section 6796.5 of the Business and Professions Code  
18 is amended to read:

19 6796.5. Once an expired or delinquent certificate of registration  
20 or certificate of authority is renewed pursuant to Section 6796, all  
21 of the following shall apply:

22 (a) The board shall continue to have full jurisdiction and  
23 authority over the certificate holder as if the authority had not  
24 expired or become delinquent.

25 (b) The work performed by the certificate holder during a period  
26 of expiration or delinquency shall be deemed lawful and validly  
27 performed as to persons or entities other than the authority holder.

28 (c) The renewal of a registration or certificate of authority shall  
29 not affect liability issues regarding work performed during a period  
30 of expiration or delinquency, nor does the fact of performance  
31 during a period of expiration or delinquency affect liability issues.

32 SEC. 9. Section 6799 of the Business and Professions Code is  
33 amended to read:

34 6799. (a) The amount of the fees prescribed by this chapter  
35 shall be fixed by the board in accordance with the following  
36 schedule:

37 (1) The fee for filing each application for licensure as a  
38 professional engineer and each application for authority level  
39 designation at not more than four hundred dollars (\$400) and for

1 each application for certification as an engineer-in-training at not  
2 more than one hundred dollars (\$100).

3 (2) The fee to take an examination administered by a public or  
4 private organization pursuant to Section 6754 shall be no greater  
5 than the actual cost of the development and administration of the  
6 examination and may be paid directly to the organization by the  
7 applicant.

8 (3) The renewal fee for each branch of professional engineering  
9 in which licensure is held, and the renewal fee for each authority  
10 level designation held, at no more than four hundred dollars (\$400).

11 (4) The fee for a retired license at not more than 50 percent of  
12 the professional engineer application fee in effect on the date of  
13 application.

14 (5) The delinquency fee at not more than 50 percent of the  
15 renewal fee in effect on the date of reinstatement.

16 (6) The board shall establish by regulation an appeal fee for  
17 examination. The regulation shall include provisions for an  
18 applicant to be reimbursed the appeal fee if the appeal results in  
19 passage of examination. The fee charged shall be no more than  
20 the costs incurred by the board.

21 (7) All other document fees are to be set by the board by rule.

22 (b) Applicants wishing to be examined in more than one branch  
23 of engineering shall be required to pay the additional fee for each  
24 examination after the first.

25 SEC. 10. Section 7835 of the Business and Professions Code  
26 is amended to read:

27 7835. All geologic plans, specifications, reports, or documents  
28 shall be prepared by a professional geologist or licensed certified  
29 specialty geologist, or by a subordinate employee under his or her  
30 direction. In addition, they shall be signed by the professional  
31 geologist or licensed certified specialty geologist and stamped with  
32 his or her seal, both of which shall indicate his or her responsibility  
33 for them.

34 SEC. 11. Section 7835.1 of the Business and Professions Code  
35 is amended to read:

36 7835.1. All geophysical plans, specifications, reports, or  
37 documents shall be prepared by a professional geophysicist,  
38 licensed certified specialty geophysicist, professional geologist,  
39 licensed certified specialty geologist, or by a subordinate employee  
40 under his or her direction. In addition, they shall be signed by the

1 professional geophysicist, licensed certified specialty geophysicist,  
2 professional geologist, or licensed certified specialty geologist,  
3 and stamped with his or her seal, both of which shall indicate his  
4 or her responsibility for them.

5 *SEC. 12. Section 7841 of the Business and Professions Code*  
6 *is amended to read:*

7 7841. An applicant for licensure as a geologist shall have all  
8 the following qualifications:

9 (a) Not have committed any acts or crimes constituting grounds  
10 for denial of licensure under Section 480.

11 ~~(b)~~

12 *(b) Meet either of the following educational requirements*  
13 *fulfilled at a school or university whose curricula meet criteria*  
14 *established by rules of the board:*

15 *(1) Graduation from a college or university with a major in*  
16 *geological sciences or any other discipline that, in the opinion of*  
17 *the board, is relevant to geology.*

18 *(2) Completion of a combination of at least 30 semester hours,*  
19 *or the equivalent, in courses that, in the opinion of the board, are*  
20 *relevant to geology. At least 24 semester hours, or the equivalent,*  
21 *shall be in upper division or graduate courses.*

22 (c) Have a documented record of a minimum of five years of  
23 professional geological experience of a character satisfactory to  
24 the board, demonstrating that the applicant is qualified to assume  
25 responsible charge of this work upon licensure as a geologist. This  
26 experience shall be gained under the supervision of a geologist or  
27 geophysicist licensed in this or any other state, or under the  
28 supervision of others who, in the opinion of the board, have the  
29 training and experience to have responsible charge of geological  
30 work. Professional geological work does not include routine  
31 sampling, laboratory work, or geological drafting.

32 Each year of undergraduate study in the geological sciences shall  
33 count as one-half year of training up to a maximum of two years,  
34 and each year of graduate study or research counts as a year of  
35 training.

36 Teaching in the geological sciences at college level shall be  
37 credited year for year toward meeting the requirement in this  
38 category, provided that the total teaching experience includes six  
39 semester units per semester, or equivalent if on the quarter system,  
40 of upper division or graduate courses.

1 Credit for undergraduate study, graduate study, and teaching,  
2 individually, or in any combination thereof, shall in no case exceed  
3 a total of three years towards meeting the requirement for at least  
4 five years of professional geological work as set forth above.

5 The ability of the applicant shall have been demonstrated by the  
6 applicant having performed the work in a responsible position, as  
7 the term “responsible position” is defined in regulations adopted  
8 by the board. The adequacy of the required supervision and  
9 experience shall be determined by the board in accordance with  
10 standards set forth in regulations adopted by it.

11 (d) Successfully pass a written examination that incorporates a  
12 national examination for geologists created by a nationally  
13 recognized entity approved by the board, and a supplemental  
14 California specific examination. The California specific  
15 examination shall test the applicant’s knowledge of state laws,  
16 rules and regulations, and of seismicity and geology unique to  
17 practice within this state.

18 ~~SEC. 12.~~

19 *SEC. 13.* Section 7842 of the Business and Professions Code  
20 is amended to read:

21 7842. (a) An applicant for certification in a specialty in geology  
22 shall meet all of the requirements of Section 7841, shall be a  
23 geologist licensed under this chapter, and, in addition, his or her  
24 seven years of professional geological work shall include one of  
25 the following:

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

36 (2) A minimum of five years’ experience in responsible charge  
37 of professional geological work in the specialty for which the  
38 applicant is seeking certification.

1 (b) In addition to meeting the requirements of subdivision (a),  
2 an applicant for certification in a specialty of geology shall  
3 successfully pass a written examination in that specialty.

4 ~~SEC. 13.~~

5 *SEC. 14.* Section 7843 of the Business and Professions Code  
6 is amended to read:

7 7843. (a) An applicant for certification as a  
8 geologist-in-training shall, upon meeting all the requirements  
9 prescribed in Section 7841.2, be issued a certificate as a  
10 geologist-in-training. A renewal or other fee, other than the  
11 application fee, may not be charged for this certification. The  
12 certificate shall become invalid when the holder has qualified as  
13 a professional geologist as provided in Section 7841.

14 (b) A geologist-in-training certificate does not authorize the  
15 holder thereof to practice or offer to practice geology, in his or her  
16 own right, or to use the title specified in Section 7804.

17 (c) It is unlawful for anyone other than the holder of a valid  
18 geologist-in-training certificate issued under this chapter to use  
19 the title of "geologist-in-training" or any abbreviation of that title.

20 ~~SEC. 14.~~

21 *SEC. 15.* Section 7850 of the Business and Professions Code  
22 is amended to read:

23 7850. Any applicant for licensure as a professional geologist  
24 who meets all the requirements prescribed in Section 7841 and  
25 who has otherwise qualified hereunder as a geologist, upon  
26 payment of the registration fee fixed by this chapter, shall have a  
27 certificate of registration issued to him or her as a professional  
28 geologist.

29 ~~SEC. 15.~~

30 *SEC. 16.* Section 7850.1 of the Business and Professions Code  
31 is amended to read:

32 7850.1. Any applicant for licensure as a professional  
33 geophysicist who meets all the requirements prescribed in Section  
34 7841.1 and who has otherwise qualified hereunder as a  
35 geophysicist, upon payment of the registration fee fixed by this  
36 chapter, shall have a certificate of registration issued to him or her  
37 as a professional geophysicist.

38 ~~SEC. 16.~~

39 *SEC. 17.* Section 7850.5 of the Business and Professions Code  
40 is amended to read:

1 7850.5. An applicant for certification as a certified specialty  
2 geologist who meets all the requirements prescribed in Section  
3 7842 and who has otherwise qualified under this chapter in the  
4 specialty, upon payment of the fee fixed by this chapter, shall have  
5 a certificate issued to him or her as a certified specialty geologist.

6 A certificate of certified specialty geologist shall be signed by  
7 the president and executive officer and issued under the seal of  
8 the board.

9 ~~SEC. 17.~~

10 *SEC. 18.* Section 7852 of the Business and Professions Code  
11 is amended to read:

12 7852. (a) Each geologist licensed under this chapter shall,  
13 upon licensure, obtain a seal of the design authorized by the board  
14 bearing the licensee's name, number of his or her certificate, and  
15 the legend "professional geologist."

16 (b) Each specialty geologist certified under this chapter shall,  
17 upon certification, obtain a seal of the design authorized by the  
18 board bearing the licensee's name, number of his or her certificate,  
19 and the legend of the appropriate specialty in geology in which he  
20 or she is certified under this chapter.

21 ~~SEC. 18.~~

22 *SEC. 19.* Section 7852.1 of the Business and Professions Code  
23 is amended to read:

24 7852.1. (a) Each geophysicist licensed under this chapter shall,  
25 upon licensure, obtain a seal of the design authorized by the board  
26 bearing the licensee's name, number of his or her certificate, and  
27 the legend "professional geophysicist."

28 (b) Each specialty geophysicist certified under this chapter shall,  
29 upon certification, obtain a seal of the design authorized by the  
30 board bearing the licensee's name, number of his or her certificate,  
31 and the legend of the appropriate specialty in geophysics in which  
32 he or she is certified under this chapter.

33 ~~SEC. 19.~~

34 *SEC. 20.* Section 7884 of the Business and Professions Code  
35 is amended to read:

36 7884. Certificates of licensure as a geologist or as a  
37 geophysicist or certified specialty certificates which are not  
38 renewed within five years after expiration may not be renewed,  
39 restored, reinstated, or reissued thereafter. The holder of that



1 certificate may apply for and obtain a new certificate, however,  
2 if:

3 (a) He or she has not committed any acts or crimes constituting  
4 grounds for denial of licensure under Section 480.

5 (b) He or she takes and passes the examination, if any, which  
6 would be required of him or her if he or she were then applying  
7 for the certificate for the first time.

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

11 ~~SEC. 20.~~

12 *SEC. 21.* Section 8731 of the Business and Professions Code  
13 is amended to read:

14 8731. A licensed civil engineer and a civil engineer exempt  
15 from licensure under Chapter 7 (commencing with Section 6700)  
16 are exempt from licensing under this chapter and may engage in  
17 the practice of land surveying with the same rights and privileges  
18 and the same duties and responsibilities as a licensed land surveyor,  
19 provided that for civil engineers who become licensed after January  
20 1, 1982, they shall obtain a license as a land surveyor under the  
21 provisions of this chapter, before practicing land surveying as  
22 defined in this chapter.

23 ~~SEC. 21.~~

24 *SEC. 22.* Section 8740 of the Business and Professions Code  
25 is amended to read:

26 8740. (a) An application for a certificate as a land  
27 surveyor-in-training or for a license as a land surveyor shall be  
28 made to the board on the form prescribed by it, with all statements  
29 therein made under oath, and shall be accompanied by the fee fixed  
30 by this chapter.

31 (b) The board may authorize an organization specified by the  
32 board pursuant to Section 8745 to receive directly from applicants  
33 payment of the examination fees charged by that organization as  
34 payment for examination materials and services.

35 ~~SEC. 22.~~

36 *SEC. 23.* Section 8741 of the Business and Professions Code  
37 is amended to read:

38 8741. (a) An applicant for certification as a land  
39 surveyor-in-training shall comply with all of the following:

1 (1) Not have committed acts or crimes constituting grounds for  
2 denial of licensure under Section 480.

3 (2) Successfully pass the first division of the examination.

4 (3) Satisfactorily complete two years or more of postsecondary  
5 education in land surveying, two years or more of experience in  
6 land surveying, or a combination of postsecondary education and  
7 experience in land surveying.

8 (b) The board need not verify the applicant's eligibility for  
9 certification as a land surveyor-in-training other than to require  
10 the applicant to sign a statement of eligibility on the application  
11 form.

12 (c) The board may prescribe by regulation reasonable  
13 educational or experience requirements for an applicant to meet  
14 the requirements in paragraph (3) of subdivision (a).

15 (d) An applicant for licensure as a professional land surveyor  
16 shall comply with all of the following:

17 (1) Not have committed acts or crimes constituting grounds for  
18 denial of licensure under Section 480.

19 (2) Furnish evidence that he or she meets the requirements of  
20 Section 8742.

21 (3) Successfully passed the second division of the examination

22 (4) Be certified as a land surveyor-in-training in this state, be  
23 certified as a land surveyor-in-training or surveyor intern in another  
24 state of territory of the United States, or be exempt therefrom. An  
25 applicant licensed by the board as a civil engineer is exempt from  
26 the requirement of this paragraph.

27 (5) Be thoroughly familiar with (A) the procedure and rules  
28 governing the survey of public lands as set forth in Manual of  
29 Surveying Instructions (2009), published by the federal Bureau of  
30 Land Management, and (B) the principles of real property relating  
31 to boundaries and conveyancing.

32 ~~SEC. 23.~~

33 *SEC. 24.* Section 8741.1 of the Business and Professions Code  
34 is amended to read:

35 8741.1. (a) The first division of the examination shall test the  
36 applicant's fundamental knowledge of surveying, mathematics,  
37 and basic science.

38 (b) The second division of the examination shall test the  
39 applicant's ability to apply his or her knowledge and experience

1 and to assume responsible charge in the professional practice of  
2 land surveying.

3 The second division of the examination shall include an  
4 examination that incorporates a national examination for land  
5 surveying by a nationally recognized entity approved by the board  
6 and a supplemental California specific examination. The California  
7 specific examination shall include, as a separate part, an  
8 examination to test the applicant's knowledge of the provisions of  
9 this chapter and the board's rules and regulations regulating the  
10 practice of professional land surveying in this state.

11 (c) The board may by rule provide a waiver of the first division  
12 of the examination for applicants whose education and experience  
13 qualifications substantially exceed the requirements of Section  
14 8742.

15 (d) The board may by rule provide for a waiver of the second  
16 division of the examination and the assignment to a special  
17 examination for those applicants whose educational qualifications  
18 are equal to, and whose experience qualifications substantially  
19 exceed, those qualifications established under subdivision (c). The  
20 special examination may be either written or oral, or a combination  
21 of both.

22 ~~SEC. 24.~~

23 *SEC. 25.* Section 8742 of the Business and Professions Code  
24 is amended to read:

25 8742. (a) The educational qualifications and experience in  
26 land surveying, which an applicant for a license as a land surveyor  
27 shall possess, shall not be less than one of the following prescribed  
28 criteria:

29 (1) Graduation from a four-year curriculum with an emphasis  
30 in land surveying approved by the board or accredited by a national  
31 or regional accrediting agency recognized by the United States  
32 Office of Education at a postsecondary educational institution and  
33 two years of actual broad based progressive experience in land  
34 surveying, including one year of responsible field training and one  
35 year of responsible office training, satisfactory to the board.

36 (2) Actual broad based progressive experience in land surveying  
37 for at least six years, including one year of responsible field training  
38 and one year of responsible office training, satisfactory to the  
39 board.

1 (3) Licensure as a civil engineer with two years of actual broad  
2 based progressive experience in land surveying satisfactory to the  
3 board.

4 (b) With respect to an applicant for a license as a land surveyor,  
5 the board shall count one year of postsecondary education in land  
6 surveying as one year of experience in land surveying up to a  
7 maximum of four years, provided the applicant has graduated from  
8 the course in land surveying and the curriculum in land surveying  
9 is approved by the board or is accredited by a regional or national  
10 accrediting agency recognized for the purpose by the United States  
11 Office of Education. Each year of study in an approved or an  
12 accredited course in land surveying without graduation shall be  
13 counted the same as one-half year of experience.

14 Each applicant claiming equivalent credit for education may be  
15 required to produce a complete transcript of all college level  
16 courses completed.

17 Until January 1, 2000, the board may, at its discretion, confer  
18 credit as experience in land surveying, not in excess of two years,  
19 for successfully passing the first division of the examination  
20 prescribed in Section 8741.1.

21 ~~SEC. 25.~~

22 *SEC. 26.* Section 8743 of the Business and Professions Code  
23 is amended to read:

24 8743. The names and addresses of at least four land surveyors  
25 or civil engineers, duly qualified to practice in the place in which  
26 such practice has been conducted, each of whom has sufficient  
27 knowledge of the applicant to enable him or her to certify to the  
28 applicant's professional integrity, ability and fitness to receive a  
29 license, shall be submitted with the application for a license as a  
30 land surveyor.

31 ~~SEC. 26.~~

32 *SEC. 27.* Section 8744 of the Business and Professions Code  
33 is amended to read:

34 8744. The applicant for a license as a land surveyor shall state  
35 in his or her application that, should he or she be licensed, he or  
36 she will support the Constitution of this State and of the United  
37 States, and that he or she will faithfully discharge the duties of a  
38 licensed land surveyor.

1 ~~SEC. 27.~~

2 *SEC. 28.* Section 8747 of the Business and Professions Code  
3 is amended to read:

4 8747. Any applicant who has met the requirements for  
5 certification or licensure prescribed by the board under this chapter  
6 shall have a suitable license issued to him or her.

7 (a) An applicant who has met the requirements of subdivision  
8 (a) and (b) of Section 8741 shall be issued a certificate as a land  
9 surveyor-in-training. A renewal or other fee, other than the  
10 application fee, shall not be charged for this certification. This  
11 certificate shall become invalid upon the person being issued a  
12 license as a land surveyor, as provided in subdivision (b). A land  
13 surveyor-in-training certificate shall not authorize the holder thereof  
14 to practice or offer to practice land surveying. A person shall not  
15 use the title of land surveyor-in-training, or any abbreviation of  
16 this title, unless he or she is the holder of a valid land  
17 surveyor-in-training certificate.

18 (b) An applicant who has met the requirements of subdivision  
19 (d) of Section 8741 shall be issued a license as a land surveyor.  
20 The license shall authorize him or her to practice as a land surveyor.

21 ~~SEC. 28.~~

22 *SEC. 29.* Section 8748.5 of the Business and Professions Code  
23 is amended to read:

24 8748.5. If an applicant for license as a land surveyor or  
25 certification as a land surveyor-in-training is found by the board  
26 to lack the qualifications required for such license or certification,  
27 the board may, in accordance with the provisions of Section 158  
28 of this code, refund to him or her one-half of the amount of his or  
29 her application fee.

30 ~~SEC. 29.~~

31 *SEC. 30.* Section 8802 of the Business and Professions Code  
32 is amended to read:

33 8802. Except as otherwise provided in this article, licenses  
34 issued under this chapter may be renewed at any time within five  
35 years after expiration on filing of application for renewal on a form  
36 prescribed by the board and payment of all accrued and unpaid  
37 renewal fees. If the license is renewed more than 30 days after its  
38 expiration, the licensee, as a condition precedent to renewal, shall  
39 also pay the delinquency fee prescribed by this chapter. Renewal  
40 under this section shall be effective on the date on which the

1 application is filed, on the date on which the renewal fee is paid,  
 2 or on the date on which the delinquency fee, if any, is paid,  
 3 whichever last occurs. If so renewed, the license shall continue in  
 4 effect through the date provided in Section 8801 which next occurs  
 5 after the effective date of the renewal, when it shall expire if it is  
 6 not again renewed.

7 ~~SEC. 30.~~

8 *SEC. 31.* Section 8803 of the Business and Professions Code  
 9 is amended to read:

10 8803. (a) A license that is not renewed within five years after  
 11 its expiration may not be renewed, restored, reissued, or reinstated.  
 12 After five years after expiration, the holder of a license may apply  
 13 for and obtain a new license subject to the following:

14 (1) He or she has not committed any acts or crimes constituting  
 15 grounds for denial of licensure under Section 480.

16 (2) He or she takes and passes the examination, if any, that  
 17 would be required if applying for the license for the first time.

18 (b) The board may, by regulation, provide for the waiver or  
 19 refund of all or any part of the application fee in those cases in  
 20 which a license is issued without an examination pursuant to this  
 21 section.

22 ~~SEC. 31.~~

23 *SEC. 32.* Section 8803.1 of the Business and Professions Code  
 24 is amended to read:

25 8803.1. Once an expired or delinquent license is renewed  
 26 pursuant to Section 8802, all of the following apply:

27 (a) The board shall continue to have full jurisdiction and  
 28 authority over the licensee as if the license had not expired or  
 29 become delinquent.

30 (b) The work performed by the licensee during a period of  
 31 expiration or delinquency shall be deemed lawful and validly  
 32 performed as to persons or entities other than the licensee.

33 (c) The renewal of a license shall not affect liability issues  
 34 regarding work performed during a period of expiration or  
 35 delinquency, nor does the fact of performance during a period of  
 36 expiration or delinquency affect liability issues.

37 ~~SEC. 32.~~

38 *SEC. 33.* Section 8805 of the Business and Professions Code  
 39 is amended to read:

1 8805. The amount of the fees prescribed by this chapter shall  
2 be fixed by the board in accordance with the following schedule:

3 (a) The fee for filing each application for licensure as a land  
4 surveyor at not more than four hundred dollars (\$400) and for each  
5 application for certification as a land surveyor-in-training (LSIT)  
6 at not more than one hundred dollars (\$100).

7 (b) The fees to take an examination administered by a public  
8 or private organization pursuant to Section 8745 shall be no greater  
9 than the actual cost of the development and administration of the  
10 examination and may be paid directly to the organization by the  
11 applicant.

12 (c) The renewal fee for a land surveyor at not more than four  
13 hundred dollars (\$400).

14 (d) The fee for a retired license at not more than 50 percent of  
15 the professional land surveyor application fee in effect on the date  
16 of application.

17 (e) The delinquency fee at not more than 50 percent of the  
18 renewal fee in effect on the date of reinstatement.

19 (f) The board shall establish by regulation an appeal fee for  
20 examination. The regulation shall include provisions for an  
21 applicant to be reimbursed the appeal fee if the appeal results in  
22 passage of examination. The fee shall be no more than the costs  
23 incurred by the board.

24 (g) All other document fees are to be set by the board by rule.





## Supported Legislation

### Senate Bill 1479 (Committee)

#### Senate Omnibus Bill

**Status:** 5/19/2016- Assembly Business and Professions Committee.

**Location:** 5/19/2016- Assembly Business and Professions Committee.

**Introduced:** 03/10/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 5/26/16**

#### **Staff Analysis: SB 1479**

**Bill Summary:** This bill would authorize the board to make arrangements with a public or private organization to conduct the examination. The bill would authorize the board to contract with such an organization for materials or services related to the examination and would authorize the board to allow an organization specified by the board to receive, directly from applicants, payments of the examination fees charged by that organization for materials and services

**Staff Comment:** This is the omnibus bill introduced by the Senate Committee on Business, Professions and Economic Development. This bill would make nonsubstantive changes to the provisions of the Board's Acts.

**Board Position:** Support position as introduced 03/10/2016.

**Laws:** An act to amend Sections 5092, 5094.3, 5550.2, 7074, 7844, and 7887 of the Business and Professions Code, and to amend Section 13995.1 of the Government Code, relating to business and professions.

**Introduced by Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)**

March 10, 2016

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An act to amend Sections 5092, 5094.3, 5550.2, 7074, 7844, and 7887 of the Business and Professions Code, and to amend Section 13995.1 of the Government Code, relating to business and professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1479, as introduced, Committee on Business, Professions and Economic Development. Business and professions.

(1) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy, which is within the Department of Consumer Affairs. Existing law requires an applicant for licensure as a certified public accountant to provide documentation to the board of the completion of a certain number of units of ethics study, as specified. Existing law requires a portion of those units to come from courses containing specified terms in the course title, including, but not limited to, corporate governance.

This bill would instead require those units to come from courses in specified subjects relating to ethics.

(2) The Architects Practice Act provides for the licensure and regulation of architects and landscape architects by the California Architects Board, which is within the Department of Consumer Affairs, and requires a person to pass an examination as a condition of licensure as an architect. Existing law authorizes the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in an Additional Path to Architecture Licensing program that integrates

the experience and examination components offered by a National Architectural Accrediting Board-accredited degree program.

This bill would instead authorize the board to grant eligibility to a candidate to take the licensure examination if he or she is enrolled in a degree program accepted by the National Council of Architectural Registration Boards that integrates the licensure degree experience and examination components required under that act.

(3) The Contractors' State License Law provides for the licensure and regulation of contractors by the Contractors' State License Board, which is within the Department of Consumer Affairs. That law requires, except as specified, an application for an original license, an additional classification, or for a change of qualifier to become void when certain conditions are met, including if the applicant or examinee for the applicant has failed to appear for the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to appear or if the applicant or the examinee for the applicant has failed to achieve a passing grade in the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to pass the examination.

This bill would delete those above-mentioned conditions as reasons for an application for an original license, an additional classification, or for a change of qualifier to become void.

(4) The Geologist and Geophysicist Act provides for the registration and regulation of professional geologists and professional geophysicists by the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs. That act requires an applicant for registration to take an examination and requires the examination to be held at the times and places within the state that the board determines.

This bill would authorize the board to make arrangements with a public or private organization to conduct the examination. The bill would authorize the board to contract with such an organization for materials or services related to the examination and would authorize the board to allow an organization specified by the board to receive, directly from applicants, payments of the examination fees charged by that organization for materials and services.

(5) The California Tourism Marketing Act requires the Governor to appoint a Tourism Selection Committee, as specified, and provides that the Director of the Governor's Office of Business and Economic

Development has the power to veto actions of the commission. That act states various findings and declarations by the Legislature regarding the tourism industry in California, including that the mechanism created by that act to fund generic promotions be pursuant to the supervision and oversight of the secretary.

This bill would instead find and declare that the mechanism to fund generic promotions be pursuant to the supervision and oversight of the Director of the Governor's Office of Business and Economic Development.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 5092 of the Business and Professions  
2 Code is amended to read:

3 5092. (a) To qualify for the certified public accountant license,  
4 an applicant who is applying under this section shall meet the  
5 education, examination, and experience requirements specified in  
6 subdivisions (b), (c), and (d), or otherwise prescribed pursuant to  
7 this article. The board may adopt regulations as necessary to  
8 implement this section.

9 (b) An applicant for the certified public accountant license shall  
10 present satisfactory evidence that the applicant has completed a  
11 baccalaureate or higher degree conferred by a college or university,  
12 meeting, at a minimum, the standards described in Section 5094,  
13 the total educational program to include a minimum of 24 semester  
14 units in accounting subjects and 24 semester units in business  
15 related subjects. This evidence shall be provided prior to admission  
16 to the examination for the certified public accountant license,  
17 except that an applicant who applied, qualified, and sat for at least  
18 two subjects of the examination for the certified public accountant  
19 license before May 15, 2002, may provide this evidence at the  
20 time of application for licensure.

21 (c) An applicant for the certified public accountant license shall  
22 pass an examination prescribed by the board pursuant to this article.

23 (d) The applicant shall show, to the satisfaction of the board,  
24 that the applicant has had two years of qualifying experience. This  
25 experience may include providing any type of service or advice  
26 involving the use of accounting, attest, compilation, management

1 advisory, financial advisory, tax, or consulting skills. To be  
2 qualifying under this section, experience shall have been performed  
3 in accordance with applicable professional standards. Experience  
4 in public accounting shall be completed under the supervision or  
5 in the employ of a person licensed or otherwise having comparable  
6 authority under the laws of any state or country to engage in the  
7 practice of public accountancy. Experience in private or  
8 governmental accounting or auditing shall be completed under the  
9 supervision of an individual licensed by a state to engage in the  
10 practice of public accountancy.

11 (e) This section shall become inoperative on January 1, 2014,  
12 but shall become or remain operative if the educational  
13 requirements in ethics study and accounting study established by  
14 subdivision (b) of Section 5093, Section 5094.3, and Section  
15 5094.6 are reduced or eliminated.

16 (f) *The amendment to subdivision (d) of Section 5094.3 made*  
17 *by the measure adding this subdivision shall not be deemed to*  
18 *reduce or eliminate the educational requirements of Section 5094.3*  
19 *for purposes of subdivision (e) of this Section.*

20 SEC. 2. Section 5094.3 of the Business and Professions Code  
21 is amended to read:

22 5094.3. (a) An applicant for licensure as a certified public  
23 accountant shall, to the satisfaction of the board, provide  
24 documentation of the completion of 10 semester units or 15 quarter  
25 units of ethics study, as set forth in paragraph (2) of subdivision  
26 (b) of Section 5093, in the manner prescribed in this section.

27 (b) (1) Between January 1, 2014, and December 31, 2016,  
28 inclusive, an applicant shall complete 10 semester units or 15  
29 quarter units in courses described in subdivisions (d), (e), and (f).

30 (2) Beginning January 1, 2017, an applicant shall complete 10  
31 semester units or 15 quarter units in courses described in  
32 subdivisions (c), (d), (e), and (f).

33 (c) A minimum of three semester units or four quarter units in  
34 courses at an upper division level or higher devoted to accounting  
35 ethics or accountants' professional responsibilities, unless the  
36 course was completed at a community college, in which case it  
37 need not be completed at the upper division level or higher.

38 (d) Between January 1, 2014, and December 31, 2016, inclusive,  
39 a maximum of 10 semester units or 15 quarter units, and on and  
40 after January 1, 2017, a maximum of 7 semester units or 11 quarter

1 units, in courses containing the following terms in the course title:  
 2 *the following subjects relating to ethics:*

- 3 (1) Business, government, and society.
- 4 (2) Business law.
- 5 (3) Corporate governance.
- 6 (4) Corporate social responsibility.
- 7 (5) Ethics.
- 8 (6) Fraud.
- 9 (7) Human resources management.
- 10 (8) Business leadership.
- 11 (9) Legal environment of business.
- 12 (10) Management of organizations.
- 13 (11) Morals.
- 14 (12) Organizational behavior.
- 15 (13) Professional responsibilities.
- 16 (14) Auditing.

17 (e) (1) A maximum of three semester units or four quarter units  
 18 in courses taken in the following disciplines:

- 19 (A) Philosophy.
- 20 (B) Religion.
- 21 (C) Theology.

22 (2) To qualify under this subdivision, the course title shall  
 23 contain one or more of the terms “introduction,” “introductory,”  
 24 “general,” “fundamentals of,” “principles,” “foundation of,” or  
 25 “survey of,” or have the name of the discipline as the sole name  
 26 of the course title.

27 (f) A maximum of one semester unit of ethics study for  
 28 completion of a course specific to financial statement audits.

29 (g) An applicant who has successfully passed the examination  
 30 requirement specified under Section 5082 on or before December  
 31 31, 2013, is exempt from this section unless the applicant fails to  
 32 obtain the qualifying experience as specified in Section 5092 or  
 33 5093 on or before December 31, 2015.

34 SEC. 3. Section 5550.2 of the Business and Professions Code  
 35 is amended to read:

36 5550.2. Notwithstanding subdivision (b) of Section 5552, the  
 37 board may grant eligibility, based on an eligibility point determined  
 38 by the Additional Path to Architectural Licensing Program, for a  
 39 candidate *eligibility* to take the *licensure* examination for a license  
 40 to practice architecture if he or she is to a candidate enrolled in

1 ~~an Additional Path to Architectural Licensing program a degree~~  
 2 ~~program accepted by the National Council of Architectural~~  
 3 ~~Registration Boards that integrates the licensure degree experience~~  
 4 ~~and examination components offered by a National Architectural~~  
 5 ~~Accrediting Board-accredited degree program. required under this~~  
 6 ~~chapter. The eligibility point shall be determined by that degree~~  
 7 ~~program.~~

8 SEC. 4. Section 7074 of the Business and Professions Code is  
 9 amended to read:

10 7074. (a) Except as otherwise provided by this section, an  
 11 application for an original license, for an additional ~~classification~~  
 12 ~~classification~~, or for a change of qualifier shall become void when:

13 ~~(1) The applicant or examinee for the applicant has failed to~~  
 14 ~~appear for the scheduled qualifying examination and fails to request~~  
 15 ~~and pay the fee for rescheduling within 90 days of notification of~~  
 16 ~~failure to appear, or, after being rescheduled, has failed to appear~~  
 17 ~~for a second examination.~~

18 ~~(2) The applicant or the examinee for the applicant has failed~~  
 19 ~~to achieve a passing grade in the scheduled qualifying examination,~~  
 20 ~~and fails to request and pay the fee for rescheduling within 90 days~~  
 21 ~~of notification of failure to pass the examination.~~

22 ~~(3)~~

23 (1) The applicant or the examinee for the applicant has failed  
 24 to achieve a passing grade in the qualifying examination within  
 25 18 months after the application has been deemed acceptable by  
 26 the board.

27 ~~(4)~~

28 (2) The applicant for an original license, after having been  
 29 notified to do so, fails to pay the initial license fee within 90 days  
 30 from the date of the notice.

31 ~~(5)~~

32 (3) The applicant, after having been notified to do so, fails to  
 33 file within 90 days from the date of the notice any bond or cash  
 34 deposit or other documents that may be required for issuance or  
 35 granting pursuant to this chapter.

36 ~~(6)~~

37 (4) After filing, the applicant withdraws the application.

38 ~~(7)~~

1 (5) The applicant fails to return the application rejected by the  
2 board for insufficiency or incompleteness within 90 days from the  
3 date of original notice or rejection.

4 ~~(8)~~

5 (6) The application is denied after disciplinary proceedings  
6 conducted in accordance with the provisions of this code.

7 (b) The void date on an application may be extended up to 90  
8 days or one examination may be rescheduled without a fee upon  
9 documented evidence by the applicant that the failure to complete  
10 the application process or to appear for an examination was due  
11 to a medical emergency or other circumstance beyond the control  
12 of the applicant.

13 (c) An application voided pursuant to ~~the provisions of this~~  
14 section shall remain in the possession of the registrar for the period  
15 as he or she deems necessary and shall not be returned to the  
16 applicant. Any reapplication for a license shall be accompanied  
17 by the fee fixed by this chapter.

18 SEC. 5. Section 7844 of the Business and Professions Code is  
19 amended to read:

20 7844. (a) Examination for ~~registration~~ licensure shall be held  
21 at the times and places within the state as the board shall determine.  
22 The scope of examinations and the methods of procedure may be  
23 prescribed by rule of the board.

24 (b) *The board may make arrangements with a public or private*  
25 *organization to conduct the examination. The board may contract*  
26 *with a public or private organization for materials or services*  
27 *related to the examination.*

28 (c) *The board may authorize an organization specified by the*  
29 *board to receive directly from applicants payment of the*  
30 *examination fees charged by that organization as payment for*  
31 *examination materials and services.*

32 SEC. 6. Section 7887 of the Business and Professions Code is  
33 amended to read:

34 7887. The amount of the fees prescribed by this chapter shall  
35 be fixed by the board in accordance with the following schedule:

36 (a) The fee for filing each application for licensure as a geologist  
37 or a geophysicist or certification as a specialty geologist or a  
38 specialty geophysicist and for administration of the examination  
39 shall be fixed at not more than two hundred fifty dollars (\$250).



1 (b) The license fee for a geologist or for a geophysicist and the  
2 fee for the certification in a specialty shall be fixed at an amount  
3 equal to the renewal fee in effect on the last regular renewal date  
4 before the date on which the certificate is issued, except that, with  
5 respect to certificates that will expire less than one year after  
6 issuance, the fee shall be fixed at an amount equal to 50 percent  
7 of the renewal fee in effect on the last regular renewal date before  
8 the date on which the certificate is issued. The board may, by  
9 appropriate regulation, provide for the waiver or refund of the  
10 initial certificate fee where the certificate is issued less than 45  
11 days before the date on which it will expire.

12 (c) The duplicate certificate fee shall be fixed at not more than  
13 six dollars (\$6).

14 (d) The renewal fee for a geologist or for a geophysicist shall  
15 be fixed at not more than four hundred dollars (\$400).

16 (e) The renewal fee for a specialty geologist or for a specialty  
17 geophysicist shall be fixed at not more than one hundred dollars  
18 (\$100).

19 (f) Notwithstanding Section 163.5, the delinquency fee for a  
20 certificate is an amount equal to 50 percent of the renewal fee in  
21 effect on the last regular renewal date.

22 (g) Each applicant for licensure as a geologist shall pay an  
23 examination fee fixed at an amount equal to the actual cost to the  
24 board to administer the examination described in subdivision (d)  
25 of Section ~~7841~~. 7841, *unless an applicant pays the examination*  
26 *fee directly to an organization pursuant to Section 7844.*

27 (h) Each applicant for licensure as a geophysicist or certification  
28 as an engineering geologist or certification as a hydrogeologist  
29 shall pay an examination fee fixed by the board at an amount equal  
30 to the actual cost to the board for the development and maintenance  
31 of the written examination, and shall not exceed one hundred  
32 dollars (\$100).

33 (i) The fee for a retired license shall be fixed at not more than  
34 50 percent of the fee for filing an application for licensure as a  
35 geologist or a geophysicist in effect on the date of application for  
36 a retired license.

37 SEC. 7. Section 13995.1 of the Government Code is amended  
38 to read:

39 13995.1. The Legislature hereby finds and declares all of the  
40 following:

1 (a) Tourism is among California's biggest industries,  
2 contributing over fifty-two billion dollars (\$52,000,000,000) to  
3 the state economy and employing nearly 700,000 Californians in  
4 1995.

5 (b) In order to retain and expand the tourism industry in  
6 California, it is necessary to market travel to and within California.

7 (c) State funding, while an important component of marketing,  
8 has been unable to generate sufficient funds to meet the threshold  
9 levels of funding necessary to reverse recent losses of California's  
10 tourism market share.

11 (d) In regard to the need for a cooperative partnership between  
12 business and industry:

13 (1) It is in the state's public interest and vital to the welfare of  
14 the state's economy to expand the market for, and develop,  
15 California tourism through a cooperative partnership funded in  
16 part by the state that will allow generic promotion and  
17 communication programs.

18 (2) The mechanism established by this chapter is intended to  
19 play a unique role in advancing the opportunity to expand tourism  
20 in California, and it is intended to increase the opportunity for  
21 tourism to the benefit of the tourism industry and the consumers  
22 of the State of California.

23 (3) Programs implemented pursuant to this chapter are intended  
24 to complement the marketing activities of individual competitors  
25 within the tourism industry.

26 (4) While it is recognized that smaller businesses participating  
27 in the tourism market often lack the resources or market power to  
28 conduct these activities on their own, the programs are intended  
29 to be of benefit to businesses of all sizes.

30 (5) These programs are not intended to, and they do not, impede  
31 the right or ability of individual businesses to conduct activities  
32 designed to increase the tourism market generally or their own  
33 respective shares of the California tourism market, and nothing in  
34 the mechanism established by this chapter shall prevent an  
35 individual business or participant in the industry from seeking to  
36 expand its market through alternative or complementary means,  
37 or both.

38 (6) (A) An individual business's own advertising initiatives are  
39 typically designed to increase its share of the California tourism

1 market rather than to increase or expand the overall size of that  
2 market.

3 (B) In contrast, generic promotion of California as a tourism  
4 destination is intended and designed to maintain or increase the  
5 overall demand for California tourism and to maintain or increase  
6 the size of that market, often by utilizing promotional methods  
7 and techniques that individual businesses typically are unable, or  
8 have no incentive, to employ.

9 (7) This chapter creates a mechanism to fund generic promotions  
10 that, pursuant to the required supervision and oversight of the  
11 *secretary director* as specified in this chapter, further specific state  
12 governmental goals, as established by the Legislature, and result  
13 in a promotion program that produces nonideological and  
14 commercial communication that bears the characteristics of, and  
15 is entitled to all the privileges and protections of, government  
16 speech.

17 (8) The programs implemented pursuant to this chapter shall  
18 be carried out in an effective and coordinated manner that is  
19 designed to strengthen the tourism industry and the state's economy  
20 as a whole.

21 (9) Independent evaluation of the effectiveness of the programs  
22 will assist the Legislature in ensuring that the objectives of the  
23 programs as set out in this section are met.

24 (e) An industry-approved assessment provides a private-sector  
25 financing mechanism that, in partnership with state funding, will  
26 provide the amount of marketing necessary to increase tourism  
27 marketing expenditures by California.

28 (f) The goal of the assessments is to assess the least amount per  
29 business, in the least intrusive manner, spread across the greatest  
30 practical number of tourism industry segments.

31 (g) The California Travel and Tourism Commission shall target  
32 an amount determined to be sufficient to market effectively travel  
33 and tourism to and within the state.

34 (h) In the course of developing its written marketing plan  
35 pursuant to Section 13995.45, the California Travel and Tourism  
36 Commission shall, to the maximum extent feasible, do both of the  
37 following:

38 (1) Seek advice and recommendations from all segments of  
39 California's travel and tourism industry and from all geographic  
40 regions of the state.

1 (2) Harmonize, as appropriate, its marketing plan with the travel  
2 and tourism marketing activities and objectives of the various  
3 industry segments and geographic regions.

4 (i) The California Travel and Tourism Commission's marketing  
5 budget shall be spent principally to bring travelers and tourists into  
6 the state. No more than 15 percent of the commission's assessed  
7 funds in any year shall be spent to promote travel within California,  
8 unless approved by at least two-thirds of the commissioners.

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## Watched Legislation

### SB 1155 (Morrell)

**Professions and vocations: licenses: military service.**

**Status:** 5/20/2016-Set for hearing May 27.

**Location:** 4/25/2016- Senate Appropriations Committee- SUSPENSE FILE

**Last Amend:** 3/28/2016

**Calendar:** 5/27/2016 Senate Appropriations Suspense, LARA, Chair

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 5/26/16**

**Staff Analysis: SB 1195**

**Bill Summary:** Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met. Existing law also requires the boards to waive the renewal fees, continuing education requirements, and other renewal requirements, if applicable, of any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard, if certain requirements are met. Existing law requires each board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law, on and after July 1, 2016, requires a board within the Department of Consumer Affairs to expedite, and authorizes a board to assist, the initial licensure process for an applicant who has served as an active duty member of the Armed Forces of the United States Armed Forces and was honorably discharged. This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an individual who is an honorably discharged veteran, as specified.

**Board Position:** Watch position as amended 3/28/2016.

**Laws:** An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1155**

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**Introduced by Senator Morrell**

February 18, 2016

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An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1155, as amended, Morrell. Professions and vocations: licenses: military service.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met. Existing law also requires the boards to waive the renewal fees, continuing education requirements, and other renewal requirements, if applicable, of any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard, if certain requirements are met. Existing law requires each board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law, on and after July 1, 2016, requires a board within the Department of Consumer Affairs to expedite, and authorizes a board to assist, the initial licensure process for an applicant who has served as an active duty member of the ~~Armed Forces of the United States~~ *Armed Forces* and was honorably discharged.

This bill would require ~~the Department of Consumer Affairs, in consultation with the Department of Veterans Affairs and the Military Department, to establish and maintain a program that grants every board within the Department of Consumer Affairs to grant~~ a fee waiver for the application for and the issuance of an initial license to an individual who is an honorably discharged veteran, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

- 1 SECTION 1. Section 114.6 is added to the Business and
- 2 Professions Code, to read:
- 3 114.6. ~~The Department of Consumer Affairs, in consultation~~
- 4 ~~with the Department of Veterans Affairs and the Military~~
- 5 ~~Department, shall establish and maintain a program that grants~~
- 6 *Notwithstanding any other provision of law, every board within*
- 7 *the department shall grant* a fee waiver for the application for and
- 8 issuance of a license to an individual who is an honorably
- 9 discharged veteran who served as an active duty member of the
- 10 California National Guard or the United States Armed Forces.
- 11 Under this program, all of the following apply:
- 12 (a) ~~The Department of Consumer Affairs shall grant only one~~
- 13 ~~fee waiver to a veteran. A veteran shall be granted only one fee~~
- 14 ~~waiver.~~
- 15 (b) The fee waiver shall apply only to an application of and a
- 16 license issued to an individual veteran and not to an application
- 17 of or a license issued to a business or other entity.
- 18 (c) A waiver shall not be issued for a renewal of a license or for
- 19 the application for and issuance of a license other than one initial
- 20 license.





## Watched Legislation

### SB 1195 (Hill)

**Professions and vocations: board actions: competitive impact.**

**Status:** 6/1/16 Read second time and amended. Ordered to third reading.

**Location:** 6/1/16 - Senate Third Reading.

**Last Amend:** 6/1/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 6/2/2016**

**Staff Analysis: SB 1195**

**Bill Summary:** This bill would authorize the Director of Consumer Affairs, upon his or her own initiative, and require the director, upon the request of a consumer or licensee, to review a decision or other action, except as specified, of a board within the department to determine whether it unreasonably restrains trade and to approve, disapprove, or modify the board decision or action, as specified. The bill would require the director to post on the department's Internet Web site his or her final written decision and the reasons for the decision within 90 days from receipt of the request of a consumer or licensee. The bill would prohibit the executive officer of any board, committee, or commission within the department from being an active licensee of any profession that board, committee, or commission regulates.

**Board Position:** Watch position as amended 4/20/2016

**Staff Recommendation:** Board staff has no recommendation.

**Laws:** An act to amend Sections 109, 116, 153, 307, 313.1, 2708, 4800, 4804.5, 4830, 4846.5, 4904, and 4905 of, and to add Sections 109.5, 4826.5, 4848.1, and 4853.7 to, the Business and Professions Code, and to amend Sections 825 and 11346.5 of the Government Code, relating to professional regulations.

AMENDED IN SENATE JUNE 1, 2016

AMENDED IN SENATE APRIL 6, 2016

**SENATE BILL**

**No. 1195**

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**Introduced by Senator Hill**

February 18, 2016

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An act to amend Sections 109, 116, 153, 307, 313.1, 2708, 4800, 4804.5, ~~4825.1~~, 4830, ~~and 4846.5~~ 4846.5, 4904, and 4905 of, and to add Sections ~~4826.3, 4826.5, 4826.7, 109.5, 4826.5, 4848.1, and 4853.7~~ to, the Business and Professions Code, and to amend Sections ~~825, 11346.5, 11349, and 11349.1~~ 825 and 11346.5 of the Government Code, relating to professional regulation, and making an appropriation therefor: *regulations.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1195, as amended, Hill. Professions and vocations: board ~~actions:~~ *actions:* ~~competitive impact.~~ *actions.*

(1) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs, and authorizes those boards to adopt regulations to enforce the laws pertaining to the profession and vocation for which they have jurisdiction. Existing law makes decisions of any board within the department pertaining to setting standards, conducting examinations, passing candidates, and revoking licenses final, except as specified, and provides that those decisions are not subject to review by the Director of Consumer Affairs. Existing law authorizes the director to audit and review certain inquiries and complaints regarding licensees, including the dismissal of a disciplinary case. Existing law requires the director to annually report to the chairpersons of certain committees of the Legislature information regarding findings from any audit, review, or

monitoring and evaluation. Existing law authorizes the director to contract for services of experts and consultants where necessary. Existing law requires regulations, except those pertaining to examinations and qualifications for licensure and fee changes proposed or promulgated by a board within the department, to comply with certain requirements before the regulation or fee change can take effect, including that the director is required to be notified of the rule or regulation and given 30 days to disapprove the regulation. Existing law prohibits a rule or regulation that is disapproved by the director from having any force or effect, unless the director's disapproval is overridden by a unanimous vote of the members of the board, as specified.

This bill would instead authorize the director, upon his or her own initiative, and require the director, upon the request of ~~a consumer or licensee~~, *the board making the decision or the Legislature*, to review ~~a~~ *any nonministerial market-sensitive decision or other action*, except as specified, of a board within the department to determine whether it ~~unreasonably restrains trade furthers state law~~ and to approve, disapprove, *request further information*, or modify the board decision or action, as specified. The bill would require the director to *issue and post on the department's Internet Web site his or her final written decision and the reasons for the decision within 90 days from receipt of the request of a consumer or licensee: request for review or the director's decision to review the board decision. The bill would prohibit the executive officer of any board, committee, or commission within the department from being an active licensee of any profession that board, committee, or commission regulates.* The bill would, commencing on March 1, 2017, require the director to annually report to the chairs of specified committees of the Legislature information regarding the director's disapprovals, modifications, or findings from any audit, review, or monitoring and evaluation. The bill would authorize the director to seek, designate, employ, or contract for the services of independent antitrust experts for purposes of reviewing board actions for unreasonable restraints on trade. The bill would also require the director to review and approve any regulation promulgated by a board within the department, as specified. ~~The bill would authorize the director to modify any regulation as a condition of approval, and to disapprove a regulation because it would have an impermissible anticompetitive effect. The bill would authorize the director, for a specified period of time, to approve, disapprove, or require modification of a proposed rule or regulation on the ground that it does not further state law.~~ The

bill would prohibit any rule or regulation from having any force or effect if the director does not approve the ~~regulation because it has an impermissible anticompetitive effect.~~ *rule or regulation and prohibits any rule or regulation that is not approved by the director from being submitted to the Office of Administrative Law.*

(2) Existing law, until January 1, 2018, provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, which is within the Department of Consumer Affairs, and requires the board to appoint an executive officer who is a nurse currently licensed by the board.

This bill would instead prohibit the executive officer from being a licensee of the board.

(3) The Veterinary Medicine Practice Act provides for the licensure and registration of veterinarians and registered veterinary technicians and the regulation of the practice of veterinary medicine by the Veterinary Medical Board, which is within the Department of Consumer Affairs, and authorizes the board to appoint an executive officer, as specified. Existing law repeals the provisions establishing the board and authorizing the board to appoint an executive officer as of January 1, 2017. That act exempts certain persons from the requirements of the act, including a veterinarian employed by the University of California or the Western University of Health Sciences while engaged in the performance of specified duties. That act requires all premises where veterinary medicine, dentistry, and surgery is being practiced to register with the board. That act requires all fees collected on behalf of the board to be deposited into the Veterinary Medical Board Contingent Fund, which continuously appropriates fees deposited into the fund. That act makes a violation of any provision of the act punishable as a misdemeanor.

This bill would extend the operation of the board and the authorization of the board to appoint an executive officer to January 1, 2021. The bill would authorize a veterinarian ~~and or~~ registered veterinary technician who is under the direct supervision of a *licensed* veterinarian ~~with a current and active license~~ to compound a drug for ~~anesthesia, the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal in a premises currently and actively registered with the board, as specified.~~ *animal use pursuant to federal law and regulations promulgated by the board and would require those regulations to, at*

*a minimum, address the storage of drugs, the level and type of supervision required for compounding drugs by a registered veterinary technician, and the equipment necessary for safe compounding of drugs.* The bill would instead require veterinarians engaged in the practice of veterinary medicine employed by the University of California or by the Western University of Health Sciences ~~while and~~ engaged in the performance of specified duties to be licensed as a veterinarian in the state or ~~hold be issued a university license issued by the board. license,~~ *as specified.* The bill would ~~require an applicant~~ *authorize an individual to apply for and be issued a university license to meet if he or she meets certain requirements, including that the applicant passes a specified exam. paying an application and license fee.* The bill would require a university license, among other things, to automatically cease to be valid upon termination or cessation of employment by the University of California or the Western University of Health Sciences. The bill would also prohibit a premise registration that is not renewed within 5 years after its expiration from being renewed, restored, reissued, or reinstated; however, the bill would authorize a new premise registration to be issued to an applicant if no fact, circumstance, or condition exists that would justify the revocation or suspension of the registration if the registration was issued and if specified fees are paid. ~~By requiring additional persons to be licensed and pay certain fees that would go into a continuously appropriated fund, this bill would make an appropriation.~~ *This bill would provide that the Veterinary Medical Board Contingent Fund is available for expenditure only upon an appropriation by the Legislature.* By requiring additional persons to be licensed under the act that were previously exempt, this bill would expand the definition of an existing crime and would, therefore, result in a state-mandated local program.

(4) ~~Existing law,~~ *The Government Claims Act*, except as provided, requires a public entity to pay any judgment or any compromise or settlement of a claim or action against an employee or former employee of the public entity if the employee or former employee requests the public entity to defend him or her against any claim or action against him or her for an injury arising out of an act or omission occurring within the scope of his or her employment as an employee of the public entity, the request is made in writing not less than 10 days before the day of trial, and the employee or former employee reasonably cooperates in good faith in the defense of the claim or action. *That act prohibits*

*the payment of punitive or exemplary damages by a public entity, except as specified.*

This bill would require a public entity to pay a judgment or settlement for treble damage antitrust awards against a member of a regulatory board for an act or omission occurring within the scope of his or her employment as a member of a regulatory board. *The bill would specify that treble damages awarded pursuant to a specified federal law for violation of another federal law are not punitive or exemplary damages within the Government Claims Act.*

(5) The Administrative Procedure Act governs the procedure for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. ~~That act requires the review by the office to follow certain standards, including, among others, necessity, as defined. That act requires an agency proposing to adopt, amend, or repeal a regulation to prepare a notice to the public that includes specified information, including reference to the authority under which the regulation is proposed.~~

~~This bill would add competitive impact, as defined, as an additional standard for the office to follow when reviewing regulatory actions of a state board on which a controlling number of decisionmakers are active market participants in the market that the board regulates, and requires the office to, among other things, consider whether the anticompetitive effects of the proposed regulation are clearly outweighed by the public policy merits. The bill would authorize the office to designate, employ, or contract for the services of independent antitrust or applicable economic experts when reviewing proposed regulations for competitive impact. The bill would require state boards on which a controlling number of decisionmakers are active market participants in the market that the board regulates, when preparing the public notice, to additionally include a statement that the agency has evaluated the impact of the regulation on competition and that the effect of the regulation is within a clearly articulated and affirmatively expressed state law or policy. also require a board within the Department of Consumer Affairs to submit a statement to the office that the Director of Consumer Affairs has reviewed the proposed regulation and determined that the proposed regulation furthers state law.~~

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 109 of the Business and Professions Code  
2 is amended to read:

3 109. (a) ~~The director~~ *decisions of any of the boards comprising*  
4 *the department with respect to passing candidates and revoking*  
5 *or otherwise imposing discipline on licenses shall not be subject*  
6 *to review by the director and are final within the limits provided*  
7 *by this code that are applicable to the particular board.*

8 (b) *The director may initiate an investigation of any allegations*  
9 *of misconduct in the preparation, administration, or scoring of an*  
10 *examination which is administered by a board, or in the review of*  
11 *qualifications which are a part of the licensing process of any*  
12 *board. A request for investigation shall be made by the director to*  
13 *the Division of Investigation through the chief of the division or*  
14 *to any law enforcement agency in the jurisdiction where the alleged*  
15 *misconduct occurred.*

16 ~~(b)(1)~~

17 (1) *The director may intervene in any matter of any board where*  
18 *an investigation by the Division of Investigation discloses probable*  
19 *cause to believe that the conduct or activity of a board, or its*  
20 *members or ~~employees~~ employees, constitutes a violation of*  
21 *criminal law.*

22 (2) *The term “intervene,” as used in paragraph (1) of this section*  
23 *may include, but is not limited to, an application for a restraining*  
24 *order or injunctive relief as specified in Section 123.5, or a referral*  
25 *or request for criminal prosecution. For purposes of this section,*  
26 *the director shall be deemed to have standing under Section 123.5*  
27 *and shall seek representation of the Attorney General, or other*  
28 *appropriate counsel in the event of a conflict in pursuing that*  
29 *action.*

30 (c) *The director may, upon his or her own initiative, and shall,*  
31 *upon request by ~~a consumer or licensee,~~ the board making the*  
32 *decision or the Legislature, review any nonministerial*  
33 *market-sensitive board action or decision ~~or other action to~~*

1 ~~determine whether it unreasonably restrains trade. Such a review~~  
2 ~~shall proceed as follows: by the board to determine whether it~~  
3 ~~further state law. Market-sensitive actions or decisions are those~~  
4 ~~that create barriers to market participation and restrict competition~~  
5 ~~including, but not limited to, examination passage scores,~~  
6 ~~advertising restrictions, price regulation, enlarging or restricting~~  
7 ~~scope of practice qualifications for licensure, and a pattern or~~  
8 ~~program of disciplinary actions affecting multiple individuals that~~  
9 ~~creates barriers to market participation. If the board action or~~  
10 ~~decision is determined to be a market-sensitive action or decision,~~  
11 ~~the director shall review the board action or decision to determine~~  
12 ~~whether that action or decision furthers a clearly articulated and~~  
13 ~~affirmatively expressed state policy. Review under this subdivision~~  
14 ~~shall serve to cease implementation of the market-sensitive action~~  
15 ~~or decision until the review is finalized and the action or decision~~  
16 ~~is found to further state law.~~

17 ~~(1) The director shall assess whether the action or decision~~  
18 ~~reflects a clearly articulated and affirmatively expressed state law.~~  
19 ~~If the director determines that the action or decision does not reflect~~  
20 ~~a clearly articulated and affirmatively expressed state law, the~~  
21 ~~director shall disapprove the board action or decision and it shall~~  
22 ~~not go into effect.~~

23 ~~(2) If the action or decision is a reflection of clearly articulated~~  
24 ~~and affirmatively expressed state law, the director shall assess~~  
25 ~~whether the action or decision was the result of the board's exercise~~  
26 ~~of ministerial or discretionary judgment. If the director finds no~~  
27 ~~exercise of discretionary judgment, but merely the direct~~  
28 ~~application of statutory or constitutional provisions, the director~~  
29 ~~shall close the investigation and review of the board action or~~  
30 ~~decision.~~

31 ~~(3) If the director concludes under paragraph (2) that the board~~  
32 ~~exercised discretionary judgment, the director shall review the~~  
33 ~~board action or decision as follows:~~

34 ~~(A) The~~

35 ~~(1) Any review by the director under this subdivision shall~~  
36 ~~conduct include a full substantive review of the board action or~~  
37 ~~decision using based upon all the relevant facts, data, market~~  
38 ~~conditions, facts in the record provided by the board and any~~  
39 ~~additional information provided by the director, which may include~~  
40 ~~data, public comment, studies, or other documentary evidence~~



1 pertaining to the market impacted by the board's action or decision  
2 and determine whether the anticompetitive effects of the action or  
3 decision are clearly outweighed by the benefit to the public. The  
4 director may seek, designate, employ, or contract for the services  
5 of independent antitrust or economic experts pursuant to Section  
6 307. These experts shall not be active participants in the market  
7 affected by the board action or decision. *decision.*

8 (B) If the board action or decision was not previously subject  
9 to a public comment period, the director shall release the subject  
10 matter of his or her investigation for a 30-day public comment  
11 period and shall consider all comments received.

12 (C) If the director determines that the action or decision furthers  
13 the public protection mission of the board and the impact on  
14 competition is justified, the director may approve the action or  
15 decision.

16 (D) If the director determines that the action furthers the public  
17 protection mission of the board and the impact on competition is  
18 justified, the director may approve the action or decision. If the  
19 director finds the action or decision does not further the public  
20 protection mission of the board or finds that the action or decision  
21 is not justified, the director shall either refuse to approve it or shall  
22 modify the action or decision to ensure that any restraints of trade  
23 are related to, and advance, clearly articulated state law or public  
24 policy.

25 (2) *The director shall take one of the following actions:*

26 (A) *Approve the action or decision upon determination that it*  
27 *further state law.*

28 (B) *Disapprove the action or decision if it does not further state*  
29 *law. If the director disapproves the board action or decision, the*  
30 *director may recommend modifications to the board action or*  
31 *decision, which, if adopted, shall not become effective until final*  
32 *approval by the director pursuant to this subdivision.*

33 (C) *Modify the action or decision to ensure that it furthers state*  
34 *law.*

35 (D) *Request further information from the board if the record*  
36 *provided is insufficient to make a determination that the action or*  
37 *decision furthers state law. Upon submission of further information*  
38 *from the board and any information provided by the director, the*  
39 *director shall make a final determination to approve, disapprove,*  
40 *or modify the board's action or decision.*

1     ~~(4)~~  
 2     (d) The director shall issue, and post on the department’s Internet  
 3 Web site, his or her final written decision approving, modifying,  
 4 or disapproving on the board action or decision with an explanation  
 5 of the reasons *that action or decision does or does not further state*  
 6 *law and the rationale behind the director’s decision within 90 days*  
 7 *from receipt of the request from a consumer or licensee. board’s*  
 8 *or Legislature’s request for review or the director’s decision to*  
 9 *review the board action or decision.* Notwithstanding any other  
 10 law, the decision of the director shall be final, except if the state  
 11 or federal constitution requires an appeal of the director’s decision.

12     ~~(e)~~  
 13     (e) The review set forth in ~~paragraph (3)~~ of subdivision (c) shall  
 14 not apply ~~when an individual seeks to the review of any~~  
 15 ~~disciplinary action or other action pertaining solely to that~~  
 16 ~~individual. any other sanction or citation imposed by a board upon~~  
 17 ~~a licensee.~~

18     ~~(e)~~  
 19     (f) The director shall report to the Chairs of the Senate Business,  
 20 Professions, and Economic Development Committee and the  
 21 Assembly Business and Professions Committee annually,  
 22 commencing March 1, 2017, regarding his or her disapprovals,  
 23 modifications, or findings from any audit, review, or monitoring  
 24 and evaluation conducted pursuant to this section. That report shall  
 25 be submitted in compliance with Section 9795 of the Government  
 26 Code.

27     ~~(f) If the director has already reviewed a board action or decision~~  
 28 ~~pursuant to this section or Section 313.1, the director shall not~~  
 29 ~~review that action or decision again.~~

30     (g) This section shall not be construed to affect, impede, or  
 31 delay any disciplinary actions of any board.

32     SEC. 2. Section 109.5 is added to the Business and Professions  
 33 Code, to read:

34     109.5. The executive officer of any board, committee, or  
 35 commission within the department shall not be an active licensee  
 36 of any profession that board, committee, or commission regulates.

37     ~~SEC. 2.~~

38     SEC. 3. Section 116 of the Business and Professions Code is  
 39 amended to read:

1 116. (a) The director may audit and review, upon his or her  
2 own initiative, or upon the request of a consumer or licensee,  
3 inquiries and complaints regarding licensees, dismissals of  
4 disciplinary cases, the opening, conduct, or closure of  
5 investigations, informal conferences, and discipline short of formal  
6 accusation by any board or bureau within the department.

7 (b) The director shall report to the Chairs of the Senate Business,  
8 Professions, and Economic Development Committee and the  
9 Assembly Business and Professions Committee annually,  
10 commencing March 1, 2017, regarding his or her findings from  
11 any audit, review, or monitoring and evaluation conducted pursuant  
12 to this section. This report shall be submitted in compliance with  
13 Section 9795 of the Government Code.

14 ~~SEC. 3.~~

15 *SEC. 4.* Section 153 of the Business and Professions Code is  
16 amended to read:

17 153. The director may investigate the work of the several  
18 boards in his *or her* department and may obtain a copy of all  
19 records and full and complete data in all official matters in  
20 possession of the boards, their members, officers, or employees.

21 ~~SEC. 4.~~

22 *SEC. 5.* Section 307 of the Business and Professions Code is  
23 amended to read:

24 307. The director may contract for the services of experts and  
25 consultants where necessary to carry out this chapter and may  
26 provide compensation and reimbursement of expenses for those  
27 experts and consultants in accordance with state law.

28 ~~SEC. 5.~~

29 *SEC. 6.* Section 313.1 of the Business and Professions Code  
30 is amended to read:

31 313.1. (a) Notwithstanding any other law to the contrary, no  
32 rule or regulation and no fee change proposed or promulgated by  
33 any of the boards, commissions, or committees within the  
34 department, shall take effect pending compliance with this section.

35 (b) The director shall be formally notified of and shall review,  
36 in accordance with the requirements of Article 5 (commencing  
37 with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title  
38 2 of the Government Code, the requirements in subdivision (c) of  
39 Section 109, and this section, all of the following:

1 (1) All notices of proposed action, any modifications and  
2 supplements thereto, and the text of proposed regulations.

3 (2) Any notices of sufficiently related changes to regulations  
4 previously noticed to the public, and the text of proposed  
5 regulations showing modifications to the text.

6 (3) Final rulemaking records.

7 (4) All relevant ~~facts~~, *facts in the rulemaking record, which may*  
8 *include* data, public comments, ~~market conditions, studies~~, or other  
9 documentary evidence pertaining to the ~~market impacted by the~~  
10 ~~proposed regulation. This information shall be included in the~~  
11 ~~written decision of the director required under paragraph (4) of~~  
12 ~~subdivision (c) of Section 109. proposed regulation to determine~~  
13 *whether it furthers state law. If the regulation does not further*  
14 *state law, it shall not be approved.*

15 (c) The submission of all notices and final rulemaking records  
16 to the director and the director's approval, as authorized by this  
17 section, shall be a precondition to the filing of any rule or  
18 regulation with the Office of Administrative Law. The Office of  
19 Administrative Law shall have no jurisdiction to review a rule or  
20 regulation subject to this section until after the director's review  
21 and approval. The filing of any document with the Office of  
22 Administrative Law shall be accompanied by a certification that  
23 the board, commission, or committee has complied with the  
24 requirements of this section.

25 (d) Following the receipt of any final rulemaking record subject  
26 to subdivision (a), the director shall have the authority for a period  
27 of 30 days to ~~approve~~ *approve, disapprove, or require modification*  
28 *of* a proposed rule or regulation or ~~disapprove a proposed rule or~~  
29 ~~regulation~~ on the ground that it is injurious to the public health,  
30 safety, or ~~welfare~~, *welfare* or ~~has an impermissible anticompetitive~~  
31 ~~effect. The director may modify a rule or regulation as a condition~~  
32 ~~of approval. Any modifications to regulations by the director shall~~  
33 ~~be subject to a 30-day public comment period before the director~~  
34 ~~issues a final decision regarding the modified regulation. If the~~  
35 ~~director does not approve the rule or regulation within the 30-day~~  
36 ~~period, the rule or regulation shall not be submitted to the Office~~  
37 ~~of Administrative Law and the rule or regulation shall have no~~  
38 ~~effect. does not further state law. If the director does not approve~~  
39 *the rule or regulation within the 30-day period, the rule or*

1 *regulation shall not be submitted to the Office of Administrative*  
2 *Law and the rule or regulation shall have no effect.*

3 (e) Final rulemaking records shall be filed with the director  
4 within the one-year notice period specified in Section 11346.4 of  
5 the Government Code. If necessary for compliance with this  
6 section, the one-year notice period may be extended, as specified  
7 by this subdivision.

8 (1) In the event that the one-year notice period lapses during  
9 the director's 30-day review period, or within 60 days following  
10 the notice of the director's disapproval, it may be extended for a  
11 maximum of 90 days.

12 (2) If the director approves the final rulemaking record, the  
13 board, commission, or committee shall have five days from the  
14 receipt of the record from the director within which to file it with  
15 the Office of Administrative Law.

16 (3) If the director disapproves a rule or regulation, it shall have  
17 no force or effect unless, within 60 days of the notice of  
18 disapproval, (A) the disapproval is overridden by a unanimous  
19 vote of the members of the board, commission, or committee, and  
20 (B) the board, commission, or committee files the final rulemaking  
21 record with the Office of Administrative Law in compliance with  
22 this section and the procedures required by Chapter 3.5  
23 (commencing with Section 11340) of Part 1 of Division 3 of Title  
24 2 of the Government Code. This paragraph shall not apply to any  
25 decision disapproved by the director under subdivision (c) of  
26 Section 109: *effect.*

27 (f) This section shall not be construed to prohibit the director  
28 from affirmatively approving a proposed rule, regulation, or fee  
29 change at any time within the 30-day period after it has been  
30 submitted to him or her, in which event it shall become effective  
31 upon compliance with this section and the procedures required by  
32 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division  
33 3 of Title 2 of the Government Code.

34 ~~SEC. 6.~~

35 *SEC. 7.* Section 2708 of the Business and Professions Code is  
36 amended to read:

37 2708. (a) The board shall appoint an executive officer who  
38 shall perform the duties delegated by the board and who shall be  
39 responsible to it for the accomplishment of those duties.

1 (b) The executive officer shall not be a licensee under this  
2 chapter and shall possess other qualifications as determined by the  
3 board.

4 (c) The executive officer shall not be a member of the board.

5 (d) This section shall remain in effect only until January 1, 2018,  
6 and as of that date is repealed, unless a later enacted statute, that  
7 is enacted before January 1, 2018, deletes or extends that date.

8 ~~SEC. 7:~~

9 *SEC. 8.* Section 4800 of the Business and Professions Code is  
10 amended to read:

11 4800. (a) There is in the Department of Consumer Affairs a  
12 Veterinary Medical Board in which the administration of this  
13 chapter is vested. The board consists of the following members:

14 (1) Four licensed veterinarians.

15 (2) One registered veterinary technician.

16 (3) Three public members.

17 (b) This section shall remain in effect only until January 1, 2021,  
18 and as of that date is repealed.

19 (c) Notwithstanding any other law, the repeal of this section  
20 renders the board subject to review by the appropriate policy  
21 committees of the Legislature. However, the review of the board  
22 shall be limited to those issues identified by the appropriate policy  
23 committees of the Legislature and shall not involve the preparation  
24 or submission of a sunset review document or evaluative  
25 questionnaire.

26 ~~SEC. 8:~~

27 *SEC. 9.* Section 4804.5 of the Business and Professions Code  
28 is amended to read:

29 4804.5. (a) The board may appoint a person exempt from civil  
30 service who shall be designated as an executive officer and who  
31 shall exercise the powers and perform the duties delegated by the  
32 board and vested in him or her by this chapter.

33 (b) This section shall remain in effect only until January 1, 2021,  
34 and as of that date is repealed.

35 ~~SEC. 9. Section 4825.1 of the Business and Professions Code~~  
36 ~~is amended to read:~~

37 ~~4825.1. These definitions shall govern the construction of this~~  
38 ~~chapter as it applies to veterinary medicine.~~

1 (a) ~~“Diagnosis” means the act or process of identifying or~~  
2 ~~determining the health status of an animal through examination~~  
3 ~~and the opinion derived from that examination.~~

4 (b) ~~“Animal” means any member of the animal kingdom other~~  
5 ~~than humans, and includes fowl, fish, and reptiles, wild or~~  
6 ~~domestic, whether living or dead.~~

7 (c) ~~“Food animal” means any animal that is raised for the~~  
8 ~~production of an edible product intended for consumption by~~  
9 ~~humans. The edible product includes, but is not limited to, milk,~~  
10 ~~meat, and eggs. Food animal includes, but is not limited to, cattle~~  
11 ~~(beef or dairy), swine, sheep, poultry, fish, and amphibian species.~~

12 (d) ~~“Livestock” includes all animals, poultry, aquatic and~~  
13 ~~amphibian species that are raised, kept, or used for profit. It does~~  
14 ~~not include those species that are usually kept as pets such as dogs,~~  
15 ~~cats, and pet birds, or companion animals, including equines.~~

16 (e) ~~“Compounding,” for the purposes of veterinary medicine,~~  
17 ~~shall have the same meaning given in Section 1735 of Title 16 of~~  
18 ~~the California Code of Regulations, except that every reference~~  
19 ~~therein to “pharmacy” and “pharmacist” shall be replaced with~~  
20 ~~“veterinary premises” and “veterinarian,” and except that only a~~  
21 ~~licensed veterinarian or a licensed registered veterinarian technician~~  
22 ~~under direct supervision of a veterinarian may perform~~  
23 ~~compounding and shall not delegate to or supervise any part of~~  
24 ~~the performance of compounding by any other person.~~

25 SEC. 10. ~~Section 4826.3 is added to the Business and~~  
26 ~~Professions Code, to read:~~

27 4826.3. (a) ~~Notwithstanding Section 4051, a veterinarian or~~  
28 ~~registered veterinarian technician under the direct supervision of~~  
29 ~~a veterinarian with a current and active license may compound a~~  
30 ~~drug for anesthesia, the prevention, cure, or relief of a wound,~~  
31 ~~fracture, bodily injury, or disease of an animal in a premises~~  
32 ~~currently and actively registered with the board and only under~~  
33 ~~the following conditions:~~

34 (1) ~~Where there is no FDA-approved animal or human drug that~~  
35 ~~can be used as labeled or in an appropriate extralabel manner to~~  
36 ~~properly treat the disease, symptom, or condition for which the~~  
37 ~~drug is being prescribed.~~

38 (2) ~~Where the compounded drug is not available from a~~  
39 ~~compounding pharmacy, outsourcing facility, or other~~  
40 ~~compounding supplier in a dosage form and concentration to~~

1 appropriately treat the disease, symptom, or condition for which  
2 the drug is being prescribed.

3 ~~(3) Where the need and prescription for the compounded  
4 medication has arisen within an established  
5 veterinarian-client-patient relationship as a means to treat a specific  
6 occurrence of a disease, symptom, or condition observed and  
7 diagnosed by the veterinarian in a specific animal that threatens  
8 the health of the animal or will cause suffering or death if left  
9 untreated.~~

10 ~~(4) Where the quantity compounded does not exceed a quantity  
11 demonstrably needed to treat a patient with which the veterinarian  
12 has a current veterinarian-client-patient relationship.~~

13 ~~(5) Except as specified in subdivision (c), where the compound  
14 is prepared only with commercially available FDA-approved  
15 animal or human drugs as active ingredients.~~

16 ~~(b) A compounded veterinary drug may be prepared from an  
17 FDA-approved animal or human drug for extralabel use only when  
18 there is no approved animal or human drug that, when used as  
19 labeled or in an appropriate extralabel manner will, in the available  
20 dosage form and concentration, treat the disease, symptom, or  
21 condition. Compounding from an approved human drug for use  
22 in food-producing animals is not permitted if an approved animal  
23 drug can be used for compounding.~~

24 ~~(c) A compounded veterinary drug may be prepared from bulk  
25 drug substances only when:~~

26 ~~(1) The drug is compounded and dispensed by the veterinarian  
27 to treat an individually identified animal patient under his or her  
28 care.~~

29 ~~(2) The drug is not intended for use in food-producing animals.~~

30 ~~(3) If the drug contains a bulk drug substance that is a  
31 component of any marketed FDA-approved animal or human drug,  
32 there is a change between the compounded drug and the  
33 comparable marketed drug made for an individually identified  
34 animal patient that produces a clinical difference for that  
35 individually identified animal patient, as determined by the  
36 veterinarian prescribing the compounded drug for his or her patient.~~

37 ~~(4) There are no FDA-approved animal or human drugs that  
38 can be used as labeled or in an appropriate extralabel manner to  
39 properly treat the disease, symptom, or condition for which the  
40 drug is being prescribed.~~



1 ~~(5) All bulk drug substances used in compounding are~~  
2 ~~manufactured by an establishment registered under Section 360~~  
3 ~~of Title 21 of the United States Code and are accompanied by a~~  
4 ~~valid certificate of analysis.~~

5 ~~(6) The drug is not sold or transferred by the veterinarian~~  
6 ~~compounding the drug, except that the veterinarian shall be~~  
7 ~~permitted to administer the drug to a patient under his or her care~~  
8 ~~or dispense it to the owner or caretaker of an animal under his or~~  
9 ~~her care.~~

10 ~~(7) Within 15 days of becoming aware of any product defect or~~  
11 ~~serious adverse event associated with any drug compounded by~~  
12 ~~the veterinarian from bulk drug substances, the veterinarian shall~~  
13 ~~report it to the federal Food and Drug Administration on Form~~  
14 ~~FDA 1932a.~~

15 ~~(8) In addition to any other requirements, the label of any~~  
16 ~~veterinary drug compounded from bulk drug substances shall~~  
17 ~~indicate the species of the intended animal patient, the name of~~  
18 ~~the animal patient, and the name of the owner or caretaker of the~~  
19 ~~patient.~~

20 ~~(d) Each compounded veterinary drug preparation shall meet~~  
21 ~~the labeling requirements of Section 4076 and Sections 1707.5~~  
22 ~~and 1735.4 of Title 16 of the California Code of Regulations,~~  
23 ~~except that every reference therein to "pharmacy" and "pharmacist"~~  
24 ~~shall be replaced by "veterinary premises" and "veterinarian," and~~  
25 ~~any reference to "patient" shall be understood to refer to the animal~~  
26 ~~patient. In addition, each label on a compounded veterinary drug~~  
27 ~~preparation shall include withdrawal and holding times, if needed,~~  
28 ~~and the disease, symptom, or condition for which the drug is being~~  
29 ~~prescribed. Any compounded veterinary drug preparation that is~~  
30 ~~intended to be sterile, including for injection, administration into~~  
31 ~~the eye, or inhalation, shall in addition meet the labeling~~  
32 ~~requirements of Section 1751.2 of Title 16 of the California Code~~  
33 ~~of Regulations, except that every reference therein to "pharmacy"~~  
34 ~~and "pharmacist" shall be replaced by "veterinary premises" and~~  
35 ~~"veterinarian," and any reference to "patient" shall be understood~~  
36 ~~to refer to the animal patient.~~

37 ~~(e) Any veterinarian, registered veterinarian technician who is~~  
38 ~~under the direct supervision of a veterinarian, and veterinary~~  
39 ~~premises engaged in compounding shall meet the compounding~~  
40 ~~requirements for pharmacies and pharmacists stated by the~~

1 provisions of Article 4.5 (commencing with Section 1735) of Title  
2 16 of the California Code of Regulations, except that every  
3 reference therein to “pharmacy” and “pharmacist” shall be replaced  
4 by “veterinary premises” and “veterinarian,” and any reference to  
5 “patient” shall be understood to refer to the animal patient:  
6 (1) Section 1735.1 of Title 16 of the California Code of  
7 Regulations.  
8 (2) Subdivisions (d),(e), (f), (g), (h), (i), (j), (k), and (l) of  
9 Section 1735.2 of Title 16 of the California Code of Regulations.  
10 (3) Section 1735.3 of Title 16 of the California Code of  
11 Regulations, except that only a licensed veterinarian or registered  
12 veterinarian technician may perform compounding and shall not  
13 delegate to or supervise any part of the performance of  
14 compounding by any other person.  
15 (4) Section 1735.4 of Title 16 of the California Code of  
16 Regulations.  
17 (5) Section 1735.5 of Title 16 of the California Code of  
18 Regulations.  
19 (6) Section 1735.6 of Title 16 of the California Code of  
20 Regulations.  
21 (7) Section 1735.7 of Title 16 of the California Code of  
22 Regulations.  
23 (8) Section 1735.8 of Title 16 of the California Code of  
24 Regulations.  
25 (f) Any veterinarian, registered veterinarian technician under  
26 the direct supervision of a veterinarian, and veterinary premises  
27 engaged in sterile compounding shall meet the sterile compounding  
28 requirements for pharmacies and pharmacists under Article 7  
29 (commencing with Section 1751) of Title 16 of the California Code  
30 of Regulations, except that every reference therein to “pharmacy”  
31 and “pharmacist” shall be replaced by “veterinary premises” and  
32 “veterinarian,” and any reference to “patient” shall be understood  
33 to refer to the animal patient.  
34 (g) The California State Board of Pharmacy shall have authority  
35 with the board to ensure compliance with this section and shall  
36 have the right to inspect any veterinary premises engaged in  
37 compounding, along with or separate from the board, to ensure  
38 compliance with this section. The board is specifically charged  
39 with enforcing this section with regard to its licensees.

1 ~~SEC. 11. Section 4826.5 is added to the Business and~~  
2 ~~Professions Code, to read:~~

3 ~~4826.5. Failure by a licensed veterinarian, registered~~  
4 ~~veterinarian technician, or veterinary premises to comply with the~~  
5 ~~provisions of this article shall be deemed unprofessional conduct~~  
6 ~~and constitute grounds for discipline.~~

7 ~~SEC. 12. Section 4826.7 is added to the Business and~~  
8 ~~Professions Code, to read:~~

9 ~~4826.7. The board may adopt regulations to implement the~~  
10 ~~provisions of this article.~~

11 *SEC. 10. Section 4826.5 is added to the Business and*  
12 *Professions Code, to read:*

13 *4826.5. Notwithstanding any other law, a licensed veterinarian*  
14 *or a registered veterinary technician under the supervision of a*  
15 *licensed veterinarian may compound drugs for animal use pursuant*  
16 *to Section 530 of Title 21 of the Code of Federal Regulations and*  
17 *in accordance with regulations promulgated by the board. The*  
18 *regulations promulgated by the board shall, at a minimum, address*  
19 *the storage of drugs, the level and type of supervision required for*  
20 *compounding drugs by a registered veterinary technician, and the*  
21 *equipment necessary for the safe compounding of drugs. Any*  
22 *violation of the regulations adopted by the board pursuant to this*  
23 *section shall constitute grounds for an enforcement or disciplinary*  
24 *action.*

25 ~~SEC. 13.~~

26 *SEC. 11. Section 4830 of the Business and Professions Code*  
27 *is amended to read:*

28 *4830. (a) This chapter does not apply to:*

29 *(1) Veterinarians while serving in any armed branch of the*  
30 *military service of the United States or the United States*  
31 *Department of Agriculture while actually engaged and employed*  
32 *in their official capacity.*

33 *(2) Regularly licensed veterinarians in actual consultation from*  
34 *other states.*

35 *(3) Regularly licensed veterinarians actually called from other*  
36 *states to attend cases in this state, but who do not open an office*  
37 *or appoint a place to do business within this state.*

38 *(4) Students in the School of Veterinary Medicine of the*  
39 *University of California or the College of Veterinary Medicine of*  
40 *the Western University of Health Sciences who participate in*

1 diagnosis and treatment as part of their educational experience,  
2 including those in off-campus educational programs under the  
3 direct supervision of a licensed veterinarian in good standing, as  
4 defined in paragraph (1) of subdivision (b) of Section 4848,  
5 appointed by the University of California, Davis, or the Western  
6 University of Health Sciences.

7 (5) A veterinarian who is employed by the Meat and Poultry  
8 Inspection Branch of the California Department of Food and  
9 Agriculture while actually engaged and employed in his or her  
10 official capacity. A person exempt under this paragraph shall not  
11 otherwise engage in the practice of veterinary medicine unless he  
12 or she is issued a license by the board.

13 (6) Unlicensed personnel employed by the Department of Food  
14 and Agriculture or the United States Department of Agriculture  
15 when in the course of their duties they are directed by a veterinarian  
16 supervisor to conduct an examination, obtain biological specimens,  
17 apply biological tests, or administer medications or biological  
18 products as part of government disease or condition monitoring,  
19 investigation, control, or eradication activities.

20 (b) (1) For purposes of paragraph (3) of subdivision (a), a  
21 regularly licensed veterinarian in good standing who is called from  
22 another state by a law enforcement agency or animal control  
23 agency, as defined in Section 31606 of the Food and Agricultural  
24 Code, to attend to cases that are a part of an investigation of an  
25 alleged violation of federal or state animal fighting or animal  
26 cruelty laws within a single geographic location shall be exempt  
27 from the licensing requirements of this chapter if the law  
28 enforcement agency or animal control agency determines that it  
29 is necessary to call the veterinarian in order for the agency or  
30 officer to conduct the investigation in a timely, efficient, and  
31 effective manner. In determining whether it is necessary to call a  
32 veterinarian from another state, consideration shall be given to the  
33 availability of veterinarians in this state to attend to these cases.  
34 An agency, department, or officer that calls a veterinarian pursuant  
35 to this subdivision shall notify the board of the investigation.

36 (2) Notwithstanding any other provision of this chapter, a  
37 regularly licensed veterinarian in good standing who is called from  
38 another state to attend to cases that are a part of an investigation  
39 described in paragraph (1) may provide veterinary medical care  
40 for animals that are affected by the investigation with a temporary

1 shelter facility, and the temporary shelter facility shall be exempt  
2 from the registration requirement of Section 4853 if all of the  
3 following conditions are met:

4 (A) The temporary shelter facility is established only for the  
5 purpose of the investigation.

6 (B) The temporary shelter facility provides veterinary medical  
7 care, shelter, food, and water only to animals that are affected by  
8 the investigation.

9 (C) The temporary shelter facility complies with Section 4854.

10 (D) The temporary shelter facility exists for not more than 60  
11 days, unless the law enforcement agency or animal control agency  
12 determines that a longer period of time is necessary to complete  
13 the investigation.

14 (E) Within 30 calendar days upon completion of the provision  
15 of veterinary health care services at a temporary shelter facility  
16 established pursuant to this section, the veterinarian called from  
17 another state by a law enforcement agency or animal control agency  
18 to attend to a case shall file a report with the board. The report  
19 shall contain the date, place, type, and general description of the  
20 care provided, along with a listing of the veterinary health care  
21 practitioners who participated in providing that care.

22 (c) For purposes of paragraph (3) of subdivision (a), the board  
23 may inspect temporary facilities established pursuant to this  
24 section.

25 ~~SEC. 14.~~

26 *SEC. 12.* Section 4846.5 of the Business and Professions Code  
27 is amended to read:

28 4846.5. (a) Except as provided in this section, the board shall  
29 issue renewal licenses only to those applicants that have completed  
30 a minimum of 36 hours of continuing education in the preceding  
31 two years.

32 (b) (1) Notwithstanding any other law, continuing education  
33 hours shall be earned by attending courses relevant to veterinary  
34 medicine and sponsored or cosponsored by any of the following:

35 (A) American Veterinary Medical Association (AVMA)  
36 accredited veterinary medical colleges.

37 (B) Accredited colleges or universities offering programs  
38 relevant to veterinary medicine.

39 (C) The American Veterinary Medical Association.

1 (D) American Veterinary Medical Association recognized  
2 specialty or affiliated allied groups.

3 (E) American Veterinary Medical Association’s affiliated state  
4 veterinary medical associations.

5 (F) Nonprofit annual conferences established in conjunction  
6 with state veterinary medical associations.

7 (G) Educational organizations affiliated with the American  
8 Veterinary Medical Association or its state affiliated veterinary  
9 medical associations.

10 (H) Local veterinary medical associations affiliated with the  
11 California Veterinary Medical Association.

12 (I) Federal, state, or local government agencies.

13 (J) Providers accredited by the Accreditation Council for  
14 Continuing Medical Education (ACCME) or approved by the  
15 American Medical Association (AMA), providers recognized by  
16 the American Dental Association Continuing Education  
17 Recognition Program (ADA CERP), and AMA or ADA affiliated  
18 state, local, and specialty organizations.

19 (2) Continuing education credits shall be granted to those  
20 veterinarians taking self-study courses, which may include, but  
21 are not limited to, reading journals, viewing video recordings, or  
22 listening to audio recordings. The taking of these courses shall be  
23 limited to no more than six hours biennially.

24 (3) The board may approve other continuing veterinary medical  
25 education providers not specified in paragraph (1).

26 (A) The board has the authority to recognize national continuing  
27 education approval bodies for the purpose of approving continuing  
28 education providers not specified in paragraph (1).

29 (B) Applicants seeking continuing education provider approval  
30 shall have the option of applying to the board or to a  
31 board-recognized national approval body.

32 (4) For good cause, the board may adopt an order specifying,  
33 on a prospective basis, that a provider of continuing veterinary  
34 medical education authorized pursuant to paragraph (1) or (3) is  
35 no longer an acceptable provider.

36 (5) Continuing education hours earned by attending courses  
37 sponsored or cosponsored by those entities listed in paragraph (1)  
38 between January 1, 2000, and January 1, 2001, shall be credited  
39 toward a veterinarian’s continuing education requirement under  
40 this section.

1 (c) Every person renewing his or her license issued pursuant to  
2 Section 4846.4, or any person applying for relicensure or for  
3 reinstatement of his or her license to active status, shall submit  
4 proof of compliance with this section to the board certifying that  
5 he or she is in compliance with this section. Any false statement  
6 submitted pursuant to this section shall be a violation subject to  
7 Section 4831.

8 (d) This section shall not apply to a veterinarian's first license  
9 renewal. This section shall apply only to second and subsequent  
10 license renewals granted on or after January 1, 2002.

11 (e) The board shall have the right to audit the records of all  
12 applicants to verify the completion of the continuing education  
13 requirement. Applicants shall maintain records of completion of  
14 required continuing education coursework for a period of four  
15 years and shall make these records available to the board for  
16 auditing purposes upon request. If the board, during this audit,  
17 questions whether any course reported by the veterinarian satisfies  
18 the continuing education requirement, the veterinarian shall provide  
19 information to the board concerning the content of the course; the  
20 name of its sponsor and cosponsor, if any; and specify the specific  
21 curricula that was of benefit to the veterinarian.

22 (f) A veterinarian desiring an inactive license or to restore an  
23 inactive license under Section 701 shall submit an application on  
24 a form provided by the board. In order to restore an inactive license  
25 to active status, the veterinarian shall have completed a minimum  
26 of 36 hours of continuing education within the last two years  
27 preceding application. The inactive license status of a veterinarian  
28 shall not deprive the board of its authority to institute or continue  
29 a disciplinary action against a licensee.

30 (g) Knowing misrepresentation of compliance with this article  
31 by a veterinarian constitutes unprofessional conduct and grounds  
32 for disciplinary action or for the issuance of a citation and the  
33 imposition of a civil penalty pursuant to Section 4883.

34 (h) The board, in its discretion, may exempt from the continuing  
35 education requirement any veterinarian who for reasons of health,  
36 military service, or undue hardship cannot meet those requirements.  
37 Applications for waivers shall be submitted on a form provided  
38 by the board.

39 (i) The administration of this section may be funded through  
40 professional license and continuing education provider fees. The

1 fees related to the administration of this section shall not exceed  
2 the costs of administering the corresponding provisions of this  
3 section.

4 (j) For those continuing education providers not listed in  
5 paragraph (1) of subdivision (b), the board or its recognized  
6 national approval agent shall establish criteria by which a provider  
7 of continuing education shall be approved. The board shall initially  
8 review and approve these criteria and may review the criteria as  
9 needed. The board or its recognized agent shall monitor, maintain,  
10 and manage related records and data. The board may impose an  
11 application fee, not to exceed two hundred dollars (\$200)  
12 biennially, for continuing education providers not listed in  
13 paragraph (1) of subdivision (b).

14 (k) (1) Beginning January 1, 2018, a licensed veterinarian who  
15 renews his or her license shall complete a minimum of one credit  
16 hour of continuing education on the judicious use of medically  
17 important antimicrobial drugs every four years as part of his or  
18 her continuing education requirements.

19 (2) For purposes of this subdivision, “medically important  
20 antimicrobial drug” means an antimicrobial drug listed in Appendix  
21 A of the federal Food and Drug Administration’s Guidance for  
22 Industry #152, including critically important, highly important,  
23 and important antimicrobial drugs, as that appendix may be  
24 amended.

25 ~~SEC. 15.~~

26 *SEC. 13.* Section 4848.1 is added to the Business and  
27 Professions Code, to read:

28 4848.1. (a) A veterinarian engaged in the practice of veterinary  
29 medicine, as defined in Section 4826, employed by the University  
30 of California ~~while and~~ engaged in the performance of duties in  
31 connection with the School of Veterinary Medicine or employed  
32 by the Western University of Health Sciences ~~while and~~ engaged  
33 in the performance of duties in connection with the College of  
34 Veterinary Medicine shall be ~~licensed in California or shall hold~~  
35 ~~issued~~ a university license ~~issued by the board. pursuant to this~~  
36 ~~section or hold a license to practice veterinary medicine in this~~  
37 ~~state.~~

38 (b) ~~An applicant is eligible to hold~~ *individual may apply for and*  
39 *be issued* a university license if all of the following are satisfied:



1 (1) ~~The applicant~~ *He or she* is currently employed by the  
 2 University of California or Western University of Health Sciences  
 3 *Sciences*, as defined in subdivision (a).

4 (2) ~~Passes~~ *He or she passes* an examination concerning the  
 5 statutes and regulations of the Veterinary Medicine Practice Act,  
 6 administered by the board, pursuant to subparagraph (C) of  
 7 paragraph (2) of subdivision (a) of Section 4848.

8 (3) ~~Successfully~~ *He or she successfully* completes the approved  
 9 educational curriculum described in paragraph (5) of subdivision  
 10 (b) of Section 4848 on regionally specific and important diseases  
 11 and conditions.

12 (4) *He or she completes and submits the application specified*  
 13 *by the board and pays the application fee, pursuant to subdivision*  
 14 *(g) of Section 4905, and the initial license fee, pursuant to*  
 15 *subdivision (h) of Section 4905.*

16 (c) A university license:

17 (1) Shall be numbered as described in Section 4847.

18 (2) Shall *automatically* cease to be valid upon termination *or*  
 19 *cessation* of employment by the University of California or by the  
 20 Western University of Health Sciences.

21 (3) Shall be subject to the license renewal provisions in Section  
 22 ~~4846.4.~~ *4846.4 and the payment of the renewal fee pursuant to*  
 23 *subdivision (i) of Section 4905.*

24 (4) Shall be subject to denial, revocation, or suspension pursuant  
 25 to Sections ~~4875 and 4883.~~ *480, 4875, and 4883.*

26 (5) *Authorizes the holder to practice veterinary medicine only*  
 27 *at the educational institution described in subdivision (a) and any*  
 28 *locations formally affiliated with those institutions.*

29 (d) An individual who holds a university license is exempt from  
 30 satisfying the license renewal requirements of Section 4846.5.

31 ~~SEC. 16.~~

32 *SEC. 14.* Section 4853.7 is added to the Business and  
 33 Professions Code, to read:

34 4853.7. A premise registration that is not renewed within five  
 35 years after its expiration may not be renewed and shall not be  
 36 restored, reissued, or reinstated thereafter. However, an application  
 37 for a new premise registration may be submitted and obtained if  
 38 both of the following conditions are met:

39 (a) No fact, circumstance, or condition exists that, if the premise  
 40 registration was issued, would justify its revocation or suspension.

1 (b) All of the fees that would be required for the initial premise  
2 registration are paid at the time of application.

3 *SEC. 15. Section 4904 of the Business and Professions Code*  
4 *is amended to read:*

5 4904. All fees collected on behalf of the board and all receipts  
6 of every kind and nature shall be reported each month for the month  
7 preceding to the State Controller and at the same time the entire  
8 amount shall be paid into the State Treasury and shall be credited  
9 to the Veterinary Medical Board Contingent Fund. This contingent  
10 fund shall be *available, upon appropriation by the Legislature,*  
11 *for the use of the Veterinary Medical Board and out of it and not*  
12 ~~*otherwise shall be paid all expenses of the board.*~~ *Board.*

13 *SEC. 16. Section 4905 of the Business and Professions Code*  
14 *is amended to read:*

15 4905. The following fees shall be collected by the board and  
16 shall be credited to the Veterinary Medical Board Contingent Fund:

17 (a) The fee for filing an application for examination shall be set  
18 by the board in an amount it determines is reasonably necessary  
19 to provide sufficient funds to carry out the purpose of this chapter,  
20 not to exceed three hundred fifty dollars (\$350).

21 (b) The fee for the California state board examination shall be  
22 set by the board in an amount it determines is reasonably necessary  
23 to provide sufficient funds to carry out the purpose of this chapter,  
24 not to exceed three hundred fifty dollars (\$350).

25 (c) The fee for the Veterinary Medicine Practice Act  
26 examination shall be set by the board in an amount it determines  
27 reasonably necessary to provide sufficient funds to carry out the  
28 purpose of this chapter, not to exceed one hundred dollars (\$100).

29 (d) The initial license fee shall be set by the board not to exceed  
30 five hundred dollars (\$500) except that, if the license is issued less  
31 than one year before the date on which it will expire, then the fee  
32 shall be set by the board at not to exceed two hundred fifty dollars  
33 (\$250). The board may, by appropriate regulation, provide for the  
34 waiver or refund of the initial license fee where the license is issued  
35 less than 45 days before the date on which it will expire.

36 (e) The renewal fee shall be set by the board for each biennial  
37 renewal period in an amount it determines is reasonably necessary  
38 to provide sufficient funds to carry out the purpose of this chapter,  
39 not to exceed five hundred dollars (\$500).

1 (f) The temporary license fee shall be set by the board in an  
2 amount it determines is reasonably necessary to provide sufficient  
3 funds to carry out the purpose of this chapter, not to exceed two  
4 hundred fifty dollars (\$250).

5 (g) *The fee for filing an application for a university license shall*  
6 *be one hundred twenty-five dollars (\$125), which may be revised*  
7 *by the board in regulation but shall not exceed three hundred fifty*  
8 *dollars (\$350).*

9 (h) *The initial license fee for a university license shall be two*  
10 *hundred ninety dollars (\$290), which may be revised by the board*  
11 *in regulation but shall not exceed five hundred dollars (\$500).*

12 (i) *The biennial renewal fee for a university license shall be two*  
13 *hundred ninety dollars (\$290), which may be revised by the board*  
14 *in regulation but shall not exceed five hundred dollars (\$500).*

15 ~~(g)~~

16 (j) The delinquency fee shall be set by the board, not to exceed  
17 fifty dollars (\$50).

18 ~~(h)~~

19 (k) The fee for issuance of a duplicate license is twenty-five  
20 dollars (\$25).

21 ~~(i)~~

22 (l) Any charge made for duplication or other services shall be  
23 set at the cost of rendering the service, except as specified in  
24 subdivision~~(h)~~: (k).

25 ~~(j)~~

26 (m) The fee for failure to report a change in the mailing address  
27 is twenty-five dollars (\$25).

28 ~~(k)~~

29 (n) The initial and annual renewal fees for registration of  
30 veterinary premises shall be set by the board in an amount not to  
31 exceed four hundred dollars (\$400) annually.

32 ~~(l)~~

33 (o) If the money transferred from the Veterinary Medical Board  
34 Contingent Fund to the General Fund pursuant to the Budget Act  
35 of 1991 is redeposited into the Veterinary Medical Board  
36 Contingent Fund, the fees assessed by the board shall be reduced  
37 correspondingly. However, the reduction shall not be so great as  
38 to cause the Veterinary Medical Board Contingent Fund to have  
39 a reserve of less than three months of annual authorized board  
40 expenditures. The fees set by the board shall not result in a

1 Veterinary Medical Board Contingent Fund reserve of more than  
2 10 months of annual authorized board expenditures.

3 SEC. 17. Section 825 of the Government Code is amended to  
4 read:

5 825. (a) Except as otherwise provided in this section, if an  
6 employee or former employee of a public entity requests the public  
7 entity to defend him or her against any claim or action against him  
8 or her for an injury arising out of an act or omission occurring  
9 within the scope of his or her employment as an employee of the  
10 public entity and the request is made in writing not less than 10  
11 days before the day of trial, and the employee or former employee  
12 reasonably cooperates in good faith in the defense of the claim or  
13 action, the public entity shall pay any judgment based thereon or  
14 any compromise or settlement of the claim or action to which the  
15 public entity has agreed.

16 If the public entity conducts the defense of an employee or  
17 former employee against any claim or action with his or her  
18 reasonable good-faith cooperation, the public entity shall pay any  
19 judgment based thereon or any compromise or settlement of the  
20 claim or action to which the public entity has agreed. However,  
21 where the public entity conducted the defense pursuant to an  
22 agreement with the employee or former employee reserving the  
23 rights of the public entity not to pay the judgment, compromise,  
24 or settlement until it is established that the injury arose out of an  
25 act or omission occurring within the scope of his or her  
26 employment as an employee of the public entity, the public entity  
27 is required to pay the judgment, compromise, or settlement only  
28 if it is established that the injury arose out of an act or omission  
29 occurring in the scope of his or her employment as an employee  
30 of the public entity.

31 Nothing in this section authorizes a public entity to pay that part  
32 of a claim or judgment that is for punitive or exemplary damages.

33 (b) Notwithstanding subdivision (a) or any other provision of  
34 law, a public entity is authorized to pay that part of a judgment  
35 that is for punitive or exemplary damages if the governing body  
36 of that public entity, acting in its sole discretion except in cases  
37 involving an entity of the state government, finds all of the  
38 following:

1 (1) The judgment is based on an act or omission of an employee  
2 or former employee acting within the course and scope of his or  
3 her employment as an employee of the public entity.

4 (2) At the time of the act giving rise to the liability, the employee  
5 or former employee acted, or failed to act, in good faith, without  
6 actual malice and in the apparent best interests of the public entity.

7 (3) Payment of the claim or judgment would be in the best  
8 interests of the public entity.

9 As used in this subdivision with respect to an entity of state  
10 government, "a decision of the governing body" means the  
11 approval of the Legislature for payment of that part of a judgment  
12 that is for punitive damages or exemplary damages, upon  
13 recommendation of the appointing power of the employee or  
14 former employee, based upon the finding by the Legislature and  
15 the appointing authority of the existence of the three conditions  
16 for payment of a punitive or exemplary damages claim. The  
17 provisions of subdivision (a) of Section 965.6 shall apply to the  
18 payment of any claim pursuant to this subdivision.

19 The discovery of the assets of a public entity and the introduction  
20 of evidence of the assets of a public entity shall not be permitted  
21 in an action in which it is alleged that a public employee is liable  
22 for punitive or exemplary damages.

23 The possibility that a public entity may pay that part of a  
24 judgment that is for punitive damages shall not be disclosed in any  
25 trial in which it is alleged that a public employee is liable for  
26 punitive or exemplary damages, and that disclosure shall be  
27 grounds for a mistrial.

28 (c) Except as provided in subdivision (d), if the provisions of  
29 this section are in conflict with the provisions of a memorandum  
30 of understanding reached pursuant to Chapter 10 (commencing  
31 with Section 3500) of Division 4 of Title 1, the memorandum of  
32 understanding shall be controlling without further legislative action,  
33 except that if those provisions of a memorandum of understanding  
34 require the expenditure of funds, the provisions shall not become  
35 effective unless approved by the Legislature in the annual Budget  
36 Act.

37 (d) The subject of payment of punitive damages pursuant to this  
38 section or any other provision of law shall not be a subject of meet  
39 and confer under the provisions of Chapter 10 (commencing with

1 Section 3500) of Division 4 of Title 1, or pursuant to any other  
2 law or authority.

3 (e) Nothing in this section shall affect the provisions of Section  
4 818 prohibiting the award of punitive damages against a public  
5 entity. This section shall not be construed as a waiver of a public  
6 entity’s immunity from liability for punitive damages under Section  
7 1981, 1983, or 1985 of Title 42 of the United States Code.

8 (f) (1) Except as provided in paragraph (2), a public entity shall  
9 not pay a judgment, compromise, or settlement arising from a  
10 claim or action against an elected official, if the claim or action is  
11 based on conduct by the elected official by way of tortiously  
12 intervening or attempting to intervene in, or by way of tortiously  
13 influencing or attempting to influence the outcome of, any judicial  
14 action or proceeding for the benefit of a particular party by  
15 contacting the trial judge or any commissioner, court-appointed  
16 arbitrator, court-appointed mediator, or court-appointed special  
17 referee assigned to the matter, or the court clerk, bailiff, or marshal  
18 after an action has been filed, unless he or she was counsel of  
19 record acting lawfully within the scope of his or her employment  
20 on behalf of that party. Notwithstanding Section 825.6, if a public  
21 entity conducted the defense of an elected official against such a  
22 claim or action and the elected official is found liable by the trier  
23 of fact, the court shall order the elected official to pay to the public  
24 entity the cost of that defense.

25 (2) If an elected official is held liable for monetary damages in  
26 the action, the plaintiff shall first seek recovery of the judgment  
27 against the assets of the elected official. If the elected official’s  
28 assets are insufficient to satisfy the total judgment, as determined  
29 by the court, the public entity may pay the deficiency if the public  
30 entity is authorized by law to pay that judgment.

31 (3) To the extent the public entity pays any portion of the  
32 judgment or is entitled to reimbursement of defense costs pursuant  
33 to paragraph (1), the public entity shall pursue all available  
34 creditor’s remedies against the elected official, including  
35 garnishment, until that party has fully reimbursed the public entity.

36 (4) This subdivision shall not apply to any criminal or civil  
37 enforcement action brought in the name of the people of the State  
38 of California by an elected district attorney, city attorney, or  
39 attorney general.

1 (g) Notwithstanding subdivision (a), a public entity shall pay  
2 for a judgment or settlement for treble damage antitrust awards  
3 against a member of a regulatory board for an act or omission  
4 occurring within the scope of his or her employment as a member  
5 of a regulatory board.

6 (h) *Treble damages awarded pursuant to the federal Clayton*  
7 *Act (Sections 12 to 27 of Title 15 of, and Sections 52 to 53 of Title*  
8 *29 of, the United States Code) for a violation of the federal*  
9 *Sherman Act (Sections 1 to 6, 6a, and 7 of Title 15 of the United*  
10 *States Code) are not punitive or exemplary damages under the*  
11 *Government Claims Act (Division 3.6 (commencing with Section*  
12 *810) of Title 1 of the Government Code) for purposes of this*  
13 *section.*

14 SEC. 18. Section 11346.5 of the Government Code is amended  
15 to read:

16 11346.5. (a) The notice of proposed adoption, amendment, or  
17 repeal of a regulation shall include the following:

18 (1) A statement of the time, place, and nature of proceedings  
19 for adoption, amendment, or repeal of the regulation.

20 (2) Reference to the authority under which the regulation is  
21 proposed and a reference to the particular code sections or other  
22 provisions of law that are being implemented, interpreted, or made  
23 specific.

24 (3) An informative digest drafted in plain English in a format  
25 similar to the Legislative Counsel's digest on legislative bills. The  
26 informative digest shall include the following:

27 (A) A concise and clear summary of existing laws and  
28 regulations, if any, related directly to the proposed action and of  
29 the effect of the proposed action.

30 (B) If the proposed action differs substantially from an existing  
31 comparable federal regulation or statute, a brief description of the  
32 significant differences and the full citation of the federal regulations  
33 or statutes.

34 (C) A policy statement overview explaining the broad objectives  
35 of the regulation and the specific benefits anticipated by the  
36 proposed adoption, amendment, or repeal of a regulation, including,  
37 to the extent applicable, nonmonetary benefits such as the  
38 protection of public health and safety, worker safety, or the  
39 environment, the prevention of discrimination, the promotion of

1 fairness or social equity, and the increase in openness and  
2 transparency in business and government, among other things.

3 (D) An evaluation of whether the proposed regulation is  
4 inconsistent or incompatible with existing state regulations.

5 (4) Any other matters as are prescribed by statute applicable to  
6 the specific state agency or to any specific regulation or class of  
7 regulations.

8 (5) A determination as to whether the regulation imposes a  
9 mandate on local agencies or school districts and, if so, whether  
10 the mandate requires state reimbursement pursuant to Part 7  
11 (commencing with Section 17500) of Division 4.

12 (6) An estimate, prepared in accordance with instructions  
13 adopted by the Department of Finance, of the cost or savings to  
14 any state agency, the cost to any local agency or school district  
15 that is required to be reimbursed under Part 7 (commencing with  
16 Section 17500) of Division 4, other nondiscretionary cost or  
17 savings imposed on local agencies, and the cost or savings in  
18 federal funding to the state.

19 For purposes of this paragraph, “cost or savings” means  
20 additional costs or savings, both direct and indirect, that a public  
21 agency necessarily incurs in reasonable compliance with  
22 regulations.

23 (7) If a state agency, in proposing to adopt, amend, or repeal  
24 any administrative regulation, makes an initial determination that  
25 the action may have a significant, statewide adverse economic  
26 impact directly affecting business, including the ability of  
27 California businesses to compete with businesses in other states,  
28 it shall include the following information in the notice of proposed  
29 action:

30 (A) Identification of the types of businesses that would be  
31 affected.

32 (B) A description of the projected reporting, recordkeeping, and  
33 other compliance requirements that would result from the proposed  
34 action.

35 (C) The following statement: “The (name of agency) has made  
36 an initial determination that the (adoption/amendment/repeal) of  
37 this regulation may have a significant, statewide adverse economic  
38 impact directly affecting business, including the ability of  
39 California businesses to compete with businesses in other states.  
40 The (name of agency) (has/has not) considered proposed



1 alternatives that would lessen any adverse economic impact on  
2 business and invites you to submit proposals. Submissions may  
3 include the following considerations:

4 (i) The establishment of differing compliance or reporting  
5 requirements or timetables that take into account the resources  
6 available to businesses.

7 (ii) Consolidation or simplification of compliance and reporting  
8 requirements for businesses.

9 (iii) The use of performance standards rather than prescriptive  
10 standards.

11 (iv) Exemption or partial exemption from the regulatory  
12 requirements for businesses.”

13 (8) If a state agency, in adopting, amending, or repealing any  
14 administrative regulation, makes an initial determination that the  
15 action will not have a significant, statewide adverse economic  
16 impact directly affecting business, including the ability of  
17 California businesses to compete with businesses in other states,  
18 it shall make a declaration to that effect in the notice of proposed  
19 action. In making this declaration, the agency shall provide in the  
20 record facts, evidence, documents, testimony, or other evidence  
21 upon which the agency relies to support its initial determination.

22 An agency’s initial determination and declaration that a proposed  
23 adoption, amendment, or repeal of a regulation may have or will  
24 not have a significant, adverse impact on businesses, including the  
25 ability of California businesses to compete with businesses in other  
26 states, shall not be grounds for the office to refuse to publish the  
27 notice of proposed action.

28 (9) A description of all cost impacts, known to the agency at  
29 the time the notice of proposed action is submitted to the office,  
30 that a representative private person or business would necessarily  
31 incur in reasonable compliance with the proposed action.

32 If no cost impacts are known to the agency, it shall state the  
33 following:

34 “The agency is not aware of any cost impacts that a  
35 representative private person or business would necessarily incur  
36 in reasonable compliance with the proposed action.”

37 (10) A statement of the results of the economic impact  
38 assessment required by subdivision (b) of Section 11346.3 or the  
39 standardized regulatory impact analysis if required by subdivision  
40 (c) of Section 11346.3, a summary of any comments submitted to

1 the agency pursuant to subdivision (f) of Section 11346.3 and the  
2 agency’s response to those comments.

3 (11) The finding prescribed by subdivision (d) of Section  
4 11346.3, if required.

5 (12) (A) A statement that the action would have a significant  
6 effect on housing costs, if a state agency, in adopting, amending,  
7 or repealing any administrative regulation, makes an initial  
8 determination that the action would have that effect.

9 (B) The agency officer designated in paragraph (15) shall make  
10 available to the public, upon request, the agency’s evaluation, if  
11 any, of the effect of the proposed regulatory action on housing  
12 costs.

13 (C) The statement described in subparagraph (A) shall also  
14 include the estimated costs of compliance and potential benefits  
15 of a building standard, if any, that were included in the initial  
16 statement of reasons.

17 (D) For purposes of model codes adopted pursuant to Section  
18 18928 of the Health and Safety Code, the agency shall comply  
19 with the requirements of this paragraph only if an interested party  
20 has made a request to the agency to examine a specific section for  
21 purposes of estimating the costs of compliance and potential  
22 benefits for that section, as described in Section 11346.2.

23 (13) If the regulatory action is submitted by a ~~state board on~~  
24 ~~which a controlling number of decisionmakers are active market~~  
25 ~~participants in the market the board regulates, a statement that the~~  
26 ~~adopting agency has evaluated the impact of the proposed~~  
27 ~~regulation on competition, and that the proposed regulation furthers~~  
28 ~~a clearly articulated and affirmatively expressed state law to restrain~~  
29 ~~competition.~~ *board within the Department of Consumer Affairs,*  
30 *a statement that the Director of Consumer Affairs has reviewed*  
31 *the proposed regulation and determined that the proposed*  
32 *regulation furthers state law.*

33 (14) A statement that the adopting agency must determine that  
34 no reasonable alternative considered by the agency or that has  
35 otherwise been identified and brought to the attention of the agency  
36 would be more effective in carrying out the purpose for which the  
37 action is proposed, would be as effective and less burdensome to  
38 affected private persons than the proposed action, or would be  
39 more cost effective to affected private persons and equally effective  
40 in implementing the statutory policy or other provision of law. For

1 a major regulation, as defined by Section 11342.548, proposed on  
2 or after November 1, 2013, the statement shall be based, in part,  
3 upon the standardized regulatory impact analysis of the proposed  
4 regulation, as required by Section 11346.3, as well as upon the  
5 benefits of the proposed regulation identified pursuant to  
6 subparagraph (C) of paragraph (3).

7 (15) The name and telephone number of the agency  
8 representative and designated backup contact person to whom  
9 inquiries concerning the proposed administrative action may be  
10 directed.

11 (16) The date by which comments submitted in writing must  
12 be received to present statements, arguments, or contentions in  
13 writing relating to the proposed action in order for them to be  
14 considered by the state agency before it adopts, amends, or repeals  
15 a regulation.

16 (17) Reference to the fact that the agency proposing the action  
17 has prepared a statement of the reasons for the proposed action,  
18 has available all the information upon which its proposal is based,  
19 and has available the express terms of the proposed action, pursuant  
20 to subdivision (b).

21 (18) A statement that if a public hearing is not scheduled, any  
22 interested person or his or her duly authorized representative may  
23 request, no later than 15 days prior to the close of the written  
24 comment period, a public hearing pursuant to Section 11346.8.

25 (19) A statement indicating that the full text of a regulation  
26 changed pursuant to Section 11346.8 will be available for at least  
27 15 days prior to the date on which the agency adopts, amends, or  
28 repeals the resulting regulation.

29 (20) A statement explaining how to obtain a copy of the final  
30 statement of reasons once it has been prepared pursuant to  
31 subdivision (a) of Section 11346.9.

32 (21) If the agency maintains an Internet Web site or other similar  
33 forum for the electronic publication or distribution of written  
34 material, a statement explaining how materials published or  
35 distributed through that forum can be accessed.

36 (22) If the proposed regulation is subject to Section 11346.6, a  
37 statement that the agency shall provide, upon request, a description  
38 of the proposed changes included in the proposed action, in the  
39 manner provided by Section 11346.6, to accommodate a person  
40 with a visual or other disability for which effective communication

1 is required under state or federal law and that providing the  
2 description of proposed changes may require extending the period  
3 of public comment for the proposed action.

4 (b) The agency representative designated in paragraph (15) of  
5 subdivision (a) shall make available to the public upon request the  
6 express terms of the proposed action. The representative shall also  
7 make available to the public upon request the location of public  
8 records, including reports, documentation, and other materials,  
9 related to the proposed action. If the representative receives an  
10 inquiry regarding the proposed action that the representative cannot  
11 answer, the representative shall refer the inquiry to another person  
12 in the agency for a prompt response.

13 (c) This section shall not be construed in any manner that results  
14 in the invalidation of a regulation because of the alleged inadequacy  
15 of the notice content or the summary or cost estimates, or the  
16 alleged inadequacy or inaccuracy of the housing cost estimates, if  
17 there has been substantial compliance with those requirements.

18 ~~SEC. 19. Section 11349 of the Government Code is amended~~  
19 ~~to read:~~

20 ~~11349. The following definitions govern the interpretation of~~  
21 ~~this chapter:~~

22 (a) ~~“Necessity” means the record of the rulemaking proceeding~~  
23 ~~demonstrates by substantial evidence the need for a regulation to~~  
24 ~~effectuate the purpose of the statute, court decision, or other~~  
25 ~~provision of law that the regulation implements, interprets, or~~  
26 ~~makes specific, taking into account the totality of the record. For~~  
27 ~~purposes of this standard, evidence includes, but is not limited to,~~  
28 ~~facts, studies, and expert opinion.~~

29 (b) ~~“Authority” means the provision of law which permits or~~  
30 ~~obligates the agency to adopt, amend, or repeal a regulation.~~

31 (c) ~~“Clarity” means written or displayed so that the meaning of~~  
32 ~~regulations will be easily understood by those persons directly~~  
33 ~~affected by them.~~

34 (d) ~~“Consistency” means being in harmony with, and not in~~  
35 ~~conflict with or contradictory to, existing statutes, court decisions,~~  
36 ~~or other provisions of law.~~

37 (e) ~~“Reference” means the statute, court decision, or other~~  
38 ~~provision of law which the agency implements, interprets, or makes~~  
39 ~~specific by adopting, amending, or repealing a regulation.~~

## **V. Consideration of Rulemaking Proposals**

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- A. Adoption of Proposed Amendments to Division 5 of Title 16, California Code of Regulations §464 - Corner Records.
- B. Approval of Proposed Amendments to Title 16, California Code of Regulations §§472-473.4 and §§3062-3063.4 (Citations)
- C. Proposal to Amend Title 16, California Code of Regulations §3031 (Geologist Education and References)



**Approval and/or Adoption of Proposed Amendments to  
Title 16, California Code of Regulations section 464 (Corner Records)**

Proposed amendments to Board Rule 464 regarding the preparation and filing of corner records were noticed for a 45-day public comment period on November 13, 2015. A public hearing was held on January 5, 2016.

Based on the comments received and those accepted amendments to Board Rule 464 were made and noticed for a 15-day public comment period on March 17, 2016. The comment period ended April 4, 2016. Based on comments received and those accepted amendments were made and notice for an additional 15-day public comment period on April 25, 2016. The comment period ended May 13, 2016.

No comments were received during the second 15-day comment period.

**RECOMMENDED MOTION:**

Adopt the proposed changes to Title 16, California Code of Regulations section 464 and direct staff to finalize the rulemaking files for submittal to the Department of Consumer Affairs and the Office of Administrative Law for review and approval.





#### 464. Corner Record.

(a) The corner record ~~required by Section 8773 of the Code for the perpetuation of monuments provided for in Section 8773.1 of the Code~~ shall contain the following information ~~for consistent with~~ each corner identified therein:

(1) The county and, if applicable, the city in which the corner is located.

(2) ~~An identification~~ A brief legal description of the *section*, township, range, base, and meridian or the Rancho in which the corner is located, if applicable.

(3) Identification of the corner type (~~example: e.g.,~~ government corner, control corner, property corner, etc.).

(4) Identification of the reference of the related statute (i.e., Section 8765(d), Section 8771, Section 8773, or other relevant sections of the Code).

~~(4)~~ (5) Description of the physical condition of

~~(A) the monument(s) as found and~~

~~(B) any monuments~~ monument(s) found, set, or reset, replaced, or removed.

~~(5)~~ (6) The date of the visit to the monument when the information for the corner record was obtained.

(7) For corners for which the corner record is filed in accordance with Section 8765(d) of the Code, ~~the information shown on~~ the corner record shall ~~also~~ show the applicable provisions of ~~Section 8764 of the Code, the following consistent with the purpose of the survey:~~

(A) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto.

(B) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow.

(C) The relationship to those portions of adjacent tracts, streets, or senior conveyances which have common lines with the survey.

(D) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or the surveyor, as may be determined by the licensee preparing the corner record.

(8) For corners for which the corner record is filed in accordance with any subdivision of Section 8771 of the Code, the information shown on the corner record shall also show the applicable provisions of Section 8771 of the Code.

~~(6)~~ (9) For Public Land Corners for which a corner record is required by Section 8773(a) of the Code, a sketch shall be made showing site recovery information that was used for the corner. ~~For other kinds of corners, a drawing shall be made which shows measurements that relate the corner to other identifiable monuments.~~

(10) Except for those corners referenced in subdivision (9), a drawing shall be made which shows measurements that relate the corner to other identifiable monuments.

~~(7) A reference to the California Coordinate System is optional at the discretion of the preparer of the record.~~

~~(8)~~ (11) The date of preparation of the corner record and, as prescribed by Section 8773.4 of the Code, the signature and title of the chief of the survey party if the corner record is prepared by a United States Government or a California State agency or the signature and seal of the land surveyor or civil engineer, as defined in Section 8731 of the Code, preparing the corner record.

~~(9)~~ ~~(11)~~ 12) The date the corner record was filed and the signature of the county surveyor.

~~(10)~~ ~~(12)~~ 13) A document or filing number and/or Agency Index information.

~~(b)~~ A reference to the California Coordinate System is optional at the discretion of the preparer of the record.

~~(b)~~ (c) A corner record shall be filed for each public land survey corner which is found, reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this rule are identified in Section 8773.4 of the Code.

~~(e)~~ (d) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.

~~(d)~~ (e) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, together with reference to record information. Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners.

(f) A corner record is limited to ~~one~~ a single corner record document, in accordance with Section 8773.1 of the Code, and shall be so long as it is legible, clear, and understandable. A corner record may be submitted in an electronic medium if the county surveyor has a system to provide for the submittal, archiving, and distribution to the public in an electronic or hard copy format.

~~(e) When conducting a survey which is a retracement of lines shown on a subdivision map, official map, or a record of survey, where no material discrepancies with these records are found and where sufficient monumentation is found to establish the precise location of property corners thereon, a corner record may be filed in lieu of a record of survey for any property corners which are set or reset or found to be of a different character than indicated by prior records. Such corner records may show one or more property corners, property controlling corners, reference monuments or accessories to property corners on a single corner record document so long as it is legible, clear, and understandable.~~

~~(f)~~ (g) The standard markings and standard abbreviations used by the Bureau of Land Management (formerly the General Land Office) of the United States Department of the Interior shall be used in the corner record.

~~(g)~~ (h) The corner record shall be filed on a form prescribed by the Board. The approved form is ~~BORPELS-1297~~ BPELSG-201~~56~~.

# CORNER RECORD

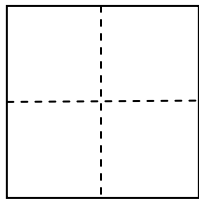
Agency Index \_\_\_\_\_

Document Number \_\_\_\_\_

City of \_\_\_\_\_

County of \_\_\_\_\_, California

Brief Legal Description \_\_\_\_\_



### CORNER TYPE

- |                   |                          |          |                          |
|-------------------|--------------------------|----------|--------------------------|
| Government Corner | <input type="checkbox"/> | Control  | <input type="checkbox"/> |
| Meander           | <input type="checkbox"/> | Property | <input type="checkbox"/> |
| Rancho            | <input type="checkbox"/> | Other    | <input type="checkbox"/> |

Date of Survey \_\_\_\_\_

### COORDINATES (Optional)

- N. \_\_\_\_\_ E. \_\_\_\_\_
- Elevation \_\_\_\_\_
- Units    Metric     U.S. Survey Foot
- Horizontal Datum \_\_\_\_\_
- Zone \_\_\_\_\_ Epoch Date \_\_\_\_\_
- Vertical Datum \_\_\_\_\_
- Complies with Public Resources Code §§8801-8819
- Complies with Public Resources Code §§8890-8902

PLS Act Ref.:     8765(d)                       8771(b)                       8773

Corner/  
Monument:     Left as found                       Established                       Rebuilt

Found and tagged                       Reestablished                       Referenced

Other:

Pre-Construction

Post-Construction

Narrative of corner identified and monument as found, ~~and set, or reset,~~ replaced, or removed:

See sheet #2 for description(s):

All text shown in red box is new as of May 2016 notice and replaces all text previously shown in that area of the form.

### SURVEYOR'S STATEMENT

This Corner Record was prepared by me or under my direction in conformance with

the Professional Land Surveyors' Act on \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_ P.L.S. or R.C.E. No. \_\_\_\_\_

### COUNTY SURVEYOR'S STATEMENT

This Corner Record was received \_\_\_\_\_, \_\_\_\_\_

and examined and filed \_\_\_\_\_, \_\_\_\_\_.

Signed \_\_\_\_\_ P.L.S. or R.C.E. No. \_\_\_\_\_

Title \_\_\_\_\_

County Surveyor's Comment \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Document Number

Agency Index

Document Number	Agency Index
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**Approval and/or Adoption of Proposed Amendments to  
Title 16, California Code of Regulations sections 472, 472.1, 472.2, 472.3, 472.4,  
473, 473.1, 473.2, 473.3, 473.4, 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1,  
3063.3, and 3063.4 (Citation Program)**

Proposed amendments to Board Rules 472 – 473.4 & 3062 – 3063.4 regarding the citation program were noticed for a 45-day public comment period on March 11, 2016. No public hearing was held, nor was a hearing requested.

The comment period ended April 25, 2016. The following is a summary of comments received, as well as the proposed response:

**Comment – Email message, dated May 6, 2016, from Martin Steinpress, PG, CHG, Chief Hydrogeologist at Brown and Caldwell:**

Mr. Steinpress submitted his comment after the comment period ended on April 25, 2016. Mr. Steinpress requests an explanation regarding section 3062 specifically stating “why certified specialists are being removed from this section. It appears violations for only geologists and geophysicists (and not hydrogeologists) will be covered in the future.”

**Response to Comment:**

Although this comment was received after the close of the comment period, the Board accepts the comment for consideration in the rulemaking proposal. However, the Board rejects the content of the comment. An individual cannot be licensed as a Certified Hydrogeologist (CHG) or a Certified Engineering Geologist (CEG) without being licensed as a Professional Geologist (PG), so it is redundant and unnecessary to include the certified specialties when dealing with unlicensed individuals; stating that a person must be licensed as a PG inherently includes people licensed as CHGs and CEGs. If a PG who is not licensed as a CHG or a CEG were to use one of those titles, the individual would be cited under the provisions of Section 3063, not Section 3062. Section 3062 would still apply to an individual who is not licensed at all using any of the restricted titles.

**Staff Review**

In re-reviewing the language after the original notice and following discussions with the Board’s Legal Counsel, it has been determined that the language in Sections 472(b)(2), 473(b)(2), 3062(b)(2), and 3063(b)(2) should be changed to conform to the language in the enabling statute (Business and Professions Code section 125.9(b)(1)). The wording “basis of the citation” is being changed to the wording “nature of the violation.” This change does require a 15-day noticed public comment period.

**Procedural Information:**

In response to the comments, modifications have been made to the text as originally noticed. These modifications require a 15-day noticed public comment period, during which time interested parties may submit written comments on only the proposed

modifications. If any comments are received, they would be presented to the Board for consideration of whether further modifications should be made. If no comments are received or the comments do not warrant further changes, the final language would then be presented to the Board for adoption. At this time, staff requests that the Board approve the modifications shown in the text and form and direct staff to issue the 15-day notice for public comment.

**Modified Text & Form**

Included is the modified text and the modified form. The modifications in the text are shown in double underlined text for additions and ~~double strikethrough text~~ for deletions. (The original noticed changes are shown in single underlined text and ~~single strikethrough text~~.)

**RECOMMENDED MOTION:**

The Board approves the modified text and directs staff to issue a 15-day notice regarding the modified text for changes to Title 16, CCR Sections 472, 472.1, 472.2, 472.3, 472.4, 473, 473.1, 473.2, 473.3, 473.4, 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.3, and 3063.4.

Fri 5/6/2016 12:16 PM

**FROM:** Martin Steinpress [msteinpress@BrwnCald.com](mailto:msteinpress@BrwnCald.com)

**Proposed changes re" Unlicensed Persons**

**TO:** Alameida, Jeff@DCA [Jeff.Alameida@dca.ca.gov](mailto:Jeff.Alameida@dca.ca.gov)

dear sir

I don't understand why certified specialists are being removed from this section. it appears violations for only geologists and geophysicists (and not hydrogeologists) will be covered in the future. Why?

thanks

3062. Citations of ~~Unregistered~~ Unlicensed Persons.

(a) ~~The executive officer is authorized to issue citations containing orders of abatement or administrative fines pursuant to Business and Professions Code sections 148 and 149 against persons~~ Executive Officer or his or her designee may issue a citation for any violation of any provision of law enforced by the Board to an unlicensed person who, unless otherwise exempt, is acting in the capacity of or engaging in the practice of a geologist, geophysicist, or certified specialist within this state without registration or certification in any discipline as a geologist, geophysicist, or certified specialist a professional geologist or a professional geophysicist.

(b) ~~If the executive officer has reasonable cause to believe that a person is acting in the capacity of, or engaging in the practice of, a geologist, geophysicist or certified specialist within this state without having a registration to so act or engage, the executive officer may issue a citation to that person.~~

**Martin Steinpress, PG, CHG**

Chief Hydrogeologist

Brown and Caldwell | Walnut Creek, CA

[MSteinpress@brwn Caldwell.com](mailto:MSteinpress@brwn Caldwell.com)

T 925.210.2408 | C 925.330.1131



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

**Proposed Language**

(1) Amend Section 472 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

472. Citations of Unlicensed Persons.

(a) The Executive Officer or his or her designee may issue a citation for any violation of any provision of law enforced by the Board to an unlicensed person who, unless otherwise exempt, is acting in the capacity of a professional engineer or a professional land surveyor.

(b) Each citation

(1) shall be in writing;

(2) shall describe with particularity the ~~nature~~ ~~basis~~ nature of the ~~violation~~ ~~citation~~ violation, including specific reference to the provision or provisions of law determined to have been violated;

(3) shall contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both an administrative fine and an order of abatement;

(4) shall be served on the cited person at the last known business or residence address personally or by certified mail with return receipt requested;

(5) shall inform the cited person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in the Executive Officer applying to the appropriate superior court for a judgment in the amount of the administrative fine;

(6) shall inform the cited person that, if he/ or she desires an informal conference to ~~contest~~ appeal the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from ~~service~~ date of issuance of the citation;

(7) shall inform the cited person that, if he or she desires a hearing to ~~contest~~ appeal the finding of a violation, that hearing shall be requested by written notice to the Board within 30 calendar days from ~~service~~ the date of issuance of the citation.

Note: Authority cited: Sections 125.9, 148, 149, 6716, and 8710, Business and Professions Code.  
Reference: Sections 125.9, 148, 149, 6786, 6787, 8791, and 8792, Business and Professions Code.

(2) Amend Section 472.1 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

472.1. Assessment of Administrative Fine.

(a) In no event shall the administrative fine be less than \$50 or exceed \$5,000 for each violation.



(b) In determining the amount of an administrative fine, the Executive Officer shall consider the following factors:

- (1) The nature and severity of the violation;
- (2) The good or bad faith exhibited by the cited person;
- (3) The history of previous violations;
- (4) The extent to which the cited person has cooperated with the Board and the Board's investigation;
- (5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his/ or her violation;
- (6) Any factors in extenuation or aggravation related to the violation;
- (7) Other matters as may be appropriate.

Note: Authority cited: Sections 125.9, 148, 149, 6716, and 8710, Business and Professions Code.  
Reference: Sections 125.9, 148, 149, 6786, 6787, 8791, and 8792, Business and Professions Code.

(3) Amend Section 472.2 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

472.2. Appeal of Citations.

(a) Any person served with a citation issued pursuant to Section 472 may ~~contest~~ appeal the citation by submitting a written request for a hearing to the Board within 30 calendar days of ~~service~~ the date of issuance of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 calendar days of ~~service~~ the date of issuance of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer may, within 30 working days from receipt of a written request for an informal conference as provided in subsection (b), hold an informal conference with the cited person and/or his or her legal counsel or authorized representative. The 30-day period may be extended by the Executive Officer for good cause. Following the informal conference, the Executive Officer ~~may~~ shall affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said 30-day period may be extended by the Executive Officer for good cause. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 472. This order shall be considered the conclusion of the informal conference proceedings.

(d) If the citation is affirmed or modified following the informal conference, the cited person may request a hearing as provided in subsection (a) within 30 calendar days from service of the order described in subsection (c). The cited person shall not be permitted to request another informal conference.

(e) If the citation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.

(f) Submittal of a written request for a hearing as provided in subsection (a), an informal conference as provided in subsection (b), or both stays the time period in which to abate the violation and/or to pay the fine.

(g) If the written request for a hearing as provided in subsection (a) or an informal conference as provided in subsection (b) or both is not submitted within 30 calendar days from ~~service~~ the date of issuance of the citation, the cited person is deemed to have waived his or her right to a hearing or an informal conference.

Note: Authority cited: Sections 125.9, 148, 149, 6716<sub>2</sub>, and 8710, Business and Professions Code.  
Reference: Sections 125.9 and 148, Business and Professions Code.

(4) Amend Section 472.3 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

472.3. Compliance with Order.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, then he or she may request from the Executive Officer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) Failure of an applicant for licensure as a professional engineer or as a professional land surveyor to abate the violation or to pay the fine within the time allowed is a ground for denial of licensure.

(c) Notwithstanding any other provision of the law, the Executive Officer may waive all or part of an administrative fine if the cited person ~~against whom the citation is assessed~~ satisfactorily completes all the requirements for, and is issued, a license.

(d) If the cited person fails to pay all of the assessed fine within the time allowed, the Executive Officer may apply to the appropriate superior court for a judgment in the amount of the administrative fine.

(e) If a hearing as provided in Section 472.2(a) is not requested, payment of the fine shall not constitute an admission of the violation charged.

(f) Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

Note: Authority cited: Sections 125.9, 148, 6716<sub>2</sub>, and 8710, Business and Professions Code.  
Reference: Sections 125.9, ~~and~~ 148, and 149, Business and Professions Code.

(5) Amend Section 472.4 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

472.4. Disconnection of Telephone Service.

(a) If, upon investigation, the Executive Officer has cause to believe that an unlicensed individual acting in the capacity of a professional engineer or a professional land surveyor, who is not otherwise exempted from the provisions of the Professional Engineers Act or the Professional Land Surveyors' Act, has violated Sections 6787 or 8792 of the Code by advertising ~~in a telephone directory~~ with respect to the offering or performance of services, without being properly licensed, the Executive Officer may issue a citation under Section 472 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the Executive Officer.

(b) If the cited person fails to comply with an order of abatement as described in subsection (a) within the time allowed, the Executive Officer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

Note: Authority cited: Sections 125.9, 148, 149, 6716, and 8710, Business and Professions Code. Reference: Sections 125.9, 148, ~~and 149~~, 6786, 6787, 8791, and 8792, Business and Professions Code.

(6) Amend Section 473 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

473. Citations of Licensed Persons.

(a) The Executive Officer or his or her designee may issue a citation for any violation of any provision of law enforced by the Board to any person who holds a license issued by the Board.

(b) Prior to the issuance of a citation in any case involving allegations of negligence and/or incompetence, as defined in Section 404, in the professional practice, the Executive Officer shall submit the alleged violation for review to at least one licensee of the Board who is competent in the branch of professional engineering or professional land surveying most relevant to the subject matter of the citation. The licensee reviewing the alleged violation shall be either a member of the Board's professional staff, a technical advisory committee member, or an expert consultant. Upon conclusion of the review, the reviewer shall prepare a finding of fact and a recommendation based upon that finding to which the Executive Officer shall give due consideration in determining whether cause exists to issue a citation.

(c) Each citation

(1) shall be in writing;

(2) shall describe with particularity the ~~nature basis nature~~ nature of the ~~violation~~ violation, including specific reference to the provision or provisions of law determined to have been violated;

(3) may contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both an administrative fine and an order of abatement;

(4) shall be served on the cited person at the address of record on file with the Board personally or by certified mail with return receipt requested;

(5) shall inform the cited person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board. ~~If a citation is not contested and the fine is not paid, and may result in~~ the full amount of the assessed fine shall be being added to the fee for renewal of the license. ~~A, in which case the~~ license shall not be renewed without the payment of the renewal fee and fine;

(6) shall inform the cited person that, if he/ or she desires an informal conference to ~~contest~~ appeal the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from ~~service~~ the date of issuance of the citation;

(7) shall inform the cited person that, if he or she desires a hearing to ~~contest~~ appeal the finding of a violation, that hearing shall be requested by written notice to the Board within 30 calendar days from ~~service~~ the date of issuance of the citation.

Note: Authority cited: Sections 125.9, 6716<sub>2</sub> and 8710, Business and Professions Code. Reference: Sections 125.9, 6775, 6786, 8780<sub>2</sub> and 8791, Business and Professions Code.

(7) Amend Section 473.1 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

473.1. Assessment of Administrative Fines.

(a) In no event shall the administrative fine be less than \$50 or exceed \$5,000 for each violation.

(b) In determining the amount of an administrative fine, the Executive Officer shall consider the following factors:

(1) The nature and severity of the violation;

(2) The good or bad faith exhibited by the cited person;

(3) The history of previous violations;

(4) The extent to which the cited person has cooperated with the Board and the Board's investigation;

(5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his/ or her violation;

(6) Any factors in extenuation or aggravation related to the violation;

(7) Other matters as may be appropriate.

Note: Authority cited: Sections 125.9, 6716<sub>2</sub> and 8710, Business and Professions Code. Reference: Sections 125.9, 6775, 6786, 8780<sub>2</sub> and 8791, Business and Professions Code.

(8) Amend Section 473.2 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

473.2. Appeal of Citations.

(a) Any person served with a citation issued pursuant to Section 473 may ~~contest~~ appeal the citation by submitting a written request for a hearing to the Board within 30 calendar days of ~~service~~ the date of issuance of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 calendar days of ~~service~~ the date of issuance of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer ~~shall~~ may, within 30 working days ~~of~~ from receipt of a written request for an informal conference as provided in subsection (b), hold an informal conference with the cited person and/or his or her legal counsel or authorized representative. The 30-day period may be extended by the Executive Officer for good cause. Following the informal conference, the Executive Officer ~~may~~ shall affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said 30-day period may be extended by the Executive Officer for good cause. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 473. This order shall be considered the conclusion of the informal conference proceedings.

(d) If the citation is affirmed or modified following the informal conference, the cited person may request a hearing as provided in subsection (a) within 30 calendar days from service of the order described in subsection (c). The cited person shall not be permitted to request another informal conference. ,

(e) If the citation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.

(f) Submittal of a written request for a hearing as provided in subsection (a), an informal conference as provided in subsection (b), or both stays the time period in which to abate the violation and/or to pay the fine.

(g) If the written request for a hearing as provided in subsection (a) or an informal conference as provided in subsection (b) or both is not submitted within 30 calendar days from ~~service~~ the date of issuance of the citation, the cited person is deemed to have waived his ~~or~~ her right to a hearing or an informal conference.

Note: Authority cited: Sections 125.9, 6716<sub>2</sub> and 8710, Business and Professions Code. Reference: Section 125.9, Business and Professions Code.

(9) Amend Section 473.3 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

473.3. Compliance with ~~Citations~~ Order.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/ or her control after the exercise of reasonable diligence, then he/ or she may request from the Executive Officer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) Failure of the cited person to abate the violation or to pay all of the assessed fine within the time allowed is grounds for suspension or revocation of the cited person's license.

(c) If the cited person fails to pay all of the assessed fine within the time allowed, the balance due for the fine shall be added to the renewal fee for the license, and the license shall not be renewed until the fine is paid in full.

(d) If a hearing as provided in Section 473.2(a) is not requested, payment of the fine shall not constitute an admission of the violation charged.

(e) Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

Note: Authority cited: Sections 125.9, 6716<sub>2</sub> and 8710, Business and Professions Code. Reference: Section 125.9, Business and Professions Code.

(10) Amend Section 473.4 of Division 5 of Title 16 of the California Code of Regulations to read as follows:

473.4. Disconnection of Telephone Service.

(a) If, upon investigation, the Executive Officer has cause to believe that a professional engineer or a professional land surveyor, who is not otherwise exempted from the provisions of the Professional Engineers Act or the Professional Land Surveyors' Act, has violated Sections 6787 or 8792 of the Code by advertising ~~in a telephone directory~~ with respect to the offering or performance of services, without being properly licensed, the Executive Officer may issue a citation under Section 473 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the Executive Officer.

(b) If the cited person fails to comply with an order of abatement as described in subsection (a) within the time allowed, the Executive Officer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

Note: Authority cited: Sections 125.9, 148, 149, 6716<sub>2</sub> and 8710, Business and Professions Code. Reference: Sections 125.9, 148<sub>2</sub> ~~and~~ 149, 6775, 6786, 8780, and 8791, Business and Professions Code.

(11) Amend Section 3062 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3062. Citations of ~~Unregistered~~ Unlicensed Persons.

(a) ~~The executive officer is authorized to issue citations containing orders of abatement or administrative fines pursuant to Business and Professions Code sections 148 and 149 against persons~~ Executive Officer or his or her designee may issue a citation for any violation of any provision of law enforced by the Board to an unlicensed person who, unless otherwise exempt, is acting in the capacity of or engaging in the practice of a geologist, geophysicist, or certified specialist within this state without registration or certification in any discipline as a geologist, geophysicist, or certified specialist a professional geologist or a professional geophysicist.

(b) ~~If the executive officer has reasonable cause to believe that a person is acting in the capacity of, or engaging in the practice of, a geologist, geophysicist or certified specialist within this state without having a registration to so act or engage, the executive officer may issue a citation to that person.~~

(c) Each citation

(1) ~~for violation shall be in writing; and~~

(2) ~~shall describe with particularity the basis of the citation~~ shall describe with particularity the nature of the violation, including specific reference to the provision or provisions of law determined to have been violated;

(d) ~~(3) Each citation may shall contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both or may contain an assessment of an administrative fine in an amount not more than two thousand five hundred dollars (\$2,500). and an order of abatement;~~

(e) ~~(4) Service of a citation issued under this section shall be made by certified mail shall be served on the cited person at the last known business address or residence address of the person cited and shall include information regarding appeal rights and copies of the applicable code sections violated. personally or by certified mail with return receipt requested;~~

(5) ~~shall inform the cited person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in the Executive Officer applying to the appropriate superior court for a judgment in the amount of the administrative fine;~~

(6) ~~shall inform the cited person that, if he or she desires an informal conference to appeal the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from the date of issuance of the citation;~~

(7) ~~shall inform the cited person that, if he or she desires a hearing to appeal the finding of a violation, that hearing shall be requested by written notice to the Board within 30 calendar days from the date of issuance of the citation.~~

Note: Authority cited: Sections 125.9, 148, 149, and 7818, Business and Professions Code.  
Reference: Sections 125.9, 148, ~~and~~ 149, 7871, and 7872, Business and Professions Code.

(12) Amend Section 3062.1 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3062.1. Assessment of Administrative Fines.

(a) In no event shall the administrative fine be less than \$50 or exceed \$5,000 for each violation.

(b) In determining the amount of an administrative fine, the Executive Officer shall consider the following factors:

~~Before assessing an administrative fine pursuant to Section 3062, the executive officer shall give due consideration to the gravity~~

(1) The nature and severity of the violation;

(2) ~~the~~ The good or bad faith of the person exhibited by the cited person;

(3) ~~and the~~ The history of previous violations;

(4) The extent to which the cited person has cooperated with the Board and the Board's investigation;

(5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation;

(6) Any factors in extenuation or aggravation related to the violation;

(7) Other matters as may be appropriate.

~~(b) — In no event shall the administrative fine be assessed in an amount greater than two thousand five hundred dollars (\$2,500) for each inspection or each investigation made with respect to any violation of the following provisions:~~

~~Business and Professions Code Section and Description~~

~~7830 Title Professional Geologist, or Certified Engineering Geologist, or Hydrogeologist~~

~~7830.1 Title of Professional Geophysicist~~

~~7832 Offers to Practice or Practices Geology or Geophysics for Others~~

~~7834 Unregistered Practice by Partnership or Corporation~~

~~7835 Sign or Seal Reports (Geology)~~

~~7835.1 Sign or Seal Reports (Geophysics)~~

~~7872(a) Unregistered Practice~~

~~7872(b) Presents or Attempts to File as His/Her Own the Certificate of Another~~

~~7872(d) Impersonates or Uses the Seal of Any Other Practitioner~~

~~7872(e) Uses Expired or Revoked Certificate of Registration~~

~~7872(g) Unregistered Manager, Proprietor, or Agent of Business from Which Geological or Geophysical Work is Solicited, Performed, or Practiced for Others~~

~~7872(h) Violation of Any Provision of the Geologist and Geophysicist Act~~

~~(c) — Notwithstanding the administrative fine amounts specified in this section, a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:~~

~~1. — The citation involves a violation that has an immediate relationship to the health and safety of another person;~~

~~2. — The cited person has a history of two or more prior citations of the same or similar violations;~~

~~3. — The citation involves multiple violations that demonstrate a willful disregard of the law;~~

~~4. — The citation involves a violation or violations perpetrated against a child, elderly person or person with a disability.~~



Note: Authority cited: Sections 125.9, 148, 149, and 7818, Business and Professions Code.  
Reference: Sections 125.9, 148, 149, 7871, and 7872, Business and Professions Code.

(13) Amend Section 3062.2 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3062.2. Appeal of Citations.

(a) Any person served with a citation pursuant to Section 3062 may ~~submit~~ appeal the citation by submitting a written request for appeal to the executive officer for a hearing to the Board within 30 calendar days of the date of issuance of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

~~(b) The person cited, also, In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 days of the date of issuance of the citation, submit a written request within 30 days of the date of issuance of the citation for an informal conference with the eExecutive eOfficer with respect to violations alleged, scope of the order of abatement, or amount of administrative fine assessed.~~

~~(b) (c) The eExecutive eOfficer shall may, within 30 working days from receipt of the a written request for an informal conference as provided in subsection (b), hold an informal conference with the person cited and/or his or her legal counsel or authorized representative. The 30-day period may be extended by the eExecutive eOfficer for good cause. At the conclusion of Following the informal conference, the eExecutive eOfficer shall either affirm, modify, or dismiss the citation, including any administrative fine levied assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said 30-day period may be extended by the Executive Officer for good cause. Said order The executive officer shall state in writing the reasons for his or her action and serve a copy of the findings and decision to the cited person within 30 days from the date of the informal conference the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made by certified mail at the last known business address or residence address of the person cited as provided in Section 3062. The decision shall be deemed to be a final order of the executive officer. This order shall be considered the conclusion of the informal conference proceedings.~~

~~(e) (d) If the person cited submits a written request to appeal the citation within 30 days of the citation's issuance, the cited person shall be afforded an opportunity for a hearing, as provided for in subsection (b)(4) of section 125.9 of the Business and Professions Code citation is affirmed or modified following the informal conference, the cited person may request a hearing as provided in subsection (a) within 30 calendar days from service of the order described in subsection (c). The cited person shall not be permitted to request another informal conference.~~

~~(d) The cited person does not waive his or her right to request a hearing to appeal the citation by requesting an informal conference after which conference the citation is affirmed by the executive officer.~~

~~(e) If the citation is dismissed after the informal conference, the request for a hearing, if any, on the matter of the citation shall be deemed to be withdrawn. If the citation is modified,~~

~~the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for the subsequent citation, it shall be requested in writing within 30 days of issuance of the subsequent citation in accordance with subsection (b)(4) of Section 125.9 of the Business and Professions Code.~~

~~(e) If, within 30 days of the date of issuance of the citation, the person cited has failed to file a written request to appeal the citation with the executive officer, the citation shall be deemed a final order.~~

~~(f) Submittal of a written request for a hearing as provided in subsection (a), an informal conference as provided in subsection (b), or both stays the time period in which to abate the violation and/or to pay the fine.~~

~~(g) If the written request for a hearing as provided in subsection (a) or an informal conference as provided in subsection (b) or both is not submitted within 30 calendar days from the date of issuance of the citation, the cited person is deemed to have waived his or her right to a hearing or an informal conference.~~

Note: Authority cited: Sections 125.9, 148, and 7818, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

(14) Amend Section 3062.3 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3062.3. ~~Failure to Comply~~ Compliance with Order.

(a) ~~If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, then he or she may request from the Executive Officer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.~~

~~(b) The failure of an unregistered person acting as applicant for licensure as a professional geologist, a professional geophysicist, or a certified specialist to comply with a citation abate the violation or pay a the fine after it is final within the time allowed is a ground for denial of registration licensure.~~

~~(b) (c) Notwithstanding any other provisions of the law, the Executive Officer may waive all or part of the an administrative fine if the cited person satisfactorily completes all the requirements for, and is issued, a registration license or certification. Any outstanding injury to the public shall be settled to the satisfaction of a majority of the Board members prior to issuance of the registration.~~

~~(d) If the cited person fails to pay the assessed fine within the time allowed, the Executive Officer may apply to the appropriate superior court for a judgment in the amount of the administrative fine.~~

~~(e) If a hearing as provided in Section 3062.2(a) is not requested, payment of the fine shall not constitute an admission of the violation charged.~~

~~(f) Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.~~

Note: Authority cited: Sections 125.9, 148, 149, and 7818, Business and Professions Code.  
Reference: Sections 125.9, 148, and 149, Business and Professions Code.

(15) Amend Section 3062.4 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3062.4. Disconnection of Telephone Service.

(a) If, upon investigation, the ~~e~~Executive ~~o~~fficer has probable cause to believe that an ~~unregistered~~ unlicensed individual acting in the capacity of a professional geologist, a professional geophysicist, or a certified specialist, who is not otherwise exempted from the provisions of the Geologist and Geophysicist Act, ~~and is~~ has violated Section 7872 of the Code by advertising in a telephone directory with respect to the offering or performance of services, without being properly ~~registered~~, licensed or certified, the ~~e~~Executive ~~o~~fficer may issue a citation under Section 3062 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the ~~e~~Executive ~~o~~fficer.

~~(b) The citation shall be stayed if the person to whom a citation is issued under subdivision (a) submits a written request to the executive officer for a hearing to appeal the citation. The executive officer shall afford an opportunity for a hearing, as specified in Section 3062.2.~~

~~(c) If the cited person to whom a citation and order of abatement is issued under subdivision (a) fails to comply with the order of abatement after the order is final as provided in Section 3062.2 as described in subsection (a) within the time allowed, the eExecutive oOfficer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.~~

Note: Authority cited: Sections 125.9, 148, 149, and 7818, Business and Professions Code.  
Reference: Sections 125.9, 148, ~~and~~ 149, 7871, and 7872, Business and Professions Code.

(16) Amend Section 3063 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3063. Citations of ~~Registered~~ Licensed Persons.

~~(a) The executive officer is authorized to issue citations containing orders of abatement or administrative fines pursuant to Business and Professions Code section 125.9.~~

~~(b) If the executive officer has reasonable cause to believe that a geologist, geophysicist or certified specialist has committed any act or omission where the registrant is in violation of the Geologist and Geophysicist Act, the The eExecutive oOfficer or his or her designee may, in lieu of filing an accusation, issue a citation to the registrant any person who holds a license issued by the Board.~~

~~(c) (b) Each citation for violation~~

~~(1) shall be in writing and;~~

(2) shall describe with particularity the ~~basis of the citation~~ nature of the violation, including specific reference to the provision or provisions of law determined to have been violated;

(3) may contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both an administrative fine and an order of abatement;

(4) shall be served on the cited person at the address of record on file with the Board personally or by certified mail with return receipt requested;

(5) shall inform the cited person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board and may result in the full amount of the assessed fine being added to the fee for renewal of the license, in which case the license shall not be renewed without the payment of the renewal fee and fine;

(6) shall inform the cited person that, if he or she desires an informal conference to appeal the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from the date of issuance of the citation;

(7) shall inform the cited person that, if he or she desires a hearing to appeal the finding of a violation, that hearing shall be requested by written notice to the Board within 30 calendar days from the date of issuance of the citation.

(d) — ~~Each citation may contain: (1) an order of abatement, which may include the fixing of a reasonable time for abatement of the violation; or (2) an assessment of an administrative fine in an amount not more than two thousand five hundred dollars (\$2,500).~~

(e) — ~~Service of a citation issued under this section shall be made by certified mail to the registrant's address of record and shall include information regarding appeal rights and copies of the applicable code sections violated.~~

Note: Authority cited: Sections 125.9 and 7818, Business and Professions Code. Reference: Sections 125.9, 7860, and 7871, Business and Professions Code.

(17) Amend Section 3063.1 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3063.1. Assessment of Administrative Fines.

(a) In no event shall the administrative fine be less than \$50 or exceed \$5,000 for each violation.

(b) In determining the amount of an administrative fine, the Executive Officer shall consider the following factors:

~~Before assessing an administrative fine under section 3063, the executive officer shall give due consideration to the gravity~~

(1) The nature and severity of the violation;

(2) ~~the~~ The good or bad faith of exhibited by the cited person;

(3) ~~and the~~ The history of previous violations;

(4) The extent to which the cited person has cooperated with the Board and the Board's investigation;

(5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation;

(6) Any factors in extenuation or aggravation related to the violation;

(7) Other matters as may be appropriate.

~~(b) — In no event shall the administrative fine be assessed in an amount greater than two thousand five hundred dollars (\$2,500) for each inspection or each investigation made with respect to any violation of the following provisions:~~

~~Business and Professions Code section and Description~~

~~7831 Use of Expired, Suspended, or Revoked Registration~~

~~7839 Practice or Attempts to Practice Civil Engineering~~

~~7839.1 Geologist or Geophysicist Practicing Outside Area of Registered Practice~~

~~7860(b) Committed Deceit, Misrepresentation, Violation of Contract, Fraud, Negligence, Incompetence in Practice~~

~~7860(d) Aiding and Abetting in the Violation of Any Provision of the Geologist and Geophysicist Act~~

~~7872(b) Presents or Attempts to File as His/Her Own the Certificate of Another~~

~~7872(d) Impersonates or Uses the Seal of Any Other Practitioner~~

~~7872(e) Uses Expired or Revoked Certificate of Registration~~

~~7872(h) Violation of Any Provision of the Geologist and Geophysicist Act~~

~~(e) — Notwithstanding the administrative fine amounts specified in this section, a citation may include a fine between \$2,501 and \$5,000 if one or more of the following circumstances apply:~~

~~1. — The citation involves a violation that has an immediate relationship to the health and safety of another person;~~

~~2. — The cited person has a history of two or more prior citations of the same or similar violations;~~

~~3. — The citation involves multiple violations that demonstrate a willful disregard of the law;~~

~~4. — The citation involves a violation or violations perpetrated against a child, elderly person or person with a disability.~~

Note: Authority cited: Sections 125.9 and 7818, Business and Professions Code. Reference: Sections 125.9, 7860, and 7871, Business and Professions Code.

(18) Renumber Section 3063.3 to new Section 3063.2 and amend Section 3063.2 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

~~3063.3~~ 3063.2. Appeal of Citations.

(a) Any geologist, geophysicist or certified specialist person served with a citation pursuant to Section 3063, may submit a written request for appeal a hearing to the executive officer Board within 30 calendar days of the date of issuance of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in subsection (a), ~~The cited person, also, may, within 30 calendar days of the date of issuance of the citation,~~ submit a written request within 30 days of the date of issuance of the citation for an informal conference with the eExecutive

~~o~~Officer with respect to violations alleged, abatement periods, amount of fines, and the reasonableness of the action required to abate the violation.

~~(b)~~ (c) The ~~e~~Executive ~~o~~Officer ~~shall~~ may, within 30 working days from receipt of ~~the~~ a written request for an informal conference as provided in subsection (b), hold an informal conference with the person cited and/or his or her legal counsel or authorized representative. The 30-day period may be extended by the ~~e~~Executive ~~o~~Officer for good cause. ~~At the conclusion of~~ Following the informal conference, the ~~e~~Executive ~~o~~Officer shall ~~either~~ affirm, modify, or dismiss the citation, including any administrative fine ~~levied~~ assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said 30-day period may be extended by the Executive Officer for good cause. ~~Said order~~ The executive officer shall state in writing the reasons for his or her action and serve a copy of the findings and decision to the cited person within 30 days from the date of the informal conference the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made ~~by certified mail at the last known business address or residence address of the person cited as provided in Section 3063.~~ The decision shall be deemed to be a final order of the executive officer. This order shall be considered the conclusion of the informal conference proceedings.

~~(e)~~ (d) If the geologist, geophysicist or certified specialist cited ~~submits a written request for a hearing to appeal the citation within 30 days of the citation's issuance,~~ the cited person shall be afforded an opportunity for a hearing, as provided for in subsection (b)(4) of section 125.9 of the Business and Professions Code citation is affirmed or modified following the informal conference, the cited person may request a hearing as provided in subsection (a) within 30 calendar days from service of the order described in subsection (c). The cited person shall not be permitted to request another informal conference.

~~(d)~~ The cited person does not waive his or her right to request a hearing to appeal the citation by requesting an informal conference, after which conference the citation is affirmed by the executive officer.

~~(e)~~ If the citation is dismissed after the informal conference, the request for a hearing, if any, on the matter of the citation shall be deemed to be withdrawn. If the citation is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for the subsequent citation, it shall be requested in writing within 30 days of issuance of the subsequent citation in accordance with subsection (b)(4) of Section 125.9 of the Business and Professions Code.

~~(e)~~ — If, within 30 days of the date of issuance of the citation, the geologist, geophysicist or certified specialist cited has failed to file a written request to appeal the citation with the ~~e~~Executive ~~o~~Officer, the citation shall be deemed a final order.

~~(f)~~ Submittal of a written request for a hearing as provided in subsection (a), an informal conference as provided in subsection (b), or both stays the time period in which to abate the violation and/or to pay the fine.

~~(g)~~ If the written request for a hearing as provided in subsection (a) or an informal conference as provided in subsection (b) or both is not submitted within 30 calendar days from the date of issuance of the citation, the cited person is deemed to have waived his or her right to a hearing or an informal conference.

Note: Authority cited: Sections 125.9 and 7818, Business and Professions Code. Reference: Section 125.9, Business and Professions Code.

(19) Renumber Section 3063.4 to new Section 3063.3 and amend Section 3063.3 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3063.4 3063.3. Failure to Comply Compliance with Citations Order.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, then he or she may request from the Executive Officer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) The ~~f~~Failure of a geologist, geophysicist or certified specialist the cited person to comply with a citation abate the violation or to pay a all of the assessed fine after it is final within the time allowed is grounds for suspension or revocation of a registration the cited person's license.

(b) (c) If a geologist, geophysicist or certified specialist does not appeal a citation and the cited person fails to pay all of the assessed fine within the time allowed, the balance due for the fine shall be added to the renewal fee for the registration license, and the registration license shall not be renewed until the fine is paid in full pursuant to subsection (b)(5) of Section 125.9 of the Business and Professions Code.

(d) If a hearing as provided in Section 3063.2(a) is not requested, payment of the fine shall not constitute an admission of the violation charged.

(e) Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

Note: Authority cited: Sections 125.9 and 7818, Business and Professions Code. Reference: Section 125.9, Business and Professions Code.

(20) Adopt new Section 3063.4 of Division 29 of Title 16 of the California Code of Regulations to read as follows:

3063.4. Disconnection of Telephone Service.

(a) If, upon investigation, the Executive Officer has cause to believe that a professional geologist, a professional geophysicist, or a certified specialist, who is not otherwise exempted from the provisions of the Geologist and Geophysicist Act, has violated Section 7872 of the Code by advertising with respect to the offering or performance of services, without being properly licensed or certified, the Executive Officer may issue a citation under Section 3063 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the Executive Officer.

(b) If the cited person fails to comply with an order of abatement as described in subsection (a) within the time allowed, the Executive Officer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

Note: Authority cited: Sections 125.9, 148, 149, and 7818, Business and Professions Code.  
Reference: Sections 125.9, 148, 149, 7860, and 7871, Business and Professions Code.



**VI. Withdrawal of Guidelines Relating to Geological and Geophysical Reports  
Created by the Former Board for Geologists and Geophysicists**

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**WITHDRAWAL OF GUIDELINES RELATING TO  
GEOLOGICAL AND GEOPHYSICAL REPORTS CREATED BY  
THE FORMER BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

Staff has recently become aware that guidelines that were developed, adopted, and distributed by the former Board for Geologists and Geophysicists (BGG) are still being referred to and relied upon by other government agencies and private practitioners. It appears that these guidelines were initially developed by the Technical Advisory Committee (TAC) of BGG between 1983 and 1989 and then updated by the TAC and adopted by BGG in 1998. Staff recently discovered that some of the guidelines were still being referred to and relied upon in California Geological Survey (CGS) documents that were developed in 2013, although CGS has updated them to reflect the current name and acronym of the Board.

Because of the laws relating to underground regulations and the need to adopt as regulations any standards of general application, even if they are described as only “guidelines” or contain disclaimers, staff is greatly concerned with the continued use of these guidelines and the possibility that legal issues could be raised against the Board, such as claims that they are “underground regulations.” Staff has discussed these guidelines and concerns with the Board’s Legal Counsel. He indicated that if the guidelines were challenged, it is highly probable that they would be determined to be underground regulations. Staff also believes that the scope of these guidelines goes beyond the Board’s current statutory and regulatory authority. These guidelines describe what information should be included in certain types of geological and geophysical reports, including how the reports should be formatted. The Board’s authority lies in defining the practices of professional geology and professional geophysics and regulating who may practice those professions, including who may prepare reports that include geological and/or geophysical analyses, judgments, conclusions, and recommendations.

**RECOMMENDED MOTION:**

Staff recommends that the Board move to formally withdraw the following four guidelines and advise that the withdrawn guidelines are not to be used, relied upon, or distributed.

- Guidelines for Engineering Geologic Reports (Rev. 7/98)
- Geologic Guidelines for Earthquake and/or Fault Hazard Reports (Rev. 7/98)
- Guidelines for Geophysical Reports for Environmental and Engineering Geology Reports (Revised 7/98)
- Guidelines for Groundwater Investigation Reports (Rev. 7/98)



**BOARD OF REGISTRATION FOR  
GEOLOGISTS AND GEOPHYSICISTS**

**GUIDELINES**  
**FOR**



**ENGINEERING**  
**GEOLOGIC**  
**REPORTS**

## GENERAL INFORMATION

These guidelines suggest a format for reports. They do not include complete listings of techniques or topics, nor should all techniques described be used or all topics listed be dealt with in every project.

These guidelines are informational and are not regulations. Language used has been carefully gleaned of mandatory requirements. The guidelines have no force of law and do not set standards of practice. To be enforceable, the guidelines would have to be adopted as regulations in accordance with the Administrative Procedures Act.

On January 23, 1986, the Board of Registration for Geologists and Geophysicists (Board) passed the following resolution:

**"The Guidelines have been adopted as useful information documents. Not having been adopted as regulations in accordance with the Administrative Procedures Act, the Guidelines are not legally enforceable."**

These guidelines have their roots in eight California Division of Mines and Geology notes, that were published in *California Geology* during 1973-75. The four guidelines that evolved through the Technical Advisory Committee for the Board of Registration from 1983 to 1989 are:

Guidelines for Engineering Geologic Reports.

Geologic Guidelines for Earthquake and/or Fault Hazard Reports.

Guidelines for Geophysical Reports.

Guidelines for Groundwater Investigation Reports.

### I. INTRODUCTION

These guidelines have been prepared by the Technical Advisory Committee of the Board and adopted by the Board on April 18, 1998 to assist those involved in preparing or reviewing engineering geologic reports. The guidelines present general procedures suggested for use by geologists carrying out engineering geologic studies and, while they do not constitute a complete listing of all techniques for such studies, they do include most major topics. In the broad sense, nearly all engineering projects requiring geologic input are also engineering geology projects. Most of these involve identifying and evaluating geologic hazards, using the various exploration tools available today, as applicable, and developing appropriate mitigation measures, if necessary. Projects may include on-land and offshore structures, large excavations, buried tanks and disposal sites for hazardous, designated and nonhazardous wastes. Groundwater and its relationship to other site characteristics is an integral part of engineering geology. Additionally, past uses of a site are becoming increasingly important in evaluating its applicability for a new use.

Engineering geology reports would be expected to be prepared by or under the direct supervision of a certified engineering geologist. Clear descriptions of work and unambiguous presentations of results are encouraged. If the report falls within the scope of the Geologist and Geophysicist Act (Business and Professions Code, Chapter 12.5), it must be signed by the responsible professional(s). If such reports include significant geophysical information, they should be cosigned by a registered geophysicist, or the signed geophysical report may be appended to the geological report. It is important that reports that present conclusions or recommendations based in part on field sampling or field or laboratory testing include the test results with adequate descriptions of the methods employed, and with specific reference to standard sampling, preservation, and testing methods, where appropriate. Where necessary, technical terms will need to be defined.

The following is a suggested guide or format for engineering geologic reports. These reports may be prepared for projects ranging in size from a single lot to the master plan for large acreage, in scope from a single family residence to large engineering structures and for sites in all manner of geologic terrain. Because of this diversity, the order, format and scope of the reports is flexible to allow tailoring to the geologic conditions and intended use of the site. The format is intended to be relatively complete; not all items will be applicable to small projects or low-risk sites. In addition, some items may be covered in separate reports by geotechnical engineers, geophysicists, or structural engineers.

## **II. REPORT CONTENT**

### **A. Purpose and Scope of the Investigation**

Includes a brief description of proposed or existing site use; may also include a description of limitations of the work and authorization to perform the work. The design lifespan of the proposed project should be implicitly stated.

### **B. Regional Geologic Setting**

May include reference to geologic province and location with respect to major structural features.

### **C. Site Description and Conditions**

Includes information on geologic units, landforms, graded and filled areas, vegetation, existing structures, etc., that may affect the choice of investigative methods and the interpretation of data.

**D. Description of the Investigation**

1. Review of the regional and site geology, and land-use history, based primarily on existing maps and technical literature.
  - a. Geologic hazards that could affect the planned use of the site.
    - (1) Significant historic earthquakes in the region.
    - (2) Fault traces that may affect the site. Is the site within an earthquake fault zone?
    - (3) Secondary earthquake effects, such as ground breakage in the vicinity of the site, seismically-induced landslides, differential tilting and liquefaction.
    - (4) Regional effects, such as subsidence, uplift, etc.
    - (5) Landslides or other earth movements at the site and vicinity.
    - (6) Soil and rock properties such as high moisture content, low density, swelling, cementation, weathering, fracturing, etc.
  - b. Other geologic conditions that could affect the planned use of the site.
    - (1) Soil thickness, types, and relationship to bedrock.
    - (2) Excavatability of rock materials.
    - (3) Depth to and characteristics of subsurface water.
  - c. Conditions imposed on the site by past uses, such as buried objects, contaminated soils, groundwater, or adjacent structures, etc.
2. Interpretation of aerial photographs and other remotely sensed images relative to topography, vegetation, or any other features related to geologic hazards and past site use.
3. Surface investigation.
  - a. Mapping of the site geology and vicinity; identification and description of geologic units, soil and rock types, and features that



could be related to geologic hazards and the proposed use and constructability of the site. A clear distinction should be made on the map and within the report between observed and inferred geologic features and relationships.

- b. Evaluation of surface-water conditions, including quality, flood potential in relation to site conditions, geomorphology and drainage within or affecting the subject area.
4. Subsurface investigation.
- a. Trenching and any other excavation (with appropriate logging and documentation) to permit detailed and direct observation of continuously exposed geologic units and features.
  - b. Borings drilled, test pits excavated, and groundwater monitoring wells installed to permit the collection of data needed to evaluate the depth and types of materials and subsurface water. Data points sufficient in number and adequately spaced will permit valid correlations and interpretations.
  - c. Geophysical surveys conducted to facilitate the evaluation of the types of site materials and their physical properties, groundwater conditions and any other pertinent site conditions. The types of equipment and techniques used, such as seismic refraction, magnetic, electric resistivity, seismic reflection and gravity, and the name of the geophysicist responsible for the work.
5. Special methods (used when special conditions permit or critical structures demand a more intensive investigation).
- a. Aerial reconnaissance overflights, including special photography.
  - b. Geodetic measurements, radiometric analysis, age dating, etc.

**E. Results of Investigation**

Describes the results of the investigation outlined in Section IV above. The actual data or processed data upon which interpretations are based should be included in the report to permit technical reviewers to make their own assessments regarding reliability and interpretation.

**F. Conclusion**

Relative to the intended land use or development (made in conjunction with the geotechnical engineering study). Includes a statement concerning the degree of confidence in and limitations of the data and conclusions, as well as disclosure of known or suspected potentially hazardous geologic processes affecting the project area.

1. Presence or absence of active or potentially active faulting at the site or in the vicinity, and the potential for renewed fault activity.
2. Effects on the site from ground shaking.
3. Potential for secondary effects from earthquakes, such as ground cracking, landsliding, and liquefaction.
4. Potential for subsidence or other regional effects.
5. The presence of creep or landsliding; and possible future mass movements.
6. Soil and rock conditions, such as swelling soils that could affect site use.
7. The presence of and possible effects from any other soil and rock defects.
8. Excavation methods.
9. Presence of contamination or any other man-imposed condition.
10. Potential for earthquake-induced flooding, including tsunamis and seiches.
11. Potential for volcanic hazards.
12. Conformance with local, state and federal statutory and regulatory requirements.

**G. Recommendations**

1. Effect of fault locations on proposed structures at the site. Federal, state, or local law may dictate minimum standards.
2. Placement of structures to best take advantage of geologic conditions.
3. Methodology for excavating and moving materials.

4. Means of correcting site defects, such as buttressing landslides, installing special drainage devices, etc.
5. Correcting contamination or other man-induced site defects.
6. Other recommendations as appropriate for the proposed project.

**H. References**

1. Literature and records cited and reviewed.
2. Aerial photographs or images interpreted, listing the type, scale, source, and index numbers, etc.
3. Compiled data, maps, or plates included or referenced.
4. Other sources of information, including well records, personal communications, or other data sources.

**I. Illustrations**

1. Location map to identify the site locality, geographic features, or major regional geologic features.
2. Site development map, at an appropriate scale, to show the site boundaries, existing and proposed structures, graded areas, streets, and locations of exploratory trenches, borings, wells, geophysical traverses, and other data.
3. Geologic map to show the areal distribution of geologic units, faults and other structures, geomorphic features, aerial photo features noted, along with surface water bodies and springs. The geologic map may be combined with the location and site development maps.
4. Geologic cross sections illustrating significant or appropriate geologic features.
5. Logs of exploratory trenches and borings to show the details of observed features and conditions.
6. Geophysical data and the geologic interpretations of those data.
7. Other, as appropriate.

**J. Supporting Data Not Already Provided**

1. Non-confidential water well data (including bore-hole logs).

**K. Signature and Registration Number of the Responsible Professional(s)**

1. Registered Geologist, Certified Engineering Geologist.

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(Rev. 7/98)

**BOARD OF REGISTRATION FOR  
GEOLOGISTS AND GEOPHYSICISTS**

**GEOLOGIC  
GUIDELINES  
FOR**



**EARTHQUAKE AND/OR  
FAULT HAZARD  
REPORTS**

## GENERAL INFORMATION

These guidelines describe the scope of work normally done and suggest a format for reports. They do not include complete listings of techniques or topics, nor should all techniques described be used or all topics listed be dealt with in every project.

These guidelines are informational and are not regulations. Language used has been carefully gleaned of mandatory requirements. The guidelines have no force of law and do not set standards of practice. To be enforceable, the guidelines would have to be adopted as regulations in accordance with the Administrative Procedures Act.

On January 23, 1986, the Board of Registration for Geologists and Geophysicists (Board) passed the following resolution:

**"The Guidelines have been adopted as useful information documents. Not having been adopted as regulations in accordance with the Administrative Procedures Act, the Guidelines are not legally enforceable."**

These guidelines have their roots in eight California Division of Mines and Geology notes, that were published in *California Geology* during 1973-75. The four guidelines that evolved through the Technical Advisory Committee for the Board from 1983 to 1989 are:

Guidelines for Engineering Geologic Reports.

Geologic Guidelines for Earthquake and/or Fault Hazard Reports.

Guidelines for Geophysical Reports.

Guidelines for Groundwater Investigation Reports.

### **I. INTRODUCTION**

These guidelines are prepared by the Technical Advisory Committee of the Board and adopted by the Board on April 18, 1998 to assist those involved in preparing and reviewing earthquake and fault hazard reports. The guidelines describe the general procedures used by geologists carrying out earthquake and fault hazard studies and, while they do not constitute a complete listing of all techniques in such studies, they do attempt to include all major topics.

The investigation of sites for potential earthquake hazards, including possible surface fault rupture, is a difficult geologic task. The professional performing or supervising each investigation has a responsibility to determine what is appropriate and necessary in each case, and so does the professional who reviews each report.

Many active faults are complex, consisting of multiple breaks. Yet the evidence for identifying active fault traces is generally subtle or obscure and the distinction between recently active and long-inactive faults may be difficult to make. Because of the complexity of evaluating



surface and near-surface faults and because of the infinite variety of site conditions, no single investigative method will be the best at every site; indeed, the most useful technique at one site may be inappropriate for another site.

Geologic reports prepared using these guidelines would be expected to be done by or under the direct supervision of registered geologists. Clear descriptions of work and unambiguous presentations of results are encouraged. If the report falls within the scope of the Geologist and Geophysicist Act (Business and Professions Code, Chapter 12.5), the report must be signed by the responsible professional(s). It is important that reports that present conclusions or recommendations based in part on field sampling or field or laboratory testing of samples include the test results with adequate descriptions of the methods employed, and with specific reference to standard sampling and testing methods, where appropriate. Where necessary, technical terms (such as active fault, maximum earthquake, etc.) will need to be defined.

The following is a suggested guide or format for earthquake and fault hazard reports. These reports may be prepared for projects ranging in size from a single lot to a master plan for large acreage, in scope from a single family residence to large engineered structures, and from sites located on an active fault to sites a substantial distance from the nearest known active fault. Because of this wide variation, flexibility in the order, format, and scope of the reports will allow tailoring to the seismic and geologic conditions and intended use of the site. The format is intended to be relatively complete, and not all items will be applicable to small projects or low risk sites. In addition, some items may be covered in separate reports by geotechnical engineers, geophysicists, or structural engineers.

## **II. REPORT CONTENTS**

### **A. Purpose and Scope of the Investigation**

Includes a brief description of proposed or existing site use; may also include a description of limitations of the work and authorization to perform the work. The design lifespan of the proposed project should be implicitly stated.

### **B. Regional Geologic Setting**

### **C. Site Description and Conditions**

Includes information on geologic units, landforms, graded and filled areas, vegetation, existing structures, etc., that may affect the choice of investigative methods and the interpretation of data.

**D. Description of the Investigation**

1. Review of the region's seismic or earthquake history, based primarily on existing maps and technical literature.
  - a. Significant earthquakes during historic time and epicenter locations and magnitudes in the vicinity of the site.
  - b. Location of fault traces that may affect the site, including maps of fault breaks and a discussion of the tectonics and other relationships of significance to the proposed construction.
  - c. Location and chronology of other earthquake-induced features such as landsliding, lurching, settlement and liquefaction, accompanied by:
    - (1) Map showing the location of these features relative to the proposed project.
    - (2) Description of the disturbed zone for each feature.
    - (3) Estimate of the amount of disturbance relative to bedrock and surficial materials.
2. Interpretation of aerial photographs and other remotely sensed images relative to fault-related topography, vegetation, and soil contrasts, and other lineaments of possible fault origin.
3. Surface investigation.
  - a. Mapping of geologic units and structures, topographic features, deformation of man made structures, etc., both on and beyond the site (sag ponds, spring alignments, offset bedding and man made features, disrupted drainage systems, offset ridges, faceted spurs, dissected alluvial fans, scarps, landslide alignments, vegetation patterns).
  - b. Review of local groundwater data (water-level fluctuations, groundwater impediments, water quality variations, or anomalies indicating possible faults).
  - c. Description of the distribution, depth, thickness, and nature of the various earth materials, including subsurface water, which may affect the seismic response and damage potential at the site.

4. Subsurface investigation.
  - a. Trenching and any other excavation (with appropriate logging and documentation, including method of cleaning wall) to permit the detailed and direct observation of continuously exposed geologic units and features. This would include trenching done across any known active faults and suspicious zones to determine the location and recency of movement, the width of disturbance, the physical condition of fault zone materials, the type of displacement, the geometry of fault features, and recurrence interval, if known.
  - b. Borings drilled and test pits excavated to permit the collection of data needed to evaluate the depth and types of materials and groundwater and to verify fault-plane geometry. Data points sufficient in number and adequately spaced will permit valid correlations and interpretations.
  - c. Geophysical surveys conducted to facilitate the evaluation of the types of site materials and their physical properties, groundwater conditions, and fault displacements, including a description of the types of equipment and techniques used, such as seismic refraction, magnetic, electrical resistivity, seismic reflection, and gravity.
5. Other special methods (used when special conditions permit or critical structures demand a more intensive investigation).
  - a. Aerial reconnaissance overflights, including special photography.
  - b. Geodetic and strain measurements, microseismicity monitoring, or other monitoring techniques.
  - c. Radiometric analysis (e.g., C14, K-Ar), stratigraphic correlation (fossils, mineralogy), soil profile development, paleomagnetism, or other age-dating techniques to identify the age of faulted or unfaulted units or surfaces.

**E. Conclusions**

1. Regarding areas of high risk and potential hazards relative to the intended land use or development (made in conjunction with the geotechnical engineering study) and a statement of the degree of confidence in, and limitations of, the data and conclusions.

- a. Presence or absence (including location and age) of active or potentially active faults on or adjacent to the site or in the region of the site if they could affect it (through ground shaking).
- b. Types and probability of, or relative potential for, future surface displacement within or immediately adjacent to the site, including the direction of relative displacement and the maximum possible displacement.
- c. Secondary effects, such as: liquefaction of sediments and soils, shallow ground rupture, settlement of soils, earthquake-induced landslides, and lurching.
- d. Estimates of maximum earthquake, upper bound earthquake, or other definitions of earthquakes if required by statute or regulation for the specific type of project.

**F. Recommendations**

1. Mitigative measures that provide appropriate protection of the health, safety and welfare of the public.
2. Effect of fault locations on proposed structures at the site. Federal, state and local law may dictate minimum standards.
3. Risk evaluations, if appropriate, relative to the proposed development.
4. Other recommendations as appropriate for the proposed project.

**G. References**

1. Literature and records cited and reviewed.
2. Aerial photographs or images interpreted, listing the type, scale, source, index numbers, etc.
3. Compiled data, maps, or plates included or referenced.
4. Other sources of information, including well records, personal communications, or other data sources.

## **H. Illustrations**

1. Location map to identify the site locality, significant faults, fault strain and/or creep, geographic features, seismic epicenters, and other pertinent data.
2. Site development map, at an appropriate scale, to show the site boundaries, existing and proposed structures, graded areas, streets, exploratory trenches, borings, geophysical traverses, and other data.
3. Geologic map to show the distribution of geologic units (if more than one), faults and other structures, geomorphic features, aerial photo lineaments, and springs. The geologic map may be combined with the location and site development maps. A clear distinction should be made on the map and within the report between observed and inferred geologic features and relationships.
4. Geologic cross-sections illustrating displacement and/or rupture, if needed to provide a three-dimensional picture.
5. Logs of exploratory trenches and borings to show the details of observed features and conditions.
6. Geophysical data and the geologic interpretations of those data.

## **I. Supporting data not already provided**

1. Water well data.

## **J. Signature and registration number of the responsible professional(s)**

1. Registered Geologist, Certified Engineering Geologist.

### **SELECTED REFERENCES**

California Department of Conservation, Division of Mines and Geology, 1997, Guidelines for Evaluating and Mitigating Seismic Hazards in California, DMG Special Publication 117, 71 p.

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Wells, D.L. and Coppersmith, K.J., 1994, New empirical relationships among magnitude, rupture length, rupture width, rupture area, and surface displacement: Bulletin of the Seismological Society of America, v. 84, p. 974-1002.

Yeats, R.S., Sieh, K.E., and Allen, C.R., 1997, The geology of earthquakes: Oxford University Press, 568 p.

Youd, T.L. and Hoose, S.N., 1978, Historic ground failures in northern California triggered by earthquakes: U.S. Geological Survey Professional Paper 993, 177 p.

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**BOARD OF REGISTRATION FOR  
GEOLOGISTS AND GEOPHYSICISTS**

**GUIDELINES**  
**FOR**



**GEOPHYSICAL**  
**REPORTS**  
**FOR ENVIRONMENTAL**  
**AND**  
**ENGINEERING**  
**GEOLOGY PROJECTS**

## GENERAL INFORMATION

These guidelines suggest a format for reports. They do not include complete listings of techniques or topics, nor should all techniques described be used or all topics listed be dealt with in every project.

These guidelines are informational and are not regulations. Language used has been carefully gleaned of mandatory requirements. The guidelines have no force of law and do not set standards of practice. To be enforceable, the guidelines would have to be adopted as regulations in accordance with the Administrative Procedures Act.

On January 23, 1986, the Board of Registration for Geologists and Geophysicists (Board) passed the following resolution:

**"The Guidelines have been adopted as useful information documents. Not having been adopted as regulations in accordance with the Administrative Procedures Act, the Guidelines are not legally enforceable."**

These guidelines have their roots in eight California Division of Mines and Geology notes, that were published in *California Geology* during 1973-75. The four guidelines that evolved through the Technical Advisory Committee for the Board of Registration from 1983 to 1989 are:

Guidelines for Engineering Geologic Reports.

Geologic Guidelines for Earthquake and/or Fault Hazard Reports.

Guidelines for Geophysical Reports.

Guidelines for Groundwater Investigation Reports.

### **I. INTRODUCTION**

These guidelines are prepared by the Technical Advisory Committee of the Board and adopted by the Board on February 20, 1998 to assist those involved in preparing geophysical reports. The guidelines represent the general procedure for reporting on the application of geophysical methods to engineering geology and environmental projects. It will be helpful to consider the items described below when planning the field and laboratory work and writing the reports.

These Board guidelines describe the scope of work normally done and suggest a format for reports. They do not include complete listings of techniques or topics, nor should all techniques described be used for all topics. The listings do not imply that all techniques described be used or all topics listed be addressed in every report.

The guidelines are applicable within the context of protecting the public's health, safety and welfare especially where the geophysical work is related to projects concerning seismic design, ground water, geologic or environmental hazards, or construction. These guidelines are not intended or designed for projects related to mineral or energy

exploration except where such activities of surface facilities affect public health, safety, and welfare, i.e. sludge pits; brine pits; and seepage, drilling or injection of brines.

Information on the purpose and scope of a geophysical survey should be included in the report. There may be constraints on the nature of the geophysical survey, such as constraints on accessibility, or constraints on funds available, or constraints inherent in the geophysical methods used. Such constraints can be clearly identified in the report. If the geophysical report is appended to another report, the geophysical report should indicate its intended use.

Although these guidelines are intended to be relatively complete, they may not include certain items that might develop in a specific survey. Consequently, the geophysicist will rely on professional judgment in providing pertinent information to make the report as complete as possible.

## **II. RESPONSIBILITY OF SIGNATORY TO GEOPHYSICAL REPORTS**

Interpretation of geophysical data usually involves a knowledge of both geological and geophysical principles, and of the limitations of the geophysical methods, data collected, assumptions and ambiguities of interpretation. Geophysical reports which fall within the scope of the Act (Article III, Chapter 12.5 of the Business and Professions Code) must be done by or under the direct supervision of a registered geophysicist, who then indicates responsibility for the work by signing the report.

For many projects, geophysical work constitutes only a portion of the total investigation. However, reports which contain interpretations or conclusions based on geophysical data must include the signature and license number of the registered geophysicist whose signature thereby indicates responsibility for only the geophysical portion of the final report (Article III, Chapter 12.5 of the Business and Professions Code). The signed geophysical report may be appended to the geological or engineering report. Thus, if other registered or certified professionals are involved, the final report may be signed by a geologist, engineering geologist, hydrogeologist or civil engineer if that person understands and accepts the geophysical results and conclusions.

## **III. REPORT CONTENTS**

### **A. Reports commonly include the following information:**

1. Scope and purpose (including goals and objectives) for which report was prepared and limitations placed on the investigation. Should include a statement about whether the report is interim, final or a progress report and how the report should be used, such as for preliminary planning, design, legal, etc.

2. A brief discussion, if applicable, covering the site history, site use, pertinent regulations, and any other background information useful to the reader.
3. Nature and source of available surface and subsurface geological, engineering, and/or geophysical information published and unpublished. Suitable explanations will provide any technical reviewer with the means to assess the reliability of the published and unpublished data. (Subsurface relationships can be determined or inferred, for example, by interpretation of the geophysical data, by projection of geological or geophysical data from adjacent areas and by use of borehole logs. It is evident that different sources of information can differ markedly from one another in degree, detail and/or reliability according to the method used and according to the source of information.)
4. Brief but complete descriptions of all natural materials within the subject area (rocks, soils, etc.) along with appropriate descriptions of the hydrogeology (depth to water, number of aquifers, etc.). If the geophysical report is to be independent of a geologic or engineering report, it may include adequate descriptions of geologic materials, structures, etc. (see Guidelines for Engineering Geologic Reports), with an explanation of the source of these data. If the geophysical report is part of a geologic or engineering report, such descriptions need not be repeated in the section pertaining to geophysics.
5. Location and size of subject area to be investigated.
6. Type of geophysical survey or surveys. Detailed descriptions of the methodology and/or the quality control (including calibration) procedures may be discussed here or in an Appendix. This section should include a discussion of rationale for using a specific geophysical method(s) which relates to coverage, accuracy, resolution, etc.
7. Limitations which may influence the quality of the geophysical data. These may include sources of interference within or near the subject area (e.g., magnetic storms, pipelines, electric lines, buildings, truck traffic, wind noise, etc.). Specific local interference may be shown on the survey map. The report would also include a discussion of the extent to which the data and interpretations might be influenced by these factors.
8. Who did the geophysical survey, when the survey was done, and how the survey was done (including setting up base stations, placing a grid, direction of traverses, etc.).
9. Type, make, and model of geophysical instruments; sensitivity, calibration and limitations of instruments.

10. Strengths and weaknesses of methodology used.

**B. Reports should also generally contain the following survey specific information:**

1. A discussion of how the survey has been tied with existing data (e.g., by extension of survey into adjacent areas).
2. Geologic and/or topographic base maps of suitable scale, with the nature and source of the base maps clearly identified. For larger-scale surveys, U.S.G.S. topographic maps are a preferred source.
3. Maps on which survey lines and/or locations for recordings are clearly identified and tied to established survey points, or to permanent landmarks if established survey points are not available. Locations of samples collected for laboratory tests or measurements may be shown on the same or comparable maps.
4. An appendix which includes pertinent field data, reduction of data and the calculations employed. This section should include a discussion of the rationale for a particular data processing plan. Also pertinent are references to computer reduction of data and/or modeling (including as applicable: the program name, where developed or published, program modifications and type of computer used). Where field data are printed directly from the instrument on a paper record, such records need not be submitted, so long as the report includes those values used in the analysis and a reference is made to the place where these data are stored.
5. An explanation of any range of values that is recorded at a station, with a rationale for the selection of the value that is used in the analysis and interpretations.
6. Correlation, or lack of correlation, of geophysical values with geologic materials or hydrologic units.
7. A description of supplemental laboratory tests or measurements, if utilized, including methods, resulting data and reasons why the work was done. When such work is done by other professionals, their signatures will be included as appropriate to indicate their responsibilities.
8. Maps of geophysical results and pertinent data at an appropriate scale and in sufficient detail to allow adequate evaluation. The discussion of the results and conclusions should be internally consistent in its references to the map so that findings can be located on the ground.

9. Cross-sections based on the geophysical data, and showing where subsurface geologic or engineering information is available and/or where such information has been projected into the plane of the cross sections. Cross-sections will also show the topography and the locations where data were collected, if these locations lie along the line of the cross-section or where the locations have been projected into the plane of the cross-section.
10. If subsurface geologic or engineering information is not available, a clear statement explaining its absence.
11. A discussion of the reliability of the geophysical interpretation, including alternative interpretations where applicable.
12. Recommendations on additional geophysical surveying, if appropriate. Recommendations might also be appropriate regarding the locations of exploratory trenches, borings or wells
13. References cited.

#### SELECTED REFERENCES

Encyclopedic Dictionary of Exploration Geophysics, Third Edition, compiled by R. E. Sheriff, Society of Exploration Geophysicists, 1991.

Interpretation Theory in Applied Geophysics, Grant, F. S. and G. F. West, McGraw-Hill, 1965.

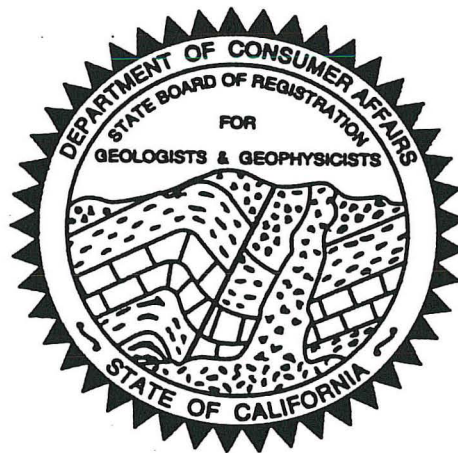
Applied Geophysics, Telford, W. M., L. P. Geldart, R. E. Sheriff and D. A. Keys, Cambridge University Press, 1976

Introduction to Geophysical Prospecting, Third Edition, M. B. Dobrin, McGraw-Hill, 1976

(Revised 7/98)

**BOARD OF REGISTRATION FOR  
GEOLOGISTS AND GEOPHYSICISTS**

**GUIDELINES**  
**FOR**



**GROUNDWATER**  
**INVESTIGATION**  
**REPORTS**

## GENERAL INFORMATION

These guidelines suggest a format for reports. They do not include complete listings of techniques or topics, nor should all techniques described be used or all topics listed be dealt with in every project.

These guidelines are informational and are not regulations. Language used has been carefully gleaned of mandatory requirements. The guidelines have no force of law and do not set standards of practice. To be enforceable, the guidelines would have to be adopted as regulations in accordance with the Administrative Procedures Act.

On January 23, 1986, the Board of Registration for Geologists and Geophysicists (Board) passed the following resolution:

**"The Guidelines have been adopted as useful information documents. Not having been adopted as regulations in accordance with the Administrative Procedures Act, the Guidelines are not legally enforceable."**

These guidelines have their roots in eight California Division of Mines and Geology notes, that were published in *California Geology* during 1973-75. The four guidelines that evolved through the Technical Advisory Committee for the Board from 1983 to 1989 are:

- Guidelines for Engineering Geologic Reports.
- Geologic Guidelines for Earthquake and/or Fault Hazard Reports.
- Guidelines for Geophysical Reports.
- Guidelines for Groundwater Investigation Reports.

### **I. INTRODUCTION**

These guidelines are prepared by the Technical Advisory Committee of the Board and adopted by the Board on April 18, 1998 to assist those involved in preparing and reviewing groundwater reports. The guidelines present the general procedures for reporting on groundwater investigations; and while they do not constitute a complete listing of all techniques for such studies, they do attempt to include all major topics.

Individual reports may include the topics discussed in this outline as appropriate. Purposes of investigations vary and may require that portions of these guidelines be either omitted or addressed briefly. Availability of funds is a limiting factor in a great many investigations. Site or areal conditions may necessitate variations in application of the guidelines. The professional performing, supervising or reviewing each investigation has a responsibility to determine what is appropriate and necessary in each case.

All geological, geophysical and related engineering work which falls within the scope of the Geologist and Geophysicist Act (Business and Professions Code, Chapter 12.5) and within the context of protecting the public's health and safety, must be supervised by



adequately qualified, appropriately registered and certified professionals. It is important that the report clearly describes the work performed, unambiguously presents the results and be signed by the responsible professional(s).

Reports that present conclusions or recommendations based in part on field sampling, field testing or laboratory testing of samples need to include adequate descriptions of methods employed with specific reference to standard sampling and testing methods where appropriate. Generally, physical testing of earth materials and analysis of the data derived is performed by or under the direct supervision of a soils engineer. Chemical testing is performed by a laboratory certified by the California Department of Health Services.

## **II. REGULATORY AND LEGAL CONSIDERATIONS**

Federal, state and local governmental agencies are involved in groundwater projects as planners, owner/operators and regulators. An intricate network of laws, both statutory and regulatory, governs such diverse considerations as rights to surface and groundwater; design and construction of waste disposal sites; water well and monitoring well design, construction and abandonment; disposal of mining and animal (feedlot) wastes; and sewage disposal. Any groundwater quality or quantity problem involves an inherent risk of future litigation because of possible adverse impacts to adjacent or regional properties (water level changes, water quality changes, contaminant plume migration, etc.).

Groundwater contamination studies include investigations of hazardous and nonhazardous waste disposal facilities (for both liquid and solid waste) and remedial investigations of chemical spills and leaking underground tanks and pipelines. Professionals engaged in such studies are expected to be cognizant of the hydrogeological and chemical environment, the requirements for chain-of-custody documentation, vadose zone and groundwater monitoring procedures, health and safety requirements and other applicable laws and regulations.

Dewatering for construction may require groundwater extraction methods such as wellpoint systems, freezing and electro-osmosis. Projects like these carry a high risk of later litigation because of unrecognized potential adverse effects to nearby users and property damage due to hydrocompaction.

## **III. REPORT CONTENT**

The content of a report is influenced by a variety of factors including the purpose of the work and of the report, client requirements, standards set forth in regulations or law, internal standards of the organization preparing the report and confidentiality requirements.

**A. Introduction**

The introduction presents a clear and complete statement of the purpose of the report and the work, including limitations regarding the scope, level of study and methods used. The introduction may include the location of the project and introduce a location map showing where the site is in relation to landmarks, topographic features, etc. The time frame of the work and statements regarding authorization and confidentiality requirements also may be included. The introduction may include a summary of the investigators' findings, conclusions and, possibly, recommendations.

**B. Methods**

**1. Data Base**

In groundwater studies, the existing data base is of primary importance because original investigations may not be part of the scope. The data base may include published and unpublished reports, maps, aerial photographs, well logs, historic water levels/water quality and interviews with agency representatives and members of the public. Each reference source should be clearly identified, and the factual bases be presented for different interpretations of conditions that each source describes.

**2. Exploration Methods**

All new investigations--well canvasses, geochemical studies, borings, sampling, test wells and geophysical survey--and methods of performing the investigations should be described and their limitations included. Physical and chemical soil and water tests should be documented and referenced.

**3. Data Analysis**

Methods of reducing and interpreting data from borings, test wells, geophysical surveys and physical and chemical soil and water tests should be explained and appropriate illustrations and references provided.

**4. Modeling**

The type of model, its purpose and limitations, data used, justification for data not used and parameters modeled should be presented. The computer system, its capacity and software used with references should be noted. Most data should be displayed on tables or illustrations.

### **C. Description of Hydrogeologic System**

A description of the hydrogeologic system typically includes the following information:

1. Regional Structure
2. Regional Stratigraphy
3. Water-Bearing Units

Thickness; depth; extent; characteristics such as lithology, permeability (transmissivity), storage, specific yield, gradient and confinement; and significance within the hydrogeologic environment.

4. Non-Water-Bearing Units

Thickness; depth; extent; characteristics such as permeability and restricting qualities.

Hydrogeologic data can be illustrated in many ways including cross sections and contour maps correlating data such as water levels and gradients.

5. Hydrologic Balance (for basin studies or for specific groundwater units)

- a. System Inflow - Precipitation, surface inflow, subsurface inflow, percolation, imports, wastewaters.
- b. System Outflow - Surface runoff, subsurface outflow, consumptive use (direct, evaporation, evapotranspiration), exports, wastewaters.

Hydrologic balance, in part, pertains to long-term availability of water to the groundwater system (recharge). The nature of precipitation, its amount, seasonal variation, intensity; the percolation characteristics of near-surface soils and loss of storage space due to hydrocompaction and stream courses are assessed in evaluating recharge.

### **D. Groundwater Use and Development**

The amount and nature of groundwater use is typically compared to the storage, recharge and distribution of use among domestic, municipal, industrial and

agricultural uses. Trends relating to demand and change of use should be discussed.

For springs, data on flow and characteristics should be tabulated. For wells, their number, depth, size, pumpage, drilling and construction methods, date of drilling, and availability of pump tests, lithologic logs and geophysical data should be covered. Well information is typically displayed in tabular form.

It is recommended that location maps of wells and springs be prepared. Well logs may be confidential, and their publication may require approval by public agencies and/or well owners.

Many groundwater supply projects require a discussion of the relationships between groundwater, surface water and conjunctive use. Groundwater use can cause a variety of undesirable results. Most of these results relate to users' health and safety. Intensive use can negatively affect groundwater availability or can cause ground subsidence, water quality changes due to sea water intrusion or inducing of poor quality or contaminated water into the groundwater system, loss of vegetation and other problems. Artificial recharge can cause rising groundwater levels with harmful or beneficial effects. Groundwater use could be beneficial to some land uses by lowering high groundwater levels. The report should consider the various effects of groundwater use and development.

## **E. Water Quality**

The standards of water quality vary widely for domestic, agricultural and industrial uses. Health issues involving water quality are of particular importance when standards of professional practice are considered.

### **1. Biological Quality**

Biological quality, such as coliform content, etc., is of particular concern as a health consideration for drinking water.

### **2. Mineral Quality**

Common ions, general groundwater type, pH, temperature, total dissolved solids and hardness, and certain minerals (such as boron, fluoride, nitrate and nuisance and toxic metals) are generally noted in a discussion of the mineral quality of water.

Water quality data may be displayed in various forms using tables, special diagrams and contour maps of equal concentrations.

### 3. Groundwater Contaminants

Investigation of groundwater contamination depends on detailed knowledge of the hydrogeology of the site and the physical and chemical behavior of the contaminants. A study may involve the definition of contaminant plumes, their mobility and relative importance, particularly with regard to existing water supplies. Physical and chemical behavior of the contaminants, such as solubility and density, are generally considered in the design of an appropriate monitoring program.

The hydrogeologic framework should identify possible contaminant migration paths, rates of contaminant transport and the possibility of communication between aquifers. The fate of contaminants in the hydrogeologic system is typically addressed. Such parameters as attenuation, dispersion, transformation and effects on physical conditions (e.g., permeability) should be fully discussed. Groundwater sampling and analytical protocols need to be specifically tailored for the types of contaminants involved.

Groundwater contamination studies may require the evaluation of remedial action and cleanup options. Such options might include plume monitoring, extraction with surface treatment, physical or hydraulic containment, injection well(s) or biological control. Cleanup programs often involve combinations of the above.

### F. Groundwater Management

Recommended methods and techniques of groundwater management may be presented as a result of the investigation as follows:

- Controlled pumping to eliminate or reduce overdraft or protect water quality;
- Conjunctive use of surface water and groundwater;
- Artificial recharge; and
- Water quality control measures.

## **G. Conclusions and Recommendations**

This section of the groundwater report typically includes interpretive statements based on data obtained and professional judgment and addresses the specific action that may be required. Recommendations should be clearly and concisely stated and emphasize practical solutions whenever possible.

### **SELECTED REFERENCES**

The following texts contain very extensive reference lists on various aspects of groundwater and are excellent references:

Bower, Herman, 1978, Groundwater Hydrology, McGraw-Hill.

Fletcher, Driscoll G., 1986, Groundwater and Wells, 2nd Ed.

Freeze, R. Allan and Cherry, John A., 1979, Groundwater, Prentice-Hall.

Roscoe Moss Co., 1990, Handbook of Ground Water Development.

Todd, David K., 1980, Groundwater Hydrology, second edition, John Wiley.

Results of current research on various aspects of groundwater appear in various publications. Of particular note, are the following:

Environmental & Engineering Geoscience, a joint publication of the Association of Engineering Geologists and the Geological Society of America.

Ground Water, published by the National Ground Water Publishing Co.

Ground Water Monitoring & Remediation, published by National Ground Water Publishing Co.

Water Resources Research, published by American Geophysical Union.

Publications of various governmental agencies are essential references, especially from the following agencies:

California Department of Water Resources

California Division of Mines and Geology

California Water Resources Control Board

U. S. Environmental Protection Agency

U. S. Geological Survey

(Rev. 7/98)





## VII. Enforcement

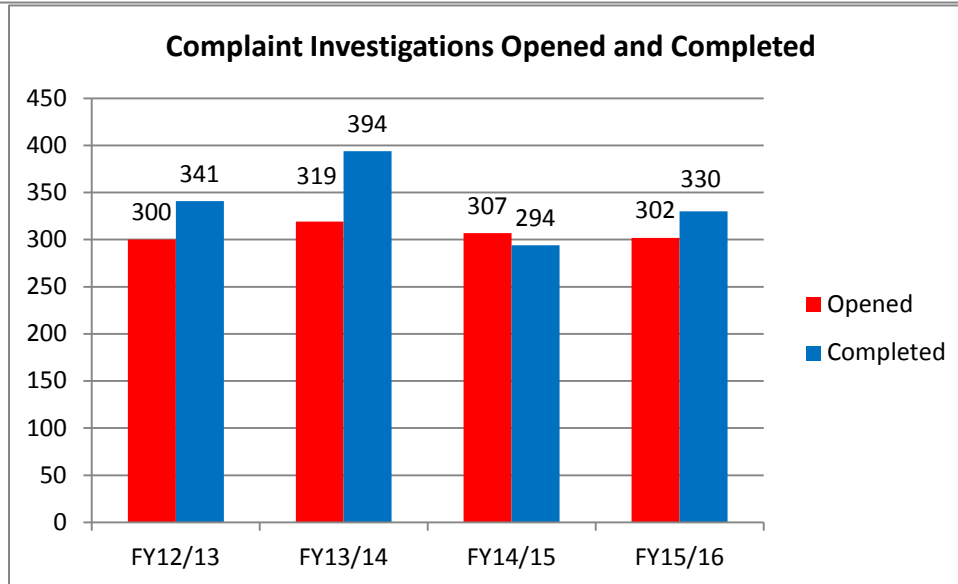
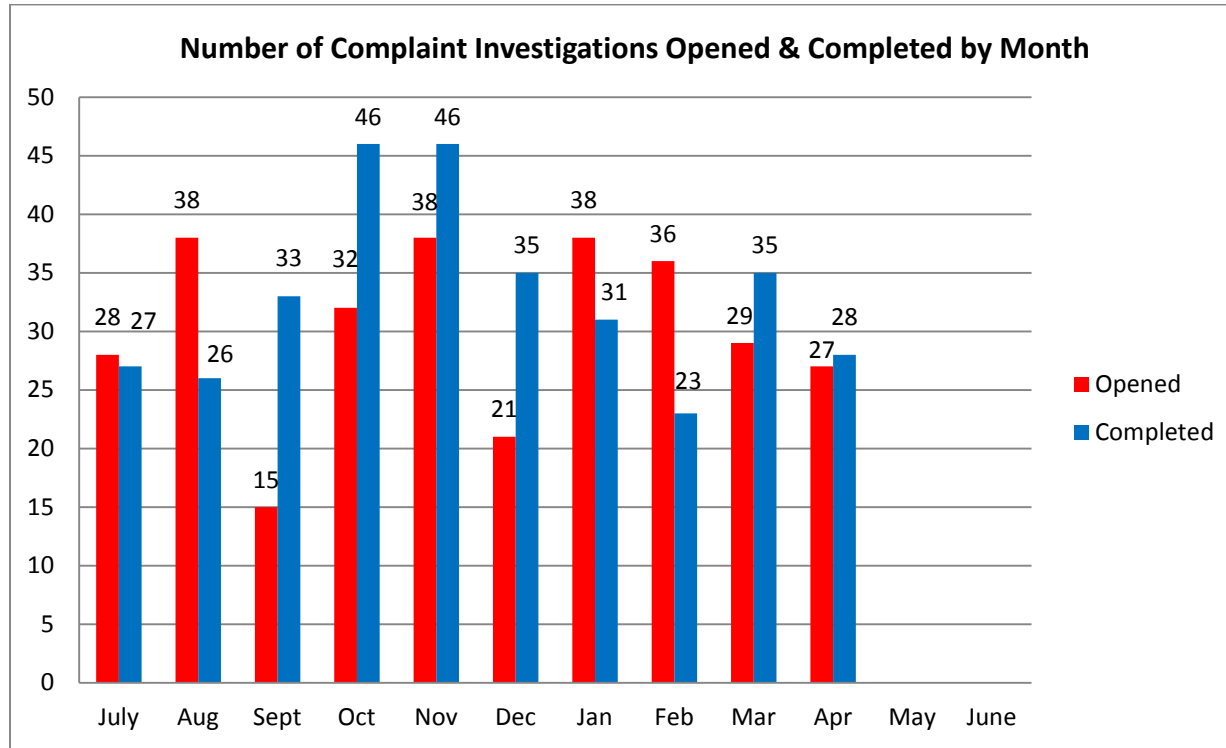
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- A. Enforcement Statistical Report
- B. Enforcement Overview Presentation



# PELS ENFORCEMENT PROGRAM

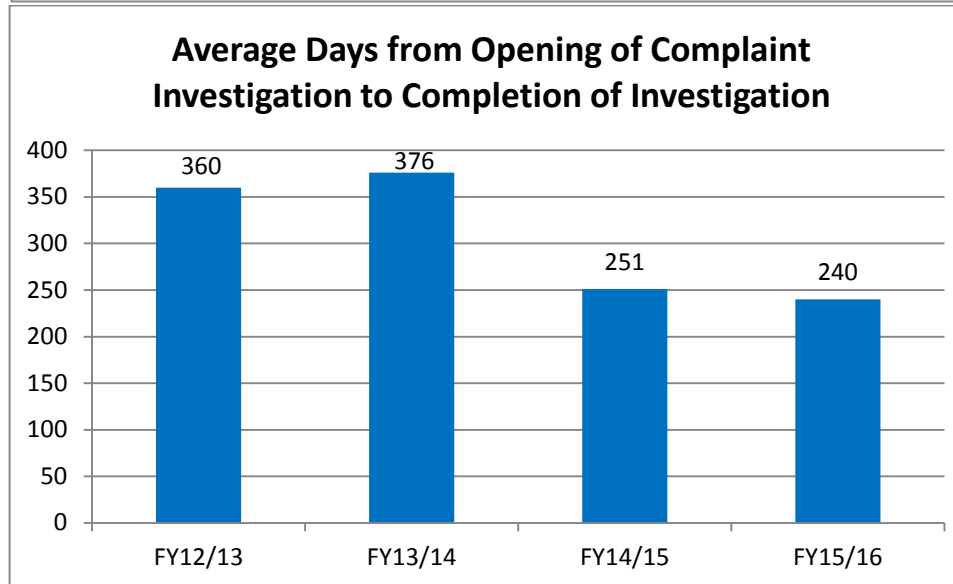
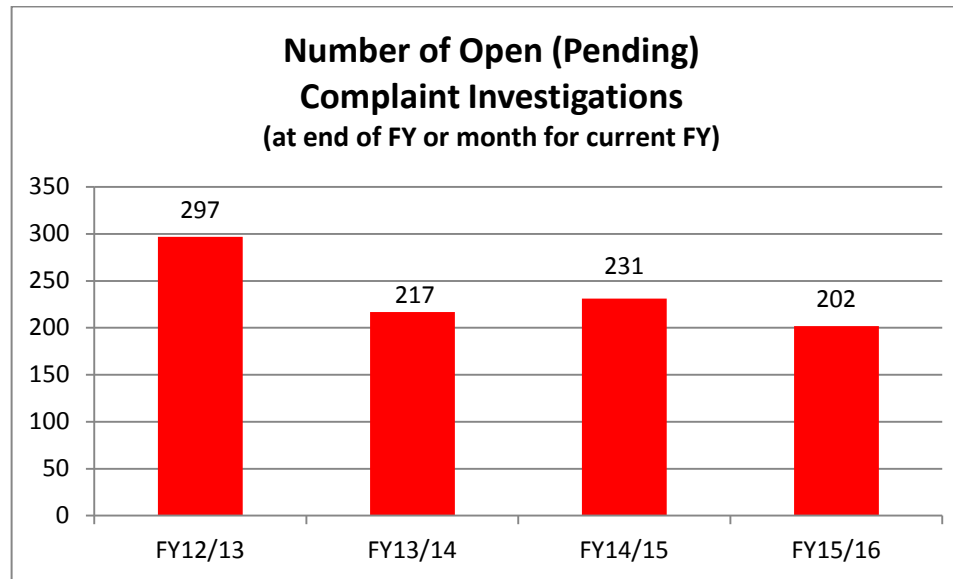
## Complaint Investigation Phase



NOTE: FY15/16 statistics are through April 30, 2016

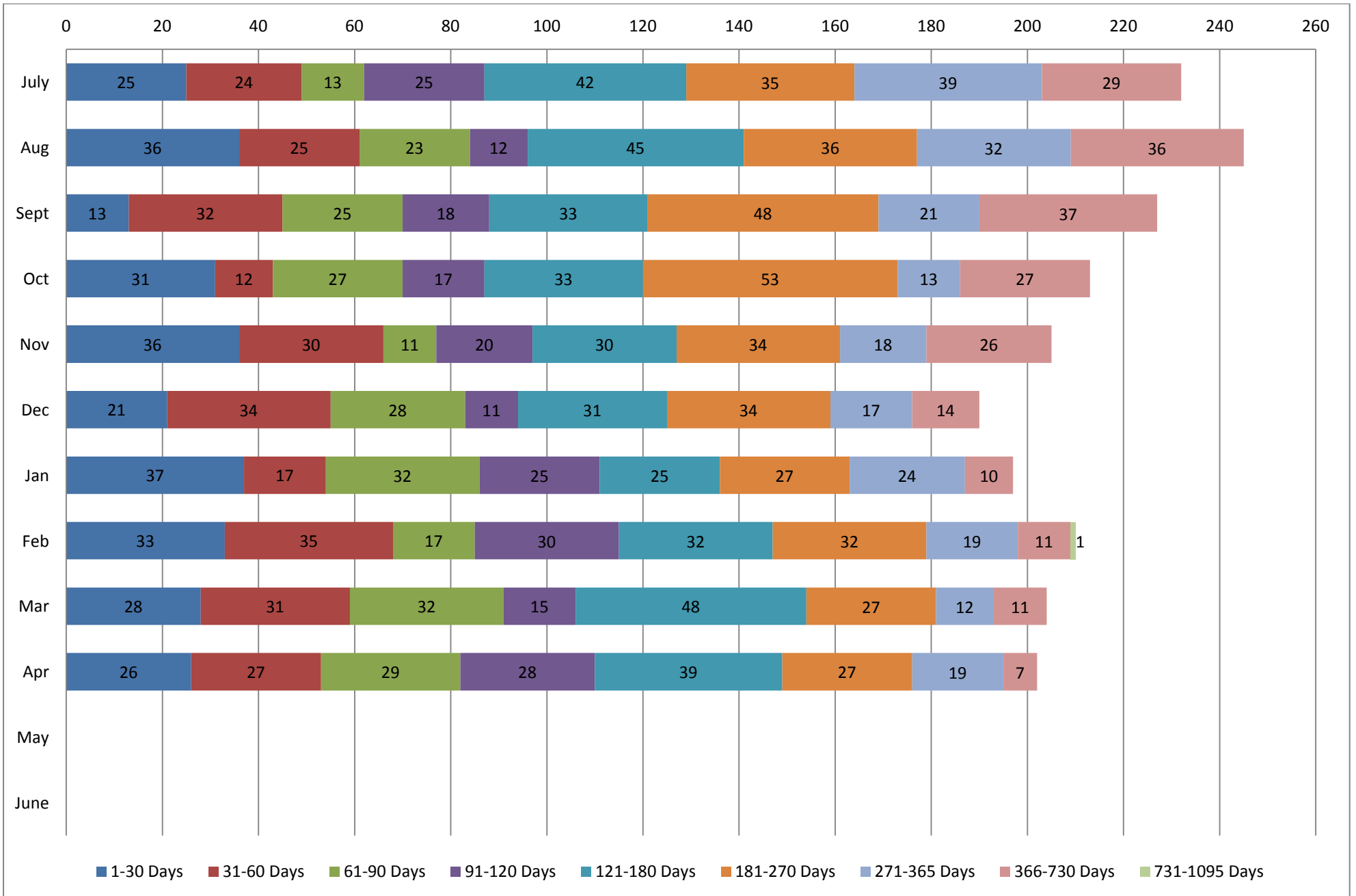
# PELS ENFORCEMENT PROGRAM

## Complaint Investigation Phase

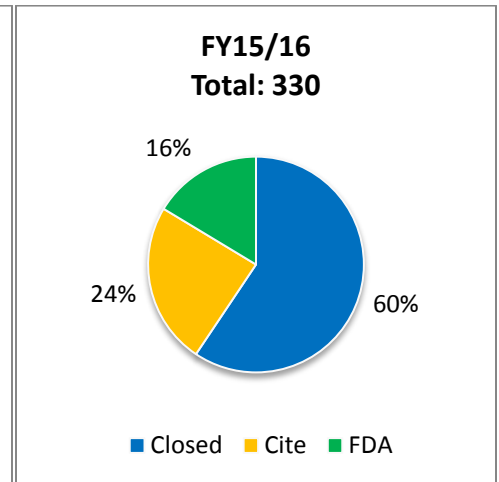
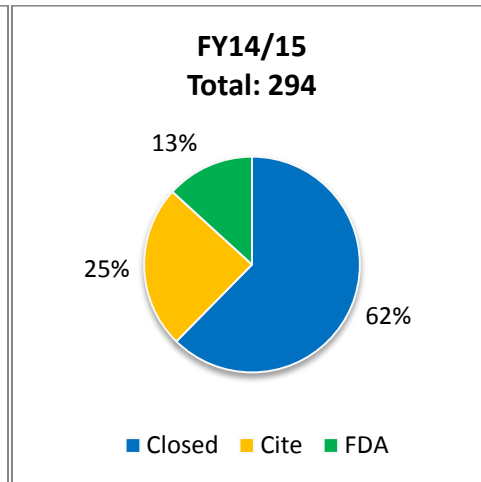
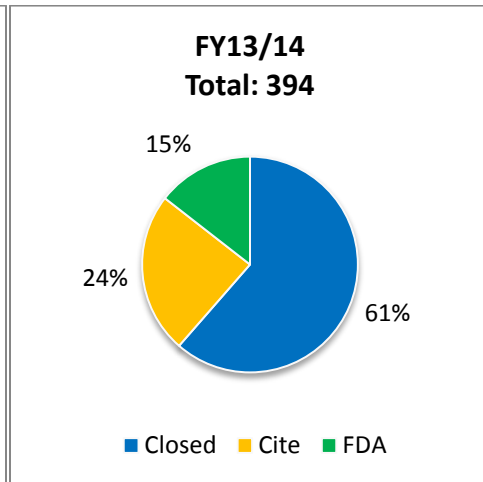
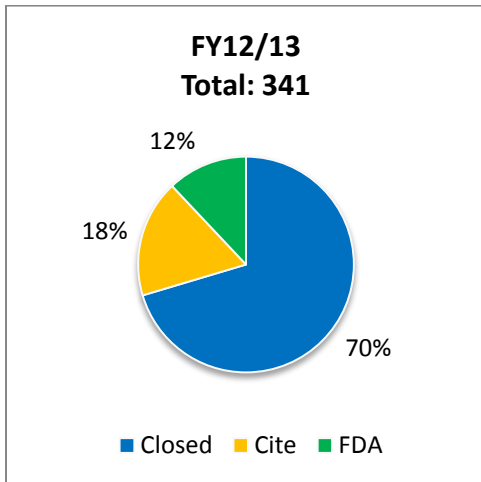
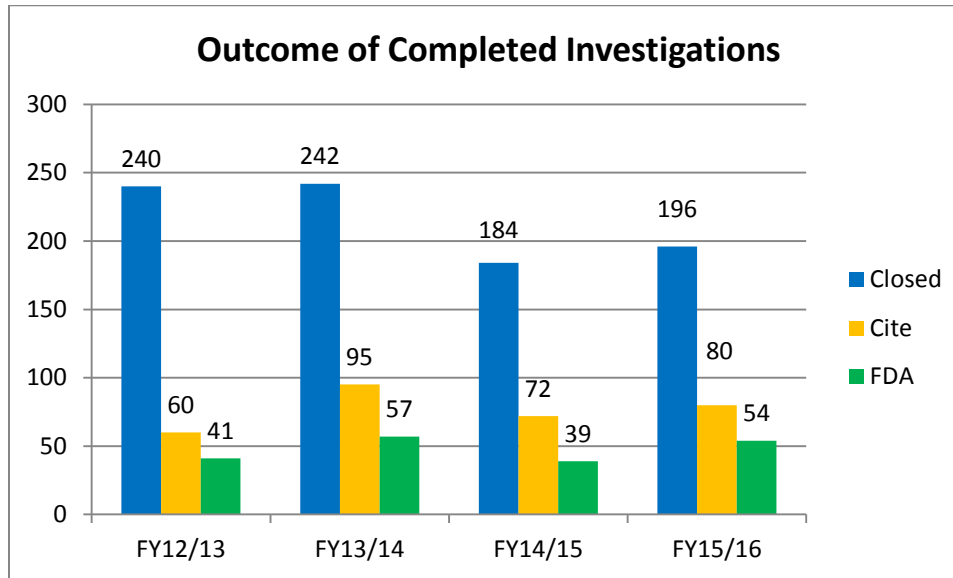


NOTE: FY15/16 statistics are through April 30, 2016

## Aging of Open (Pending) Complaint Investigation Cases FY15/16



## PELS ENFORCEMENT PROGRAM Outcome of Completed Investigations



**NOTE: FY15/16 statistics are through April 30, 2016**

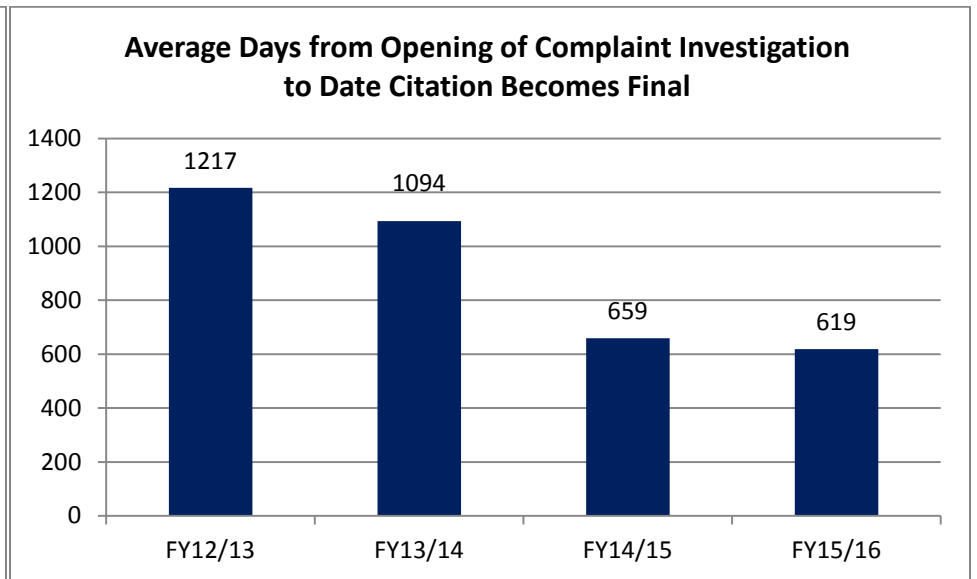
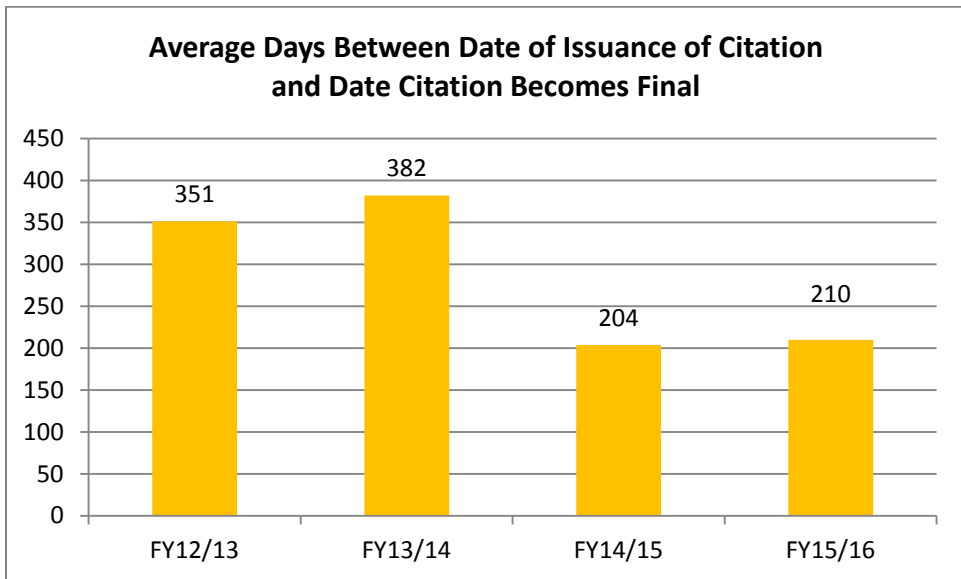
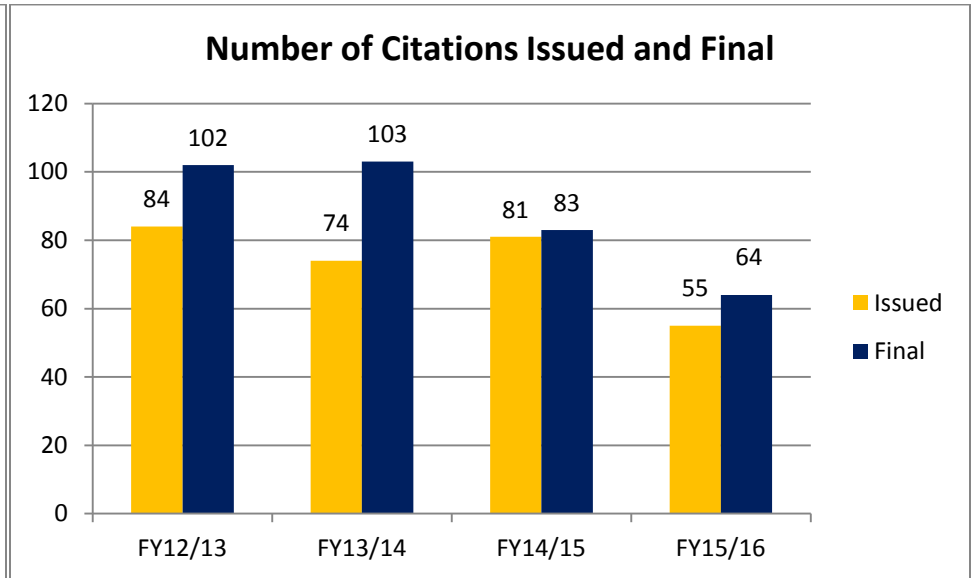
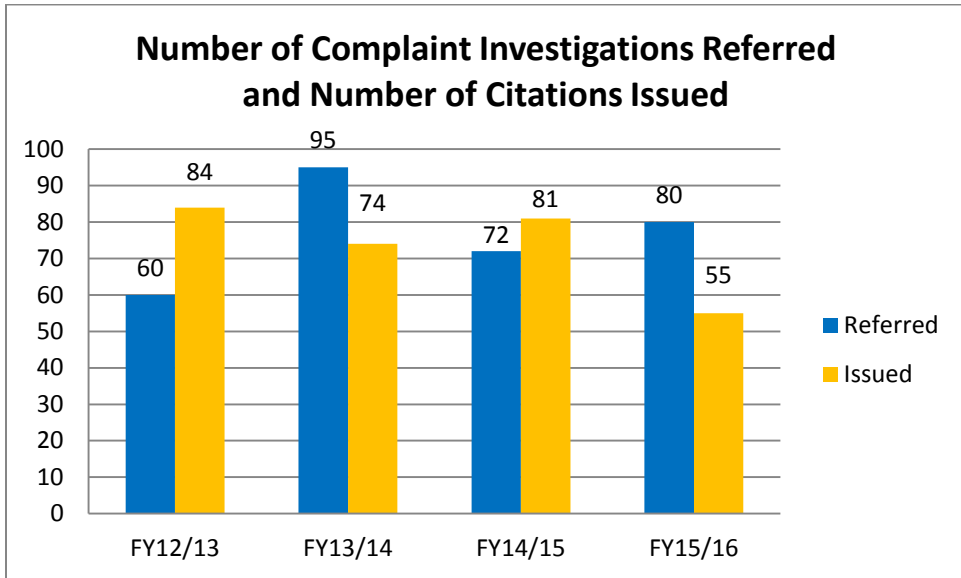
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

# PELS ENFORCEMENT PROGRAM

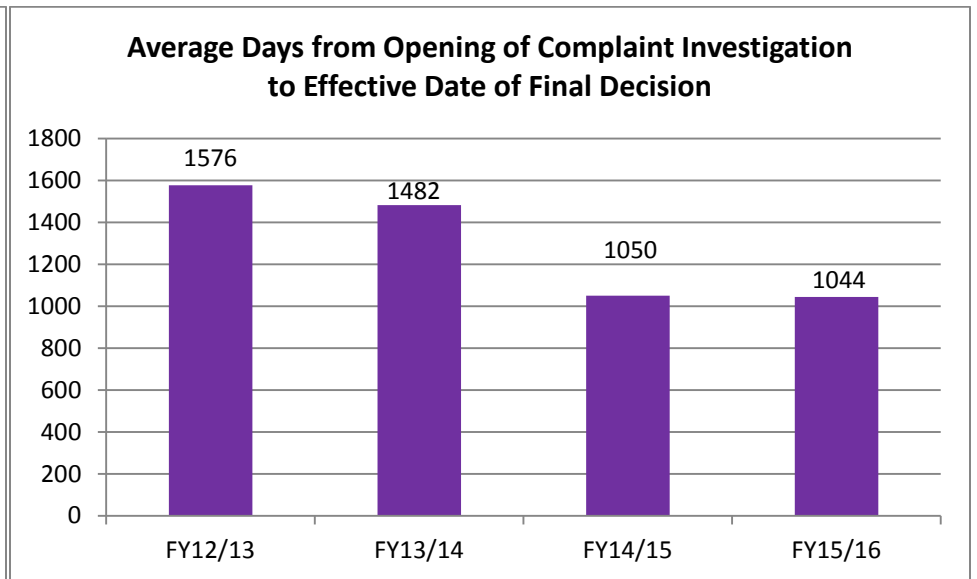
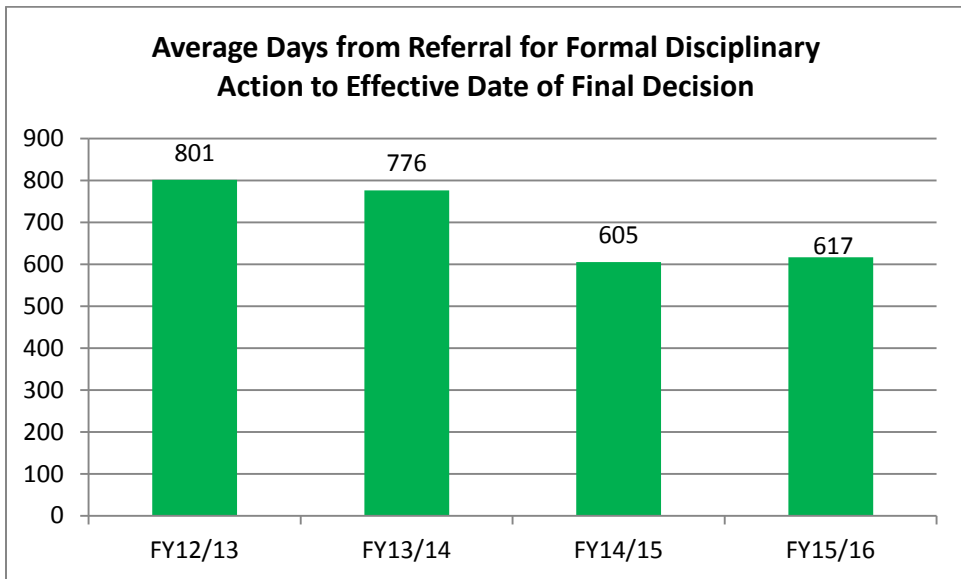
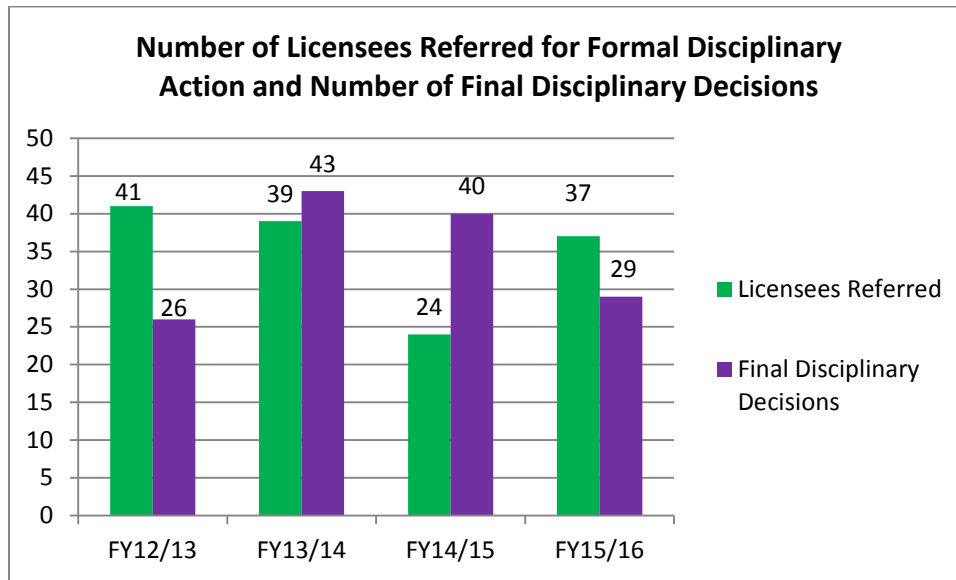
## Citations (Informal Enforcement Actions)



**NOTE:** FY15/16 statistics are through April 30, 2016

# PELS ENFORCEMENT PROGRAM

## Formal Disciplinary Actions Against Licensees

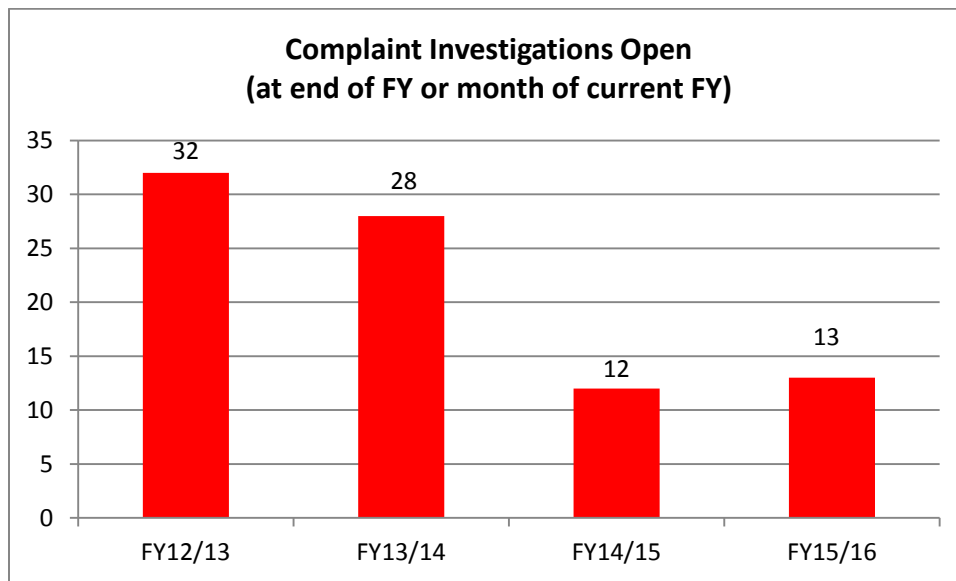
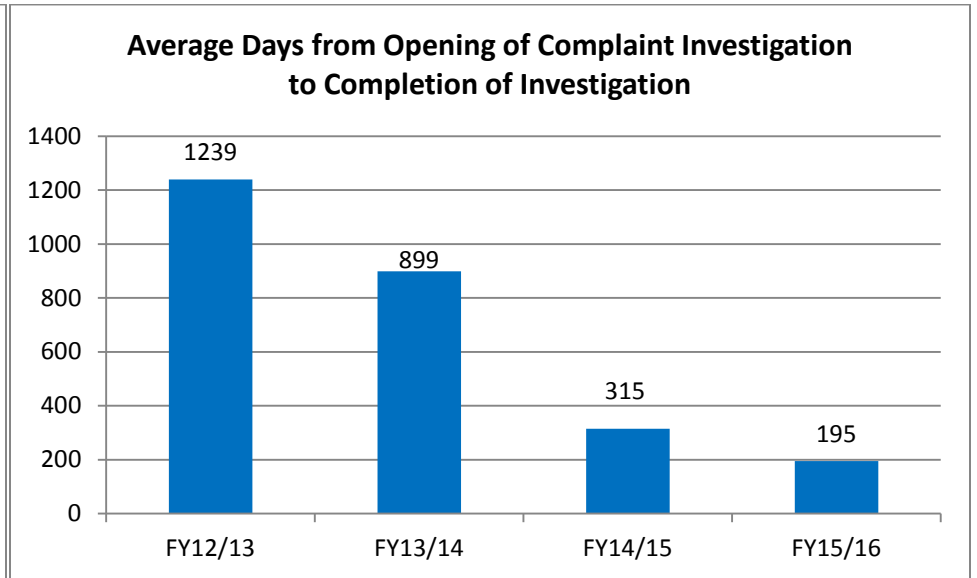
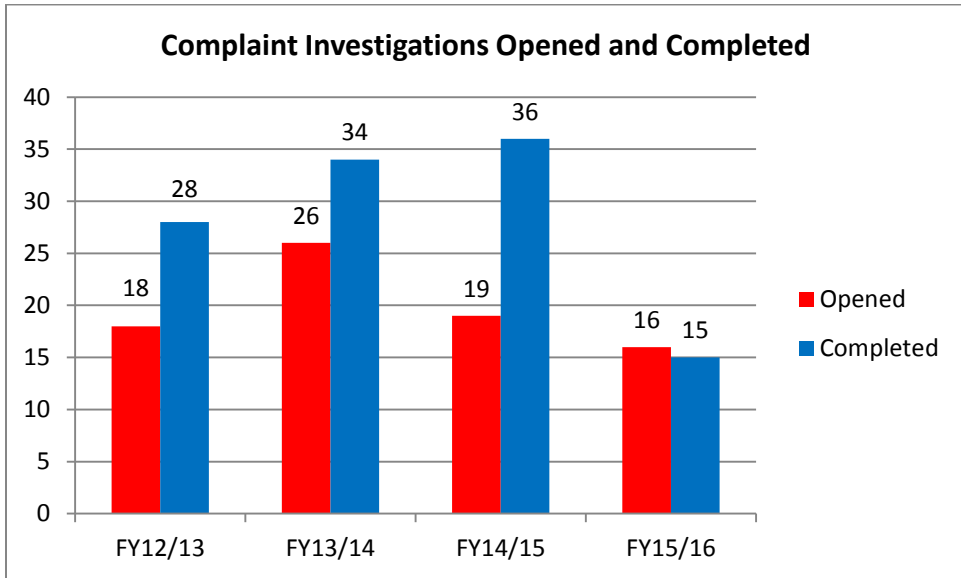


**NOTE: FY15/16 statistics are through April 30, 2016**



# G&G ENFORCEMENT PROGRAM

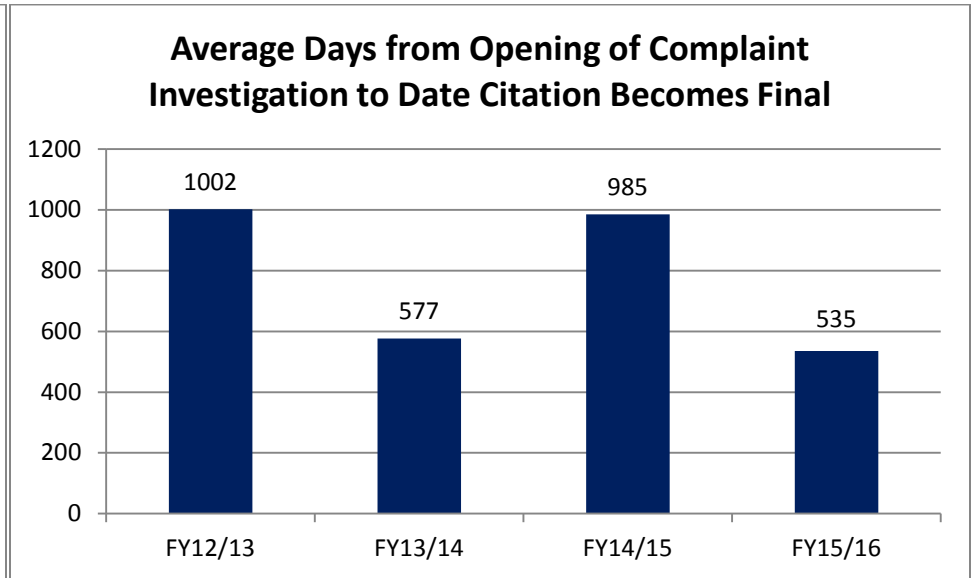
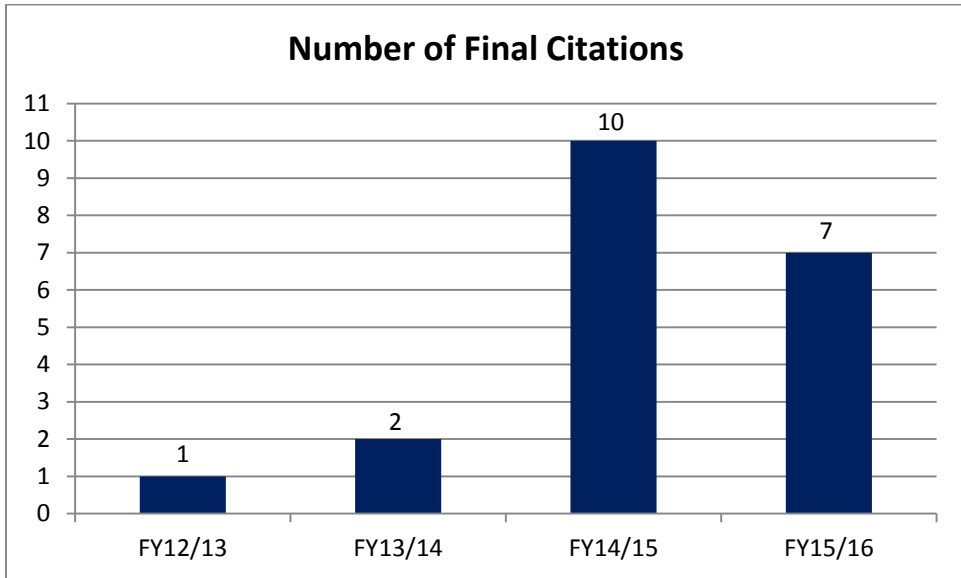
## Complaint Investigation Phase



NOTE: FY15/16 statistics are through April 30, 2016

# G&G ENFORCEMENT PROGRAM

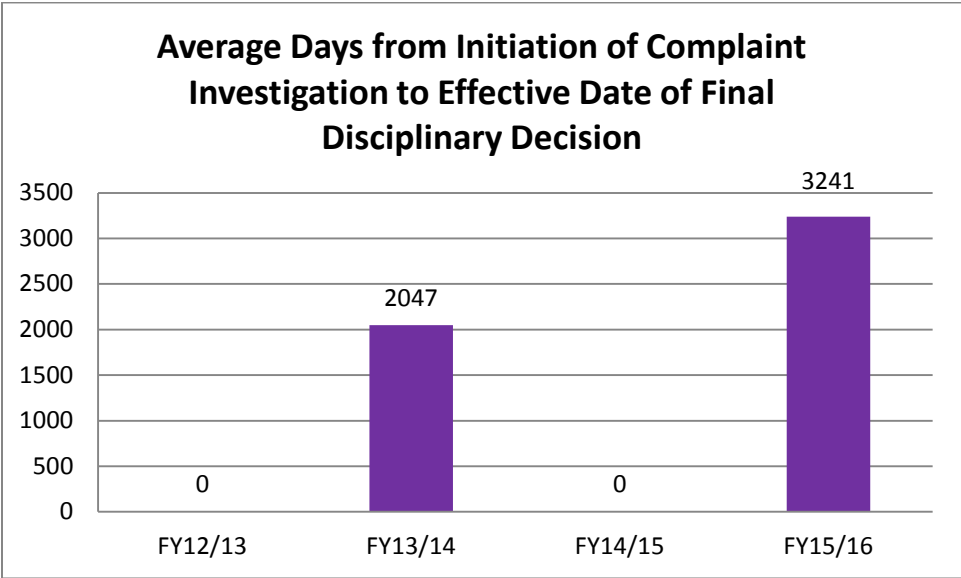
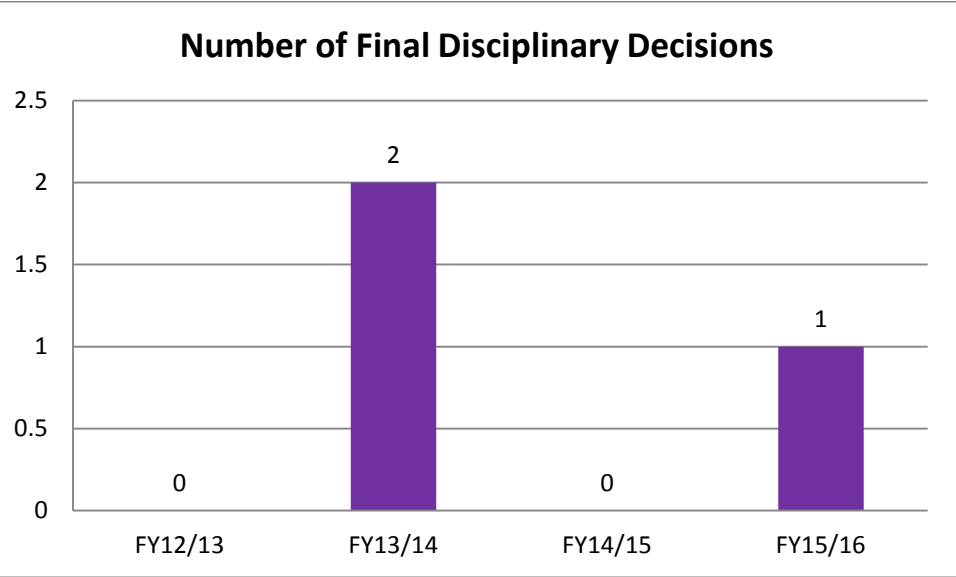
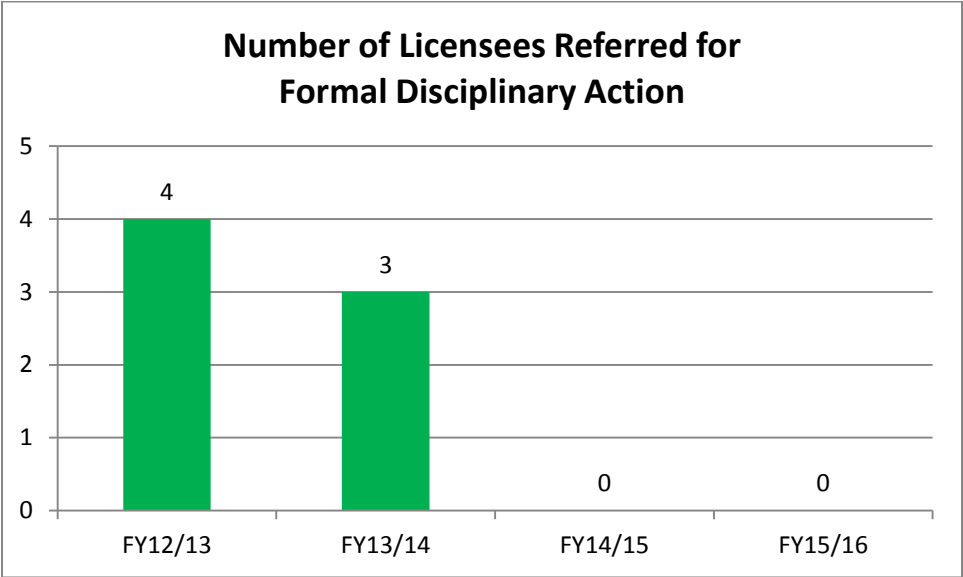
## Citations (Informal Enforcement Actions)



NOTE: FY15/16 statistics are through April 30, 2016

# G&G ENFORCEMENT PROGRAM

## Formal Disciplinary Actions against Licensees



NOTE: FY15/16 statistics are through April 30, 2016



# Purpose of the Board

- **Protection** of the Public
- **License** qualified individuals
- **Enforce** laws and regulations
- **Establish** regulations
- **Promote** professional conduct
- **Provide** information to the public
- **Anticipate** changes in the professions

# Board Composition?

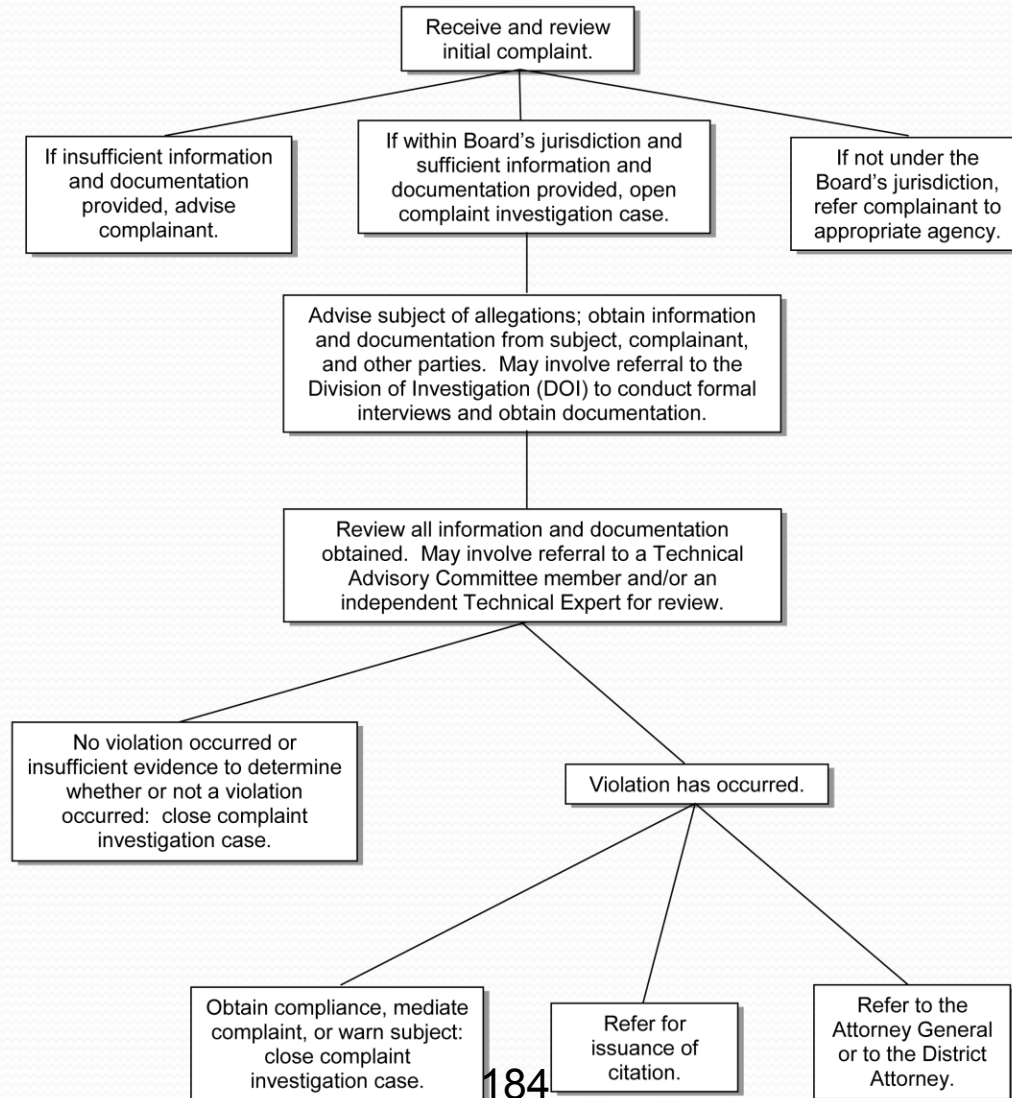
- **15 Board Members:**
  - **8 Public Members**
    - 6 appointed by Governor
    - 1 by Senate Rules Committee
    - 1 by Speaker of the Assembly
  - **7 Practitioners (Engineers, Land Surveyor, and Geologist or Geophysicist)**
    - All appointed by Governor

# Protection of the Public

## Sections 6710.1, 7810.1, and 8710.1 of the Business and Professions Code

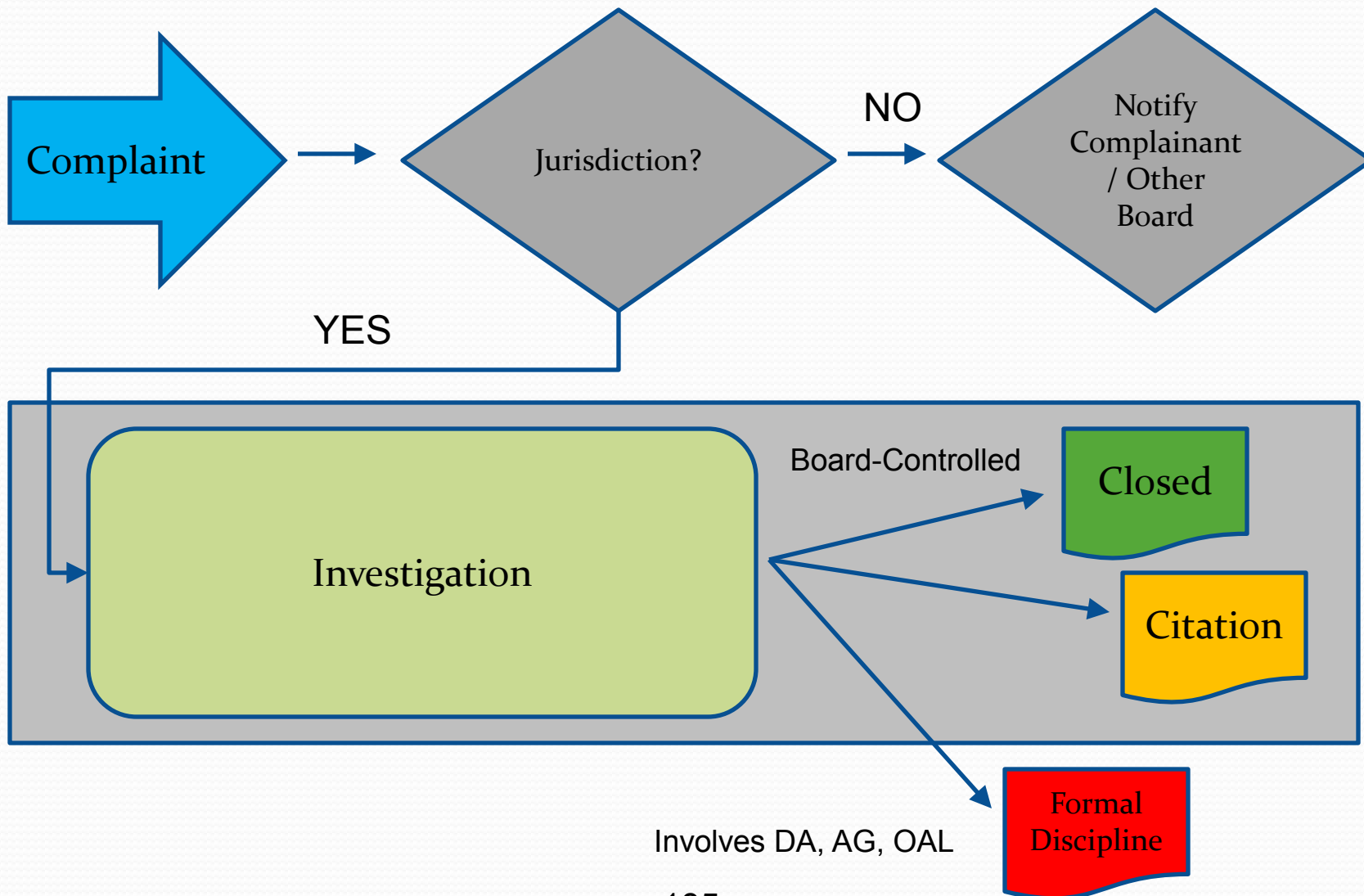
- *Protection of the public shall be the highest priority for the Board for Professional Engineers, Land Surveyors, and Geologists in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.*

# Typical Complaint Process



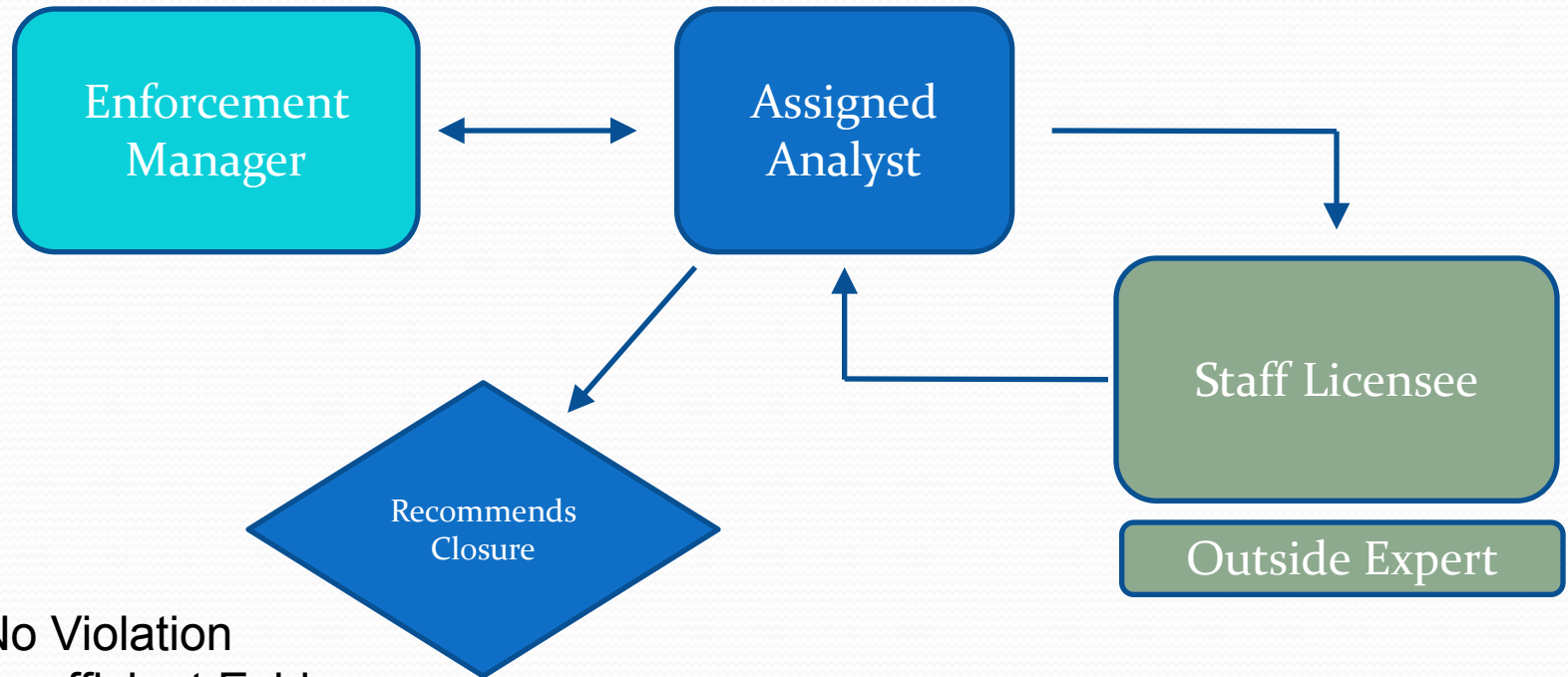


# Or....More Simply Stated as...



Involves DA, AG, OAL

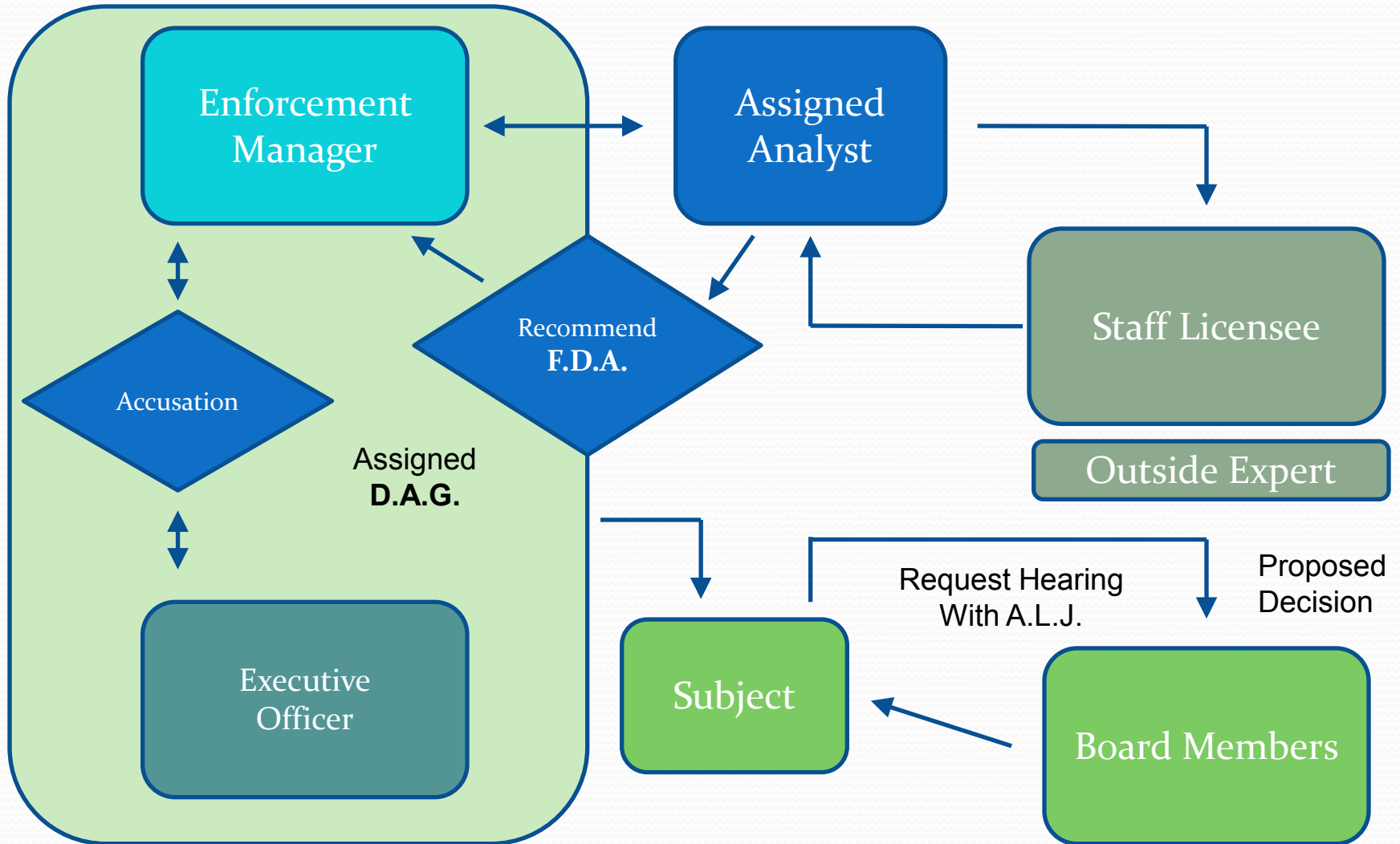
# Investigation - Closure



- No Violation
- Insufficient Evidence
- Resolved after Initial Notification
- Compliance Obtained
- Warning Letter
- Non-cooperation of Complainant
- Other (i.e., Subject deceased, etc.)



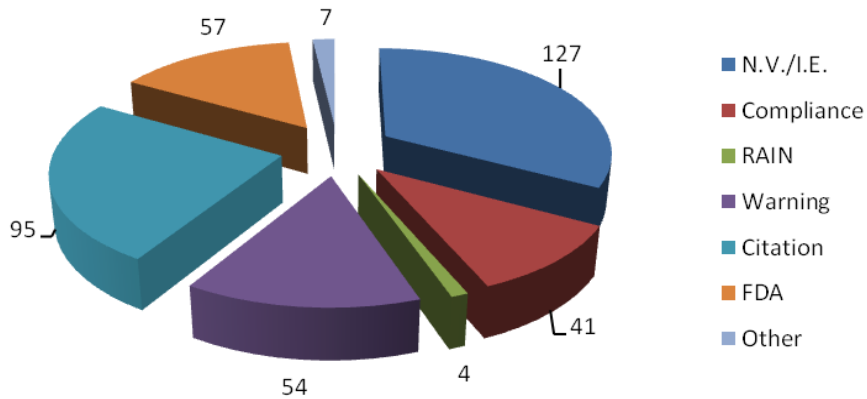
# Investigation – Formal Disciplinary Action



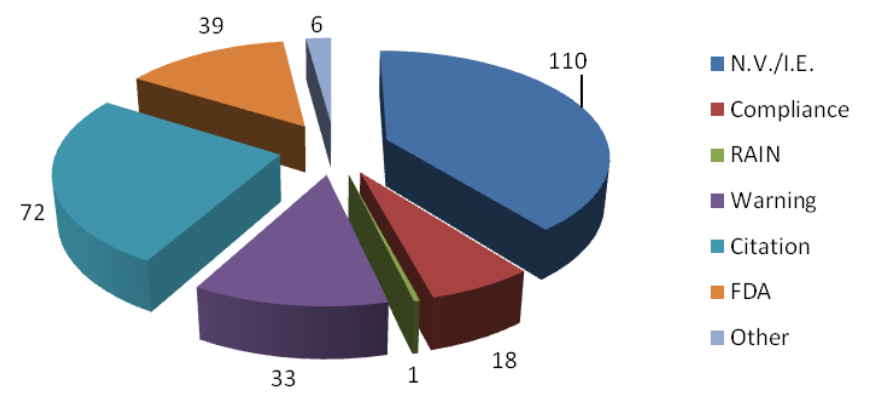
# Enforcement Statistics

## Outcome of Investigations

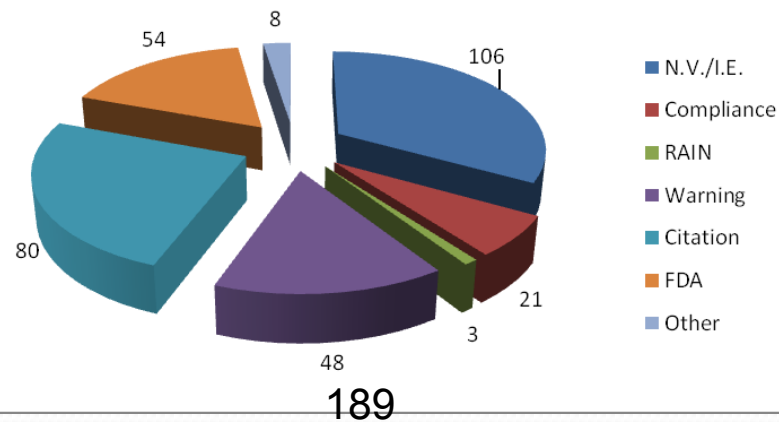
2013-14



2014-15



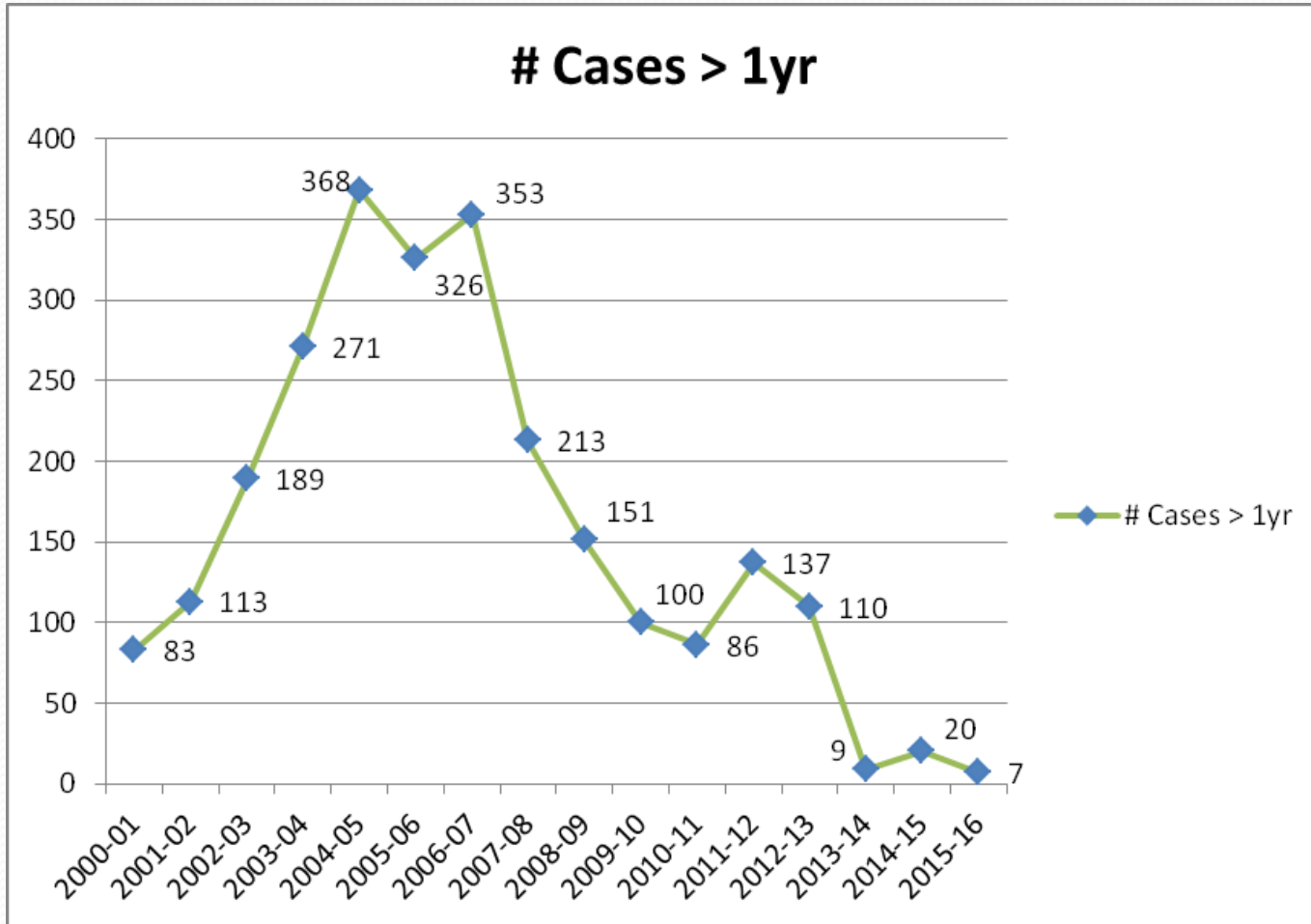
2015-16



2015-16 – Data available as of End of April

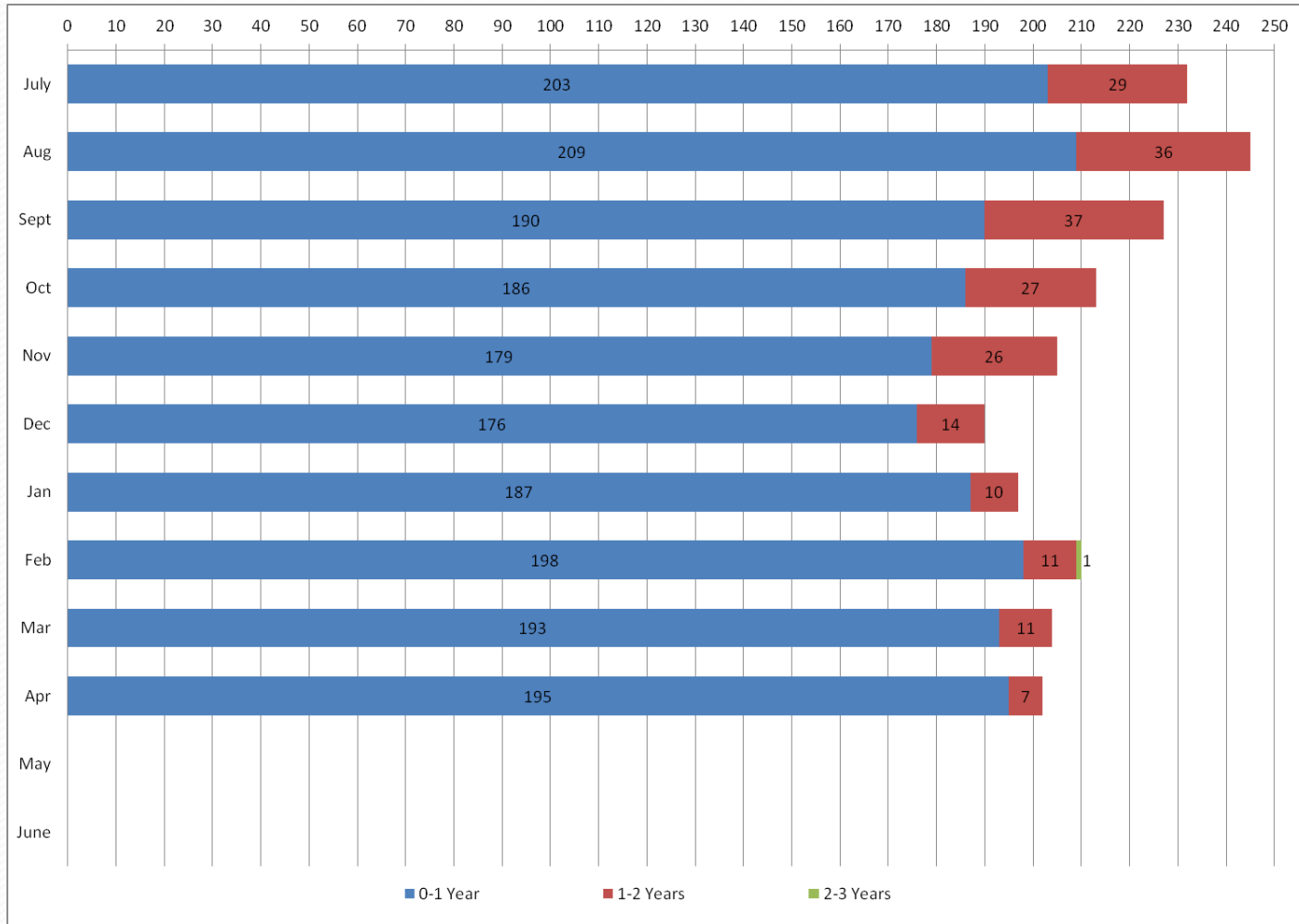
# Enforcement Statistics

Number of Open Complaints with Investigations over 365 Days



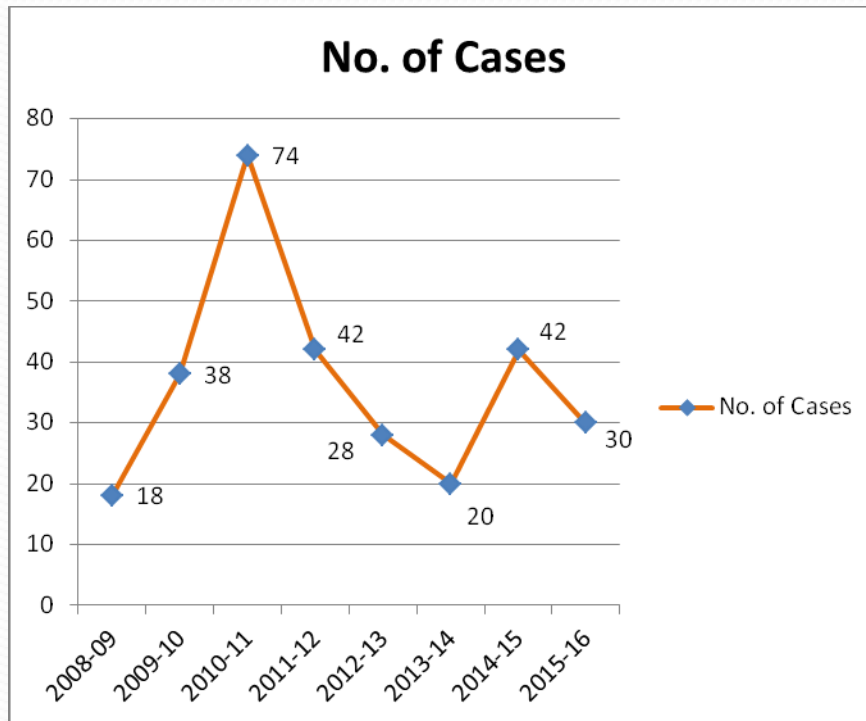
# February, 2016 Enforcement Statistics

## Aging of Open Complaint Investigations



# Enforcement Statistics

## Reporting of Legal Actions Program (2008 – Present)



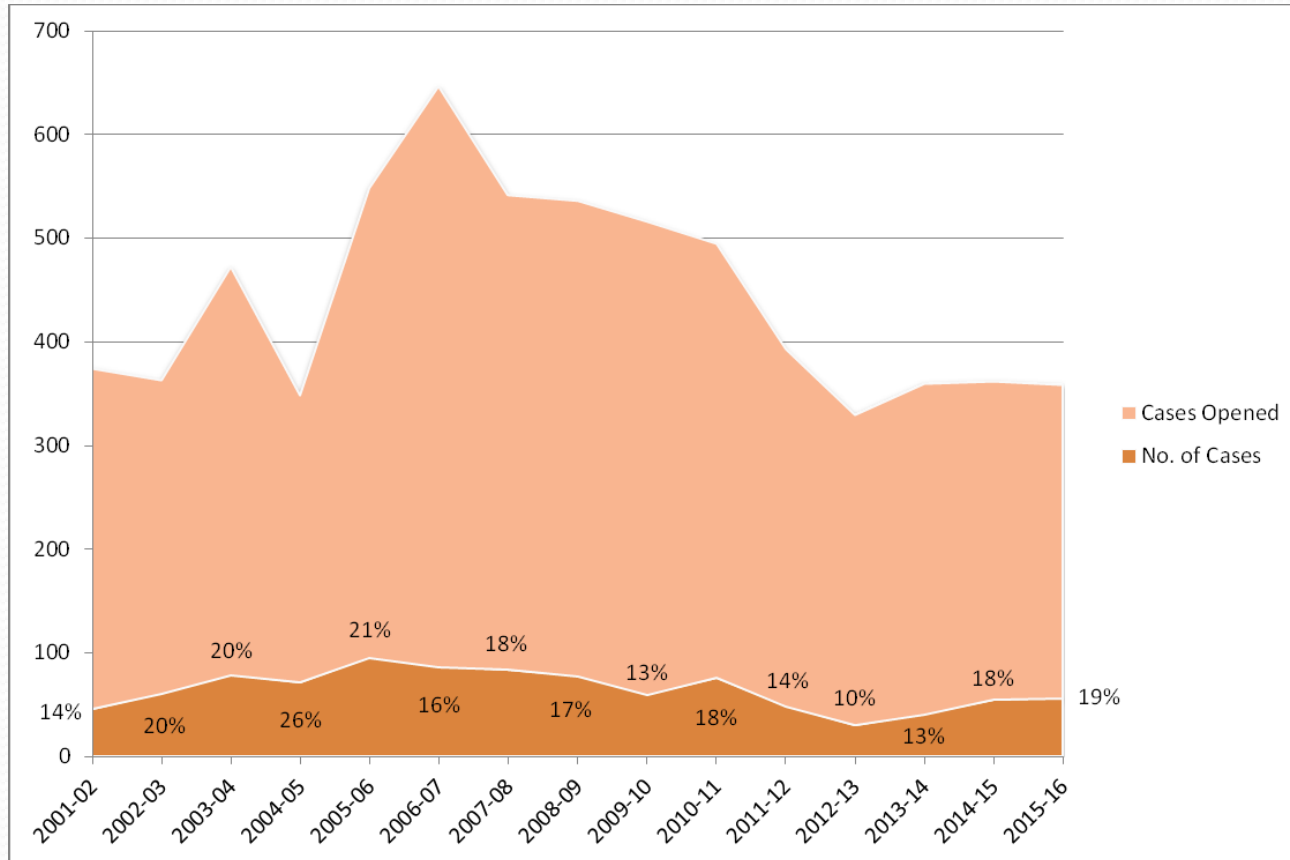
2015-16 – Data available as of End of April

- § 6770 (PE Act)
- § 8776 (PLS Act)
- Felony Conviction
- Substantially-related Conviction
- Civil action settlement > \$50k
- Civil action judgement > \$25k
- Reportable by Court, Insurance carrier, and Licensee



# Enforcement Statistics

## Contractual-related Allegations (2001 – Present)



- 2015-16 – Data available as of End of April

- Contractual includes failure to use a written contract or failure to include all required elements in the written contract in addition to breach of contract.

# Common Disciplinary Issues

- Most Common issues
  - Communication (with clients, agencies, BPELSG)
  - Written Contracts (6749, 7839.2, 8759)
  - Offering Services outside of licensed authority
  - Mandatory Filing (Record of Survey, Corner Record)
  - Communication
  - Initiating / Maintaining Responsible Charge
  - Unlicensed offering/practice
  - Did I say Communication?

# 2014-15 Enforcement Statistics

## Unlicensed Activity

- FY 2014-15 Investigations:
  - 70 Directly related to Unlicensed Activity ( 294 total)
  - 87 (343) – (Average over last 3 years)
- FY 2014-15 Results:
  - Approx. 31 Citations - Unlicensed Activity ( 83 total)
  - Totaling approx. **\$117,100** in Administrative Fines

# Be Involved

- Expert Consultant
  - Examination Development Workshops
  - Enforcement Independent Expert
- Give Input at BPELSG Meetings
  - Attend Board meetings and Geology TAC meetings
  - Write and email the Board
- Stay Informed
  - Keep up to date on laws and regulations
  - Sign up for email updates, Facebook and Twitter feeds
  - Review TAC and Board meeting minutes
- Subscriber List – SIGN UP!

# Board Publications

## Guide to Engineering & Land Surveying for City and County Officials

- Reference about engineers and land surveyors—what they can do or cannot do and what constitutes unlicensed practice.

## Board Bulletin: Board News and Enforcement Actions

- Quarterly publication identifying educational and topical pieces for students, applicants, consumers, and licensees.

## 2015 – 2018 Strategic Plan

- Defines our strategy, direction, and decisions necessary to allocate resources to pursue this plan.

All publications can be found here: <http://www.bpelsg.ca.gov/pubs/>

# How to Contact the Board

- Phone: 916-263-2222      FAX: 916-263-2246  
Toll Free: 866-780-5370

- Website: <http://www.bpelsg.ca.gov>

-  Board for Professional Engineers

- Twitter: @CA\_Engineers

- Mailing address: 2535 Capitol Oaks Drive, Suite 300  
Sacramento, CA 95833

## **VIII. Exams/Licensing**

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- A. Update on NCEES Exam Registration System as it Pertains to California Licensure Applicants
- B. Update on Spring 2016 Exam Results





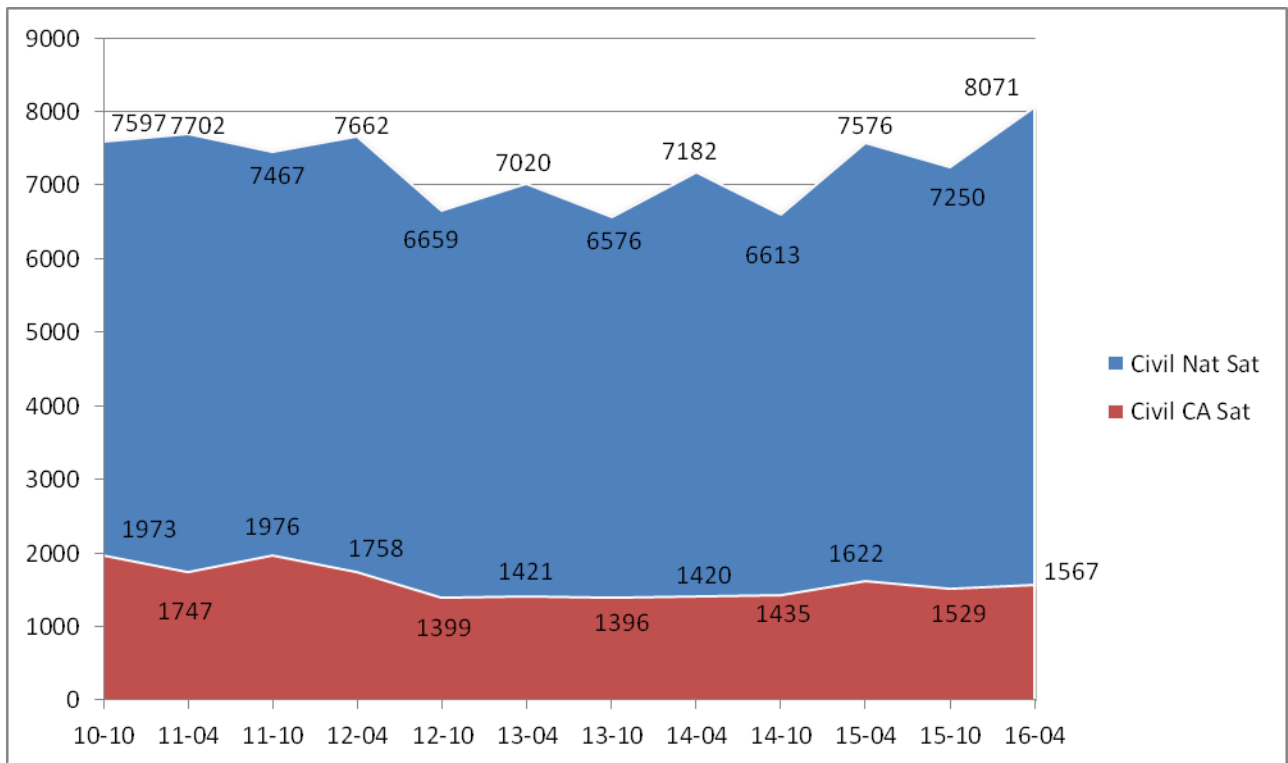
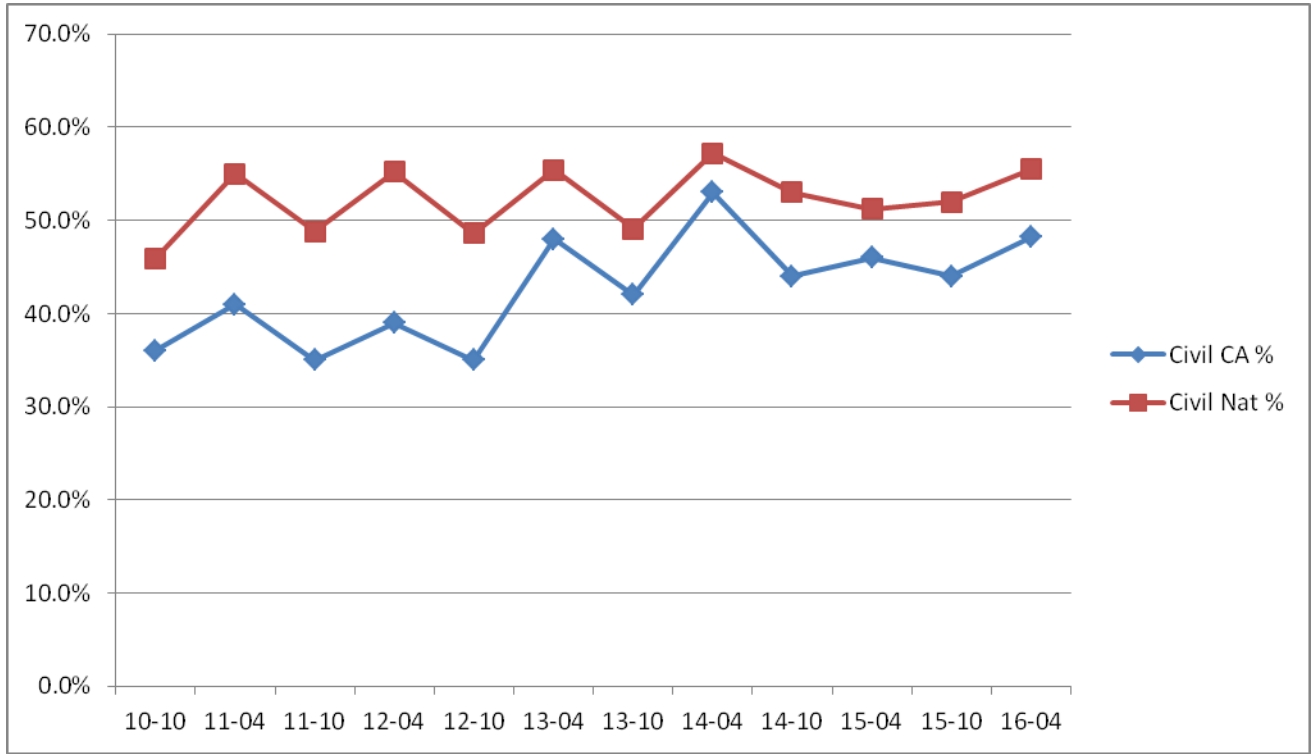
## Spring 2016 Professional Engineer, Land Surveyors, and Geology Examination Statistics

Civil Engineering Examinations				
	Pass	Fail	Total	Pass Rate
Principles & Practices (National)	756	811	1567	48%
Seismic Principles	1035	894	1929	54%
Engineering Surveying	760	1113	1873	41%
Land Surveying Examinations				
Principles & Practices (National)	37	22	59	63%
Surveying (State Specific)	43	154	197	22%
Other Engineering Discipline Exams				
Agricultural	0	2	2	0%
Chemical	15	9	24	62.5%
Electrical	96	149	245	39%
Industrial	2	4	6	33%
Mechanical	168	105	273	62%
Geotechnical Continuous Testing January - April 2016				
Geotechnical	4	6	10	40%
Structural				
Lateral Forces	N/A	N/A	N/A	N/A
Vertical Forces	N/A	N/A	N/A	N/A
Fundamentals Examinations January - February 2016				
Engineering	915	621	1536	60%
Land Surveyors	10	31	41	24%
Geology				
	Pass	Fail	Total	Pass Rate
ASBOG® Fundamentals of Geology**	86	40	126	68%
ASBOG® Practice of Geology	46	14	60	77%
California Specific Examination	66	32	98	67%

N/A = Not Available

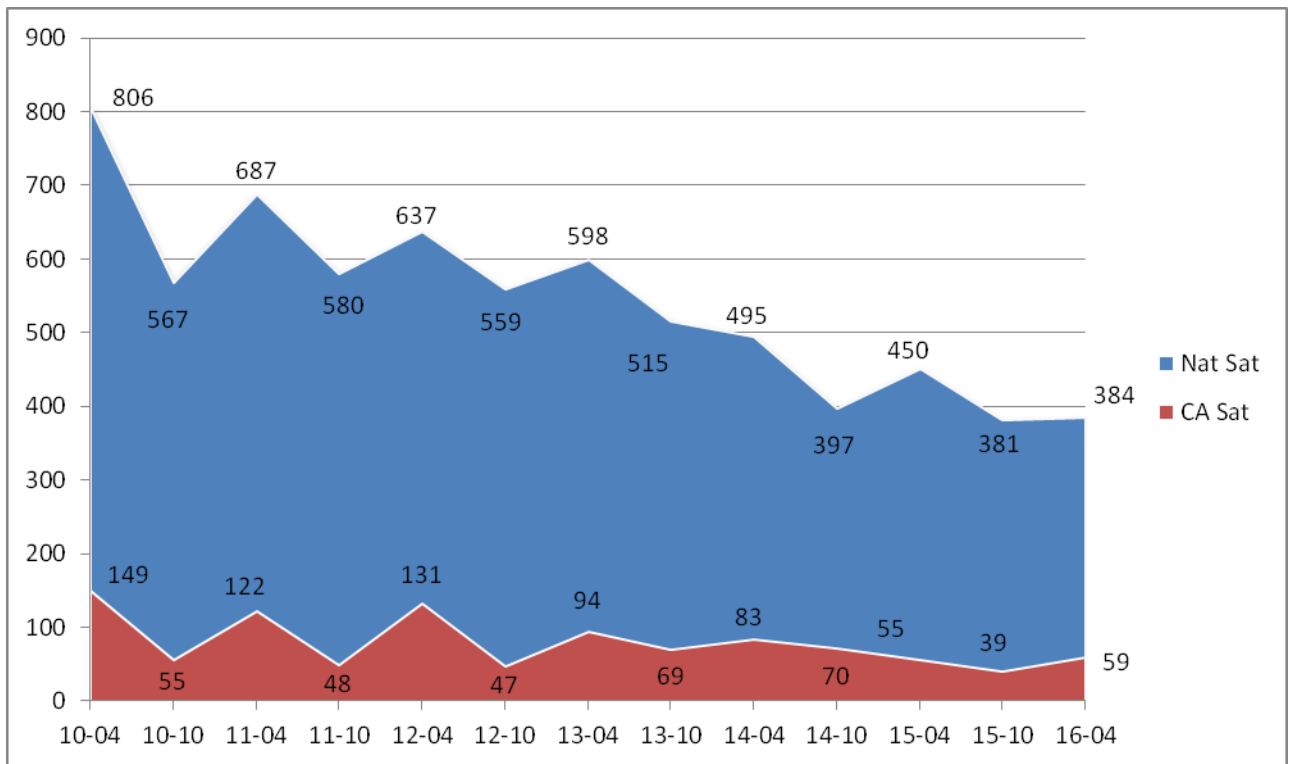
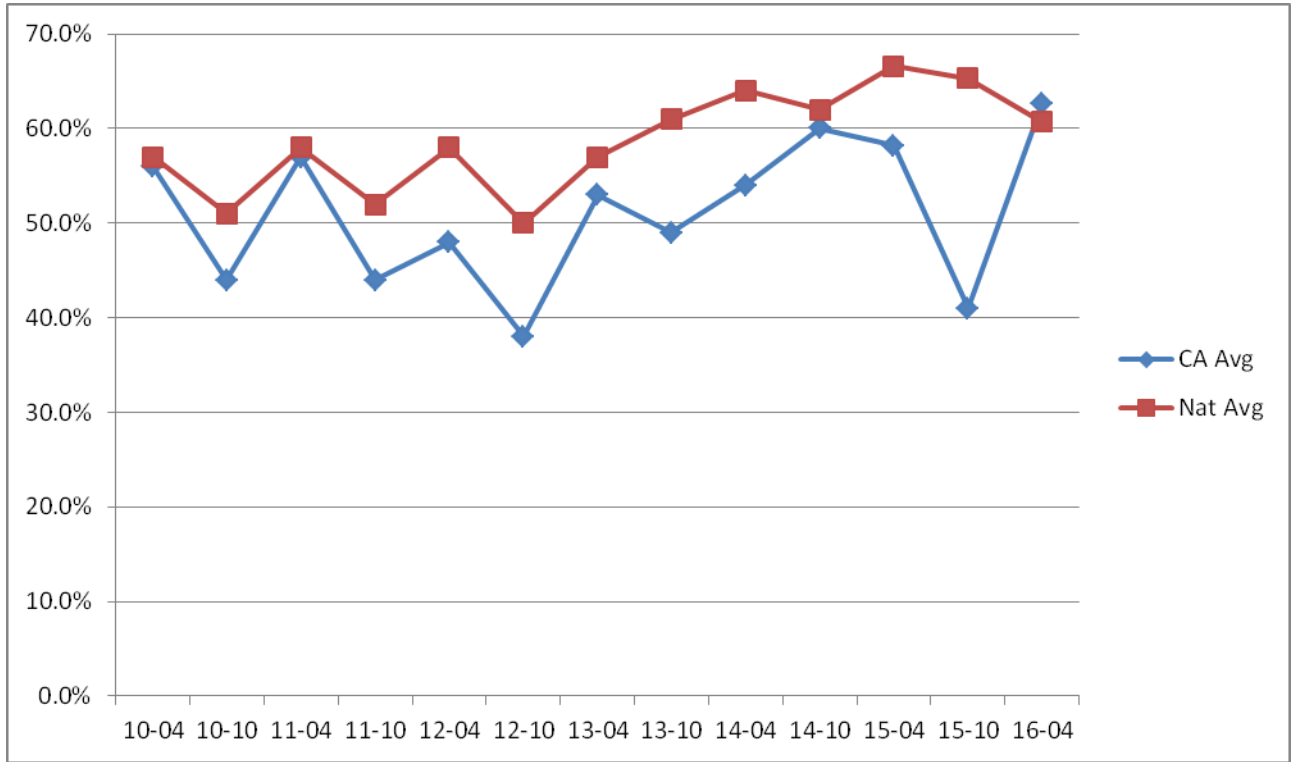
# California Civil Engineer Results

## National PE - Civil Results



## California Land Surveyor Results

### National Principles of Surveying (PS) Results





## **IX. Approval of Delinquent Reinstatements**

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## APPROVAL OF DELINQUENT REINSTATEMENTS

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

### CIVIL

- **AMIDON, NORMAN**

Reinstate applicant's civil license once he/she takes and passes the Take Home Examination, the California Seismic Principles Examination, and the California Engineering Survey Examination; pays all delinquent and renewal fees; and completes the fingerprinting requirement.

- **MILLER, ROBERT**

Reinstate applicant's civil license once he/she pays all delinquent and renewal fees; and completes the fingerprinting requirement.

- **O'BRIEN, JOHN**

Reinstate applicant's civil license once he/she takes and passes the California Seismic Principles Examination, and the California Engineering Survey Examination; pays all delinquent and renewal fees; and completes the fingerprinting requirement.





**X. Administration**

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A. Budget Summary



**Fiscal Year (FY) 2015/16 Budget Overview:**

The information provided below is a summary of the Engineers and Land Surveyors Board fund and the Geologists & Geophysicists Account. The data is based on approved Governor’s Budget, projected expenditures & revenue, projections to year-end, applications received and renewals processed through April for the current FY 2015/16 and prior year FY 2014/15, prior to reimbursements.

**Engineers and Land Surveyors (PELS) Fund**

<b>Fiscal Month 10</b>	<b>FY 15/16</b>	<b>FY 14/15</b>
<b>Expenditures</b>	\$6.8 Million	\$6.44 Million
<b>Revenue</b>	\$8.16 Million	\$7.26 Million
<b>Applications</b>	9,019	9,393
<b>Renewals</b>	51,165	44,708

<b>Budget Allotment</b>	\$10.2 Million
<b>Projection to Year-End</b>	\$8.08 Million
<b>Surplus/Deficit</b>	\$2.14 Million
<b>Revenue (Year-End)</b>	\$8.77 Million

**Geologist and Geophysicists (GEO) Fund**

<b>Fiscal Month 10</b>	<b>FY 15/16</b>	<b>FY 14/15</b>
<b>Expenditures</b>	\$1.06 Million	\$874 Thousand
<b>Revenue</b>	\$912 Thousand	\$960 Thousand
<b>Applications</b>	326	341
<b>Renewals</b>	3,487	3,589

<b>Budget Allotment</b>	\$ 1.48 Million
<b>Projection to Year-End</b>	\$1.2 Million
<b>Surplus/Deficit</b>	\$277 Thousand
<b>Revenue (Year-End)</b>	\$1.02 Million

Overall, the Board is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year. Please note: Renewals cycles are cyclical depending on the FY. Additionally, the application fluctuations is a result of filing dates.

## 0770 - Board for Prof. Engineer's, Land Surveyor's and Geologist's Analysis of Fund Condition

(Dollars in Thousands)

### Pending 2016-17 Governor's Proposed Budget

**\$4.0 Million Outstanding General Fund Loan**

	ACTUAL 2014-15	Budget Act CY 2015-16	BY 2016-17
<b>BEGINNING BALANCE</b>	\$ 5,830	\$ 6,991	\$ 7,680
Prior Year Adjustment	-43	\$ -	\$ -
Adjusted Beginning Balance	\$ 5,787	\$ 6,991	\$ 7,680
<b>REVENUES AND TRANSFERS</b>			
Revenues:			
125600 Other regulatory fees	\$ 125	\$ 92	\$ 107
125700 Other regulatory licenses and permits	\$ 2,552	\$ 2,458	\$ 2,799
125800 Renewal fees	\$ 5,278	\$ 6,114	\$ 6,322
125900 Delinquent fees	\$ 59	\$ 69	\$ 75
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 15	\$ 24	\$ 1
150500 Interest Income from interfund loans	\$ 7	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 10	\$ 9	\$ 9
161400 Miscellaneous revenues	\$ 2	\$ 1	\$ 1
Totals, Revenues	\$ 8,048	\$ 8,767	\$ 9,314
Transfers from Other Funds			
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ 500	\$ -	\$ 3,200
Transfers from Other Funds			
TO0001 Transfer in from Geology AB 177, Chapter 428	\$ -	\$ -	\$ 939
Totals, Revenues and Transfers	\$ 8,548	\$ 8,767	\$ 13,453
Totals, Resources	\$ 14,335	\$ 15,758	\$ 21,133
<b>EXPENDITURES</b>			
Disbursements:			
1110 Program Expenditures (Governor's Budget)	\$ 7,336	\$ 10,116	\$ 11,914
<b>Projected Program Expenditures</b>			
Personnel Services		\$ 3,640	
Prorata		\$ 1,752	
General		\$ 1,117	
Examination		\$ 806	
Enforcement		\$ 745	
<b>Sub-Total</b>		\$ 8,060	
8880 Financial Information System for CA (State Operations)	\$ 8	\$ 18	\$ 14
Total Disbursements	\$ 7,344	\$ 8,078	\$ 11,928
<b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 6,991	\$ 7,680	\$ 9,205
<b>Months in Reserve</b>	10.4	7.7	9.1

# 0205 - Geology

## Analysis of Fund Condition

(Dollars in Thousands)

### Pending 2016-17 Governor's Proposed Budget

Fund and Appropriation merged with BPELS effective 7/1/2016

	ACTUAL 2014-15	Budget Act CY 2015-16	BY 2016-17
<b>BEGINNING BALANCE</b>	\$ 989	\$ 1,122	\$ 939
Prior Year Adjustment	98	-	-
Adjusted Beginning Balance	<u>\$ 1,087</u>	<u>\$ 1,122</u>	<u>\$ 939</u>
<b>REVENUES AND TRANSFERS</b>			
Revenues:			
125600 Other regulatory fees	\$ 7	\$ 11	\$ -
125700 Other regulatory licenses and permits	\$ 275	\$ 199	\$ -
125800 Renewal fees	\$ 802	\$ 786	\$ -
125900 Delinquent fees	\$ 16	\$ 22	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 3	\$ 3	\$ -
150500 Interest Income from interfund loans	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -
Totals, Revenues	<u>\$ 1,103</u>	<u>\$ 1,021</u>	<u>\$ -</u>
Transfers to Other Funds			
TO0001 Transfer to BPELSG AB 177, Chapter 428	\$ -	\$ -	\$ -939
Totals, Revenues and Transfers	<u>\$ 1,103</u>	<u>\$ 1,021</u>	<u>\$ (939)</u>
Totals, Resources	<u>\$ 2,190</u>	<u>\$ 2,143</u>	<u>\$ -</u>
<b>EXPENDITURES</b>			
Disbursements:			
1110 Program Expenditures (Governor's Budget)	\$ 1,067	\$ 1,481	\$ -
<b>Projected Program Expenditures</b>			
Personnel Services		\$ 524	
Prorata		\$ 167	
General		\$ 156	
Examination		\$ 308	
Enforcement		<u>\$ 47</u>	
<b>Sub-Total</b>		<u>\$ 1,201</u>	
8880 Financial Information System for CA (State Operations)	\$ 1	\$ 3	\$ -
Total Disbursements	<u>\$ 1,067</u>	<u>\$ 1,204</u>	<u>\$ -</u>
<b>FUND BALANCE</b>			
Reserve for economic uncertainties	\$ 1,122	\$ 939	\$ -
<b>Months in Reserve</b>	11.2	4.5	0.0



## **XI. Executive Officer's Report**

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- A. Legislation and Regulation Workgroup Summary
- B. Personnel
- C. Business Process Assessment Contract
- D. ABET
- E. ASBOG
- F. NCEES
- G. Outreach





## Legislation and Regulations Workgroup

### **Legislation:**

-SB 1085, SB 1155, SB 1165, SB 1195 and SB 1479

### **Regulations:**

- 1. Citations (472-473.4/3062-3063.4)**
  - Current location: Office of Administrative Law (OAL). Comment period ended April 25, 2016.
    - Board approved initial rulemaking proposal March 8, 2012.
    - Noticed to (OAL) March 11, 2016, for 45-day Comment Period.
- 2. Exam Appeals Repeal (443, 444, 3063.1, 3037.1)**
  - Current location: in-house, in progress.
    - Board approved initial rulemaking proposal March 7, 2013.
    - Noticed to (OAL) May 17, 2016, for 45-day Comment Period.
- 3. Waiver of Fundamentals Exam (438 (a)(2), (b)(2), & (b)(7))**
  - Current location: OAL final rule making- May, 2016.
    - Board approved initial rulemaking proposal February 9, 2015.
    - Noticed to Office of Administrative Law (OAL) May 22, 2015, for 45-day Comment Period.
    - OAL Comment Period ended July 6, 2015.
    - Board approved final rulemaking package, July 16, 2015.
    - Final package sent to DCA final review August 8, 2015.
    - Final rulemaking package at DCA budgets- updated October 27, 2015.
    - Package sent to BCSH (Agency) February, 2016.
- 4. SE, GE qualifications/experience (426.10/426.14/426.50).**
  - Current location: Office of Administrative Law (OAL).
    - Board approved initial rulemaking proposal February 13, 2014.
    - Noticed to (OAL) May 6, 2016, for 45-day Comment Period.
- 5. Corner Record (464(g)).**
  - Current location in-house, in progress.
    - Board approved initial rulemaking proposal June 11, 2015.
    - Noticed to Office of Administrative Law (OAL) November 13, 2015, for 45-day Comment Period.
    - OAL Comment Period ended December 28, 2015.
    - Public Hearing held January 5, 2016.
    - Noticed for 15-day Comment Period March 17, 2016 to April 4, 2016.
    - Noticed for 15-day Comment Period April 25, 2016 to May 13, 2016.
- 6. Qualifying Experience Land Surveyor (425)**
  - Current location in-house, in progress.
    - Board approved initial rulemaking proposal April 9, 2016.



## **XII. Technical Advisory Committees (TACs)**

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- A. Assignment of Items to TACs
- B. Appointment of TAC Members
- C. Reports from the TACs



## **REAPPOINTMENT OF CIVIL ENGINEERING TECHNICAL ADVISORY COMMITTEE MEMBERS**

### **BACKGROUND:**

The terms of Adam White, Neal Colwell and James Foley; members of the Civil Engineering Technical Advisory Committee expired on June 30, 2015. Mr. White, Mr. Colwell, and Mr. Foley have been consistent in attendance to TAC meetings and have been valuable members of the Committee.

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

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

Mr. Foley has been a registered Civil Engineer since 1973, and is also a licensed structural engineer (1976) and geotechnical engineer (1987). He specializes in engineering design, construction management and serving as an expert witness. Mr. Foley is also a past BPELSG Board Member.

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

### **RECOMMENDED MOTION:**

To reappoint the individuals named below for reappointment to the Civil Engineering Technical Advisory Committee:

- Adam White
- Neal Colwell
- James Foley

## **REAPPOINTMENTS TO THE GEOLOGIST AND GEOPHYSICIST TECHNICAL ADVISORY COMMITTEE**

### **BACKGROUND:**

There are currently two members of the Geology and Geophysics Technical Advisory Committee (G&G TAC) whose terms will expire as of June 30, 2016.

The G&G TAC reappointments have been submitted by Board Member Betsy Mathieson, PG, CEG.

Mr. Robertson is a licensed geologist and certified engineering geologist, and the President and principal geologist at Robertson Geotechnical. Mr. Robertson has over 40 years of experience in geotechnical evaluations and solutions. He has served on the G&G TAC since 2010, and works in Southern California.

Mr. Simpson is a licensed geologist and certified engineering geologist with more than 25 years of professional experience. He is a Senior Engineering Geologist/Geoscience Director with SHN Engineers & Geologists. He specializes in the application of Quaternary Geology and geomorphology to geotechnical and geohazard evaluations. Mr. Simpson has served on the G&G TAC since 2012, and works in Northern California.

The reappointment of these two G&G TAC members will provide continuity of expertise and experience on the committee as well as maintaining a diverse TAC membership.

### **RECOMMENDED MOTION:**

Reappoint Geologist and Geophysicist Technical Advisory Committee (G&G TAC) Members to another term expiring June 20, 2018:

- Hugh Robertson
- Gary Simpson

## **REAPPOINTMENT OF LAND SURVEYING TECHNICAL ADVISORY COMMITTEE MEMBERS**

### **BACKGROUND:**

Mr. Blake has been a licensed land surveyor since 2008 and is employed as the Mapping Department Manager for Hawkins & Associates in the Central Valley. He specializes in surveys to support large public works projects and oversees the GIS and terrestrial laser scanning services at his firm.

Mr. Hopkins has been a licensed land surveyor since 2001 and is employed as the City Land Surveyor/Deputy Director for the Engineering Division at the City of San Diego. He oversees all of the land surveying operations at the City.

Mr. Reading became licensed as a land surveyor in California in 2005 after being licensed in Wyoming and Idaho. He primarily worked in private land surveying/engineering firms prior to being appointed as a Land Surveyor for the County of San Luis Obispo.

The LSTAC member appointments for the above individuals have been nominated by Pat Tami. The reappointment of these candidates will help ensure the continuance, and enhancement, of the professional land surveying expertise and advice provided by the LSTAC.

### **RECOMMENDED MOTION:**

To reappoint the individuals named below for reappointment to the Professional Land Surveyor Technical Advisory Committee (LSTAC) for 2 year appointments commencing July 1, 2016:

- Mr. Scott (Landon) Blake, P.L.S.
- Mr. Greg Hopkins, P.L.S.
- Mr. Edward Reading, P.L.S.





### **XIII. President's Report/Board Member Activities**

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**XIV. Nomination and Election of President and Vice President for Fiscal Year 2016/17**

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## **XV. Approval of Consent Items**

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(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 April 21, 2016, Board Meeting



**DRAFT**

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

**Judge Joseph Rattigan Building  
50 D Street, Conference Room 410  
Santa Rosa, CA 95404**

**April 21-22, 2016**

<b>Board Members Present:</b>	Coby King, Vice President; Natalie Alavi; Fel Amistad; Kathy Jones Irish; Eric Johnson; Mohammad Qureshi; Karen Roberts; Jerry Silva; and Patrick Tami
<b>Board Members Absent:</b>	Robert Stockton, President; Asha Brooks, Chelsea Esquibias; Betsy Mathieson; Hong Beom Rhee
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Celina Calderone (Board Liaison); Kara Williams (Budget Analyst); and Michael Santiago (Legal Counsel)

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

Vice President King called the meeting to order at 9:10 a.m., and a quorum established.

**II. Public Comment**

No Public Comment

**III. Legislation**

**A. Discussion of Legislation for 2016:**

Ms. Williams reviewed the legislative calendar and noted important deadlines.

**SB 1155**

Existing law requires the Board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law requires after July 1, 2016, the Board expedite the initial licensure process for an applicant who supplies satisfactory evidence that the applicant has served as an active duty member of and was honorably discharged from the Armed Forces of the United States and provides that the board may adopt regulations necessary to implement this requirement. This bill would require the Board to grant a fee waiver for the application fee of honorably discharged veteran who served as an active duty member of the California National Guard or the United State Armed Forces.

<b>MOTION:</b>	Dr. Qureshi and Mr. Johnson moved to take a watch position.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

**SB 1195**

Existing law provides for different situations in which the director of the Department of Consumer Affairs can review decisions and action of the board and their members and employees. Existing law provides that decisions of the board with respect to setting standards, conducting examinations, passing candidates, and revoking licenses are not subject to review by the director except for allowing the director to initiate investigations of allegations of misconduct in the preparation, administration, or scoring of an examination or in the review of qualifications which are part of the licensing process and to intervene in any matter of the boards where an investigation discloses probable cause that the conduct or activity constitutes a criminal violation. The bill would remove the provision that states the decisions relating to setting standards, conducting examinations, passing candidates, and revoking licenses are not subject to review by the director; the provisions regarding initiating investigations and intervening would remain unchanged. This bill would add new provisions to the law to allow the director, upon his or her own initiative, and to require the director at the request of a consumer or licensee to review any board decision or other action to determine whether it unreasonable restrains trade, following procedures outlined in the law. The bill would specifically indicate that this type of review would not apply when an individual seeks review of



disciplinary or other action pertaining solely to that individual and that the section shall not be construed to affect, impede, or delay any disciplinary action of the board.

<b>MOTION:</b>	Mr. Tami and Ms. Alavi moved to take a watch position.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

**AB 320** This bill would prohibit a person from using the title "Environmental Engineer" unless the person is licensed as an "Environmental Engineer". This bill would set forth the intent of the Legislature that the Board be responsible for defining Environmental Engineering through rulemaking and that the Board adopt standardized examination materials applicable to Environmental Engineering, as specified.

The Board maintained an oppose position.

**AB 12** This bill would require every state agency, department, board, bureau or other entity to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdated provisions and adopt the revisions as emergency regulations by January 1, 2018. Additionally, this bill would require the Business, Consumer Services, and Housing Agency to submit a report to the Governor and Legislature affirming compliance with these provisions. Non-significant technical amendments where made 8/19/15.

The Board maintained a watch position.

**AB 507** AB 507 would, on or before March 1, 2016, require the Department of Consumer Affairs to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the departments' 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation. This bill contains other related provisions.

The Board maintained a watch position.

**SB 1099** **This bill** would expand the definitions of civil engineering and land surveying to include laying out through the use of mathematics or geometric measurements the alignment or elevation for specified items, determining the configuration or contour of the benthic surface below water bodies or the measuring for volumetric calculations of earthwork, as specified, and making specified determinations by applying the principles of remote sensing. The bill would also amend the definition of geodetic surveying. By expanding the scope of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

<b>MOTION:</b>	Ms. Jones Irish and Dr. Amistad moved to take a watch position on the 3/29/16 version.
<b>VOTE:</b>	8-1-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami			X		

**SB 209**

This bill would establish the Division of Mine Reclamation within the Department of Conservation under the direction of the Supervisor of Mine Reclamation. The bill also would raise the maximum amount of the annual reporting fee to \$10,000 per mining operation, except as specified. The bill would raise the maximum amount of the total revenue generated from the reporting fee to \$8,000,000, as specified. This bill contains other related provisions and other existing laws. This bill was significantly amended since the last Board meeting and no longer makes reference to any of the Board’s licensed professions. Additionally, it has already been signed by the Governor.

**SB 1085**

Existing law makes the Board responsible for the certification, licensure, and regulation of the practice of professional engineers, the practice of professional geologists and geophysicists, and the practice of professional land surveyors. This bill would additionally require an applicant for renewal to complete a specified board-administered assessment. The bill would make the failure to complete the assessment a cause for disciplinary action.

<b>MOTION:</b>	Mr. Tami and Dr. Qureshi moved to take a support position as amended.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

**SB 1479**

This bill would authorize the board to make arrangements with a public or private organization to conduct the examination. The bill would authorize the board to contract

with such an organization the for materials or services related to the examination and would authorize the board to allow an organization specified by the board to receive, directly from applicants, payments of the examination fees charged by that organization for materials and services.

<b>MOTION:</b>	Mr. Silva and Ms. Alavi moved to take a support position.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

**SB 1165** Currently, the laws allow professional geologists and geophysicists to either sign or seal their documents. This bill would require professional geologists and geophysicists to both sign and seal (or stamp) their final work product documents to indicate their responsibility for them and to require professional geologists and geophysicists to obtain a seal (or stamp). This bill would also extend the delinquent reinstatement rights to a licensee from 3-years to 5-years after expiration of their license. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of these licensee after this time. The bill would also make other technical and conforming changes.

<b>MOTION:</b>	Mr. Tami and Ms. Jones Irish moved to take a support position.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				

Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

B. **SB 1132** (Informational Only)

Mr. Moore briefed Board members. The American Institute of Architects introduced this bill and are attempting to enact an Architects in Training certificate similar to the Engineer-in-Training and Land Surveyor-in-Training certificates. The Architects Board does not see the benefit and currently does not have a fundamentals level examination.

IV. **Consideration of Rulemaking Proposals**

A. Proposal to Amend Title 16, California Code of Regulations §3031 (Geologist Education and References)

Ms. Racca reported that input from approximately 25 individuals was received. In general, there is much support and applicants would like the rules to be clear and a list of classes while others would like a long description of the classes including skills and competencies. She is revising the language with legal and will bring to the June board meeting for final approval.

C. Proposal to Amend Title 16, California Code of Regulations §425 (Land Surveyor Experience Requirements)

<b>MOTION:</b>	Mr. Tami and Ms. Alavi moved to approve and direct staff to begin the formal rulemaking process to amend Title 16, CCR section 425.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				

Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

B. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations §464 (Corner Records)

<b>MOTION:</b>	Mr. Amistad and Mr. Silva moved to approve 15-day notice regarding the modified text for changes to Title 16, CCR Section 464.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

V. Enforcement

A. Enforcement Statistical Report

Ms. Criswell reported that there are only 8 cases that are over a year old, half of which are with the Division of Investigation. She added that through her communication with them, they have offered training for their investigators specifically geared to engineering and surveying as some may be intimidated by the technical aspects of the cases. They are also looking at other field offices that can manage the caseload as they are understaffed.

Ms. Eissler indicated that more investigations were completed in the first three-quarters of this year than all of last year.

Ms. Jones Irish commended staff for addressing these issues especially with the Division of Investigation. Vice-President King reiterated Ms. Jones

Irish's sentiment and thanked staff for making the enforcement process improvement a priority.

Ms. Criswell added that the new law requiring licensees to respond has been successful.

Ms. Eissler followed up on an inquiry regarding fingerprinting that was requested at the last Board meeting and reported that 22% of candidates failed to disclose their convictions and added that once all the information is received from all sources it takes staff about one week to review.

## **VI. Exams/Licensing**

- A. Update on NCEES Exam Registration System as it Pertains to California Licensure Applicants
- B. Update on NCEES's Exam Administration Progress and its Effect on California State Specific Examinations

Mr. Moore addressed these two items together.

He reported that NCEES is revamping their registration system to standardize databases to make the process better for examinees and boards. During the first release of this software, it was discovered that it was not advantageous for California candidates. Mr. Moore petitioned to NCEES to make changes as California is one of the few states that do not require a degree to qualify for licensure for engineers and surveyors. It would involve more time and workload on Board staff to be involved. Mr. Tami was also involved to help NCEES understand the Board's position and NCEES is attempting to make it functional for California as well as other states that have alternate pathways to licensure.

Principles and Practice of Surveying (PS) exam moving to CBT - The national professional surveying examination registration will start June 2016 with the new version of the registration system and the first seats for the examination will start October 3, 2016 and will be continuous from this point on. Continuous testing for PE examinations will be phased in with 2-3 exams each year after that.

Mr. Moore reported that Mr. Kereszt, licensing manager, and his staff have been moving forward with improving the application review process by improving communication and establishing goals.

Mr. Tami thanked CLSA for providing lunches to the Fundamentals of Surveying and the Professional Surveying candidates over the years.

## **VII. Approval of Delinquent Reinstatements**

<b>MOTION:</b>	Ms. Jones Irish and Mr. Tami moved to approve the
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	delinquent reinstatement.
<b>VOTE:</b>	9-0, Motion Carried.

<b>Member Name</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

**VIII. Administration**

A. Budget Overview

1. Fiscal Year 2015-2016 Summary

Ms. Williams provided an overview on the Board’s budget. The information she provided included projected expenditures and Governor approved expenditures and revenue.

The expenditure authority is broken down into two different categories, discretionary and non-discretionary.

She reviewed the PELS fund which outlined the projected program expenditures and revenue. The largest majority of expenditures are expended in personnel services at 43% and the majority of the revenue is generated from renewal fees at 68%.

48% of the GEO fund expenditures are expended in personnel services and 74% of its revenue is generated from renewal fees.

2. Fiscal Year 2016-2017 Introduction

The information provided was a direct reflection of the Governor’s budget for both revenue and expenditures for 2016-2017. Ms. Williams reported that the projected program revenue would be approximately \$9 million dollars with most of the revenue generated by renewal fees at 68%, then applications fees at 30%, delinquency fees at 1%, and other fees, 1%. The projected program expenditures would be approximately \$12 million dollars.



## **IX. Executive Officer's Report**

### **A. Legislation and Regulation Workgroup Summary**

Mr. Moore reviewed the regulations that Board staff is currently working on.

### **B. Personnel**

The Board is currently recruiting for the Senior Registrar Land Surveyor position. At this time it is only open to state employees but staff is working with human resources to develop the criteria to have it open to all applicants. Maria Avalos was recently hired as the Board's test validation specialist in the examination development unit to help ensure examination defensibility.

Mr. Moore reported that staff studied various scenarios in reference to the Expert Consultant Compensation rate. The current rate for an examination expert is \$32.00 per hour and will be increased to \$50.00 per hour. It has not changed since 2000. The current rate for enforcement experts is \$75.00 per hour and will be increased to \$90.00 per hour. This rate has not changed in over 25 years. If the experts need to attend a hearing or testify, they will be compensated \$110 per hour. This change will have a net effect of \$225,000 per year within the Board's current appropriation. Mr. Tami believes that compensation should be the going rate and Vice-President King disagrees and believes we do not have to match industry to receive quality experts. There needs to be a compromise to obtain quality experts that support the cases while not paying market rate. Ms. Roberts noted the billing rate for stamp and signature on a design will be higher than reviewing someone else's work. Vice-President King would like to give the proposed plan a chance and reassess it in a year to see if it addresses some of the issues. Mr. Tami fully supports increasing the current rate but believes there should be something in place so that this is no longer an issue such as an industry analysis for examination and enforcement experts.

### **C. BreEZe Update**

Mr. Moore reported that Release 2 went live in January with minimal incident. There was a Release 2.1 in March and will be a Release 2.11 in June. They are addressing bringing Release 1 boards and bureaus up to the same functionality as Release 2 and other updates as needed.

### **D. Business Process Assessment Contract**

The Board has a contract in place with VIP services. They will work with Board staff to document and help identify the Board's business processes to ultimately be able to identify a system that best suits the needs of the Board.

### **E. ABET**

No report given.

**F. ASBOG**

Ms. Racca reported on the Spring Council of Examiners meeting that was held in Baton Rouge, Louisiana, where they discussed the last administration of the national examination, scored it, took the upcoming fall examination to help identify any questions that may be problematic.

**G. NCEES**

Mr. Moore reported that out of state travel for Anchorage, AK has not been approved yet but the request has made it through DCA and Agency and is now at the Governor's office for review. NCEES has allotted two funded delegates but they may not be approved to attend. If approval is not granted, the funded delegates will not be able to represent the state of California and provide input which will have a major impact. Ms. Jones Irish explained that you cannot function in an official capacity without authorization to do so.

The NCEES Annual Meeting will be hosted in Indianapolis, IN. They are encouraging any Boards members appointed after August 24, 2014 that have not attended an Annual Meeting to attend as a funded delegate.

**H. Outreach**

Ms. Racca reported that since January she has provided Geology-in-Training (GIT) presentations to CSU Bakersfield, UC Davis, Sonoma State, CSU Stanislaus, and CSU Fullerton. Additionally, she shared a booth with the Geological Society of America. It was a great experience and was able to reach over 250 students and spoke with various professors. As for professional societies, she was able to reach out to Association of Engineering Geologists (AEG) in San Francisco, Southern California, and Sacramento. She has received invitations from Loma Linda University, Caltech, and South Coast Geological Society. Ms. Jones Irish requested a schedule of her outreach events and offered to join Ms. Racca at her visit to Caltech.

**X. Technical Advisory Committees (TACs)**

**A. Assignment of Items to TACs**

Mr. Moore noted that several of the Board's TACs have members whose terms are about to expire. He has notified the appropriate Board members of these appointments and those will be brought to the June meeting.

**B. Appointment of TAC Members**

No report given.

**C. Reports from the TACs**

No report given.

**XI. President's Report/Board Member Activities**

Mr. Moore introduced Mr. Steve Wilson. He is a long standing civil engineer and land surveyor from Monterey who has applied to become a Board member.

**XII. 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 January 14, 2016, Board Meeting**

<b>MOTION:</b>	Dr. Qureshi and Mr. Amistad moved to approve minutes.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

**B. Approval of the Minutes of the March 3-4, 2016, Board Meeting**

<b>MOTION:</b>	Ms. Jones Irish and Mr. Silva moved to approve minutes as amended.
<b>VOTE:</b>	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton				X	
Coby King	X				
Natalie Alavi	X				
Fel Amistad	X				
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	

Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

**XIII. Other Items Not Requiring Board Action**

A. Next Board Meeting: June 9-10, 2016, in Riverside  
 Department of General Services  
 3737 Main Street, Highgrove Room  
 Riverside, CA 92501

**XI. President’s Report/Board Member Activities (Cont.)**

On President Stockton’s behalf, Mr. Moore explained that the President has selected Mr. Tami and Ms. Jones Irish as the nominating committee. Ms. Jones Irish requested that nominations be sent via e-mail to both her and Mr. Tami. Questions will be provided to all interested candidates to ensure the process is transparent and consistent. Dr. Qureshi inquired if the Board is continuing the Board’s tradition of alternating public and professional members. Ms. Jones Irish indicated that it will be taken into consideration. Mr. Moore explained that the nominating committee of past presidents has been consistent.

**XIV. 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. 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)
2. Joseph Elfelt v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2015-80002130

**XV. Open Session to Announce the Results of Closed Session**

During closed session the Board discussed pending litigation, two stipulations, one default decision, and two proposed decisions.

**XVI. Adjourn at 5:30 p.m.**

**PUBLIC PRESENT:**

Rob McMillan, CLSA  
 Steve C. Wilson

**XVI. Other Items Not Requiring Board Action**

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- A. Next Board Meeting: August 18-19, 2016  
Department of Consumer Affairs  
HQ2 Hearing Room #186  
1747 North Market Boulevard  
Sacramento, CA 95834



## **XVII. Closed Session**

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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**

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2. Joseph Elfelt v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2015-80002130
3. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334





**XVIII. Open Session to Announce the Results of Closed Session**

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**XIX. Adjourn**

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