



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

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

Thursday, August 18, beginning at 9:00 a.m.



Department of Consumer Affairs
Hearing Room #186
1747 North Market Boulevard
Sacramento, CA 95834

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

BOARD MEETING

AUGUST 18, 2016

DEPARTMENT OF CONSUMER AFFAIRS
HQ2 HEARING ROOM #186
1747 NORTH MARKET BOULEVARD
SACRAMENTO, CA 95834

BOARD MEMBERS

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

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I. Roll Call to Establish a Quorum

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.

III. Consideration of Rulemaking Proposals

- A. Adoption of Proposed Amendments to Title 16, California Code of Regulations §§426.10, 426.14, and 426.50 (Structural and Geotechnical Engineer Authority Qualifications) (Possible Action)
- B. Adoption of the Proposal to Repeal to Title 16, California Code of Regulations §§3036.1, 3036.2, 3037.1, and 3037.2 (Appeal of Examinations) (Possible Action)
- C. Request to Amend Title 16, California Code of Regulations §438 (Waiver of Fundamentals Examination) from Robert A. Katin, P.E. (Possible Action)
- D. Request to Amend Title 16, California Code of Regulations §461 (Testing Laboratory Reports) from CalGeo (Possible Action)

**Approval and/or Adoption of Proposed Amendments to
Title 16, California Code of Regulations
Sections 426.1, 426.14, and 426.50**

The Board seeks to amend Board Rules Sections 426.10, 426.14, and 426.50 to clearly define the date in which an applicant's qualifying experience begins and to clarify which licenses are covered under these sections. The proposed amendments were noticed on May 6, 2016. The 45-day public comment period ended on June 22, 2016. No public hearing was scheduled on this rulemaking proposal, and none was requested.

No comments were received during the 45-day comment period.

RECOMMENDED MOTION:

Adopt the proposed changes to Title 16, California Code of Regulations Sections 426.10, 426.14, and 426.50 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.

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

PROPOSED LANGUAGE

Amend Section 426.10 of Division 5, Article 2 of the California Code of Regulations to read as follows:

426.10. Qualification Requirements for Structural Authority.

An applicant for authority to use the title “structural engineer” shall comply with all of the following requirements:

(a) The applicant shall hold an unexpired, valid California license as a civil engineer.

(b) The applicant shall submit evidence satisfactory to the Board that the applicant has been in responsible charge of structural engineering qualifying experience, as defined in Section 426.11 and/or Section 426.12, for a minimum of three years subsequent to the date of ~~examination which was passed to gain licensure~~ as a California ~~license as a~~ civil engineer or as provided in Section 426.14.

Note: Authority cited: Section 6716, Business and Professions Code. Reference: Sections 6706.3, 6710, 6732, 6736, and 6763, Business and Professions code.

Amend Section 426.14 of Division 5, Article 2 of the California Code of Regulations to read as follows:

426.14. Experience for Structural Engineering Gained Out of State.

(a) The Board may consider an application for authority to use the title “structural engineer” from an applicant who does not possess three (3) years of qualifying experience subsequent to the date of ~~the examination which was passed to gain licensure~~ as a California civil engineer but who possesses experience equivalent to that provided in Section 426.11 based upon either:

(1) A minimum of three (3) years of structural engineering qualifying experience gained after the applicant's registration or licensure as a civil engineer in another state.

(2) A minimum of three (3) years of structural engineering qualifying experience which was gained while exempt from licensure pursuant to Section 6739 of the Code or while employed or registered or licensed in another country. Such experience shall be in addition to the experience required for licensure as a civil engineer in this state.

(b) Applicants seeking approval of their structural engineering qualifying experience, pursuant to this section, shall file their application at least six months prior to the final filing deadline to be considered for the next scheduled examination. Applicants may be required to appear for an interview regarding their structural engineering qualifying experience.

Note: Authority cited: Section 6716, Business and Professions Code. Reference: Sections 6706.3, 6710, 6717, 6732, 6736, 6739, 6751.2, 6753.5, and 6763, Business and Professions Code.

Amend Section 426.50 of Division 5, Article 2 of the California Code of Regulations to read as follows:

426.50. Qualification Requirements “Soil Engineer,” “Soils Engineer,” or “Geotechnical Engineer.”

An applicant for authority to use the title “soil engineer,” “soils engineer,” or “geotechnical engineer” shall:

(a) Hold an unexpired, valid California civil engineer license as a ~~civil engineer~~.

(b) Submit evidence satisfactory to the Board that the minimum number of years of qualifying experience or education has been met as required in Sections 6736.1(b) and 6763 of the Code and as defined in Section 426.51, subsequent to the date of examination which was passed to gain licensure as a California civil engineer. In addition, up ~~Up~~ to one year credit as of qualifying experience in ~~responsible charge~~ will may be given for possession of post graduate degree(s) from a Board approved

school of engineering with major studies in soil engineering as listed in Section 426.51(c). Credit for post graduate degree(s) will not be given if it has already been applied to the experience requirement for civil engineering licensure.

Note: Authority cited: Section 6716, Business and Professions Code. Reference: Sections 6706.3, 6710, 6716, 6732, 6736.1, and 6763, Business and Professions Code.

**Adoption of Proposal to Repeal
Title 16, California Code of Regulations
Sections 3036.1, 3036.2, 3037.1, and 3037.2**

The repeal of Board Rules Sections 3036.1, 3036.2, 3037.1, and 3037.2 regarding inspection and appeal of geophysicist, specialty geologist, and specialty geophysicist exam were noticed for a 45-day public comment period on May 27, 2016. The 45-day public comment period was extended and ended on July 22, 2016. No public hearing was scheduled on this rulemaking proposal, and none was requested.

No comments were received during the 45-day comment period.

RECOMMENDED MOTION:

Adopt the proposed changes to Title 16, California Code of Regulations Sections 3036.1, 3036.2, 3037.1, and 3037.2 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.

Professional Engineers, Land Surveyors, and Geologists

Proposed Language

~~3036.1. Inspection of Geophysicist or Specialty Geologist or Specialty Geophysicist Examination.~~

~~(a) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist who obtains a failing score of 10 percentage points or less below the passing score established by the criterion-referenced pass point method on the written examination may inspect the applicant's examination papers at such times and locations as may be designated by the executive officer. Inspection of such examination papers shall be permitted within 60 days after receipt of notice by the applicant of the applicant's failure to pass the examination. Applicants who score more than 10 percentage points below the established criterion-referenced pass point shall not be allowed to inspect their examinations.~~

~~(b) At the time of inspection, no one other than the examinee or the applicant's attorney and a representative of the board shall have access to such examination papers.~~

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7818 and 7844, Business and Professions Code.

~~3036.2. Inspection of Geologist Examination.~~

~~(a) An applicant for registration as a geologist who obtains a failing score of 10 percentage points or less below the passing score established by the criterion-referenced pass point method on the written examination may inspect the applicant's examination papers at such times and locations as may be designated by the executive officer. Inspection of such examination papers shall be permitted within 60 days after receipt of notice by the applicant of the applicant's failure to pass the examination. Applicants who score more than 10 percentage points below the established criterion-referenced pass point shall not be allowed to inspect their examinations.~~

~~(b) At the time of inspection, no one other than the examinee or the applicant's attorney and a representative of the board shall have access to such examination papers.~~

~~This section shall be repealed on December 31, 1999.~~

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7818 and 7844, Business and Professions Code

~~3037.1. Geophysicist or Specialty Geologist or Specialty Geophysicist Examination Appeal.~~

~~(a) At the time of inspection of an applicant's examination papers as provided in section 3036.1, an applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist who obtained a failing score of 10 percentage points or less below the passing score established by the criterion-referenced pass point method on the examination may appeal to the board for a review~~

~~of the applicant's examination papers. Applicants who score more than 10 percentage points below the established criterion-referenced pass point shall not be eligible to appeal their examination results.~~

~~(b) The appeal for a review shall be made in writing stating the reason for such appeal and citing the item or items against which the request is directed.~~

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Section 7844, Business and Professions Code.

~~3037.2. Geologist Examination Appeal Until January 1, 2000.~~

~~(a) At the time of inspection of an applicant's examination papers as provided in section 3036.1, an applicant for registration as a geologist who obtained a failing score of 10 percentage points or less below the passing score established by the criterion-referenced pass point method on the examination may appeal to the board for a review of the applicant's examination papers. Applicants who score more than 10 percentage points below the established criterion-referenced pass point shall not be eligible to appeal their examination results.~~

~~(b) The appeal for a review shall be made in writing stating the reason for such appeal and citing the item or items against which the request is directed.
This section shall be repealed on December 31, 1999.~~

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Section 7844, Business and Professions Code.

III. C. Consideration of Rulemaking Proposals – Request to Amend Title 16, California Code of Regulations §438 (Waiver of Fundamentals Examination) from Robert A. Katin, P.E. (Possible Action)

The Board received correspondence from Mr. Katin requesting a change to Board Rule 438 as it pertains to work experience credit. Through the typical route, an applicant for the Professional Engineer license must pass the FE exam and the corresponding industry-specific PE exam(s), and demonstrate a minimum of 6 years of work experience in the engineering industry being applied for. In this typical case, the law allows for a Board-approved degree to count as a maximum of 4 years credit towards the overall 6 years required, but the degree is not statutorily required.

Business and Professions Code, §6755(c) authorizes the Board to establish by rule waiver (BR 438) of the first division (FE) examination whose education and experience qualifications substantially exceed the typical requirements. When an individual applies for the professional engineer license by requesting a waiver of the FE exam, Board Rule 438 requires the applicant, at a minimum, to demonstrate that they are "...a graduate of an approved engineering curriculum and submits satisfactory evidence to the Board that he or she has fifteen (15) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation..." There are various other paths allowed for with this waiver based on additional education or previous engineering licensure, however what is stated above is the minimum requirements to qualify for the waiver.

Based on the received correspondence, Mr. Katin believes that BR 438 should be similar to the more typical pathway which would allow the applicant to count the approved degree as 4 years of work experience credit towards the overall 15 years required.

Staff Comments:

As a result of a previous Statement of Issues hearing, The Board amended Board Rule 438 effective October 9, 2002 specifically to clarify that the actual work experience was gained in addition to the education requirement. Mr. Katin's letter is attached along with a copy of the current laws.

The Board would need to decide if they accept this concept as fulfilling its mandated mission and if they would like to direct staff to pursue the rulemaking process for the implementation of regulations in order to grant this request.

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April 25 2016

Mr. Ric Moore, PLS
Executive Officer
Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, California 95833-2944

Subject: Recommendation for Modification of Board Rule 438 Waiver of Fundamental Examination

Dear Mr. Moore:

My name is Bob Katin. I am a licensed professional engineer (PE) with over 40 years of industrial experience. I am sure that you agree that the purpose of licensing engineers and the purpose of having an engineering board is to protect the public. I would hope that you, like me, would like to see more engineers get their PE. I was active in the effort to modify board rules to exempt engineers with a PhD having to take the EIT. I am sure that if more engineering school professors had their PE, their students would take their EIT, while they were still in college.

Katin Engineering Consulting (KEC) is an engineering consulting firm, and our services include offering a chemical engineering principles refresher class to help engineers pass the EIT/FE and PE in chemical engineering. One recent attendee said he wanted to take my refresher for the EIT/FE. He said he has been out of college working in industry for 12 years. I said fine, 12 years of work experience and 4 years of college from an Accreditation Board for Engineering and Technology (ABET) accredited school exceed the 15-year requirement to waive the EIT/FE.

I was surprised to learn that is not the case.

A college student is allowed to take the EIT/FE while in college. Rule 424 grants 4 years of experience credit for graduation from an ABET approved engineering curriculum toward the 6-year experience requirement to sit for the PE exam. I recommend that the Board modify Rule 438 to allow a similar four years of credit to apply toward the 15 years of experience when requesting a waiver of the EIT/FE.

I look forward to hearing this request to modify Board Rule 438 has been added to the engineering board agenda, and the Board concurs with my recommendation for a modification.

Sincerely,



Robert A. Katin, PE
Principal

6755. Examination requirements

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

438. Waiver of Fundamentals Examination.

(a) An applicant for licensure as a professional engineer whose qualifications meet all requirements of the code and rules of the Board will be allowed to appear for only the second division of the written examination prescribed by Section 6755 of the Code if he or she meets one or more of the following requirements:

(1) Holds valid licensure as a professional engineer in another branch in California.

(2) Holds valid certification as an engineer-in-training in another state obtained by passing a written examination which normally requires a minimum of eight hours to complete and the content of the examination is designed to test the candidates knowledge of fundamental engineering subjects, including mathematics and the basic sciences.

(3) Is a graduate of an approved engineering curriculum and submits satisfactory evidence to the Board that he or she has fifteen (15) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(4) Is a graduate of a non-approved engineering curriculum or an approved engineering technology curriculum and submits satisfactory evidence to the Board that he or she has seventeen (17) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(5) Is a graduate of an approved engineering curriculum and an approved post-graduate engineering curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(6) Is a graduate of a non-approved engineering curriculum or an approved engineering technology curriculum and an approved postgraduate engineering curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(7) Is the holder of an earned doctorate in engineering from a department or program at a university or college where the undergraduate engineering curriculum in the same branch of engineering is an approved engineering curriculum; or is serving in a tenure-track faculty position in an approved engineering curriculum at the level of Assistant Professor or higher.

III. D. Request to Amend Title 16, California Code of Regulations §461 (Testing Laboratory Reports) from CalGeo (Possible Action)

At the September 2014 Board Meeting, CalGeo made a request to amend Board Rule 461 due to concerns associated with unlicensed individuals and firms issuing material testing reports in situations where, in their opinion, a licensed engineer should be in responsible charge and signing/sealing the reports. According to the official minutes, the Board agreed to have this matter discussed jointly by the Civil, Structural, and Geologist/Geophysicist TAC's for recommendation.

Excerpt from September 2014 Official Minutes:

Bob Lokteff, representing CalGeo, provided information on their society, reporting they represent geotechnical engineering firms throughout California. Many of their firms provide materials testing inspection during construction, and they believe it is part of their engineering service. CalGeo's membership has identified an issue with an increase in the number of firms offering material testing and inspections without being overseen by a licensed civil engineer with appropriate experience. The current language in the Code of Regulations can be interpreted in different ways. They are requesting that Title 16, California Code of Regulations, Section 461 be amended for clarification. Mr. Moore recommended presenting this to the CETAC and GGTAC to review the existing language and make recommendations to the Board to address any ambiguities related to this concern. Ms. Roberts mentioned that there may be issues related to the California Building Code and requested that the SETAC be involved in the joint TAC meeting as well. The Board agreed on that action.

At the November 2014 Board Meeting, it was reported that the joint TAC committees met on October 29, 2015 to consider CalGeo's request resulting in a group consensus that the priority would be to increase education and outreach.

Excerpt from November 2014 Official Minutes:

Request from CalGeo to Amend Title 16, California Code of Regulations Section 461 (Testing Laboratory Reports)

Mr. Moore reported that at the Board's direction, a joint TAC meeting was held October 29, 2014 in San Bernardino. He reported that it was a group consensus that the biggest aspect was education and outreach. Several TAC members agreed to prepare an article for inclusion in the next Board Bulletin to address this in more detail. CalGeo offered assistance.

The Spring 2015 edition of the Board's Bulletin included an article on this matter written by one of the TAC members (attached).

Staff Comments:

CalGeo has continued to work on proposed amendments to BR 461 and has kept Board staff aware of their efforts. Due to the most recent proposal, Board staff asked one of the current Civil TAC members to review and staff recommended to CalGeo to bring this matter back to the Board to see if the Board wished to move forward with this matter.

Update on Request from CalGeo to Amend Title 16, California Code of Regulations Section 461 (Testing Laboratory Reports)

February 2014 – CalGeo board representatives met with State Board Executive Director Mr. Ric Moore to express concern regarding materials testers and construction inspectors performing services on their own without the supervision and review of a registered Civil Engineer. CalGeo explained instances where testers/inspectors who have ICC special inspection certifications are performing tests and inspections without the oversight of a registered Civil Engineer. Mr. Moore said that it would be best to revise existing code language instead of legislation and that CCR 461 is the appropriate code section to revise. Mr. Moore said that CalGeo should bring this request before the State Board.

September 2014 – CalGeo’s request for CCR 461 revisions was heard by the State Board. CalGeo explained the importance of the revisions for public health and safety reasons. The State Board agreed that this was important and asked CalGeo to develop proposed language revisions with help from the Civil/Geology Technical Advisory Committee (TAC).

October 2014 – CalGeo board representatives attended the Civil/Geology TAC in Southern California where their concerns were heard and a TAC liaison was assigned to work with CalGeo on proposed CCR 461 revisions.

2015 – CalGeo worked with the Civil/Geology TAC liaison and prepared draft revision to CCR 461.

January-April 2016 – CalGeo submitted draft language revisions to Mr. Moore who informed CalGeo that while our proposed revised language addressed CalGeo’s concerns, it was not written so that it could be enforced by the State Board. Mr. Moore recommended we revise the language so that it could be enforced.

May 2016 – CalGeo submitted revised draft CCR 461 language revisions to Ric Moore. Mr. Moore assigned a Civil TAC liaison to review the revised draft language.

July 2016 – CalGeo Board members met with the Civil TAC liaison to describe the work CalGeo has performed to date and review the revised draft language. The Civil TAC liaison is currently reviewing the draft language and will provide comments.

August 2016 – CalGeo board members are scheduled to report back to the State Board to reiterate the purpose of the proposed CCR 461 revisions and obtain recommendations on how to proceed.

Attachments

- July 29, 2014 CalGeo Request to Amend California Code of Regulations Section 461 (Testing Laboratories)
- Current CCR 461
- CalGeo Proposed Revised CCR 461

Current CCR 461

§ 461. Testing Laboratory Reports.

Reports issued by Testing Laboratories shall be prepared by or under the supervision of a licensed civil, electrical, or mechanical engineer, as appropriate, and signed or sealed by him/her whenever such reports go beyond the tabulation of test data (composition of material, breaking stress, et cetera) and proceeds to:

- (a) Interpret the data to draw conclusions as to the characteristics of a civil engineering structure, an electrical or mechanical device, or parts thereof.
- (b) Express civil, electrical, or mechanical engineering judgment in the form of recommendations derived from the results of the test.
- (c) Perform design work in the preparation of plans, specifications, and other instruments requiring licensure as a civil, electrical, and/or mechanical engineer.

Note: Authority cited: Section 6716, Business and Professions Code. Reference: Sections 6706.3, 6710, 6730, 6731, 6732, 6735, 6735.3 and 6735.4, Business and Professions Code.

HISTORY

1. Amendment filed 1-16-69; effective thirtieth day thereafter (Register 69, No. 3).
2. Amendment filed 8-10-83; effective thirtieth day thereafter (Register 83, No. 33).
3. Change without regulatory effect amending section and Note filed 4-19-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 17).

This database is current through 4/22/16 Register 2016, No. 17

16 CCR § 461, 16 CA ADC § 461

CalGeo Proposed Revised CCR 461

461. Design and Construction Testing and Inspection

Design and Construction Testing and Inspection services are engineering services that require a supervising licensed engineer in responsible charge. Therefore, Design and Construction Testing, and Construction Inspection (including Special Inspection) shall be performed by an engineer or a technician employed by an engineering company (testing/inspection entity) with supervision of and review by a licensed civil, electrical, or mechanical engineer. Field and laboratory test results shall bear the letterhead of the testing/inspection entity. The testing/inspection entity's licensed engineer who oversees and manages field and laboratory testing shall sign and seal reports when tests proceed to:

- (a) Data interpretation and drawing conclusions as to the characteristics of a civil engineering work or structure, an electrical or mechanical device, or parts thereof.
- (b) Civil, electrical, or mechanical engineering judgment in the form of recommendations derived from the results of the test.
- (c) Design work in the preparation of plans, specifications, and other instruments requiring licensure as a civil, electrical, and/or mechanical engineer.

When Construction Inspection, Testing and Special Inspection Services use Testing Standards such as the American Society of Testing and Materials (ASTM), American Association of State Highway and Transportation Officials (AASHTO), California Department of Transportation (Caltrans) that necessitate managerial oversight by a Professional Engineer, the entity offering these services must comply with the California Business and Professions Code Section 6738, Engineering Business.



Clarification of Board Rule 461 Relating to Testing Laboratory Reports

By ADAM V. WHITE, MSCE, P.E.

At the September 25, 2014, meeting, the Board for Professional Engineers, Land Surveyors, and Geologists (Board) considered a request from members representing CalGeo, a California Geotechnical Engineering Association, that Title 16, California Code of Regulations section 461 (Board Rule 461) be amended for clarification. CalGeo's membership identified an issue with regard to firms offering material testing and inspections without oversight by a licensed civil engineer. This issue was referred by the Board to a joint meeting of the Civil Engineer, Structural Engineer, and Geologist and Geophysicist Technical Advisory Committees (TACs) to review existing language and possibly suggest recommendations to address any ambiguities.

Board Rule 461, Testing Laboratory Reports, reads as follows:

Reports issued by Testing Laboratories shall be prepared by or under the supervision of a licensed civil, electrical, or mechanical engineer as appropriate and signed or sealed by him/her whenever such reports go beyond the tabulation of test data (composition of material, breaking stress, et cetera) and proceeds to:

- (a) *Interpret the data to draw conclusions as to the characteristics of civil engineering structure, an electrical or mechanical device, or parts thereof.*
- (b) *Express civil, electrical, or mechanical engineering judgment in the form of recommendations derived from the results of the test.*
- (c) *Perform design work in the preparation of plans, specifications, and other instruments requiring licensure as a civil, electrical, and/or mechanical engineer.*

After further discussion during the TAC meeting involving CalGeo representatives, it appeared that the source of ambiguity was additionally defined as the interpretation of whether the act of tabulation of test data, as specified in Board Rule 461 and related to sample collection, testing, and reporting of field information, constitutes the practice of civil engineering. It is common practice that technicians tasked with these field duties are unlicensed and work in a subordinate role to the licensee. They are usually certified inspectors and often are employed by geotechnical engineering firms. The International Code Council (ICC), which provides certification for soils special inspectors, requires no level of experience or education necessary to register for the examination. ICC certifications are voluntary.

There are many instances in which sampling collection, testing, and reporting are required by the International Building Code and/or the California Building Code (CBC). As for projects related to improvements approved by California's Division of the State Architect or Office of Statewide Health Planning and Development,



(continued on page 18)

Clarification of Board Rule 461 Relating to Testing Laboratory Reports (continued from page 17)

these agencies have strict requirements for how field information is collected, tested, and reported. The requirement for oversight by licensed engineers is mandated in amendments to Chapter 17 of the CBC relating to special inspection for projects approved by these agencies.

Often, as a condition of project approval, the building official requires sampling and reporting of various parameters, including, for example, compaction testing of engineered fill. In this case, it is left to the approval agency to assess the suitability, validity, and acceptability of provided information by the field technician. The appropriate vehicle for regulating this activity is through building code compliance enforced at the agency level. Requirements including specific standards (tests) to be employed, designation of sampling locations, and methods of reporting should not be left to the field

technician. Rather, the civil engineer in responsible charge should designate these parameters and the approval agency should mandate their implementation, thereby ensuring the relevancy of results and completion of requirements specified in the approved plans. Any unlicensed field technician would then be left with merely collecting the sample, conducting the test, and reporting the result, in the absence of interpretation or expression of opinion. In this way, these tasks would not constitute the practice of civil engineering.

It is clear in Board Rule 461 that use of report information that goes beyond tabulation and advances to interpretation, expression of opinion, or preparation of plans or other engineering documents, constitutes the practice of civil engineering, and any of those efforts are to be prepared by or under the responsible charge of a licensed civil engineer.

Technical Advisory Committee Vacancies

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) is currently accepting applications to fill vacancies in its civil engineering, structural engineering, and land surveying Technical Advisory Committees (TACs).

The TACs advise and assist the Board and its staff on civil engineering, structural engineering, land surveying, and geology matters. Each TAC generally meets once a year; however, individual TAC members may also be asked to assist Board staff in reviewing applications for licensure, enforcement complaint investigation cases, and other technical issues.

Each TAC consists of five members who are appointed by the Board. In addition, two Board members (one professional member in the appropriate discipline and one public member) and a staff person are assigned as liaisons to each TAC. The TAC members serve a two-

year term and can be re-appointed for two additional two-year terms. TAC members receive per diem and expenses but are not paid.

Applicants for appointment to the TACs must be expert civil or structural engineers, land surveyors, or geologists, and must hold current, valid, and unrestricted licenses. Additionally, applicants must not have been subject to enforcement action by the Board and must not be under investigation by the Enforcement Unit of the Board.

The *Application for Appointment to Technical Advisory Committee* form is available on the Board's website, www.bpelsg.ca.gov. The TAC application may also be obtained by calling the Board office toll-free at (866) 780-5370. Once received, the applications will be reviewed by the Board member and staff liaisons to the TACs.

IV. Legislation

- A. Discussion of Legislation for 2016: SB 1085, SB 1155, SB 1165, SB 1194 and SB 1195 and any other bills that include proposals resulting from the North Carolina Dental Board Supreme Court decision, and SB 1479 (Possible Action)

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.

Watched Legislation

SB 1155 (Morrell)

Professions and vocations: licenses: military service.

Status: 8/3/2016-August 3 set for first hearing. Placed on suspense file.

Location: 8/3/2016-Assembly Appropriations Suspense File

Last Amend: 6/23/2016

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

Updated 8/4/2016

Staff Analysis: SB 1155

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.

Staff Recommendation: Board staff recommends the Board take a **Watch** position as amended 6/23/2016.

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

AMENDED IN ASSEMBLY JUNE 23, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1155

Introduced by Senator Morrell

February 18, 2016

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 United States Armed Forces and was honorably discharged.

This bill, on and after January 1, 2018, 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~~. *an applicant who supplies satisfactory evidence, as defined, to the board that the applicant has served as an active duty member of the California National Guard or the United States Armed Forces and was honorably discharged.* The bill would require that a veteran be granted only one fee waiver, except 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. (a) (1) Notwithstanding any other provision of law,
4 every board within the department shall grant a fee waiver for the
5 application for and issuance of an initial license to ~~an individual~~
6 ~~who is an honorably discharged veteran who served as an active~~
7 ~~duty member of the California National Guard or the United States~~
8 ~~Armed Forces. Under this program, all of the following apply:~~ *an*
9 *applicant who supplies satisfactory evidence to the board that the*
10 *applicant has served as an active duty member of the California*
11 *National Guard or the United States Armed Forces and was*
12 *honorably discharged.*

13 (2) For purposes of this section, "satisfactory evidence" means
14 a completed "Certificate of Release or Discharge from Active
15 Duty" (DD Form 214).

16 (b) Under this program, all of the following apply:

17 (a)

18 (1) A veteran shall be granted only one fee waiver, except as
19 specified in ~~subdivision (b)~~. *paragraph (2)*. After a fee waiver has
20 been issued by any board within the department pursuant to this
21 section, the veteran is no longer eligible for a waiver.

22 (b)

1 (2) If a board charges a fee for the application for a license and
2 another fee for the issuance of a license, the veteran shall be granted
3 fee waivers for both the application for and issuance of a license.

4 ~~(e)~~

5 (3) The fee waiver shall apply only to an application of and a
6 license issued to an individual veteran and not to an application
7 of or a license issued to an individual veteran on behalf of a
8 business or other entity.

9 ~~(d)~~

10 (4) A waiver shall not be issued for any of the following:

11 ~~(1)~~

12 (A) Renewal of a license.

13 ~~(2)~~

14 (B) The application for and issuance of an additional license, a
15 certificate, a registration, or a permit associated with the initial
16 license.

17 ~~(3)~~

18 (C) The application for an examination.

19 ~~(e)~~

20 (c) This section shall become operative on January 1, 2018.

Supported Legislation

Senate Bill 1085 (Roth)

Laws and Regulations Renewal Examination

Status: 8/4/2016-Read second time. Ordered to third reading.

Location: 8/3/2016- Assembly Floor Second Reading

Last Amendment: 6/28/2016

Calendar: 8/8/2016 #98 Assembly Third Reading File - Senate Bills

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

Updated 8/4/2016

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 as amended 6/28/2016.

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

AMENDED IN ASSEMBLY JUNE 28, 2016

AMENDED IN ASSEMBLY JUNE 22, 2016

AMENDED IN SENATE APRIL 20, 2016

AMENDED IN SENATE APRIL 7, 2016

SENATE BILL

No. 1085

Introduced by Senator Roth

February 17, 2016

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 and ~~geophysicists~~ *geophysicists*: 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 online ~~assessment, which includes questions~~ *assessment* to reinforce the certificate holder's or licenseholder's knowledge of laws applicable to his or her practice area.

The bill would authorize the failure to complete the assessment within a specified period of time to be a cause for disciplinary action. The bill would prohibit the board from charging the renewal applicant a fee for the administration or development of the assessment. 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.~~ *regulations.*
8 Failure to complete this assessment within 60 days after the date
9 of expiration of the certificate may result in 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 (c) The board shall not charge the certificate holder a fee for
15 the administration or development of the assessment.

16 (d) For the purposes of this section, "assessment" means an
17 online program that contains educational reading material and
18 questions. The material shall be based on state law and the board's
19 rules and regulations ~~related~~ *relating to the practice of professional*
20 *engineers. The scope of the assessment shall be limited to the*
21 *board's top five types of violations related to the administrative*
22 *and procedural aspects of the practice of professional engineers*
23 *and any changes or additions to existing law.* ~~law related to such~~
24 *administrative and procedural aspects.*

25 SEC. 2. Section 7841.1 of the Business and Professions Code
26 is amended to read:

27 7841.1. An applicant for licensure as a geophysicist shall have
28 all of the following qualifications. This section shall not apply to
29 applicants for licensure as geologists.

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

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

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

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

13 (c) Have at least seven years of professional geophysical work
14 that shall include either a minimum of three years of professional
15 geophysical work under the supervision of a professional
16 geophysicist, except that prior to July 1, 1973, professional
17 geophysical work shall qualify under this subdivision if it is under
18 the supervision of a qualified geophysicist, or a minimum of five
19 years' experience in responsible charge of professional geophysical
20 work. Professional geophysical work does not include the routine
21 maintenance or operation of geophysical instruments, or, even if
22 carried out under the responsible supervision of a professional
23 geophysicist, the routine reduction or plotting of geophysical
24 observations.

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

29 Teaching in the geophysical sciences referred to in this section
30 at a college level shall be credited year for year toward meeting
31 the requirement in this category, provided that the total teaching
32 experience includes six semester units per semester, or equivalent
33 if on the quarter system, of *the* third or fourth year or graduate
34 courses.

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

39 The ability of the applicant shall have been demonstrated by his
40 or her having performed the work in a responsible position, as the

1 term “responsible position” is defined in regulations adopted by
 2 the board. The adequacy of the required supervision and experience
 3 shall be determined by the board in accordance with standards set
 4 forth in regulations adopted by it.

5 (d) Successfully pass a written examination that shall test the
 6 applicant’s knowledge of state laws, rules, and regulations, and of
 7 the principles and practices of geophysics within this state. The
 8 board shall administer the test on the state laws and the board’s
 9 rules and regulations as a separate part of the examination for
 10 licensure as a geophysicist.

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

13 7881.5. (a) At the time of renewal specified in Section 7880
 14 or 7881, the board shall administer an assessment of the certificate
 15 holder ~~that includes questions~~ to reinforce the certificate holder’s
 16 knowledge of state laws and the board’s rules and ~~regulations~~
 17 ~~relating to the practice of professional geologists and geophysicists.~~
 18 *regulations*. Failure to complete this assessment within 60 days
 19 after the date of expiration of the certificate may result in
 20 disciplinary action under Section 7860, but shall not affect the
 21 renewal of the certificate.

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

24 (c) The board shall not charge the certificate holder a fee for
 25 the administration or development of the assessment.

26 (d) For the purposes of this section, “assessment” means an
 27 online program that contains educational reading material and
 28 questions. The material shall be based on state law and the board’s
 29 rules and regulations ~~related~~ *relating to the practice of professional*
 30 *geologists and geophysicists. The scope of the assessment shall*
 31 *be limited to the board’s top five types of violations related to the*
 32 *administrative and procedural aspects of the practice of*
 33 *professional geologists and geophysicists and any changes or*
 34 *additions to existing law. law related to such administrative and*
 35 *procedural aspects.*

36 SEC. 4. Section 8801.1 is added to the Business and Professions
 37 Code, to read:

38 8801.1. (a) At the time of renewal specified in Section 8801
 39 or 8802, the board shall administer an assessment of the
 40 licenseholder ~~that includes questions~~ to reinforce the

1 licenseholder’s knowledge of state laws and the board’s rules and
2 ~~regulations regulating the practice of professional land surveyors.~~
3 *regulations*. Failure to complete this assessment within 60 days
4 after the date of expiration of the license may result in disciplinary
5 action under Section 8780, but shall not affect the renewal of the
6 license.

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

9 (c)The board shall not charge the licenseholder a fee for the
10 administration or development of the assessment.

11 (d)For the purposes of this section, “assessment” means an
12 online program that contains educational reading material and
13 questions. The material shall be based on state law and the board’s
14 rules and regulations ~~related~~ *relating to the practice of professional*
15 *land surveyors. The scope of the assessment shall be limited to the*
16 *board’s top five types of violations related to the administrative*
17 *and procedural aspects of the practice of professional land*
18 *surveyors and any changes or additions to existing*~~law.~~ *law related*
19 *to such administrative and procedural aspects.*

Supported Legislation

Senate Bill 1165 (Cannella)

Sign/Seal and Delinquent Reinstatement

Status: 8/4/2016-In Senate. Concurrence in Assembly amendments pending.

Location: 8/4/2016-S. Concurrence

Last Amendment: 6/21/2016

Calendar: 8/8/2016 #41 Senate Sen Unfinished Business

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

Updated 8/5/2016

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 amended 5/17/2016.

Staff Recommendation: Board staff recommends the Board take a **Support** position as amended 6/21/2016.

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.

AMENDED IN ASSEMBLY JUNE 21, 2016

AMENDED IN ASSEMBLY MAY 17, 2016

AMENDED IN SENATE MARCH 29, 2016

SENATE BILL

No. 1165

Introduced by Senator Cannella

February 18, 2016

An act to amend Sections 6751, 6755, 6756, 6762, 6763.5, 6796, 6796.3, 6796.5, 6799, 7835, 7835.1, 7841, 7841.2, 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~~ 2nd 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 delete the requirement that an applicant for licensure as a professional engineer pass the first division examination in order to sit for the ~~second~~ 2nd 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 also requires an*

applicant for certification as a geologist-in-training 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. 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, geologist, or for certification as a geologist-in-training,~~ instead of the ~~above-mentioned applicable graduation requirement, requirement described above,~~ 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~~ 2nd division of the examination, and requires an applicant for a certificate as a ~~land-surveyor-in-training~~ *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 licensees 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.

1 (c)The applicant for licensure as a professional engineer shall
2 comply with all of the following:

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

5 (2)Furnish evidence of six years or more of qualifying
6 experience in engineering work satisfactory to the board evidencing
7 that the applicant is competent to practice the character of
8 engineering in the branch for which he or she is applying for
9 licensure.

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

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

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

16 6755. (a) Examination duration and composition shall be
17 designed to conform to the following general principle: The first
18 division of the examination shall test the applicant's knowledge
19 of appropriate fundamental engineering subjects, including
20 mathematics and the basic sciences; the second division of the
21 examination shall test the applicant's ability to apply his or her
22 knowledge and experience and to assume responsible charge in
23 the professional practice of the branch of engineering in which the
24 applicant is being examined.

25 (b) The board may by rule provide for a waiver of the first
26 division of the examination for applicants whose education and
27 experience qualifications substantially exceed the requirements of
28 subdivision (a) of Section 6751.

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

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

36 6756. (a) An applicant for certification as an
37 engineer-in-training shall, upon meeting all of the requirements
38 prescribed in subdivisions (a) and (b) of Section 6751, be issued
39 a certificate as an engineer-in-training. A renewal or other fee,
40 other than the application and examination fees, shall not be

1 charged for this certification. The certificate shall become invalid
 2 when the holder has qualified as a professional engineer as
 3 provided in Section 6762.

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

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

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

13 6762. Any applicant for licensure as a professional engineer,
 14 upon meeting all of the requirements prescribed in subdivision (c)
 15 of Section 6751 and who has otherwise qualified hereunder as a
 16 professional engineer, shall have a certificate of registration issued
 17 to him or her as a professional engineer in the particular branch
 18 for which he or she is found qualified.

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

21 6763.5. If an applicant for licensure as a professional engineer,
 22 for certification as an engineer-in-training, or for authorization to
 23 use the title "structural engineer" or "soil engineer" is found by
 24 the board to lack the qualifications required for admission to the
 25 examination for such licensure, certification, or authorization, the
 26 board may, in accordance with the provisions of Section 158 of
 27 this code, refund to him or her one-half of the amount of his or her
 28 application fee.

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

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

1 or on the date on which the delinquency fee, if any, is paid,
2 whichever last occurs.

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

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

7 6796.3. (a) Certificates of registration as a professional
8 engineer, and certificates of authority to use the title “structural
9 engineer,” “soil engineer,” or “consulting engineer” that are not
10 renewed within five years after expiration ~~may~~ *shall* not be
11 renewed, restored, reinstated, or reissued. After five years after
12 expiration, the holder of a certificate may apply for and obtain a
13 new certificate 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 of him or her if he or she were then applying
18 for the certificate for the first time.

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

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

25 6796.5. Once an expired or delinquent certificate of registration
26 or certificate of authority is renewed pursuant to Section 6796, all
27 of the following shall apply:

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

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

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

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

1 6799. (a)The amount of the fees prescribed by this chapter
2 shall be fixed by the board in accordance with the following
3 schedule:

4 (1) The fee for filing each application for licensure as a
5 professional engineer and each application for authority level
6 designation at not more than four hundred dollars (\$400) and for
7 each application for certification as an engineer-in-training at not
8 more than one hundred dollars (\$100).

9 (2)The fee to take an examination administered by a public or
10 private organization pursuant to Section 6754 shall be no greater
11 than the actual cost of the development and administration of the
12 examination and may be paid directly to the organization by the
13 applicant.

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

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

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

22 (6) The board shall establish by regulation an appeal fee for
23 examination. The regulation shall include provisions for an
24 applicant to be reimbursed the appeal fee if the appeal results in
25 passage of examination. The fee charged shall be no more than
26 the costs incurred by the board.

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

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

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

33 7835. All geologic plans, specifications, reports, or documents
34 shall be prepared by a professional geologist or licensed certified
35 specialty geologist, or by a subordinate employee under his or her
36 direction. In addition, they shall be signed by the professional
37 geologist or licensed certified specialty geologist and stamped with
38 his or her seal, both of which shall indicate his or her responsibility
39 for them.

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

3 7835.1. All geophysical plans, specifications, reports, or
4 documents shall be prepared by a professional geophysicist,
5 licensed certified specialty geophysicist, professional geologist,
6 licensed certified specialty geologist, or by a subordinate employee
7 under his or her direction. In addition, they shall be signed by the
8 professional geophysicist, licensed certified specialty geophysicist,
9 professional geologist, or licensed certified specialty geologist,
10 and stamped with his or her seal, both of which shall indicate his
11 or her responsibility for them.

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

14 7841. An applicant for licensure as a geologist shall have all
15 the following qualifications:

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

18 (b) Meet either of the following educational requirements
19 fulfilled at a school or university whose curricula meet criteria
20 established by rules of the board:

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

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

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

38 Each year of undergraduate study in the geological sciences shall
39 count as one-half year of training up to a maximum of two years,

1 and each year of graduate study or research counts as a year of
2 training.

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

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

12 The ability of the applicant shall have been demonstrated by the
13 applicant having performed the work in a responsible position, as
14 the term "responsible position" is defined in regulations adopted
15 by the board. The adequacy of the required supervision and
16 experience shall be determined by the board in accordance with
17 standards set forth in regulations adopted by it.

18 (d) Successfully pass a written examination that incorporates a
19 national examination for geologists created by a nationally
20 recognized entity approved by the board, and a supplemental
21 California specific examination. The California specific
22 examination shall test the applicant's knowledge of state laws,
23 rules and regulations, and of seismicity and geology unique to
24 practice within this state.

25 *SEC. 13. Section 7841.2 of the Business and Professions Code*
26 *is amended to read:*

27 7841.2. An applicant for certification as a geologist-in-training
28 shall comply with all of the following:

29 (a) Not have committed acts or crimes constituting grounds for
30 denial of certification under Section 480.

31 (b) Successfully pass the Fundamentals of Geology examination.

32 (c) *Meet either of the following education requirements fulfilled*
33 *at a school or university whose curricula meet criteria established*
34 *by the rules of the board:*

35 (e)

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

39 (2) *Completion of a combination of at least 30 semester hours,*
40 *or the equivalent, in courses that, in the opinion of the board, are*

1 *relevant to geology. At least 24 semester hours, or the equivalent,*
2 *shall be in upper division or graduate courses.*

3 ~~SEC. 13.~~

4 *SEC. 14.* Section 7842 of the Business and Professions Code
5 is amended to read:

6 7842. (a) An applicant for certification in a specialty in geology
7 shall meet all of the requirements of Section 7841, shall be a
8 geologist licensed under this chapter, and, in addition, his or her
9 seven years of professional geological work shall include one of
10 the following:

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

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

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

27 ~~SEC. 14.~~

28 *SEC. 15.* Section 7843 of the Business and Professions Code
29 is amended to read:

30 7843. (a) An applicant for certification as a
31 geologist-in-training shall, upon meeting all the requirements
32 prescribed in Section 7841.2, be issued a certificate as a
33 geologist-in-training. A renewal or other fee, other than the
34 application fee, ~~may~~ shall not be charged for this certification. The
35 certificate shall become invalid when the holder has qualified as
36 a professional geologist as provided in Section 7841.

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

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

4 ~~SEC. 15.~~

5 *SEC. 16.* Section 7850 of the Business and Professions Code
 6 is amended to read:

7 7850. Any applicant for licensure as a professional geologist
 8 who meets all the requirements prescribed in Section 7841 and
 9 who has otherwise qualified hereunder as a geologist, upon
 10 payment of the registration fee fixed by this chapter, shall have a
 11 certificate of registration issued to him or her as a professional
 12 geologist.

13 ~~SEC. 16.~~

14 *SEC. 17.* Section 7850.1 of the Business and Professions Code
 15 is amended to read:

16 7850.1. Any applicant for licensure as a professional
 17 geophysicist who meets all the requirements prescribed in Section
 18 7841.1 and who has otherwise qualified hereunder as a
 19 geophysicist, upon payment of the registration fee fixed by this
 20 chapter, shall have a certificate of registration issued to him or her
 21 as a professional geophysicist.

22 ~~SEC. 17.~~

23 *SEC. 18.* Section 7850.5 of the Business and Professions Code
 24 is amended to read:

25 7850.5. An applicant for certification as a certified specialty
 26 geologist who meets all the requirements prescribed in Section
 27 7842 and who has otherwise qualified under this chapter in the
 28 specialty, upon payment of the fee fixed by this chapter, shall have
 29 a certificate issued to him or her as a certified specialty geologist.

30 A certificate of certified specialty geologist shall be signed by
 31 the president and executive officer and issued under the seal of
 32 the board.

33 ~~SEC. 18.~~

34 *SEC. 19.* Section 7852 of the Business and Professions Code
 35 is amended to read:

36 7852. (a)Each geologist licensed under this chapter shall,
 37 upon licensure, obtain a seal of the design authorized by the board
 38 bearing the licensee’s name, number of his or her certificate, and
 39 the legend “professional geologist.”

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

6 ~~SEC. 19.~~

7 *SEC. 20.* Section 7852.1 of the Business and Professions Code
 8 is amended to read:

9 7852.1. (a)Each geophysicist licensed under this chapter shall,
 10 upon licensure, obtain a seal of the design authorized by the board
 11 bearing the licensee's name, number of his or her certificate, and
 12 the legend "professional geophysicist."

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

18 ~~SEC. 20.~~

19 *SEC. 21.* Section 7884 of the Business and Professions Code
 20 is amended to read:

21 7884. Certificates of licensure as a geologist or as a
 22 geophysicist or certified specialty certificates which are not
 23 renewed within five years after expiration ~~may~~ *shall* not be
 24 renewed, restored, reinstated, or reissued thereafter. The holder of
 25 that certificate may apply for and obtain a new certificate, however,
 26 if:

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

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

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

35 ~~SEC. 21.~~

36 *SEC. 22.* Section 8731 of the Business and Professions Code
 37 is amended to read:

38 8731. A licensed civil engineer and a civil engineer exempt
 39 from licensure under Chapter 7 (commencing with Section 6700)
 40 are exempt from licensing under this chapter and may engage in

1 the practice of land surveying with the same rights and privileges
 2 and the same duties and responsibilities as a licensed land surveyor,
 3 provided that for civil engineers who become licensed after January
 4 1, 1982, they shall obtain a license as a land surveyor under the
 5 provisions of this chapter, before practicing land surveying as
 6 defined in this chapter .

7 ~~SEC. 22.~~

8 *SEC. 23.* Section 8740 of the Business and Professions Code
 9 is amended to read:

10 8740. (a) An application for a certificate as a land
 11 surveyor-in-training or for a license as a land surveyor shall be
 12 made to the board on the form prescribed by it, with all statements
 13 therein made under oath, and shall be accompanied by the fee fixed
 14 by this chapter.

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

19 ~~SEC. 23.~~

20 *SEC. 24.* Section 8741 of the Business and Professions Code
 21 is amended to read:

22 8741. (a) An applicant for certification as a land
 23 surveyor-in-training shall comply with all of the following:

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

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

27 (3) Satisfactorily complete two years or more of postsecondary
 28 education in land surveying, two years or more of experience in
 29 land surveying, or a combination of postsecondary education and
 30 experience in land surveying.

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

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

38 (d) An applicant for licensure as a professional land surveyor
 39 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)Furnish evidence that he or she meets the requirements of
4 Section 8742.

5 (3)Successfully passed the second division of the ~~examination~~
6 *examination*.

7 (4) Be certified as a land surveyor-in-training in this state, be
8 certified as a land surveyor-in-training or surveyor intern in another
9 state ~~of~~ *or* territory of the United States, or be exempt therefrom.
10 An applicant licensed by the board as a civil engineer is exempt
11 from the requirement of this paragraph.

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

17 ~~SEC. 24.~~

18 *SEC. 25.* Section 8741.1 of the Business and Professions Code
19 is amended to read:

20 8741.1. (a) The first division of the examination shall test the
21 applicant's fundamental knowledge of surveying, mathematics,
22 and basic science.

23 (b) The second division of the examination shall test the
24 applicant's ability to apply his or her knowledge and experience
25 and to assume responsible charge in the professional practice of
26 land surveying.

27 The second division of the examination shall include an
28 examination that incorporates a national examination for land
29 surveying by a nationally recognized entity approved by the board
30 and a supplemental California specific examination. The California
31 specific examination shall include, as a separate part, an
32 examination to test the applicant's knowledge of the provisions of
33 this chapter and the board's rules and regulations regulating the
34 practice of professional land surveying in this state.

35 (c) The board may by rule provide a waiver of the first division
36 of the examination for applicants whose education and experience
37 qualifications substantially exceed the requirements of Section
38 8742.

39 (d) The board may by rule provide for a waiver of the second
40 division of the examination and the assignment to a special

1 examination for those applicants whose educational qualifications
2 are equal to, and whose experience qualifications substantially
3 exceed, those qualifications established under subdivision (c). The
4 special examination may be either written or oral, or a combination
5 of both.

6 ~~SEC. 25.~~

7 *SEC. 26.* Section 8742 of the Business and Professions Code
8 is amended to read:

9 8742. (a)The educational qualifications and experience in
10 land surveying, which an applicant for a license as a land surveyor
11 shall possess, shall not be less than one of the following prescribed
12 criteria:

13 (1)Graduation from a four-year curriculum with an emphasis
14 in land surveying approved by the board or accredited by a national
15 or regional accrediting agency recognized by the United States
16 Office of Education at a postsecondary educational institution and
17 two years of actual broad based progressive experience in land
18 surveying, including one year of responsible field training and one
19 year of responsible office training, satisfactory to the board.

20 (2)Actual broad based progressive experience in land surveying
21 for at least six years, including one year of responsible field training
22 and one year of responsible office training, satisfactory to the
23 board.

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

27 (b) With respect to an applicant for a license as a land surveyor,
28 the board shall count one year of postsecondary education in land
29 surveying as one year of experience in land surveying up to a
30 maximum of four years, provided the applicant has graduated from
31 the course in land surveying and the curriculum in land surveying
32 is approved by the board or is accredited by a regional or national
33 accrediting agency recognized for the purpose by the United States
34 Office of Education. Each year of study in an approved or an
35 accredited course in land surveying without graduation shall be
36 counted the same as one-half year of experience.

37 Each applicant claiming equivalent credit for education may be
38 required to produce a complete transcript of all college level
39 courses completed.

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

5 ~~SEC. 26.~~

6 *SEC. 27.* Section 8743 of the Business and Professions Code
7 is amended to read:

8 8743. The names and addresses of at least four land surveyors
9 or civil engineers, duly qualified to practice in the place in which
10 such practice has been conducted, each of whom has sufficient
11 knowledge of the applicant to enable him or her to certify to the
12 applicant's professional integrity, ability and fitness to receive a
13 license, shall be submitted with the application for a license as a
14 land surveyor.

15 ~~SEC. 27.~~

16 *SEC. 28.* Section 8744 of the Business and Professions Code
17 is amended to read:

18 8744. The applicant for a license as a land surveyor shall state
19 in his or her application that, should he or she be licensed, he or
20 she will support the Constitution of this State and of the United
21 States, and that he or she will faithfully discharge the duties of a
22 licensed land surveyor.

23 ~~SEC. 28.~~

24 *SEC. 29.* Section 8747 of the Business and Professions Code
25 is amended to read:

26 8747. Any applicant who has met the requirements for
27 certification or licensure prescribed by the board under this chapter
28 shall have a suitable license issued to him or her.

29 (a) An applicant who has met the requirements of subdivision
30 (a) and (b) of Section 8741 shall be issued a certificate as a land
31 surveyor-in-training. A renewal or other fee, other than the
32 application fee, shall not be charged for this certification. This
33 certificate shall become invalid upon the person being issued a
34 license as a land surveyor, as provided in subdivision (b). A land
35 surveyor-in-training certificate shall not authorize the holder thereof
36 to practice or offer to practice land surveying. A person shall not
37 use the title of land surveyor-in-training, or any abbreviation of
38 this title, unless he or she is the holder of a valid land
39 surveyor-in-training certificate.

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

4 ~~SEC. 29.~~

5 *SEC. 30.* Section 8748.5 of the Business and Professions Code
 6 is amended to read:

7 8748.5. If an applicant for license as a land surveyor or
 8 certification as a land surveyor-in-training is found by the board
 9 to lack the qualifications required for such license or certification,
 10 the board may, in accordance with the provisions of Section 158
 11 of this code, refund to him or her one-half of the amount of his or
 12 her application fee.

13 ~~SEC. 30.~~

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

16 8802. Except as otherwise provided in this article, licenses
 17 issued under this chapter may be renewed at any time within five
 18 years after expiration on filing of application for renewal on a form
 19 prescribed by the board and payment of all accrued and unpaid
 20 renewal fees. If the license is renewed more than 30 days after its
 21 expiration, the licensee, as a condition precedent to renewal, shall
 22 also pay the delinquency fee prescribed by this chapter. Renewal
 23 under this section shall be effective on the date on which the
 24 application is filed, on the date on which the renewal fee is paid,
 25 or on the date on which the delinquency fee, if any, is paid,
 26 whichever last occurs. If so renewed, the license shall continue in
 27 effect through the date provided in Section 8801 which next occurs
 28 after the effective date of the renewal, when it shall expire if it is
 29 not again renewed.

30 ~~SEC. 31.~~

31 *SEC. 32.* Section 8803 of the Business and Professions Code
 32 is amended to read:

33 8803. (a) A license that is not renewed within five years after
 34 its expiration ~~may~~ shall not be renewed, restored, reissued, or
 35 reinstated. After five years after expiration, the holder of a license
 36 may apply for and obtain a new license subject to the following:

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

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

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

5 ~~SEC. 32.~~

6 *SEC. 33.* Section 8803.1 of the Business and Professions Code
 7 is amended to read:

8 8803.1. Once an expired or delinquent license is renewed
 9 pursuant to Section 8802, all of the following apply:

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

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

16 (c) The renewal of a license shall not affect liability issues
 17 regarding work performed during a period of expiration or
 18 delinquency, nor does the fact of performance during a period of
 19 expiration or delinquency affect liability issues.

20 ~~SEC. 33.~~

21 *SEC. 34.* Section 8805 of the Business and Professions Code
 22 is amended to read:

23 8805. The amount of the fees prescribed by this chapter shall
 24 be fixed by the board in accordance with the following schedule:

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

29 (b) The fees to take an examination administered by a public
 30 or private organization pursuant to Section 8745 shall be no greater
 31 than the actual cost of the development and administration of the
 32 examination and may be paid directly to the organization by the
 33 applicant.

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

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

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

1 (f)The board shall establish by regulation an appeal fee for
2 examination. The regulation shall include provisions for an
3 applicant to be reimbursed the appeal fee if the appeal results in
4 passage of examination. The fee shall be no more than the costs
5 incurred by the board.

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

7

8

9 **CORRECTIONS:**

10 **Amended Date—Page 1.**

11

O

Supported Legislation

Senate Bill 1479 (Committee)

Senate Omnibus Bill

Status: 6/30/2016-From consent calendar on motion of Assembly Member Calderon. Ordered to third reading.

Location: 6/30/2016-Assembly Third Reading.

Introduced: 03/10/2016

Calendar: 8/4/2016 #171 Assembly Third Reading File - Senate Bills

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

Updated 8/4/2016

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

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 qualifer 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 qualifer 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 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.

(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 qualifer 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.

O

V. Administration

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 June for the current FY 2015/16 and prior year FY 2014/15, prior to reimbursements.

Engineers and Land Surveyors (PELS) Fund

Fiscal Month 12	FY 15/16	FY 14/15
Expenditures	\$8.28 Million	\$7.43 Million
Revenue	\$8.63 Million	\$8.04 Million
Applications	12,112	12,103
Renewals	51,662	45,120

Budget Allotment	\$10.2 Million
Projection to Year-End	\$8.28 Million
Surplus/Deficit	\$1.93 Million
Revenue (Year-End)	\$8.77 Million

Geologist and Geophysicists (GEO) Fund

Fiscal Month 12	FY 15/16	FY 14/15
Expenditures	\$1.17 Million	\$1.1 Million
Revenue	\$1.07 Million	\$1.1 Million
Applications	461	499
Renewals	3,674	3,839

Budget Allotment	\$ 1.48 Million
Projection to Year-End	\$1.17 Million
Surplus/Deficit	\$313 Thousand
Revenue (Year-End)	\$1.07 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
BEGINNING BALANCE	\$ 5,830	\$ 6,991	\$ 7,740
Prior Year Adjustment	-43	\$ -	\$ -
Adjusted Beginning Balance	\$ 5,787	\$ 6,991	\$ 7,740
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 125	\$ 92	\$ 107
125700 Other regulatory licenses and permits	\$ 2,552	\$ 2,503	\$ 2,799
125800 Renewal fees	\$ 5,278	\$ 6,071	\$ 6,322
125900 Delinquent fees	\$ 59	\$ 69	\$ 75
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ 243	\$ 243
150300 Income from surplus money investments	\$ 15	\$ 23	\$ 1
150500 Interest Income from interfund loans	\$ 7	\$ 20	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 10	\$ 9	\$ 9
161400 Miscellaneous revenues	\$ 2	\$ 4	\$ 4
Totals, Revenues	\$ 8,048	\$ 9,034	\$ 9,560
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	\$ -	\$ -	\$ 1,025
Totals, Revenues and Transfers	\$ 8,548	\$ 9,035	\$ 13,785
Totals, Resources	\$ 14,335	\$ 16,026	\$ 21,525
EXPENDITURES			
Disbursements:			
1110 Program Expenditures (Governor's Budget)	\$ 7,336	\$ 10,116	\$ 11,914
Projected Program Expenditures			
Personnel Services		\$ 3,646	
Prorata		\$ 1,950	
General		\$ 998	
Examination		\$ 858	
Enforcement		\$ 816	
Sub-Total		\$ 8,268	
8880 Financial Information System for CA (State Operations)	\$ 8	\$ 18	\$ 14
Total Disbursements	\$ 7,344	\$ 8,286	\$ 11,928
FUND BALANCE		\$ 16,572	
Reserve for economic uncertainties	\$ 6,991	\$ 7,740	\$ 9,597
		\$ 24,312	
Months in Reserve	10.1	7.8	9.5

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

		Budget	
	ACTUAL	Act	BY
	2014-15	CY	2016-17
		2015-16	
BEGINNING BALANCE	\$ 989	\$ 1,122	\$ 1,025
Prior Year Adjustment	98	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,087	\$ 1,122	\$ 1,025
REVENUES AND TRANSFERS			
Revenues:			
125600 Other regulatory fees	\$ 7	\$ 11	\$ -
125700 Other regulatory licenses and permits	\$ 275	\$ 243	\$ -
125800 Renewal fees	\$ 802	\$ 795	\$ -
125900 Delinquent fees	\$ 16	\$ 20	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 3	\$ 4	\$ -
150500 Interest Income from interfund loans	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ 1	\$ 1
Totals, Revenues	\$ 1,103	\$ 1,074	\$ 1
Transfers to Other Funds			
TO0001 Transfer to BPELSG AB 177, Chapter 428	\$ -	\$ -	\$ -1,025
Totals, Revenues and Transfers	\$ 1,103	\$ 1,074	\$ 1
Totals, Resources	\$ 2,190	\$ 2,196	\$ 1,026
EXPENDITURES			
Disbursements:			
1110 Program Expenditures (Governor's Budget)	\$ 1,067	\$ 1,481	\$ -
Projected Program Expenditures			
Personnel Services		\$ 527	
Prorata		\$ 205	
General		\$ 126	
Examination		\$ 259	
Enforcement		\$ 51	
Sub-Total		\$ 1,168	
8880 Financial Information System for CA (State Operations)	\$ 1	\$ 3	\$ -
Total Disbursements	\$ 1,067	\$ 1,171	\$ -
FUND BALANCE			
Reserve for economic uncertainties	\$ 1,122	\$ 1,025	\$ 1,026
Months in Reserve	11.5	4.5	0.0

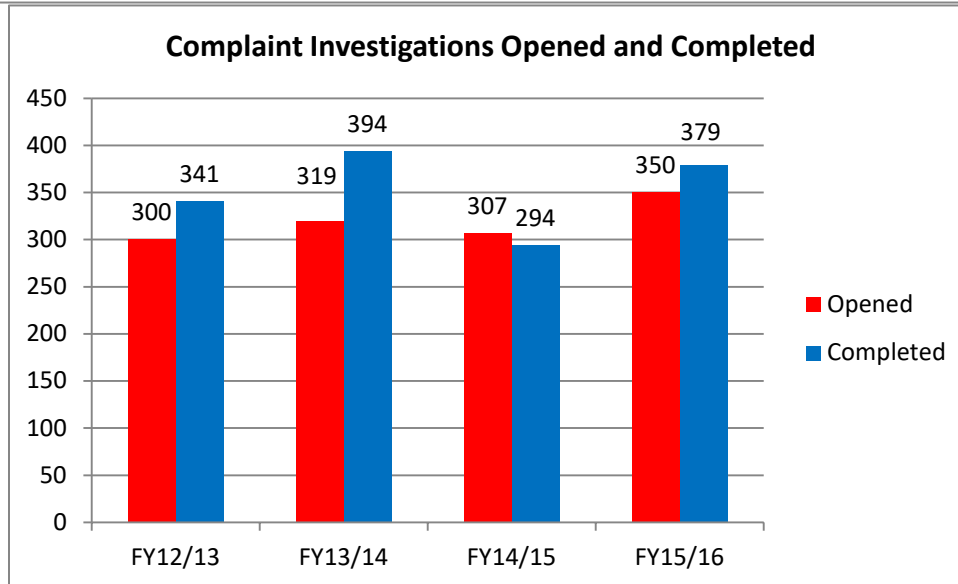
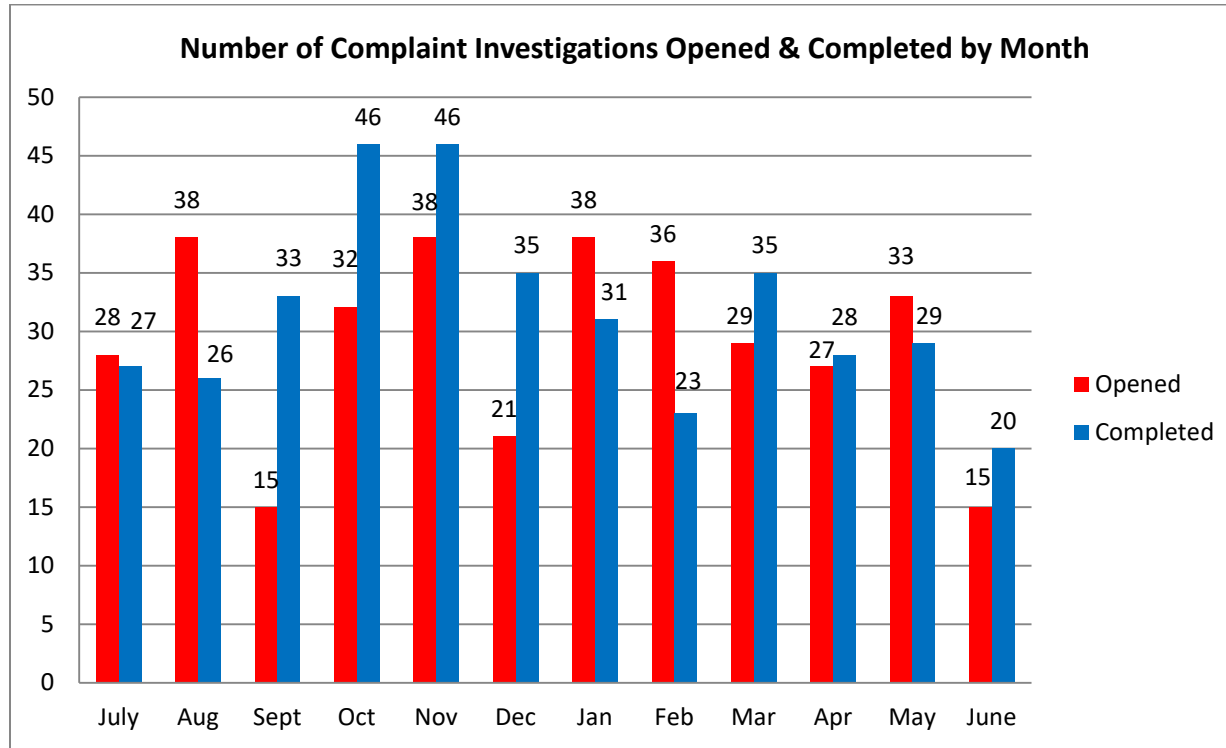
VI. Enforcement

- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2015/16 Year-End Update
 - 2. Fiscal Year 2016/17 Update

**Enforcement Statistical Report
Fiscal Year 2015/16 Year-End Update**

PELS ENFORCEMENT PROGRAM

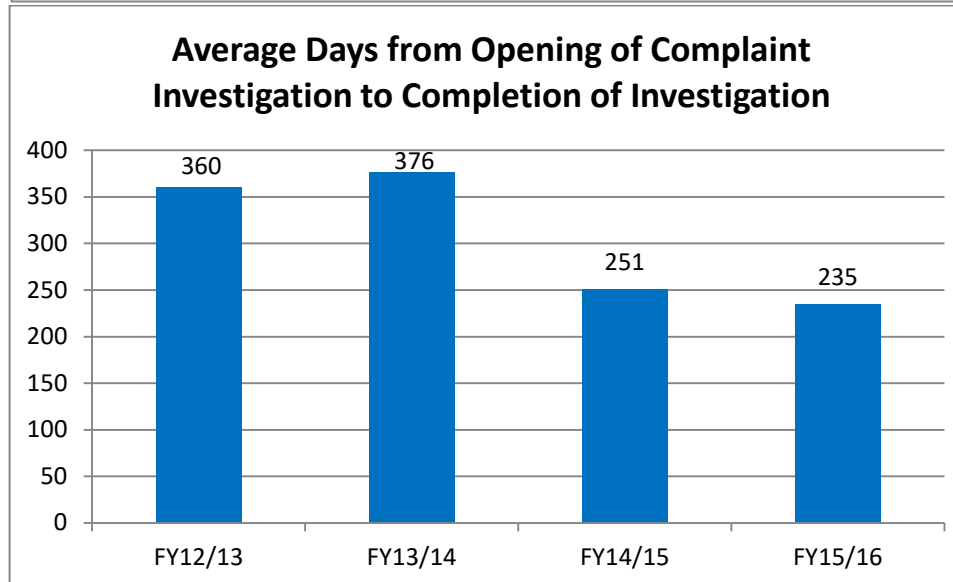
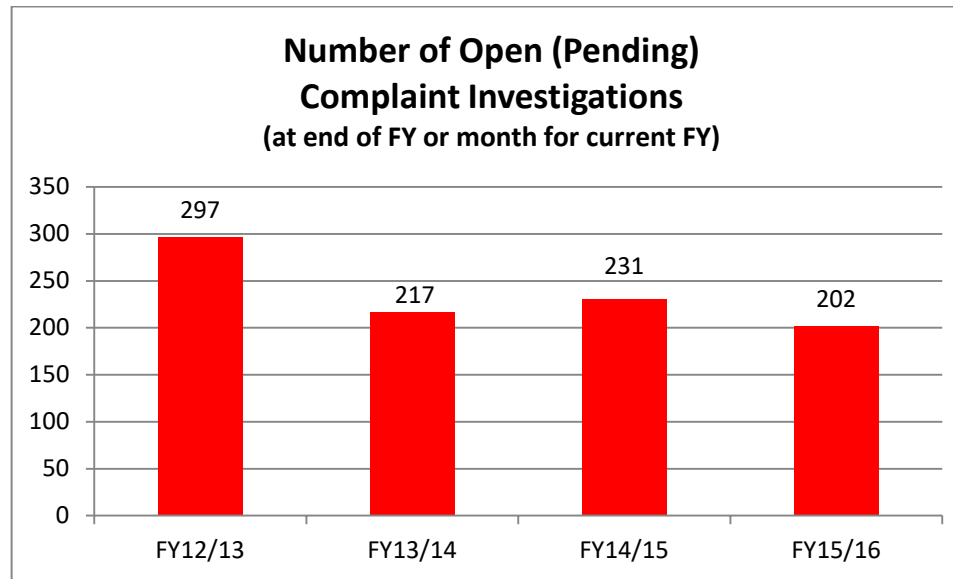
Complaint Investigation Phase



NOTE: FY15/16 statistics are through June 30, 2016

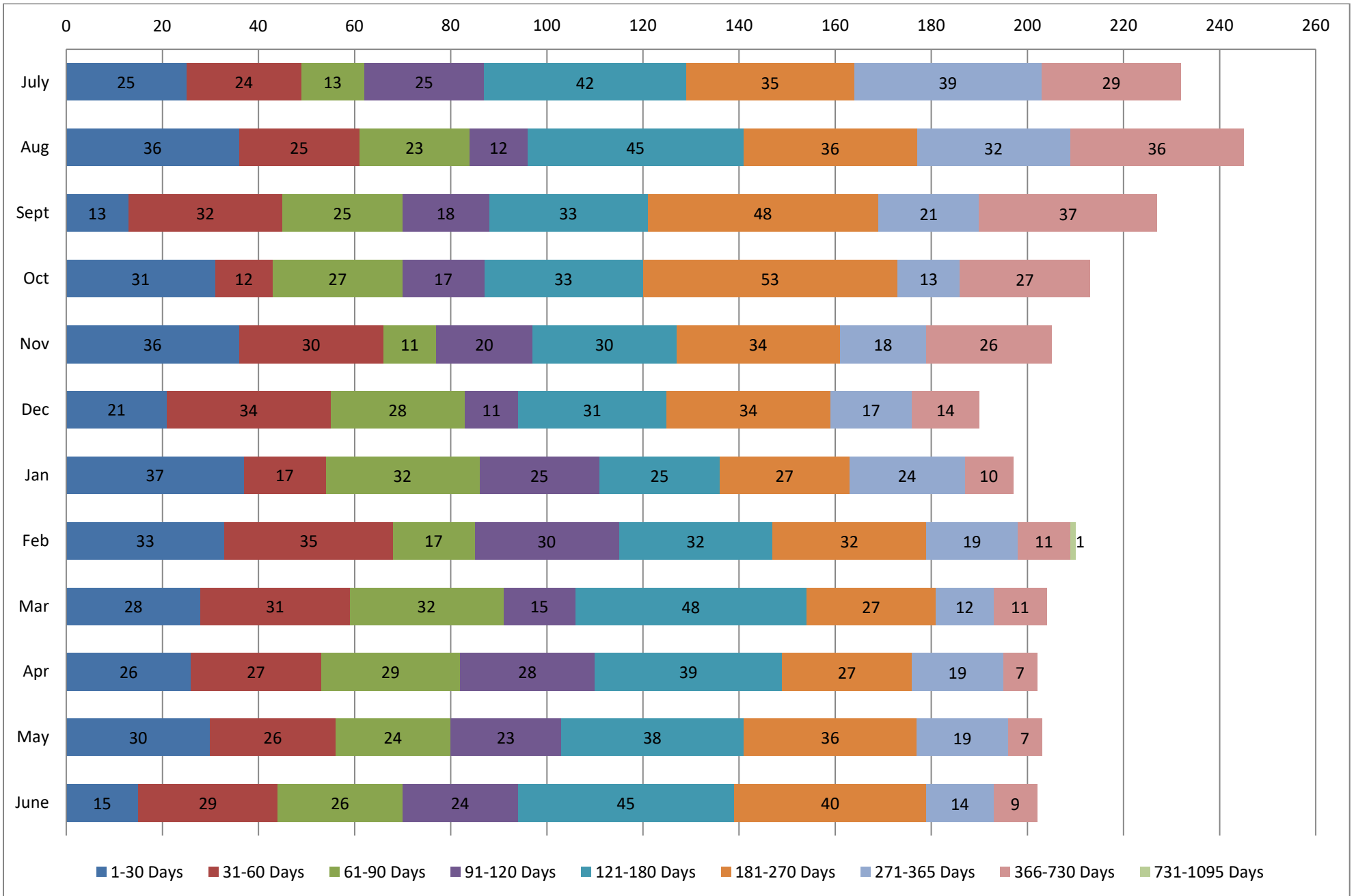
PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase



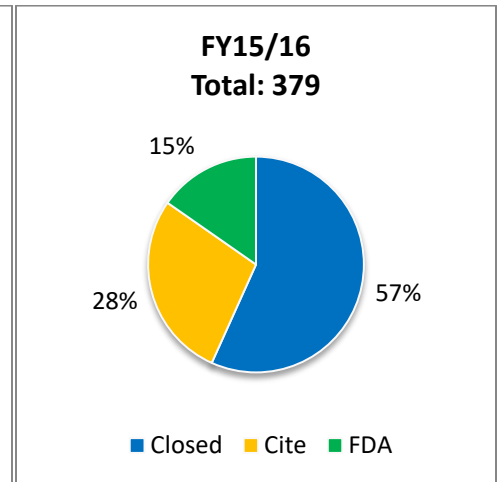
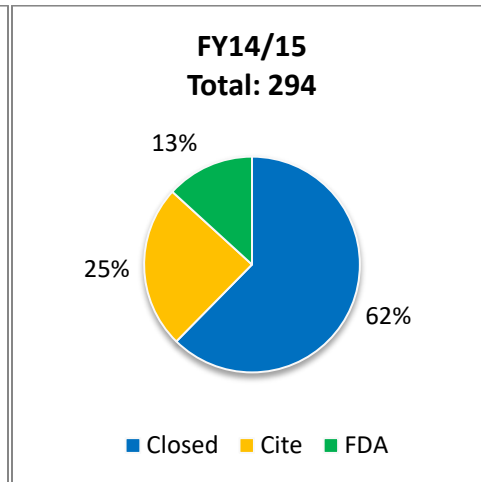
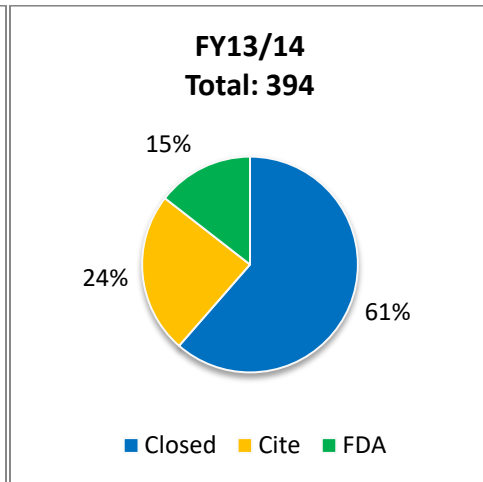
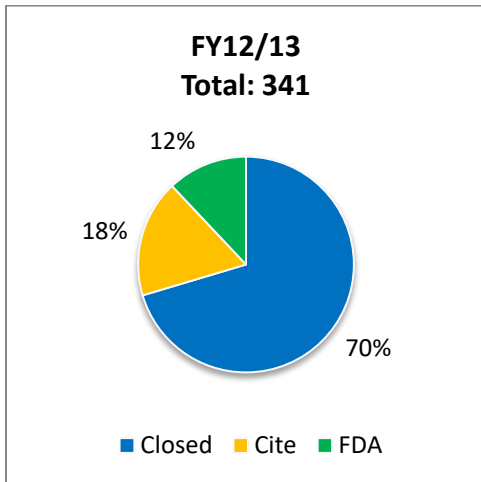
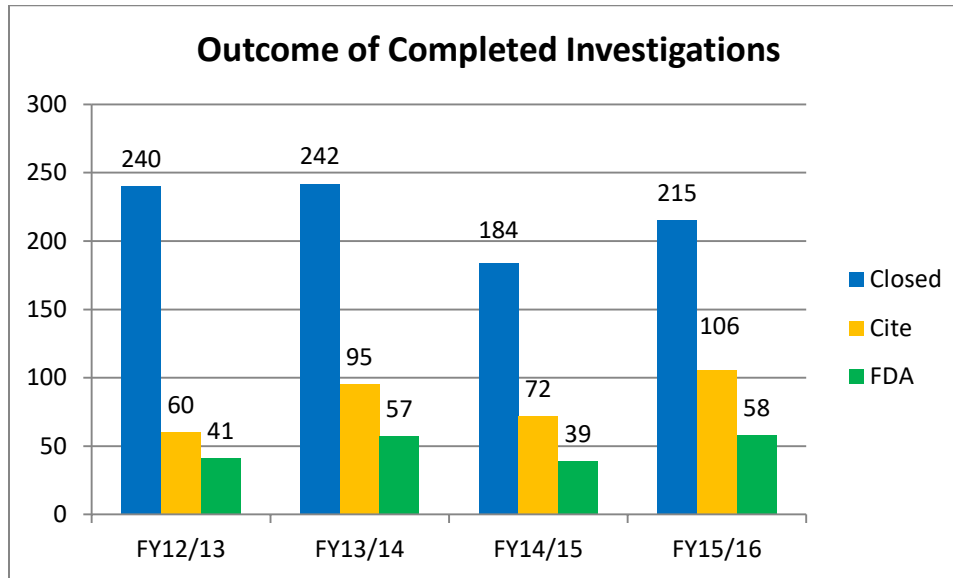
NOTE: FY15/16 statistics are through June 30, 2016

Aging of Open (Pending) Complaint Investigation Cases FY15/16



PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY15/16 statistics are through June 30, 2016

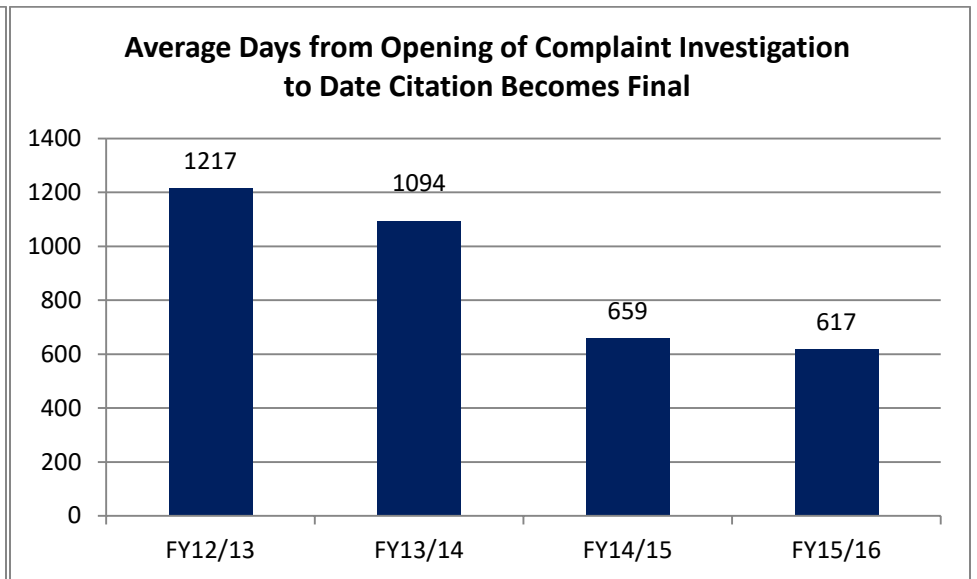
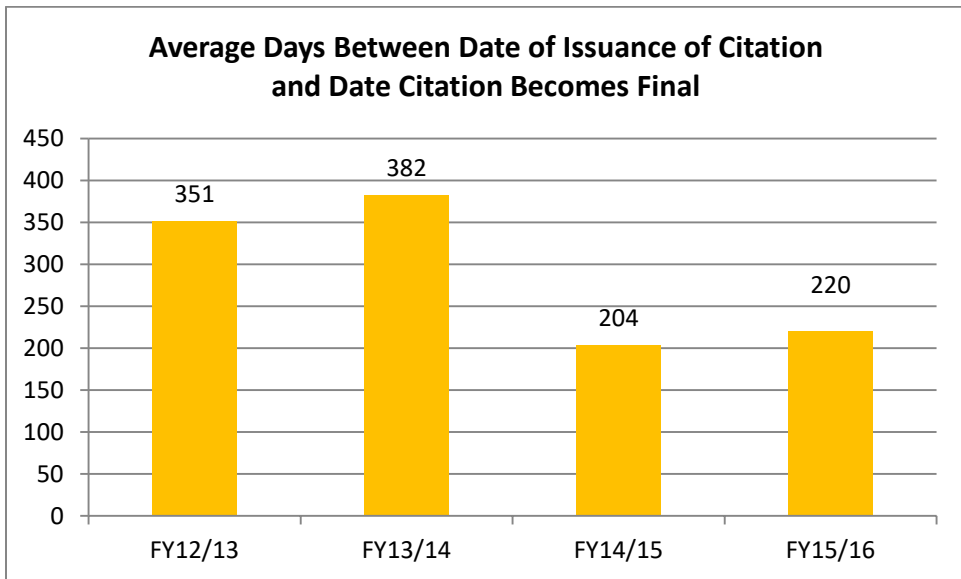
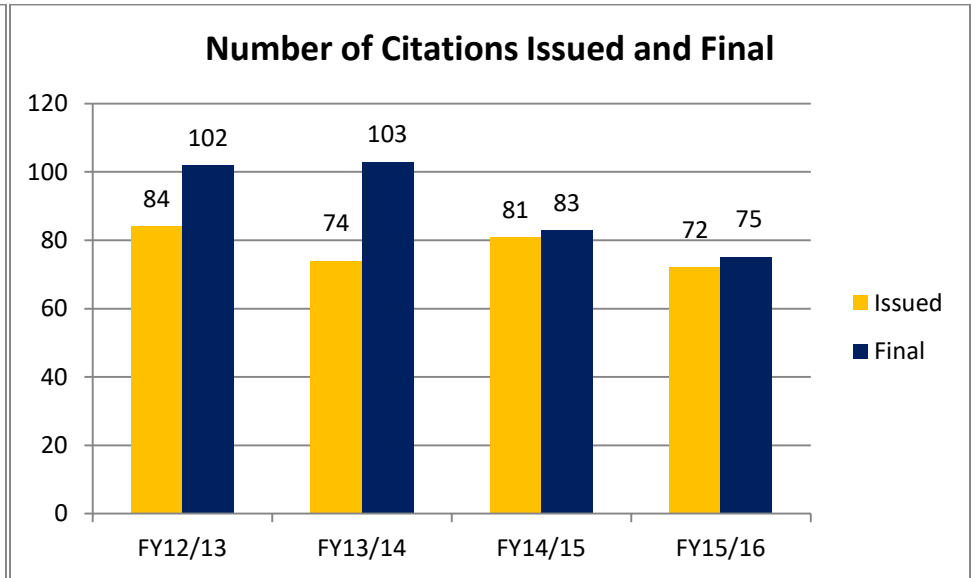
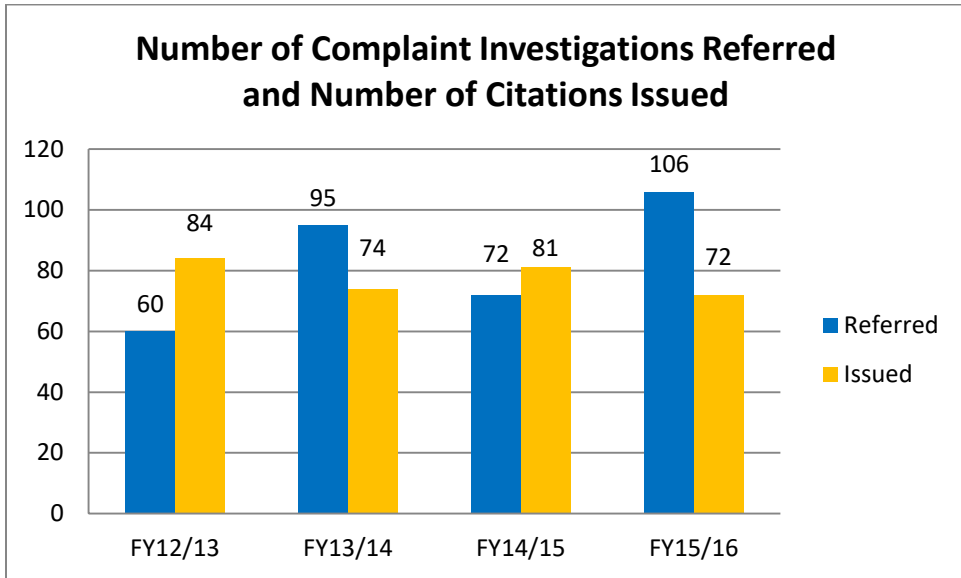
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Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

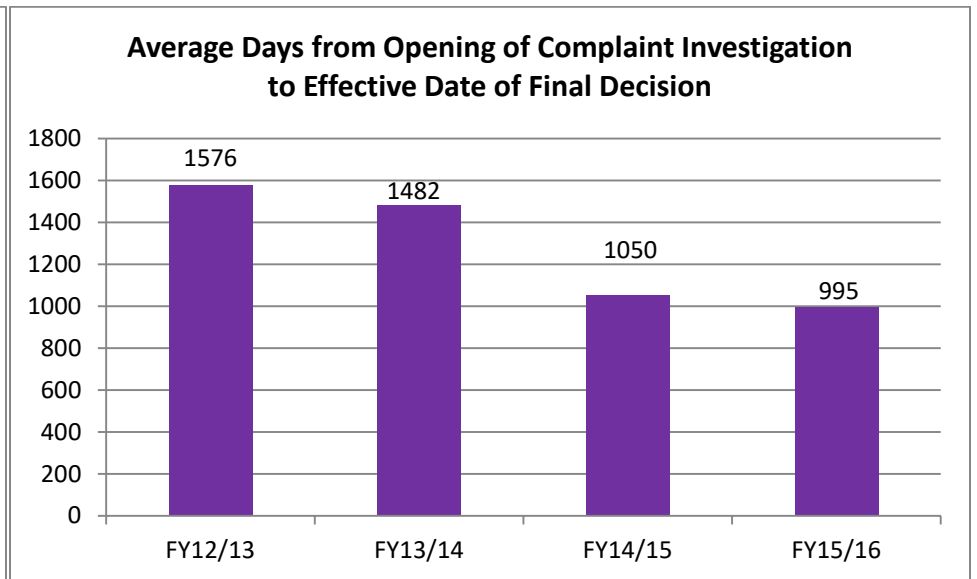
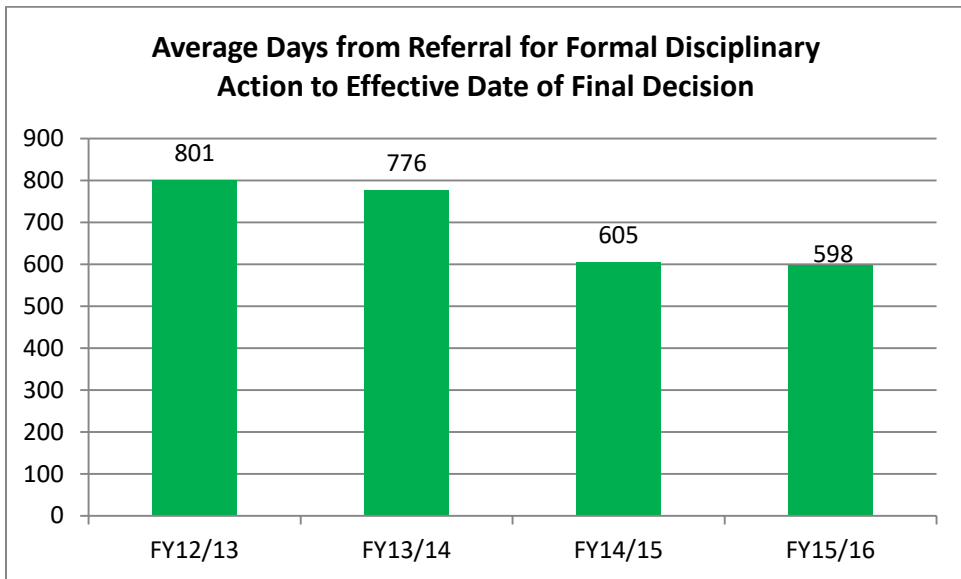
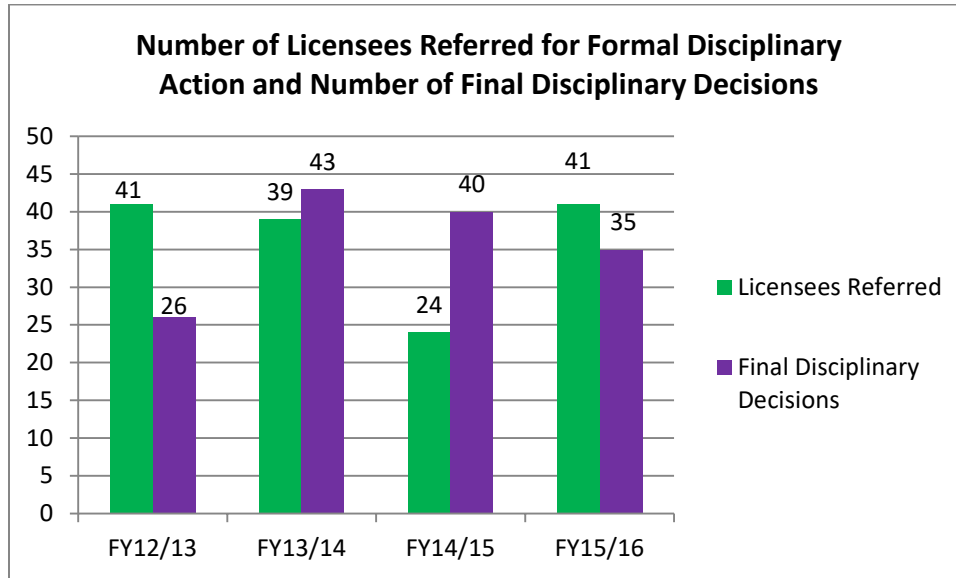
Citations (Informal Enforcement Actions)



NOTE: FY15/16 statistics are through June 30, 2016

PELS ENFORCEMENT PROGRAM

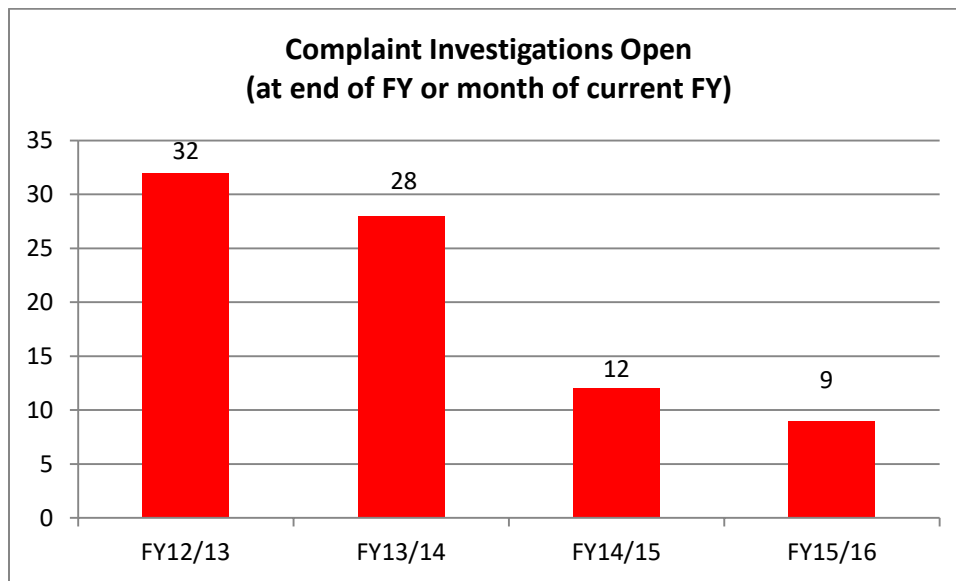
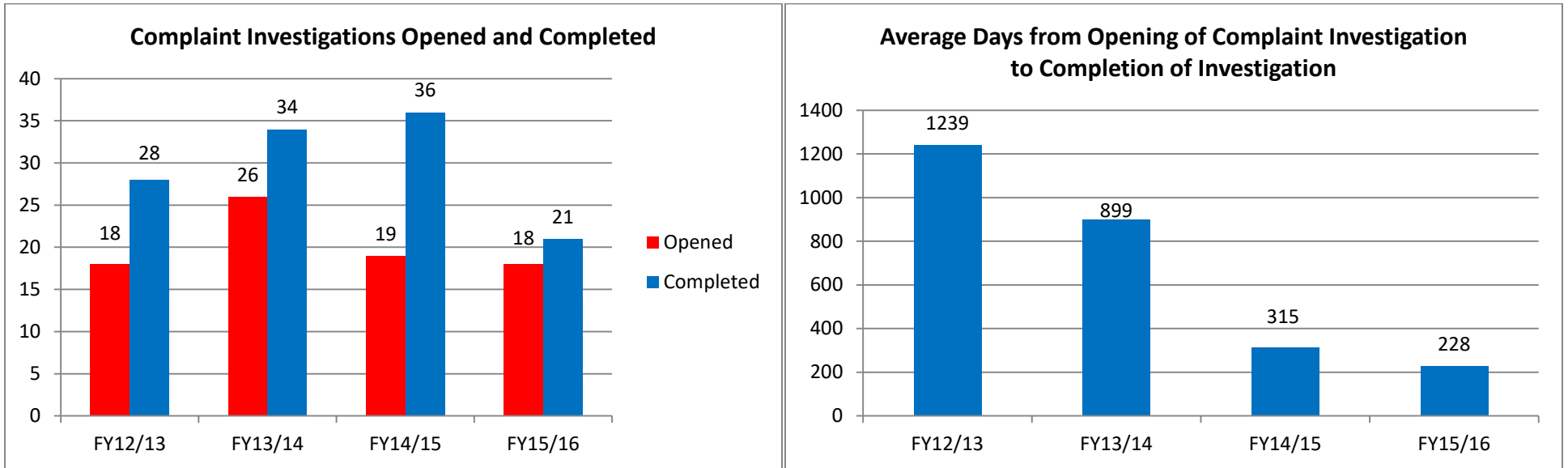
Formal Disciplinary Actions Against Licensees



NOTE: FY15/16 statistics are through June 30, 2016

G&G ENFORCEMENT PROGRAM

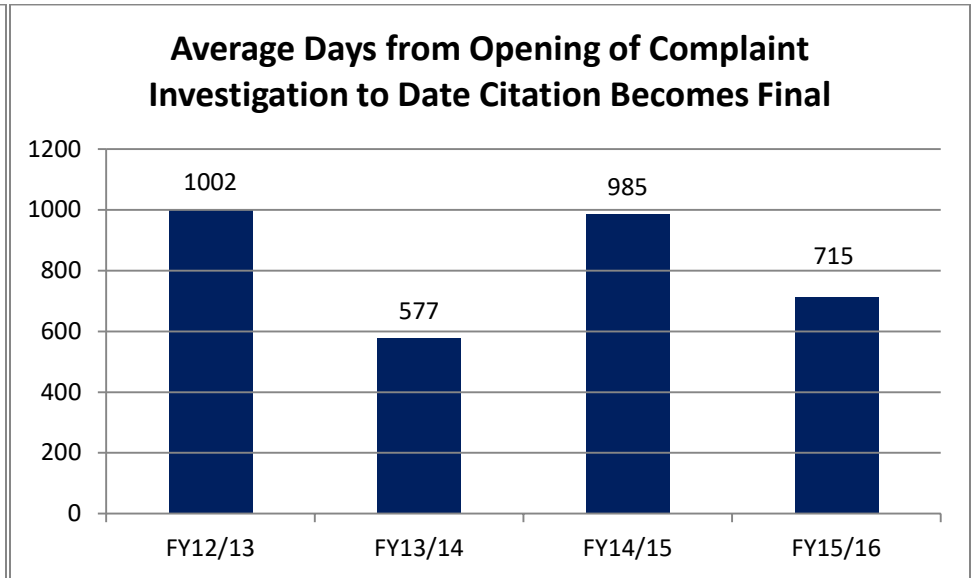
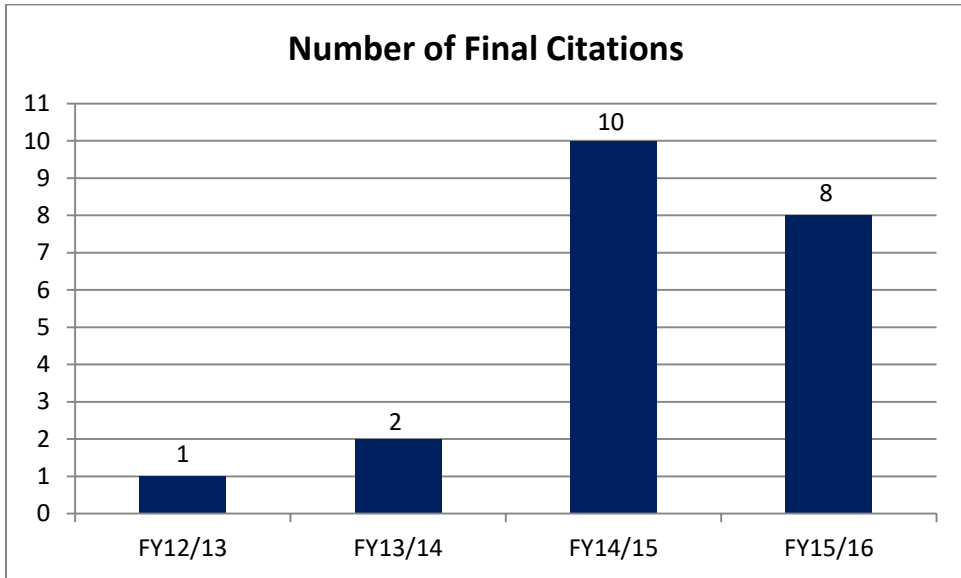
Complaint Investigation Phase



NOTE: FY15/16 statistics are through June 30, 2016

G&G ENFORCEMENT PROGRAM

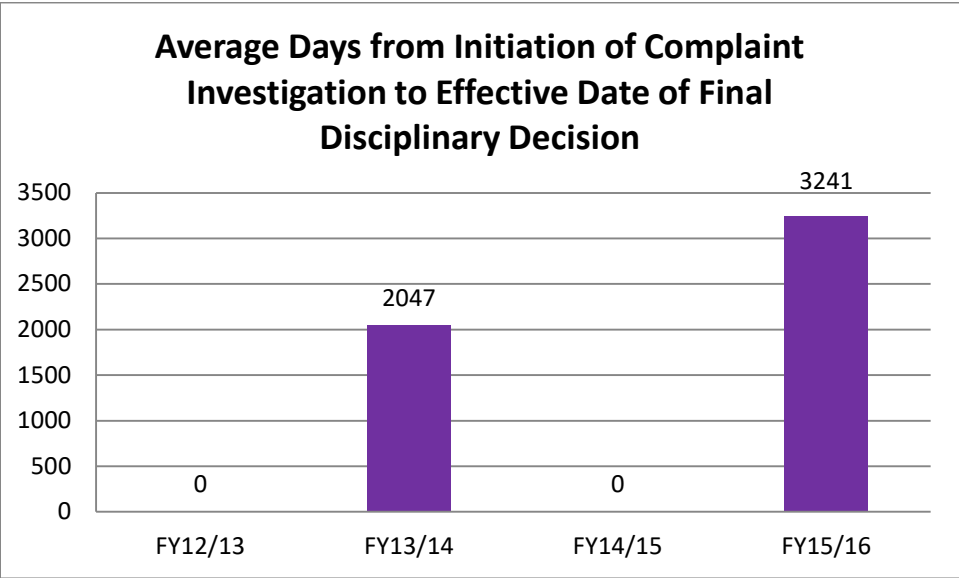
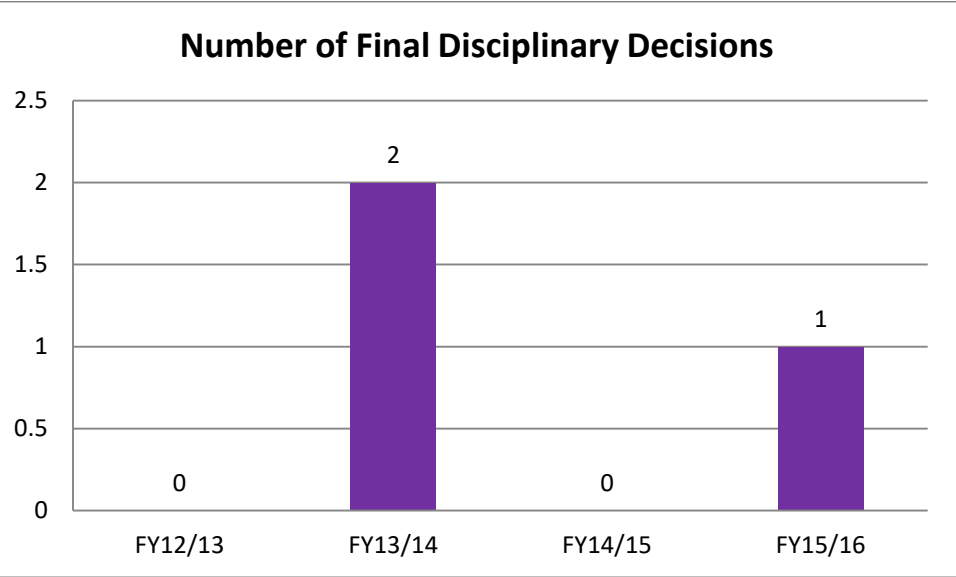
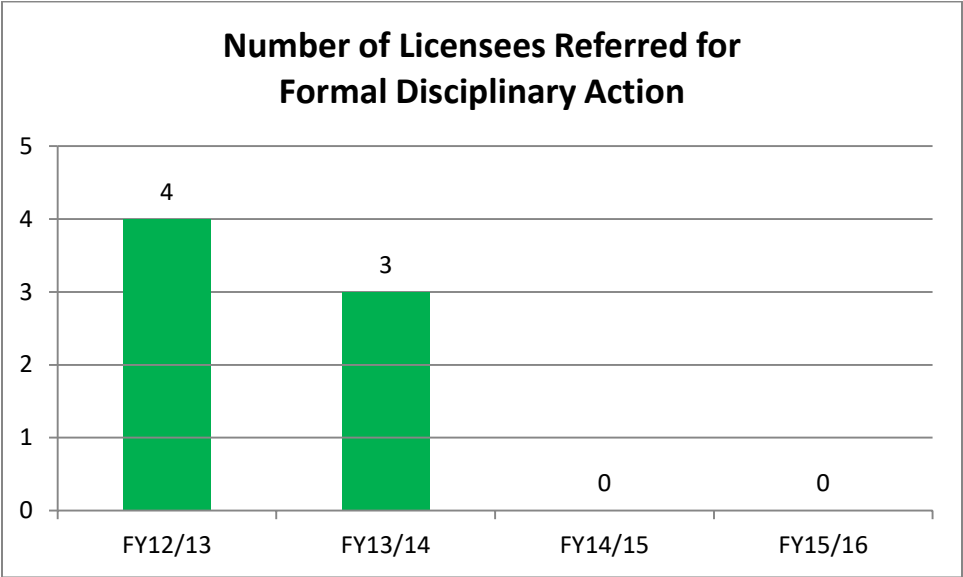
Citations (Informal Enforcement Actions)



NOTE: FY15/16 statistics are through June 30, 2016

G&G ENFORCEMENT PROGRAM

Formal Disciplinary Actions against Licensees

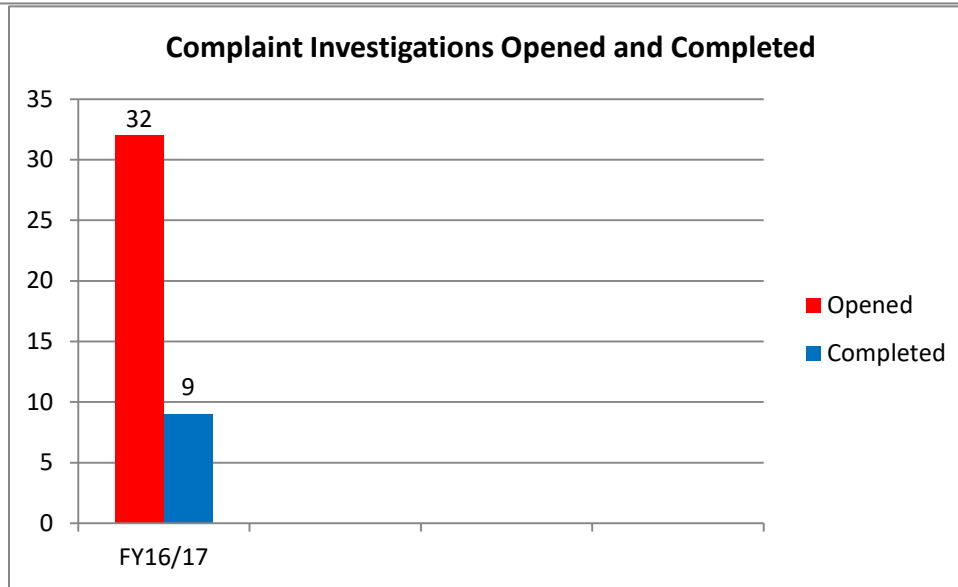
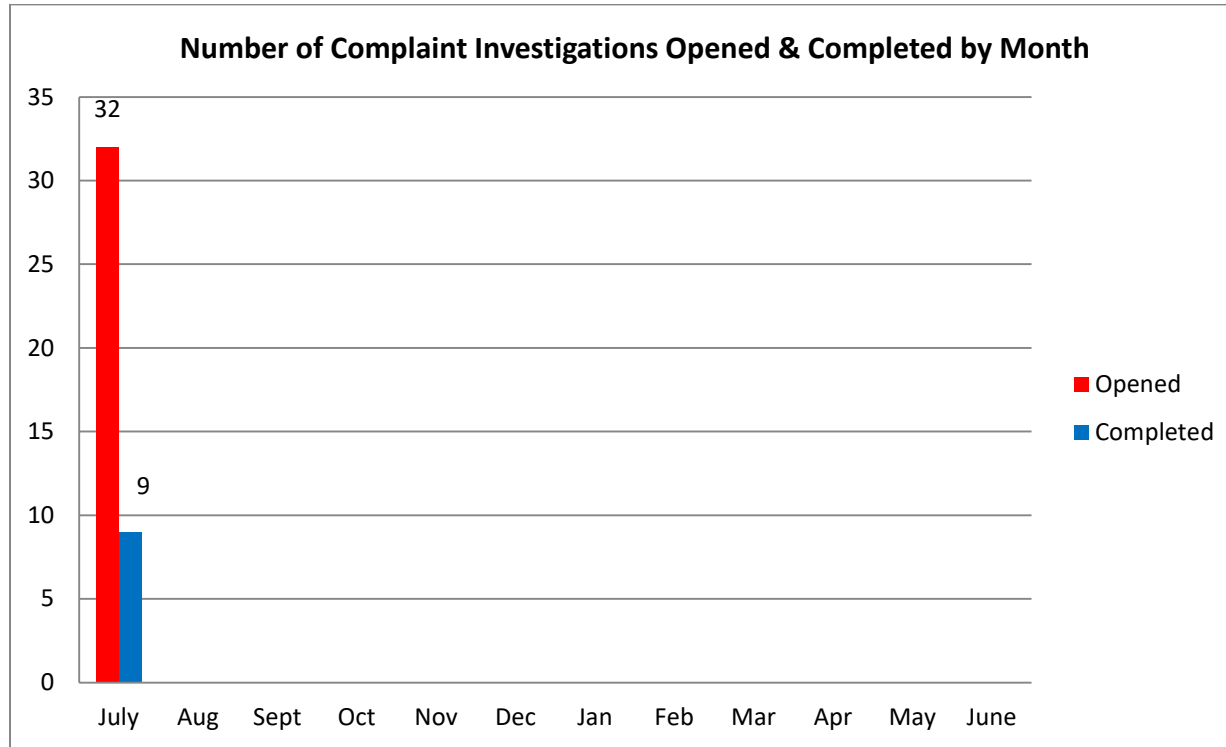


NOTE: FY15/16 statistics are through June 30, 2016

Enforcement Statistical Report Fiscal Year 2016/17 Update

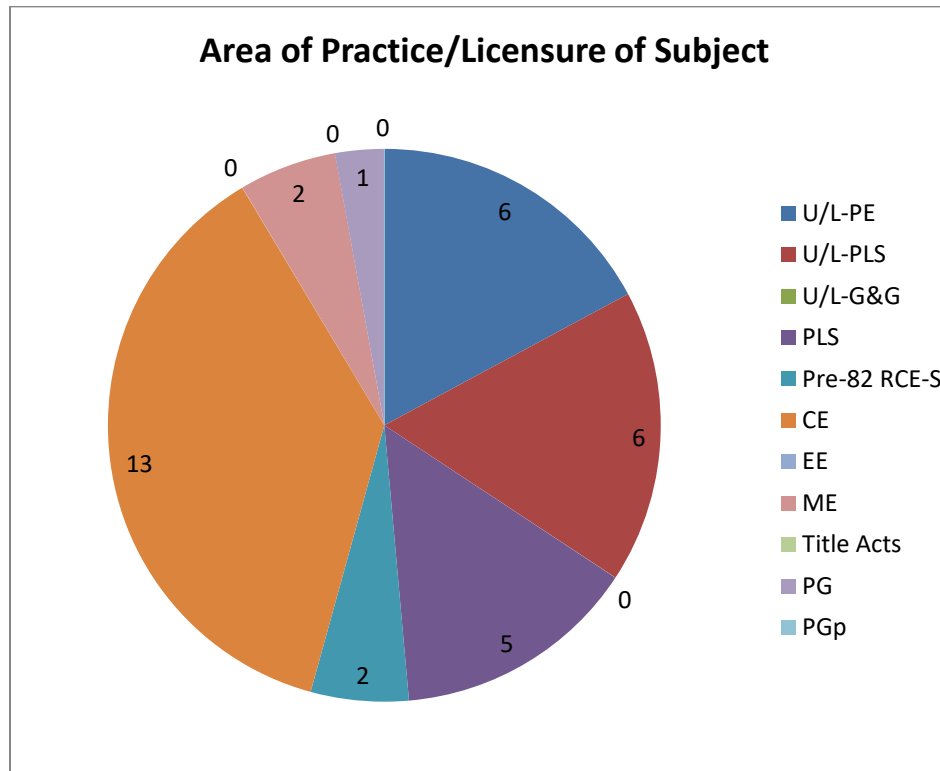
Beginning with Fiscal Year 2016/17, all enforcement statistics have been combined, rather than being separated between engineering & land surveying cases and geology & geophysics cases.

Complaint Investigation Phase



NOTE: FY16/17 statistics are through July 31, 2016

Complaint Investigation Phase



NOTE: FY15/16 statistics are through July 31, 2016

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

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

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

U/L-G&G = unlicensed activity relating to the practice of professional geology or geophysics

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

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

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

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

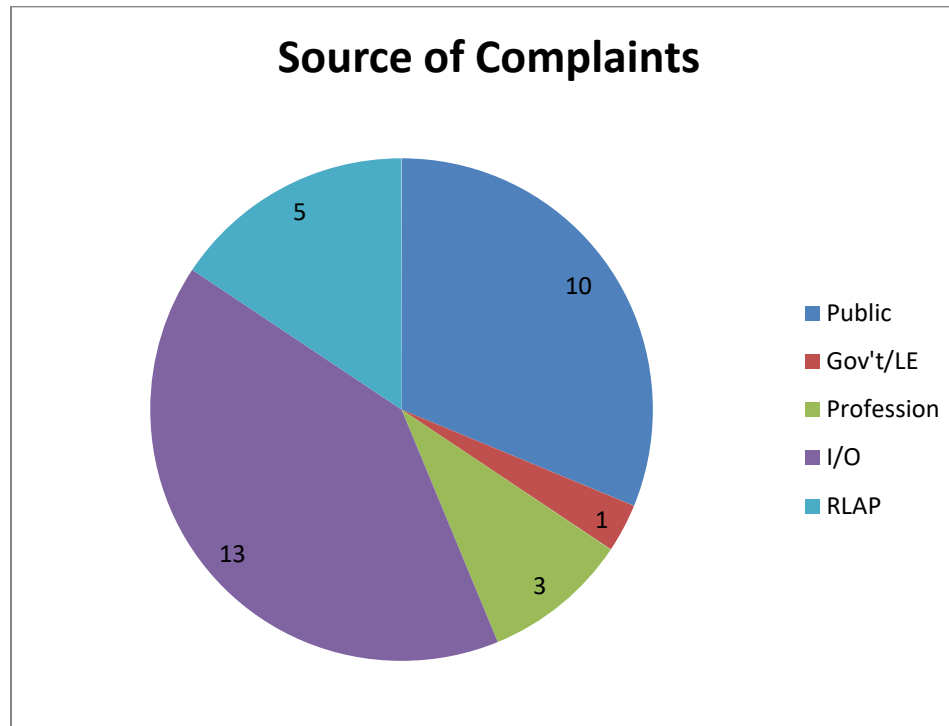
ME = allegations relating to the practice of mechanical engineering by a Mechanical Engineer

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

PG = allegations relating to the practice of geology by a Professional Geologist

PGp = allegations relating to the practice of geophysics by a Professional Geophysicist

Complaint Investigation Phase



NOTE: FY15/16 statistics are through June 30, 2016

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

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

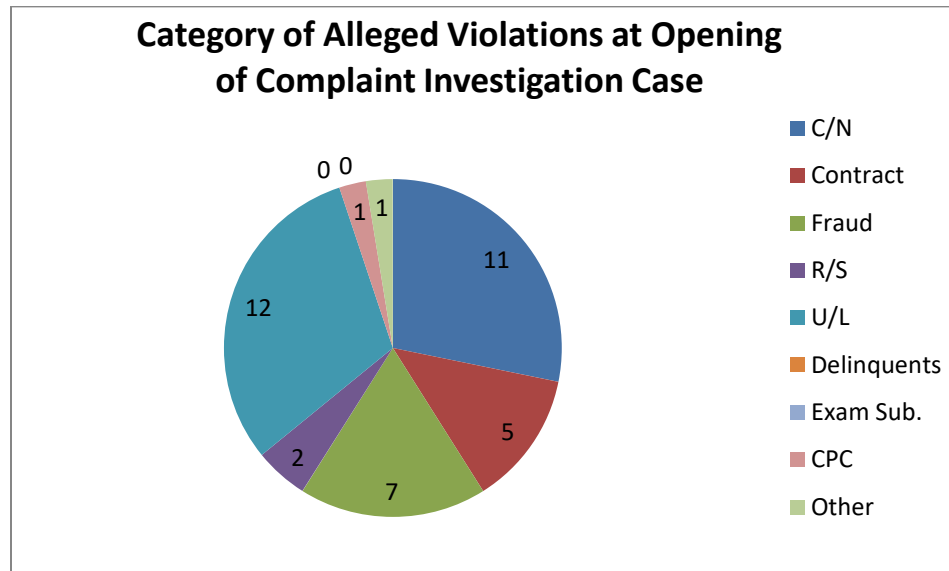
Gov't/LE = Government Agency or Law Enforcement (includes federal, state, and local governmental entities, e.g. County Surveyor's Office, Building Dept.)

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

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

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

Complaint Investigation Phase



NOTE: FY15/16 statistics are through June 30, 2016

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

C/N = Competence/Negligence

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

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

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

U/L = Unlicensed Activity

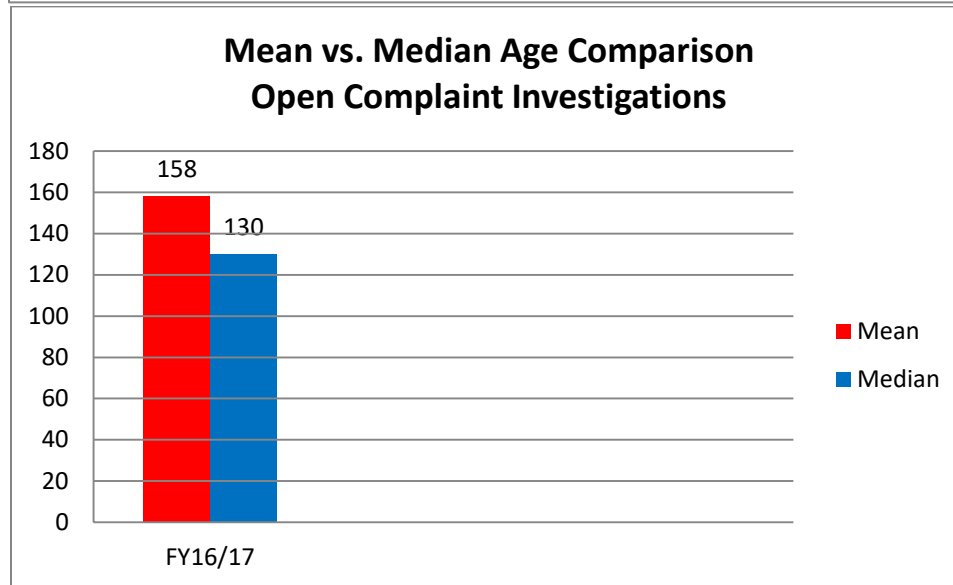
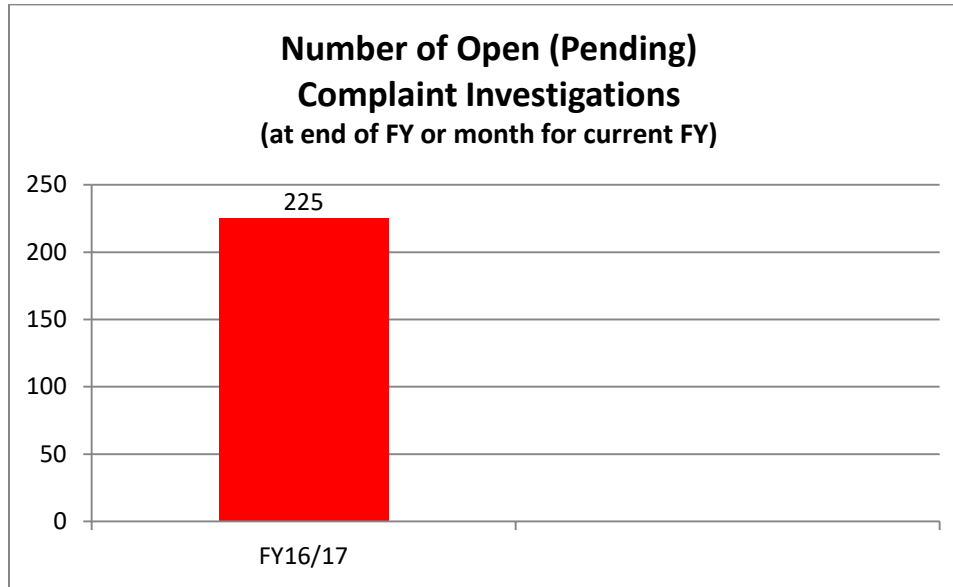
Delinquents = Delinquent Reinstatement applicants

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

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

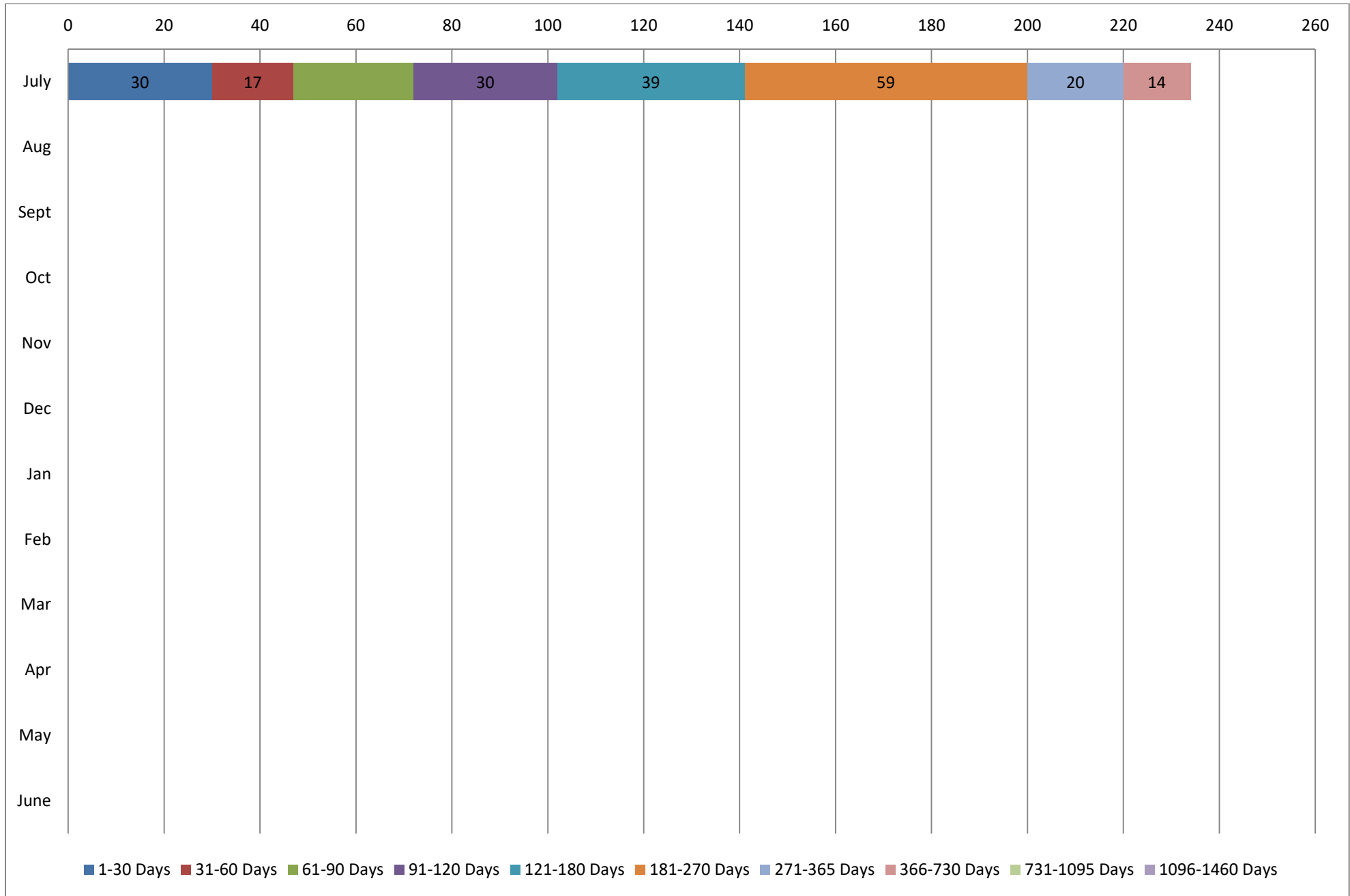
Other = Anything not covered above (i.e., failure to sign/seal; failure to file OR)

Complaint Investigation Phase

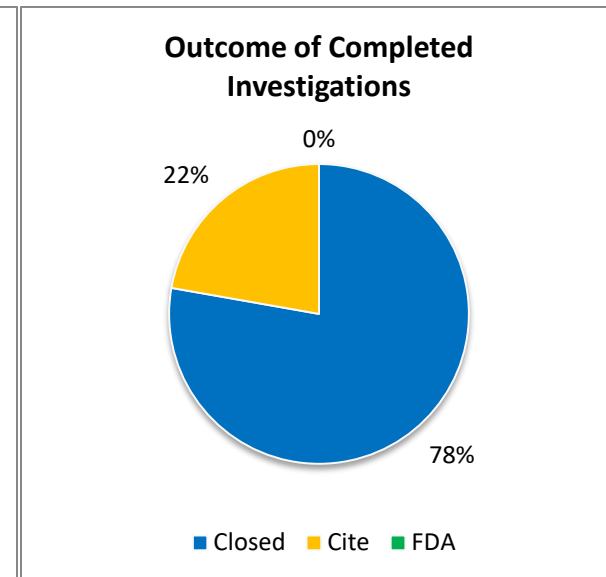
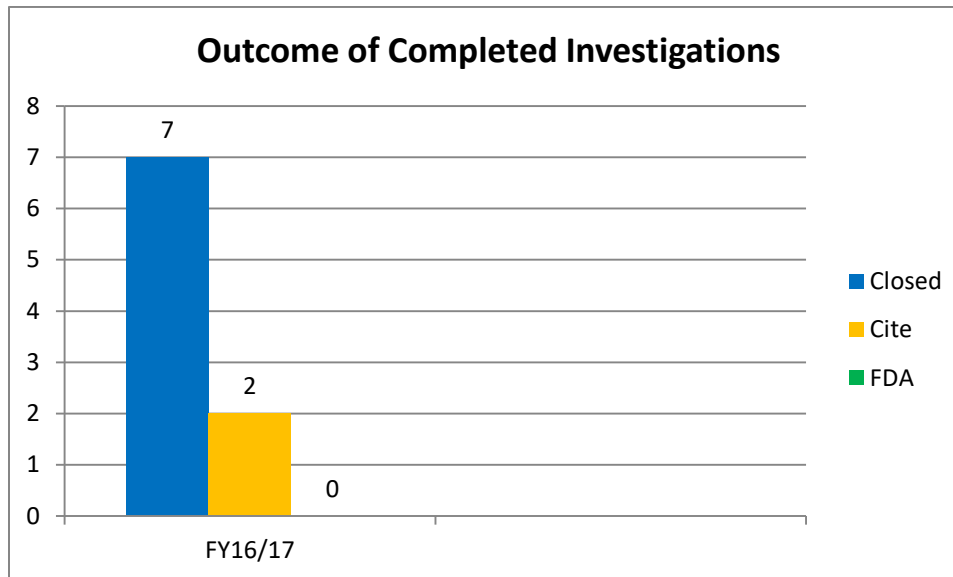
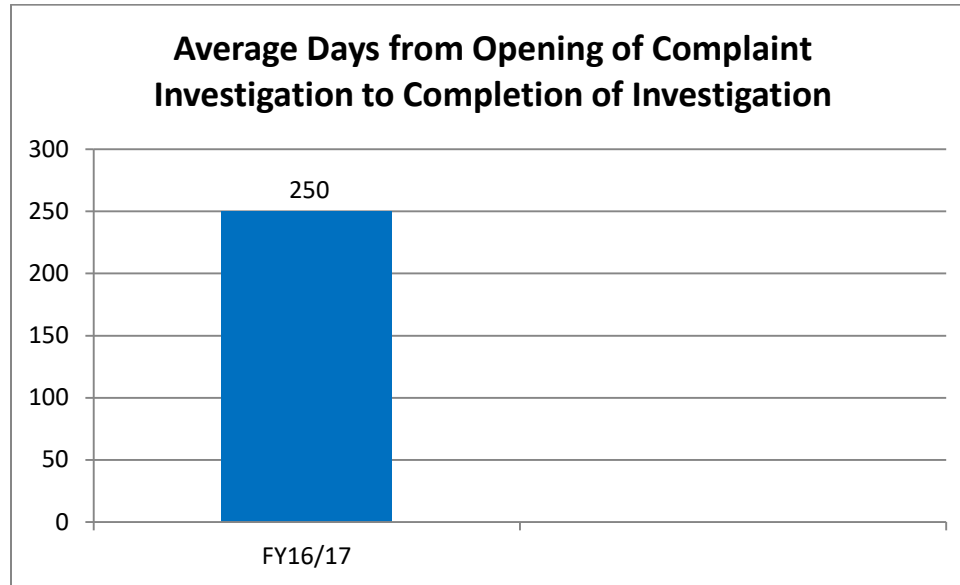


NOTE: FY16/17 statistics are through July 31, 2016

Aging of Open (Pending) Complaint Investigation Cases



Outcome of Completed Investigations



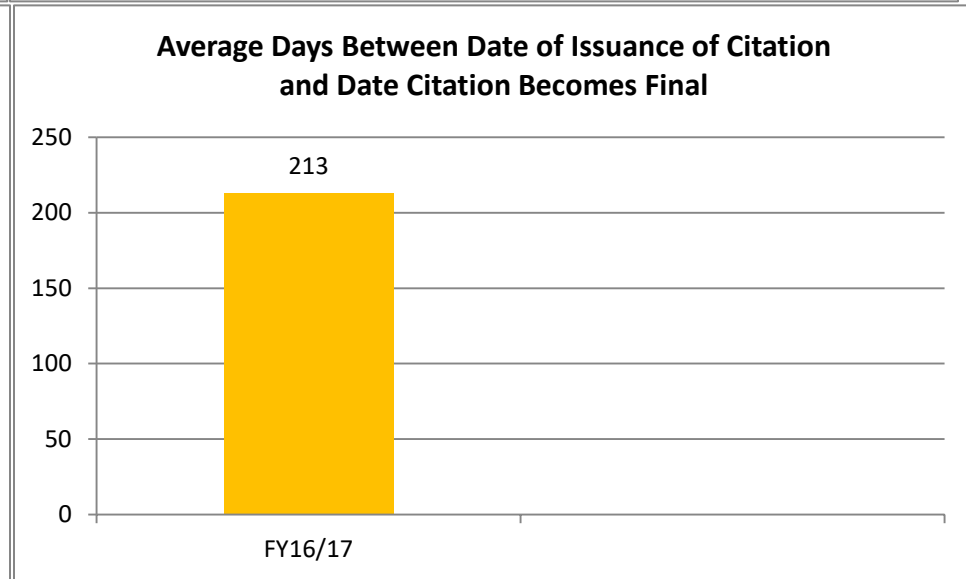
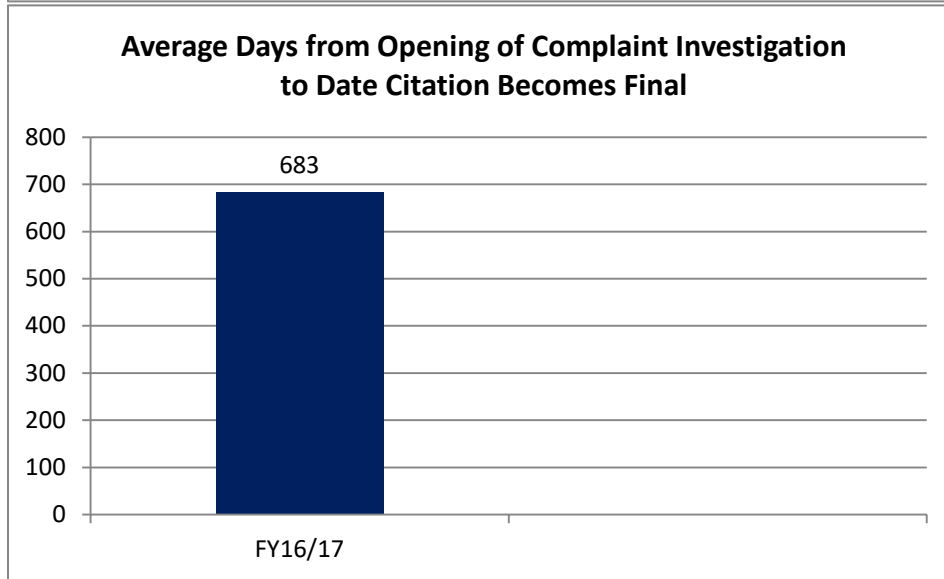
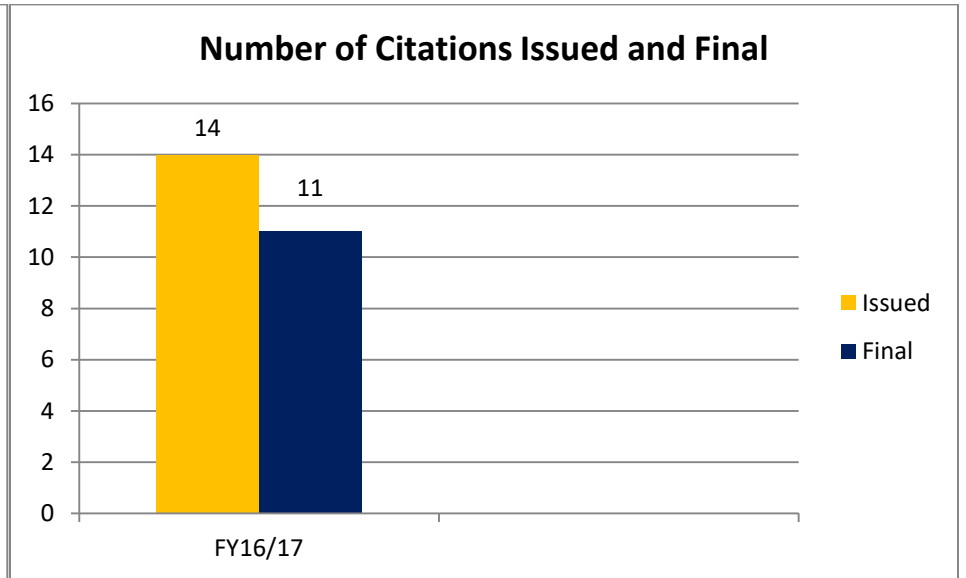
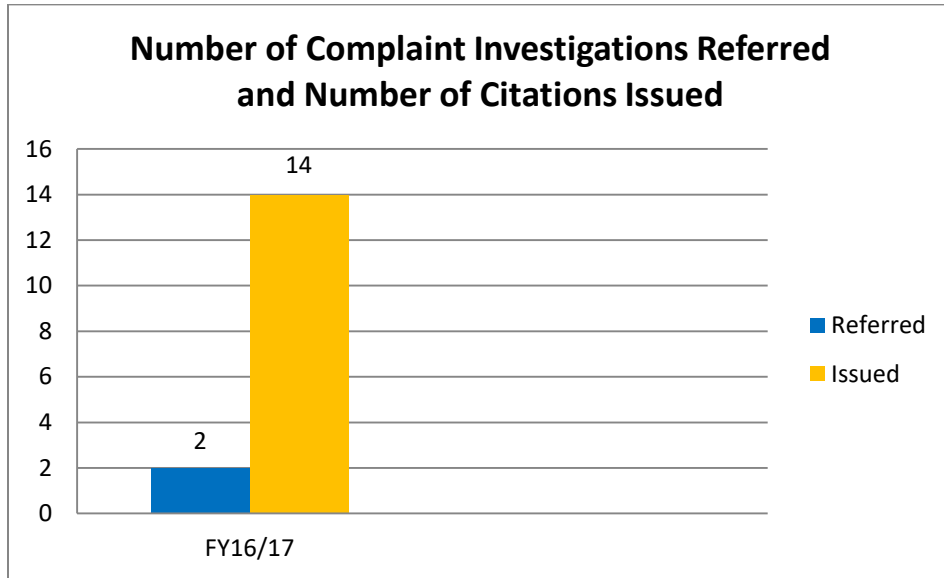
NOTE: FY16/17 statistics are through July 31, 2016

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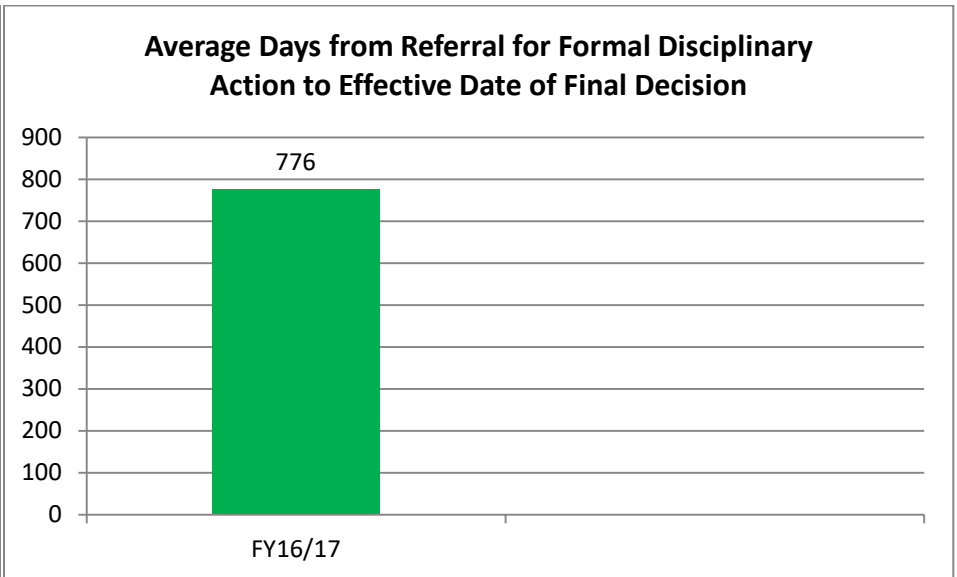
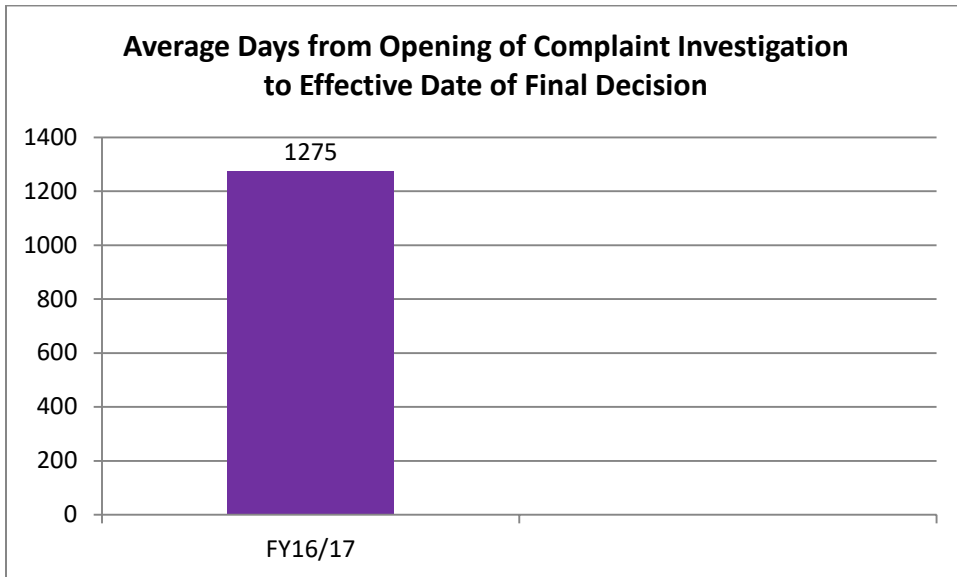
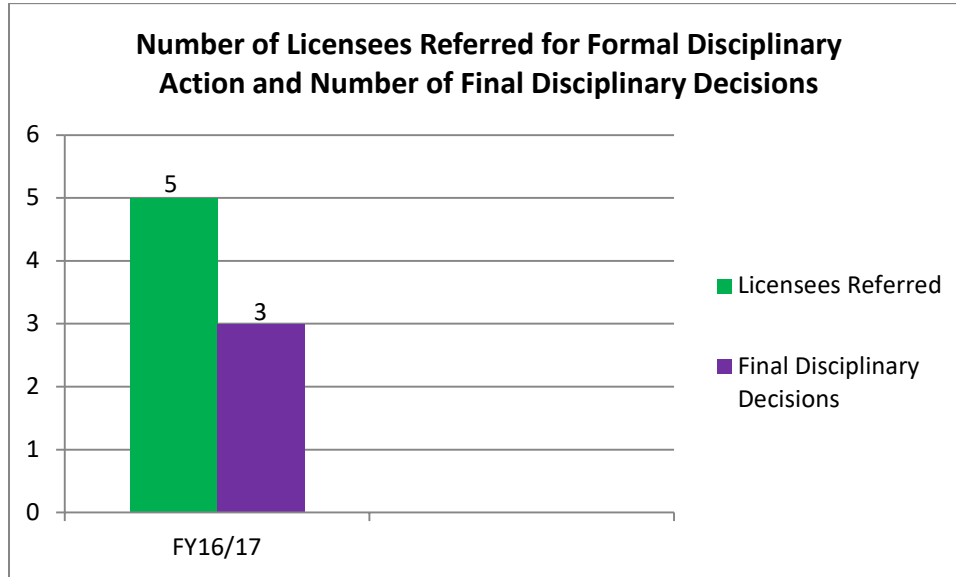
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY16/17 statistics are through July 31, 2016

Formal Disciplinary Actions Against Licensees



NOTE: FY16/17 statistics are through July 31, 2016

VII. Exams/Licensing

A. Presentation regarding the Exam Development Process

VIII. Approval of Delinquent Reinstatements (Possible Action)

APPROVAL OF DELINQUENT REINSTATEMENTS

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

CIVIL

COOPER, ALAN

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.

IX. Executive Officer's Report

- A. Legislation and Regulation Workgroup Summary
- B. Personnel
- C. Business Process Assessment Contract
 - 1. Presentation from Visionary Integration Professionals (VIP)
- D. ABET
- E. ASBOG
- F. NCEES
 - 1. Presentation regarding the NCEES Technology Task Force Recommendations by Jim Foley, Task Force Chair
 - 2. NCEES Annual Meeting Motions & Resolutions (Possible Action)
 - (a) Uniform Procedures and Legislative Guidance Committee – Motion 12 regarding Proposed Changes to NCEES Model Law/Rules related to Structural Engineers (Possible Action)
 - (b) Advisory Committee on Council Activities – Motion 8 regarding the NCEES Treasurer Terms (Possible Action)
 - (c) Northeast Zone Resolution related to NCEES's Examination Management System (Possible Action)
 - (d) Southern Zone Resolution regarding proposed Changes to how NCEES Interim Zone Meetings are Funded (Possible Action)
- G. Outreach

Legislation and Regulations Workgroup

Legislation:

-SB 1085, SB 1155, SB 1165, and SB 1479

Regulations:

NOTE: Documents related to any rulemaking file listed as “noticed” can be obtained from the Board’s website at http://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

1. Citations (472-473.4/3062-3063.4)

- Current location in office completing final rulemaking.
 - Board approved initial rulemaking proposal March 8, 2012.
 - Noticed to (OAL) March 11, 2016, for 45-day Comment Period.
 - Noticed for 15-day Comment Period June 22, 2016.
 - OAL Comment Period ended July 7, 2016.
 - Board adoption July 8, 2016.

2. Exam Appeals Repeal (443, 444, 3063.1, 3037.1)

- Current location pending Board adoption.
 - Board approved initial rulemaking proposal March 7, 2013.
 - Noticed to (OAL) May 17, 2016, for 45-day Comment Period.
 - OAL Comment Period ended June 22, 2016.
 - To Board for adoption August 18, 2016.

3. SE, GE qualifications/experience (426.10/426.14/426.50).

- Current location pending Board adoption.
 - Board approved initial rulemaking proposal February 13, 2014.
 - Noticed to (OAL) May 6, 2016, for 45-day Comment Period.
 - OAL Comment Period ended June 20, 2016.
 - To Board for adoption August 18, 2016.

4. Corner Record (464(g)).

- Current location DCA.
 - 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.
 - Board adopted final rulemaking package, June 9, 2016.
 - Final package sent to DCA for final review July 11, 2016.

5. Qualifying Experience Land Surveyor (425)

- Current location 45-day Comment Period.
 - Board approved initial rulemaking proposal April 9, 2016.
 - Noticed to (OAL) August 12, 2016, for 45-day Comment Period.

6. Waiver of Fundamentals Exam (438(a)(2), (b)(2), & (b)(7))

- OAL approved, effective October 1, 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.
 - Package sent to BCSH (Agency) February 9, 2016.
 - Approved by OAL June 24, 2016.
 - Effective October 1, 2016.

IX. F. 2. – NCEES Annual Meeting Motions & Resolutions (Possible Action)

The Board received a summary of the proposed motions and resolutions scheduled to be considered at the 2016 NCEES Annual Meeting August 24-27 and staff has brought the following specific items to the Board's attention for guidance on how California should vote.

(a) Uniform Procedures and Legislative Guidance Committee (UPLG) Motion 12

– Committee recommendations to add 'Structural Engineer', 'structural engineering', and related language to Model Law and Model Rules. This proposal has met with support and opposition from various organizations outside of NCEES. Copies of letters sent to NCEES and member boards are attached.

(b) Advisory Council on Committee Activities (ACCA) Motion 8

– Committee recommends revising the Bylaws to change the terms of office for the NCEES Treasurer. The NCEES Board of Directors has removed this from consent calendar and recommends an alternate term of office.

(c) Northeast Zone Resolution related to NCEES's Examination Management System (Possible Action)

– During the Northeast Zone Interim Meeting held this past spring, the zone passed a resolution requesting the NCEES Board of Directors to rescind an approved change to the forthcoming release of the online Examinee Management System (E3) developed and maintained by NCEES related to how member boards can choose to allow their examinees to register for exams in compliance with local licensing requirements.

(d) Southern Zone Resolution regarding Proposed Changes to How NCEES Interim Meetings are Funded (Possible Action)

– During the Southern Zone Interim Meeting held this past spring, the zone passed a resolution requesting additional funding from NCEES to each zone based on the number of attendees.

Staff Comments:

Detailed information for each of the four above motions/resolutions are on the following pages.

The Board can decide to take a position on each of these motions/resolutions so that attending BPELSG representatives will have guidance when these items are presented at the Annual Meeting for vote. The Board can also decide to not take a position on any of these motions/resolutions.

The NCEES *Model Law* sets forth broad ideas about the regulation of engineering and surveying licensure. It is an enabling document that defines the board's powers and duties. It is designed to assist legislative counsels, legislators, and NCEES members in preparing new or amendatory legislation. Each line in the sections is numbered to facilitate use of this document as a working model. [The bracketed, italicized language throughout the document indicates particular areas where language may need to be customized for a jurisdiction.](#)

The *Model Rules* complements the *Model Law* by providing model rules and regulations for the ways member boards can carry out the general concepts introduced and set forth in the law. While it is designed to explain broad provisions stated in the *Model Law* by offering the details from an administrative perspective, the *Model Rules*, just like a board's regulations or rulemaking process, functions only within the authority granted by the *Model Law*. The *Model Rules* is designed to assist NCEES member board members, board counsel, and board administrators in preparing and updating board rules.

Revisions to the *Model Law* and *Model Rules* are decided at the NCEES annual business meeting each year. By vote, the majority of NCEES member boards have agreed that the language in them represents the gold standard for engineering and surveying licensure requirements in the United States. The intent of NCEES in preparing these uniform model documents is to present its member boards with a high-level benchmark—and yet a sound and realistic guide—that will provide greater uniformity of qualifications for licensure, raise these qualifications to a higher level of accomplishment, and simplify the interstate licensure of engineers and surveyors.

Model Law

LICENSURE OF ENGINEERS AND SURVEYORS AN ACT

To regulate the practice of [\[engineering and/or surveying\]](#); provide for the licensure of qualified individuals as [\[professional engineers, structural engineers, and/or professional surveyors\]](#) and for the certification of engineer interns, surveyor interns, and firms; define the terms [\[“Engineer,” “Professional Engineer,” “Structural Engineer,” “Professional Engineer, Retired,” “Structural Engineer, Retired,” “Engineer Intern,” and “Practice of Engineering”\]](#); define the terms [\[“Professional Surveyor,” “Professional Surveyor, Retired,” “Surveyor Intern,” and “Practice of Surveying”\]](#); create a jurisdiction board of licensure for [\[professional engineers, structural engineers, and/or professional surveyors\]](#) and provide for the appointment and compensation of its members; fix the term of members of the board and define its powers and duties; set forth the minimum qualifications and other requirements for licensure as a [\[professional engineer, structural engineer, and/or a professional surveyor\]](#) and for certification as an engineer intern, surveyor intern, or firm; establish fees and expiration and renewal requirements; impose certain duties upon this jurisdiction and political subdivisions thereof in connection with public work; and provide for the enforcement of this Act and penalties for its violation.

Be it enacted by the [\[insert Legislative body name\]](#) of the Jurisdiction of [\[insert state or territory name\]](#) as follows.

Model Law 110.20 Definitions

A. Engineer

1. Engineer—The term “Engineer,” within the intent of this Act, shall mean an individual who is qualified to practice engineering by reason of engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data.
2. Professional Engineer—The term “Professional Engineer,” as used in this Act, shall mean an individual who has been duly licensed as a professional engineer by the board. The board may designate a professional engineer, on the basis of education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence.
3. [Structural Engineer—The term “Structural Engineer,” as used in this Act, shall mean an individual who has been duly licensed as a structural engineer by the board. The board may designate a structural engineer, on the basis of education, experience, and examination.](#)
34. Professional Engineer, Retired—The term “Professional Engineer, Retired,” as used in this Act, shall mean an individual who has been duly licensed as a professional engineer by the board, and who chooses to relinquish or not to renew a license, and who applies to and is approved by the board to be granted the use of the title “Professional Engineer, Retired.”

5. Structural Engineer, Retired—The term “Structural Engineer, Retired,” as used in this Act, shall mean an individual who has been duly licensed as a structural engineer by the board, who chooses to relinquish or not to renew a license, and who applies to and is approved by the board to be granted the use of the title “Structural Engineer, Retired.”

46. Engineer Intern—The term “Engineer Intern,” as used in this Act, shall mean an individual who has been duly certified as an engineer intern by the board.

57. Practice of Engineering—The term “Practice of Engineering,” as used in this Act, shall mean any service or creative work requiring engineering education, training, and experience in the application of engineering principles and the interpretation of engineering data to engineering activities that potentially impact the health, safety, and welfare of the public.

The services may include, but not be limited to, providing planning, studies, designs, design coordination, drawings, specifications, and other technical submissions; teaching engineering design courses; performing surveying that is incidental to the practice of engineering; and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.

Surveying incidental to the practice of engineering excludes the surveying of real property for the establishment of land boundaries, rights of way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

An individual shall be construed to practice engineering, within the meaning and intent of this Act, if he or she does any of the following:

- a. Practices any discipline of the profession of engineering or holds himself or herself out as able and entitled to practice any discipline of engineering
- b. Represents himself or herself to be a professional-licensed engineer by verbal claim, sign, advertisement, letterhead, or card or in any other way
- c. Through the use of some other title, implies that he or she is a professional-licensed engineer ~~or licensed~~ under this Act

68. Inactive Status—Licensees who are not engaged in engineering practice that requires licensure in this jurisdiction may be granted inactive status. No licensee granted inactive status may practice or offer to practice engineering in this jurisdiction unless otherwise exempted in this Act. Licensees granted inactive status are exempt from continuing education requirements.

C. Board—The term “Board,” as used in this Act, shall mean the jurisdiction board of licensure for [professional engineers, structural engineers, and/or professional surveyors], hereinafter provided by this Act.

L. Licensee—The term “Licensee,” as used in this Act, shall mean a [professional engineer, structural engineer, or a professional surveyor].

Model Law 120.10 Board Appointments, Terms

A jurisdiction board of licensure for professional engineers and/or professional surveyors is hereby created whose duty it shall be to administer the provisions of this Act. The board shall consist of [(insert number) professional engineers, (insert number) structural engineers, (insert number) professional surveyors, and (insert number) public members] who shall be appointed by the governor. The [professional engineer, structural engineer, and professional surveyor] members shall preferably be appointed from a list of nominees submitted by the respective engineering and/or surveying societies of this jurisdiction and shall have the qualifications required by Section 120.20 of this Act. Each member of the board shall receive a certificate of his or her appointment from the governor and shall file with this jurisdiction a written oath or affirmation for the faithful discharge of his or her official duty. Appointments to the board shall be in such manner and for such period of time that the term of each member shall expire at the end of a different year, insofar as is possible. On the expiration of the term of any member, the governor shall in the manner hereinbefore provided appoint for a term of [insert number] years a [professional engineer, a structural engineer, a professional surveyor, or a public member] having the qualifications required in Section 120.20 of this Act. Members may be reappointed to succeed themselves. Each member shall hold office until the expiration of the term for which appointed or until a successor has been duly appointed and has qualified. In the event of a vacancy on the board due to resignation, death, or for any cause resulting in an unexpired term, if not filled within 3 months by the governor, the board may appoint a provisional member to serve in the interim until the governor acts.

Model Law 120.20 Board Qualifications

Each professional engineer member of the board shall be a citizen of the United States and a resident of this jurisdiction. He or she shall have been engaged in the lawful practice of engineering as a professional engineer for at least 12 years, shall have been in responsible charge of engineering projects for at least 5 years, and shall be a licensed professional engineer in this jurisdiction.

Each structural engineer member of the board shall be a citizen of the United States and a resident of this jurisdiction. He or she shall have been engaged in the lawful practice of engineering as a structural engineer for at least 12 years, shall have been in responsible charge of structural engineering projects for at least 5 years, and shall be a licensed structural engineer in this jurisdiction.

Each professional surveyor member of the board shall be a citizen of the United States and a resident of this jurisdiction. He or she shall have been engaged in the lawful practice of surveying as a professional surveyor for at least 12 years, shall have been in responsible charge of surveying projects for at least 5 years, and shall be a licensed professional surveyor in this jurisdiction.

Each public member of the board shall be a citizen of the United States and a resident of this jurisdiction and shall not be or have been ~~either a [professional engineer, structural engineer, or professional surveyor]. The majority of the board members shall be professional engineers and/or professional surveyors.~~

Model Law 120.50 Board Organization and Meetings

The board shall hold at least *[insert number]* regular meetings each year. Other meetings may be called as prescribed by jurisdictional law. The board shall elect or appoint annually from among its membership the following officers: a chairperson, a vice chairperson, and a secretary. A quorum of the board shall consist of no fewer than *[(insert number)] professional engineer members, (insert number) structural engineer members, [(insert number)] professional surveyor members, and [(insert number)] public members*].

Model Law 120.70 Receipts and Disbursements

The board administrator shall receive, disburse, and account for all monies derived under the provisions of this Act. This fund shall be known as the *["Professional Engineers', Structural Engineers', and/or Professional Surveyors' Fund,"]* shall be kept in a local bank or deposited with the jurisdiction treasurer, and shall be paid out only upon requisitions submitted by the board administrator. All monies in this fund are hereby specifically appropriated for the use of the board. The board administrator shall give a surety bond to this jurisdiction in such sum as may be required by the laws of this jurisdiction. The premium on said bond shall be regarded as a proper and necessary expense of the board. The board administrator shall receive such salary as the board shall determine. The board shall make expenditures from the abovementioned fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this Act, including the expenses of the board's delegates to meetings of and membership fees to the National Council of Examiners for Engineering and Surveying (NCEES) and any of its subdivisions. Individuals appointed by the board to serve on committees, or who perform other services required by the board, are entitled to reimbursement of expenses as approved by the board. Under no circumstances shall the total amount of warrants issued in payment of the expenses and compensation provided for in this Act exceed the amount of monies collected.

Model Law 120.90 Roster

A complete roster showing the names, last known addresses, and license or certificate number of all professional engineers, structural engineers, professional surveyors, and firms holding a certificate of authorization shall be published by the board.

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations are required for licensure as a professional engineer, structural engineer, or professional surveyor.

A. Eligibility for Licensure

To be eligible for licensure as a professional engineer, structural engineer, or professional surveyor, an individual must meet all of the following requirements:

1. Be of good character and reputation
2. Satisfy the education criteria set forth below
3. Satisfy the experience criteria set forth below
4. Pass the applicable examinations set forth below
5. Submit five references acceptable to the board

B. Engineering

1. Certification or Enrollment as an Engineer Intern

The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern.

- a. Graduating from an engineering program of 4 years or more accredited by the Engineering Accreditation Commission of ABET (EAC/ABET), or the equivalent, or an engineering master's program accredited by EAC/ABET
- b. Passing the NCEES Fundamentals of Engineering (FE) examination

2. Licensure as a Professional Engineer

a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

(1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

- (a) A bachelor's degree in engineering from an EAC/ABET-accredited program
- (b) A master's degree in engineering from an institution that offers EAC/ABET-accredited programs
- (c) A master's degree in engineering from an EAC/M-ABET-accredited program
- (d) An earned doctoral degree in engineering acceptable to the board

(2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination as described below.

- (a) The FE examination may be taken by a college senior or graduate of an engineering program of 4 years or more accredited by EAC/ABET, or an engineering master's program accredited by EAC/ABET.
- (b) The PE examination may be taken by an engineer intern.

(3) Experience Requirements

An individual seeking licensure as a professional engineer shall present evidence of a specific record of progressive engineering experience satisfying one of the following described below. This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice engineering.

- (a) An individual with a bachelor's degree in engineering per (1)(a) above: 4 years of experience after the bachelor's degree is conferred
- (b) An individual with a master's degree in engineering per (1)(b) or (1)(c) above: 3 years of experience
- (c) An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: 2 years of experience
- (d) An individual with an earned doctoral degree in engineering acceptable to the board and who has elected not to take the FE exam: 4 years of experience

b. Licensure by Comity for a Professional Engineer

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a professional engineer:

- (1) An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
- (2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction.

3. Licensure as a Structural Engineer

a. Initial Licensure as a Structural Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a structural engineer.

(1) Education Requirements

(a) An individual seeking licensure as a structural engineer shall possess one or more of the following education qualifications:

i. A bachelor's degree in engineering from an EAC/ABET-accredited program

ii. A master's degree in engineering from an institution that offers EAC/ABET-accredited programs

iii. A master's degree in engineering from an EAC/M-ABET-accredited program

iv. An earned doctoral degree in engineering acceptable to the board

(b) Passes a minimum of 18 semester (27 quarter) hours of structural analysis and design courses. At least 9 of the semester (14 quarter) hours must be structural design courses.

(2) Examination Requirements

An individual seeking licensure as a structural engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Structural Engineering (SE) examination as described below.

(a) The FE examination may be taken by a college senior or graduate of an engineering program of 4 years or more accredited by EAC/ABET, or the equivalent, or an engineering master's program accredited by EAC/ABET.

(b) The SE examination may be taken by an engineer intern who meets the education requirements in 3a(1) above.

(c) The SE examination shall meet one of the following requirements:

i. 16 hours of NCEES structural examinations, 8 hours of which were from the SE II taken prior to January 1, 2011

ii. 16-hour state-written structural examinations taken prior to 2004

iii. NCEES SE II plus 8-hour state-written structural examinations taken prior to January 1, 2011

iv. NCEES 16-hour Structural Engineering (SE) examination taken after January 1, 2011

(3) Experience Requirements

An individual seeking licensure as a structural engineer shall present evidence of a specific record of progressive structural engineering experience satisfying one of the following described below. This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice structural engineering.

(a) An individual with a bachelor's degree in engineering per a(1) above: 4 years of experience after the bachelor's degree is conferred

(b) An individual with a master's degree in structural engineering per a(2) or a(3) above: 3 years of experience

(c) An individual with an earned doctoral degree in structural engineering acceptable to the board and has passed the FE exam: 2 years of experience

(d) An individual with an earned doctoral degree in structural engineering acceptable to the board and who has elected not to take the FE exam: 4 years of experience

b. Licensure by Comity for a Structural Engineer

The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure by comity as a structural engineer:

(1) An individual holding a certificate of licensure to engage in the practice of structural engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard that provides proof of minimal competency and is comparable to the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or

(2) An individual holding an active Council Record with NCEES, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction.

Model Law 130.20 Application and Fees

- A. Application for licensure as a *[professional engineer, structural engineer, and/or professional surveyor]* or certification as an engineer intern or surveyor intern shall be on a form prescribed and furnished by the board; shall contain a declaration made under penalty of perjury, showing the applicant's education and a detailed summary of technical and engineering experience or surveying experience; and shall include the names and complete mailing addresses of the references, none of whom should be members of the board. The board may accept the verified information contained in a valid Council Record issued by NCEES for applicants in lieu of the same information that is required on the form prescribed and furnished by the board.
- B. The application fee shall be established by regulation of the board for licensure as a *[professional engineer, structural engineer, or professional surveyor]* or for certification as an engineer intern or surveyor intern, and shall accompany the application.
- C. Should the board deny the issuance of a certificate of licensure or intern certification to any applicant, the fee paid shall be retained as an application fee.

Model Law 140.10 Certificates of Licensure, Seals

- A. The board shall issue to any applicant for licensure as a *[professional engineer, structural engineer, or professional surveyor]* who, in the opinion of the board, has met the requirements of this Act, a certificate of licensure giving the licensee proper authority to practice his or her profession in this jurisdiction. The certificate of licensure for a professional engineer shall carry the designation "Professional Engineer"; *for a structural engineer, "Structural Engineer"*; and for a professional surveyor, "Professional Surveyor." It shall give the full name of the licensee with licensure number and shall be signed by the appropriate authority under the seal of the board.
- B. The certificate of licensure shall be prima facie evidence that the individual named thereon is entitled to all rights and privileges and is bound by all responsibilities of a professional engineer, *structural engineer, or a professional surveyor* while the said certificate of licensure remains active and unrestricted.
- C. Each licensee hereunder must, upon licensure, obtain a seal as described in Section 110.20 K of this Act. Documents must be sealed, signed, and dated in accordance with the Rules.
- D. The board shall issue to any applicant for certification as an engineer intern or surveyor intern who, in the opinion of the board, has met the requirements of this Act, an enrollment document as engineer intern or surveyor intern, which indicates that his or her name has been recorded as such in the board office. The engineer intern or surveyor intern enrollment document does not authorize the holder to practice as a *[professional engineer, structural engineer, or a professional surveyor]*.

Model Law 150.30 Grounds for Disciplinary Action—Unlicensed Individuals

- A. In addition to any other provisions of law, the board shall have the power to fine and recover costs from any unlicensed individual who is found guilty of:
 - 1. Engaging in the practice or offer to practice of engineering or surveying in this jurisdiction without being licensed in accordance with the provisions of this Act
 - 2. Using or employing the words "engineer," "engineering," "surveyor," "surveying," or any modification or derivative thereof in his or her name or form of business activity except as licensed in this Act
 - 3. Presenting or attempting to use the certificate of licensure or seal of a *[professional engineer, structural engineer, or professional surveyor]*
 - 4. Engaging in any fraud or deceit in obtaining or attempting to obtain a certificate of licensure or intern certification
 - 5. Impersonating any *[professional engineer, structural engineer, or professional surveyor]*
 - 6. Using or attempting to use an expired, suspended, revoked, inactive, retired, or nonexistent certificate of licensure

Model Law 160.20 Managing Agent and Resident Professional

A firm shall designate a managing agent and a resident professional. The managing agent and the resident professional may or may not be the same individual.

- A. Managing Agent—The following criteria shall apply to the firm's designation of a managing agent: A firm shall designate a *[professional engineer, structural engineer, or a professional surveyor]* to be a managing agent for the firm. The managing agent is responsible for the engineering or surveying work in this jurisdiction and/or for projects within this jurisdiction offered or provided by the firm. A licensee may not be designated as a managing agent for more than one firm. A licensee who renders occasional, part-time, or consulting engineering or surveying services to, or for, a firm may not be designated as a managing agent, unless the licensee is an officer or owner of the firm. The managing agent's responsibilities include:

1. Renewal of the firm's certificate of authorization and notification to the board of any change in managing agent;
 2. Overall administrative supervision of the firm's licensed and subordinate personnel providing the engineering or surveying work in this jurisdiction; and
 3. Institution and adherence of policies of the firm that are in accordance with the Rules of Professional Conduct.
- B. Resident Professional—The following criteria shall apply to the firm's designation of a resident professional: A firm shall also designate a resident *[professional engineer, structural engineer, or a resident professional surveyor]*, ~~as applicable~~, to be in responsible charge of the practice of *[engineering or practice of surveying]*, ~~as applicable~~, in each branch office in which *[engineering or surveying]* services are offered or provided. A resident *[professional engineer, structural engineer, or resident professional surveyor]* shall meet the following criteria:
1. Spend a majority of normal business hours at a particular branch office;
 2. Be a resident *[professional engineer, structural engineer, or a resident professional surveyor]* at only one particular branch office at one time; and
 3. Be duly licensed as a *[professional engineer, structural engineer, or a professional surveyor]* by the licensing board of the jurisdiction in which the branch office is located.

Model Law 160.70 Grounds for Disciplinary Action—Firms Holding a Certificate of Authorization

- A. The board shall have the power to suspend, revoke, place on probation, fine, recover costs, and/or reprimand, or to refuse to issue, restore, or renew a certificate of authorization to any firm holding a certificate of authorization that is found guilty of:
5. Discipline (including voluntary surrender of ~~a professional engineer's or professional surveyor's an~~ *engineering or surveying* license in order to avoid disciplinary action) by another jurisdiction, foreign country, or the United States government, if at least one of the grounds for discipline is the same or substantially equivalent to those contained in this Act

Model Rules 210.30 Clarifications to Offering to Practice Engineering and Surveying

The following items are not considered offering to practice engineering or surveying, provided that the engineer or surveyor is licensed in another jurisdiction:

- A. Advertising in publications or electronic media, provided there is no holding out of professional services in jurisdictions where not licensed
- B. Responding to letters of inquiry regarding requests for proposals, provided there is written disclosure that the engineer/surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest
- C. Responding to letters of inquiry from prospective clients, provided there is written disclosure that the engineer/surveyor and firm are not licensed in this jurisdiction and the response is limited to inquiries regarding scope of project and to demonstrate interest
- D. Using the title/designation *licensed engineer*, professional engineer, ~~licensed engineer~~, P.E., *structural engineer, S.E.*, professional surveyor, licensed surveyor, P.S., or the like in correspondence or on business cards from an office in the jurisdiction where licensure is held.

Regardless of the above, proposals may not be submitted, contracts signed, or work commenced until the engineer/surveyor and firm become licensed or authorized in the jurisdiction.

Model Rules 220.30 Fees

- A. Application Fees
1. *[\$insert amount]*—For *[professional engineer, structural engineer, and/or professional surveyor]* licensure, as provided in the NCEES *Model Law*, Section 130.20 B
 2. *[\$insert amount]*—For *[engineer intern and-or surveyor intern]* certification, as provided in the NCEES *Model Law*, Section 130.20 B

Model Rules 230.20 Experience

- A. As a Professional Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice engineering, the following will be considered:

1. Experience must be progressive on engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Only work of an engineering nature that follows graduation from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) or a program deemed to be substantially

- equivalent is creditable.
3. Experience must not be obtained in violation of the licensure act.
 4. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant served in an engineering or engineering-related group while in the armed services.
 5. Experience should be gained under the supervision of a licensed professional engineer; if it is not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
 6. For sales experience to be creditable, it must be demonstrated that engineering principles were required and used in gaining the experience.
 7. Teaching experience, to be creditable, must be in engineering or engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
 8. Experience gained in engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.
 9. Successful completion of graduate study leading to the master's degree in engineering from an institution that offers EAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in engineering is completed under the same conditions, 2 years' total experience may be credited. The 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.
 10. Experience may not be anticipated. The experience must have been gained by the time of the application.
 11. Experience in construction, to be creditable, must demonstrate the application of engineering principles.
 12. Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of engineering design.
 13. Experience should include demonstration of the application of engineering principles in the practical solution of engineering problems.
 14. The board may deem professional experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for professional experience in that jurisdiction.

B. As a Structural Engineer

In evaluating experience that indicates to the board that the applicant may be competent to practice as a structural engineer, the following will be considered:

1. Experience must be progressive on structural engineering projects to indicate that it is of increasing quality and requiring greater responsibility.
2. Only work of a structural engineering nature that follows graduation from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) or a program deemed to be substantially equivalent is creditable.
3. Experience must not be obtained in violation of the licensure act.
4. Experience gained in the armed services, to be creditable, must be of a character equivalent to that which would have been gained in the civilian sector doing similar work. Normally, it would be expected that the applicant served in an engineering or engineering-related group while in the armed services.
5. Experience should be gained under the supervision of a licensed engineer; if it is not, an explanation should be made showing why the experience should be considered acceptable. Experience gained under the technical supervision of an unlicensed individual may be considered if the appropriate credentials of the unlicensed supervisor are submitted to the board.
6. For sales experience to be creditable, it must be demonstrated that structural engineering principles were required and used in gaining the experience.
7. Teaching experience, to be creditable, must be in structural engineering or structural engineering-related courses at an advanced level in a college or university offering an engineering program of 4 years or more that is approved by the board.
8. Experience gained in structural engineering research and design projects by members of an engineering faculty where the program is approved by the board is creditable.
9. Successful completion of graduate study leading to the master's degree in engineering from an institution that offers EAC/ABET-accredited programs may be used for credit for 1 year's experience. If the earned doctoral degree in engineering is completed under the same conditions, 2 years' total experience may be credited. The 2 years' credit includes the 1 year for the master's degree. If the earned doctoral degree is obtained without the master's degree, the credit for experience may be 2 years.

10. [Experience may not be anticipated. The experience must have been gained by the time of the application.](#)
11. [Experience in construction, to be creditable, must demonstrate the application of structural analysis and design principles.](#)
12. [Experience should include demonstration of a knowledge of engineering mathematics, physical and applied science, properties of materials, and the fundamental principles of structural analysis and design.](#)
13. [Experience should include demonstration of the application of structural engineering principles in the practical solution of structural engineering problems.](#)
14. [The board may deem structural engineering experience acquired by applicants outside the United States to be equivalent to the minimum board requirements established by regulations for structural engineering experience in that jurisdiction.](#)

Model Rules 230.30 References

References are those individuals who should have personal knowledge of an applicant and who are able to issue judgments concerning an applicant's experience, ability, character, or reputation.

- A. For licensure as a [\[professional engineer, structural engineer, or professional surveyor\]](#), an applicant must submit 5 references, 3 of whom shall be [professional-licensed](#) engineers, [professional-licensed](#) surveyors, or other individuals deemed acceptable to the board, who have personal knowledge of the applicant's engineering or surveying experience. In addition, for each employment period, individuals familiar with the applicant's experience for that period must be identified. Engineering applicants must have [professional-licensed](#) engineer references, and surveying applicants must have [professional-licensed](#) surveyor references.
- *****

Model Rules 230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction or its designee will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure [as a professional engineer](#):

1. NCEES Fundamentals of Engineering (FE) examination—The examination consists of subject matters in the fundamentals of engineering. Passing this examination qualifies the examinee for certification as an engineer intern, provided the examinee has met all other requirements for certification required by this Act.
2. NCEES Principles and Practice of Engineering (PE) examination—The examination consists of subject matters in applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.
3. NCEES Structural Engineering (SE) examination—The examination shall be considered and referred to as one 16-hour examination. [Passing this examination qualifies the examinee for licensure as a structural engineer, provided the examinee has met the other requirements for licensure required by these Rules.](#) The SE examination consists of two 8-hour components: the Vertical Forces (gravity/other) and Incidental Lateral component and the Lateral Forces (wind/earthquake) component. A candidate must receive acceptable results on both 8-hour components to pass the SE examination. A candidate may sit for each component in separate exam administrations but must receive acceptable results on both components within a 5-year period. Receiving acceptable results on only one 8-hour component shall not be sufficient for licensure purposes.

Model Rules 230.40 Examinations

B. Eligibility of Applicant for Engineering Examinations

1. NCEES Fundamentals of Engineering (FE) Examination
 - a. Those who are college seniors in at least a 4-year program leading to a bachelor's degree in an engineering program may register with NCEES directly to take the FE examination or, if required, apply to the board for admission to the FE examination.
 - b. To be certified as an engineer intern, an application for certification may be submitted to the board upon passing the FE examination and meeting the education requirements.
2. NCEES Principles and Practice of Engineering (PE) Examination
 - a. Applicants for licensure as a professional engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements of the jurisdiction.

- b. No applicant may sit for the PE examination until the board has established that the applicant is eligible for the examination.
- c. Engineering doctorate degree applicants with an undergraduate degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) and with a doctorate degree in engineering from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the qualifications defined by the board may sit for the PE examination without having taken or passed the FE examination.

3. NCEES Structural Engineering (SE) Examination

- a. Applicants for licensure as a structural engineer will be permitted to sit for the SE examination upon satisfactorily fulfilling all application requirements of the jurisdiction.
- b. No applicant may sit for the SE examination until the board has established that the applicant is eligible for the examination.

C. Classification of Surveying Examinations

This jurisdiction will provide the following examinations, prepared and furnished by NCEES, meeting the requirements of this jurisdiction for licensure ~~as a professional surveyor~~:

- 1. NCEES Fundamentals of Surveying (FS) examination—The examination consists of subject matters in the fundamentals of surveying. Passing this examination qualifies the examinee for certification as a surveyor intern, provided the examinee has met all other requirements for certification required by this Act.
- 2. NCEES Principles and Practice of Surveying (PS) examination—The examination consists of subject matters in applied surveying, divided in separate parts as determined by the board. Passing these parts qualifies the examinee for licensure as a professional surveyor, provided the examinee has met the other requirements for licensure required by this Act.

Jurisdictions have the right to administer separate modules on jurisdiction laws and procedures for the practice of surveying.

D. Eligibility of Applicant for Surveying Examinations

- 1. NCEES Fundamentals of Surveying (FS) Examination
 - a. Those who are college seniors in at least a 4-year program leading to a bachelor's degree in a surveying program may register with NCEES directly to take the FS examination or, if required, apply to the board for admission to the FS examination.
 - b. To be certified as a surveyor intern, an application for certification may be submitted to the board upon passing the FS examination and meeting the education and experience requirement.
- 2. NCEES Principles and Practice of Surveying (PS) Examination
 - a. An applicant for licensure as a professional surveyor will not be permitted to sit for the PS examination until the FS examination has been passed.
 - b. No applicant may sit for the PS examination until the board has established that the applicant is eligible for the examination.

M. Examination for Record Purposes

- 1. Any [professional engineer/structural engineer] licensed by this board may take for Record purposes the FE examination and/or [a PE/the SE] examination ~~in a chosen discipline~~ offered by NCEES upon payment of [insert fee set by board regulation and/or NCEES].

Model Rules 230.50 Classifications and Disciplines of Engineers and Surveyors

A. Classification of Engineers

Engineering applicants shall be licensed or certified under one of the classifications as prescribed by the laws of this jurisdiction:

- 1. Engineer intern—by education and examination
- 2. Professional engineer—by education, examination, and experience, or by comity
- 3. Structural engineer—by education, examination, and experience, or by comity
- ~~34.~~ Discipline professional engineer—by verification of discipline competence

Model Rules 230.60 Applications

A. Types of Applications

Licensure as a [professional engineer, structural engineer, or professional surveyor] or certification as [an engineer intern or a surveyor intern] requires that an applicant present his or her qualifications on forms prescribed by this board.

- 1. Applications for licensure as a [professional engineer, structural engineer, or professional surveyor] are accepted from those who believe that they are qualified by education and experience, according to

laws of this jurisdiction, to be licensed as a [professional engineer, structural engineer, or professional surveyor].

2. Applications for certification as [an engineer intern or a surveyor intern] are accepted from those who believe that they have the necessary qualifications for licensure according to the laws of this jurisdiction, as a [professional engineer, structural engineer, or ~~a~~ professional surveyor] except for that of education and experience.

F. Licensure by Comity

1. The board is authorized to review and evaluate the applications of all comity applicants to determine if they meet or exceed the criteria to be licensed as a [professional engineer, ~~professional~~ structural engineer, or professional surveyor] as defined in Section 130.10 of the Model Law.

Model Rules 240.10 Licensure

A. License Number as a [Professional Engineer, Structural Engineer, or Professional Surveyor]

Each licensee is assigned a license number at the time licensure is granted by the board. Numbers are issued consecutively in the order in which applicants are granted licensure. The licensee will be advised of the number by the board. (Section 140.10, Certificates of Licensure, Seals, NCEES Model Law)

C. Retirement of Licensure Option

When a [professional engineer, structural engineer, or professional surveyor] in good standing desires to retire his or her license, he or she may do so upon application to the board. Upon meeting the requirements established by the board, a permanent identification card may be issued and the retired licensee shall receive all rights and benefits as established by the board. Upon retirement of said license, the retiree shall not practice the profession. (Section 110.20 A.3 and B.2, Definitions, NCEES Model Law)

Model Rules 240.20 Seals

A. Seal of the Board

The seal of this board is [describe seal] and shall be affixed to each certificate of licensure, certificate of authorization, and enrollment document. (Section 120.60 A, Board Powers, NCEES Model Law)

B. Seal of Licensee

When an applicant is granted licensure, he or she must obtain a seal. It may be a rubber stamp. It shall contain the following:

1. Jurisdiction of licensure
2. Licensee's name
3. License number
4. The words "Professional Engineer" and discipline [if licensed by], "Structural Engineer," or "Professional Surveyor" (In part from Section 140.10 C, Certificates of Licensure, Seals, NCEES Model Law)

C. Seal on Documents

8. Computer-generated seals not signed with a digital signature may be used on final original drawings provided that a handwritten signature is placed adjacent to or across the seal and the date is written below the seal. Drawings, specifications, plans, reports, and documents that do not require sealing may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by [insert name of licensee], [P.E.# _____ / S.E.# _____ / P.S.# _____] on [insert date of sealing]. This document should not be considered a sealed document."

Model Rules 240.30 Continuing Professional Competency

The purpose of the continuing professional competency requirement is to demonstrate a continuing level of competency of [professional engineers, structural engineers, and/or professional surveyors].

C. Requirements

Every licensee is required to obtain the equivalent of 15 PDHs per annual renewal period, 30 PDHs per biennial renewal period, or 45 PDHs per triennial renewal period. These PDHs may be obtained anytime during the applicable renewal period. A minimum of 1 PDH of each 15 PDHs shall be earned by successfully completing a course or activity that has content areas that focus on (a) ~~professional~~ engineering or surveying ethics, or (b) improving a licensee's methods of business practice or operations or otherwise advancing professionally related skills and practices as applicable to the practice of engineering or surveying. If a

licensee exceeds the annual requirement in any renewal period, a maximum of 15 PDHs may be carried forward into the subsequent renewal period. PDHs may be earned as follows:

G. Exemptions

A licensee may be exempt from the continuing professional competency requirements for one of the following reasons:

4. Licensees who list their occupation as “Retired” or “Inactive” on the board-approved renewal form and who further certify that they are no longer receiving any remuneration from providing professional engineering or surveying services shall be exempt from the PDHs required. In the event such an individual elects to return to active practice of *[professional engineering, structural engineering, or professional surveying]*, PDHs must be earned before returning to active practice for each year exempted, not to exceed the annual requirement for 2 years.

Model Rules 240.40 Expirations, Renewals, and Reinstatement to Active Practice

- J. In the event an inactive licensee does not maintain a current license in any jurisdiction for the 3 previous years prior to requesting reinstatement, that individual will be required to take the NCEES *[Principles and Practice of Engineering (PE) examination, Structural Engineering examination, or the NCEES Principles and Practice of Surveying (PS) examination]* and jurisdiction-specific examinations prior to reinstatement.

Rationale

The 2014–15 UPLG Committee was charged with performing a comprehensive review of the *Model Law* and *Model Rules* and proposing revisions to reconcile conflicts and inconsistencies between the two documents. When it was doing the review, the committee noted that the language for structural engineers is not parallel to that of professional engineers. The *Model Rules* lists structural engineering separately in 210.20 Definitions and in 230.40 Examinations, but the *Model Law* does not. It noted that a committee may need to be charged with addressing *Model Law* 130.10 section in the future with regard to structural engineers. This year’s committee was charged with doing that.

In discussing this charge, the committee agreed that adding parallel language only in *Model Law* 130.10 would not be consistent within the *Model Law* or with the *Model Rules*. Because the committee was charged with developing parallel language for structural engineers, UPLG is amending the language to make that language parallel throughout both documents. The language in italics and brackets is to make it clear that boards would add the language appropriate for the type of licensure they oversee.

Additional notes

UPLG is recommending that 130.10 be reorganize to make the language flow more clearly and logically (as shown in this report’s appendix). The proposed Structural Engineering language in 130.10 in the motion above is added using that new organization. As part of UPLG Motion 9, *Model Rules* 230.40 is being reorganized to separate the exams by discipline. The proposed Structural Engineering language in 230.40 in the motion above is added using that new organization.

Model Rules 230.40 Examinations

3. NCEES Structural Engineering (SE) Examination
 - a. Applicants for licensure as a structural engineer will be permitted to sit for the SE examination upon satisfactorily fulfilling all application requirements of the jurisdiction.
 - b. No applicant may sit for the SE examination until the board has established that the applicant is eligible for the examination.
 - c. Engineering doctorate degree applicants with an undergraduate degree from a program accredited by the Engineering Accreditation Commission of ABET (EAC/ABET) and with a doctorate degree in engineering, with structural engineering emphasis, from an institution that offers EAC/ABET-accredited undergraduate programs in the doctorate degree field of engineering and with experience that meets the qualifications defined by the board may sit for the SE examination without having taken or passed the FE examination.

Board of directors’ position

Endorses, non-consent agenda

July 26, 2016

Jerry Carter
Chief Executive Officer
NCEES
280 Seneca Creek Road
Seneca, South Carolina 29678

Dear Jerry:

I am writing you today regarding the proposed Committee on Uniform Procedures and Legislative Guidelines (UPLG) Motion 12, which has been endorsed by the NCEES Board of Directors, and will be offered for a vote at the upcoming NCEES 95th Annual Meeting in Indianapolis. Although the proposed amendments to the *Model Law* and *Model Rules* have been described as non-substantive, merely adding “language for structural engineers (that is) parallel to that of professional engineers and professional surveyors,” their impact would be profound and, in our view, damaging to the PE license. Passage of UPLG Motion 12 would place NCEES’ endorsement, as a recommended best practice for every jurisdiction to consider, the creation of a separate license for structural engineers and a requirement that those specifically licensed as structural engineers be included as members of every jurisdictional licensing board.

NSPE was disappointed and surprised to see this motion on the agenda. A proposal for a separate structural engineering license was brought to the Council for a vote at last year’s NCEES meeting and was defeated. The Council sent a very clear message that NCEES is a member-driven organization. NSPE strongly urges NCEES to honor the Council’s decision in last August’s vote and not proceed again with an action that fractures our profession.

NCEES and NSPE have a strong relationship and a shared commitment to promote and protect the licensed PE. We have a common cause in increasing public awareness of the critical role of the PE in protecting the public health, safety and welfare. Recognizing a separate structural engineering license as proposed and rejected by NCEES last year, and as proposed again in these revisions, would splinter the profession, confuse the public, and weaken a strong licensure regulatory system.

NSPE would like to make clear that it does not object to PEs individually identifying the fact that they practice in a particular field of engineering, like structural engineering, or use specialty designations in combination with the “PE” designation so long as such communications are in accordance with local practice regulations.

Given that the practical effect of the proposed amendments would be to redefine the fundamental nature of the PE license, Motion 12 goes well beyond the UPLG’s charge to address inconsistencies and conflicts in the existing language of the

Model Law and Rules. Accordingly, NSPE urges the NCEES Council to defeat this motion.

Given the very compressed timeline before the NCEES Annual Meeting, please contact NSPE Deputy Executive Director Art Schwartz at aschwartz@nspe.org or NSPE Senior Manager of Government Relations Arielle Eiser at aeiser@nspe.org at your earliest convenience if you have any questions or need additional information. Thank you for your consideration of this request.

Sincerely,



Kodi Jean Verhalen, P.E., Esq., F.NSPE
President 2016-2017
National Society of Professional Engineers

cc: Michael Conzett, P.E., President, NCEES
Daniel Turner, Ph.D., P.E., P.L.S., President-Elect, NCEES
NCEES Delegates



NCSEA

National Council of Structural Engineers Associations

August 2, 2016

Jerry Carter
NCEES
280 Seneca Creek Road
Seneca, SC 29678

Dear Mr. Carter:

On behalf of the Board of Directors of the National Council of Structural Engineers Associations (NCSEA) and the more than 11,000 structural engineers who belong to its 44 Member Organizations throughout the United States, I would like to thank you and the NCEES Board of Directors for endorsing the proposed Committee on Uniform Procedures and Legislative Guidance (UPLG) Motion 12. We look forward to seeing this motion passed and believe that this change in language in the Model Law and Model Rules is consistent with the three designations of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer.

As a member of the steering committee of the Structural Engineering Licensure Coalition (SELC), NCSEA believes that Motion 12 does not create "separate" licensure for structural engineers, which we understand the National Society of Professional Engineers (NSPE) has suggested. Rather than setting up a parallel licensing system, Motion 12 simply corroborates discipline-specific licensure within the existing system in accordance with the nature of the Principles & Practice examinations that NCEES develops and administers to ensure that candidates demonstrate minimal competence in a particular area of engineering for the sake of public safety, health, and welfare. Since we are sure that the UPLG Committee, as well as the NCEES Board, vigorously discussed these changes before endorsing this motion, NCSEA is confident that the NCEES Member Boards will support them.

Sincerely,

Brian Dekker
President
NCSEA

Alfred Spada
Executive Director
NCSEA



STRUCTURAL ENGINEERING CERTIFICATION BOARD

August 2, 2016

Joseph J. Luke,
P.E., SECB
Chair

Mr. Jerry Carter

Mary Goodson,
S.E., SECB, F.SEI, F.ASCE
Chair-Elect & SELC
Representative Secretary

NCEES
280 Seneca Creek Road
Seneca, South Carolina 29678

Edward M. DePaola,
P.E., SECB, F.SEI
Treasurer

Re: UPLG Motion 12

Vicki Arbitrio,
P.E., SECB, F.SEI
Director

Dear Mr. Carter:

Craig Barnes,
P.E., SECB
Director

As the Chairman of the Structural Engineering Certification Board (SECB), I am writing to make you aware that SECB strongly supports the NCEES Board's endorsement of the Committee on Uniform Procedures and Legislative Guidance (UPLG) Motion 12. SECB's mission is to promote SE Licensure in all jurisdictions and to determine the level of unique and additional education, examination, and experience necessary to perform the science and art of Structural Engineering. We believe that Motion 12 is in line with our Boards mission and objectives, as well as the mission of NCEES

Chris Cerino,
P.E., SECB
Director

It is our belief that this proposed change to the language in the Model Law and Model Rules is consistent with the three Model Law designation of Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer. We feel that this change will give support to jurisdictions that currently license structural engineers and will provide guidance to those that considering adopting structural licensure.

Lucas Tryggestad
AIA
Director

Respectfully,

A handwritten signature in blue ink, appearing to read "Joe J. Luke".

Joseph J. Luke, P.E., SECB

Chair, Structural Engineering Certification Board

Williston L. "Bill" Warren, IV
S.E., SECB
Director

Michael G. Welbel, J.D.
Director

Dan Eschenasy
P.E., F.SEI
Director

Donald O. Dusenberry
P.E., SECB, F.SEI, F.ASCE
Director

Jenna Webb
Executive Director

555 8TH AVENUE, SUITE 1902, NEW YORK, NY 10018

Phone: 646-760-7322 · Fax: 646-417-6378 · www.SECertBoard.org · office@secertboard.org

ACCA Motion 8

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws 4.04*:

Section 4.04 Elections and Terms of Office. The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The Treasurer shall be elected at each Annual Business Meeting held in an odd-numbered year, in the manner prescribed in the *Bylaws*. Vice Presidents from the Southern and Northeast Zones shall be elected at their Interim Zone Meeting in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected at their Interim Zone Meeting in even-numbered years. The Chief Executive Officer is appointed as provided in the *Bylaws*.

The President-Elect shall normally serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President, holding that office until a successor has been installed. Vice Presidents shall hold office for two years or until their successors have been installed. The Treasurer’s term of office shall be two years, ~~and that person may serve a maximum of two consecutive terms~~. For the office of Treasurer, a partial term served for the period between consecutive Annual Meetings shall not be considered a term for term-limit purposes.

Past Presidents shall be ineligible for re-election as President-Elect of the Council. Vice Presidents and the Treasurer shall not be eligible for re-election to the same office until at least one full two-year term has elapsed.

New members of the Board shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even though their terms with Member Boards may have ended.

Any member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with the full authority of the offices and board privileges, until the expiration of the term as Immediate Past President, even though no longer a member of a Member Board.

Rationale

There are many Council members who are eager to serve in leadership roles within NCEES. Having the treasurer serve no more than one consecutive term gives more individuals the opportunity to serve in a leadership role within the board of directors. The proposed restriction is consistent with term limitations for zone vice presidents.

Board of directors’ position

Does not endorse, non-consent agenda

Board of directors’ rationale

The board of directors does not support this modification to the *Bylaws*. The board believes that by leaving the treasurer term at two years, the two zones that are currently in sync with the treasurer’s election (the Northeast and Southern Zones) are given an advantage. The board recommends that the term length be changed to three years to remedy that situation.

2016 NCEES Northeast Zone Resolution

MOTION

Mr. President, I request the privilege of the floor to make the following resolution on behalf of the Northeast Zone:

WHEREAS: The NCEES board of directors passed the following motion at its February 2016 meeting:

Approve a third approval option for the professional exams to allow applicants to test if they attest to having met the selected board's requirements. The three models would be manual, education restricted with verification of the fundamentals exam and verification of education through a transcript, and automatic with applicants attesting to meeting the selected board's requirements.

THEREFORE, be it

RESOLVED: That the NCEES board of directors stay the motion passed at its February 2016 board meeting concerning attesting to qualifications allowing applicants to take the professional exams offered by NCEES; be it further

RESOLVED: That a task force or special committee be formed to study this issue because this subject impacts a number of areas of NCEES. This group would be charged to develop a recommendation for approval by the Council at the 2017 annual meeting.

Rationale

When NCEES converted the FE/FS exams from the pencil-and-paper exam to computer-based testing (CBT), an option was developed to allow the test takers to apply directly to NCEES for admittance to the exam. This direct admittance bypassed the requirement that the examinee had to apply through the local jurisdiction. The result of this is that in most states there is no review of the applicants' credentials prior to taking the exam. The concern was that unqualified persons could take the exam.

Because of this concern, the CBT Task Force and the Council staff spent much time discussing the pros and cons of no preapproval process for the FE/FS exams and came to the conclusion that since the fundamentals exam was only the first of the two exams and engineer intern/surveyor intern certification provided no authority to practice, this would be an acceptable option. During those same discussions, Council members were told that state jurisdictions would still have the requirement and responsibility as the exam gatekeepers to ensure that only persons who were qualified or could be qualified are admitted to sit for the PE/PS exams. The concerns of the high-stakes exam exposure and potential security threats were among the many reasons that we were assured that this would not ever become an issue with the PE/PS exams and that credential checks would certainly be required before allowing applicants to take the PE/PS exams.

At the February 2016 board of directors meeting, the board passed a motion to give states the option to allow persons who have not been vetted by a Council jurisdiction to sit for the exam by simply paying the fee and attesting that they can meet the selected board's requirements. There was no committee that had this as a charge, and there has been no detailed review of the consequences—implied or unintended—of this action. Further, this action is of such significance that to adopt such a policy that will apply to all future professional exams (pencil-and-paper and CBT) needs additional study and a vote of the Council.

While this makes it easier upfront for the examinee to take the exam, in the long run the person will still need to supply the information to obtain his or her license—if the jurisdictions are doing their job. The only benefit is to the jurisdiction staff and board members, as they will not be reviewing people who cannot pass the exam. States that require failed applicants to furnish a plan of study and/or mentoring sessions with the board will no longer have this control.

There are a number of issues that need to have a closer review and in some cases a legal review. Some of these issues are as follows:

X. Technical Advisory Committees (TACs)

- A. Assignment of Items to TACs (Possible Action)
- B. Appointment of TAC Members (Possible Action)
- C. Reports from the TACs (Possible Action)

XI. Board Recognition of Former Board Members (Possible Action)

XII. President's Report/Board Member Activities

XIII. Approval of Consent Items (Possible Action)

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

- A. Approval of the Minutes of the June 9-10, 2016, Board Meeting

DRAFT

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

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

June 9-10, 2016

Thursday, June 9, 2016

Board Members Present:	Robert Stockton, President; Coby King, Vice President; Fel Amistad; Cynthia Guzman; Eric Johnson; Kathy Jones Irish; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Jerry Silva; and Patrick Tami
Board Members Absent:	Natalie Alavi; Chelsea Esquibias; Asha Lang; Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Kara Williams (Budget Analyst); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Stockton called the meeting to order at 9:00 a.m., and a quorum was established.

II. Public Comment

During public comment, William Rolph, licensed civil engineer, thanked the Board for coming to Riverside. He has been trying to qualify for the PLS examination since 2013. His original application was rejected because he was double counting months, which is not allowed. He cannot find anything in the law that supports this rule. He suggested the Board provide clarification on rules for civil engineers needing two years of broad based progressive experience. He would also like to know if there is another method to demonstrate his experience to the Board for the two years of broad based experience he has. He feels discriminated against because he is pursuing a second license. He reached out to both Mr. Moore and Mr. Kereszt who were both helpful.

Mr. Moore reported that the Board approved moving forward with clarifying Board Rule 425 at the April meeting to address these issues. He recommended Mr. Rolph check the Board's website for the rulemaking notice.

Chris Ehe, owner of Environmental Hi-Tech Engineering, provided some history of his small family business. In early 2013 he received an accusation for an outstanding survey and his license revoked in 2014. He took ownership and noted there was no harm to the public welfare. He requested the Board

communicate with him and allow him to petition for a reinstatement of his license and possibly complete a rehabilitation program.

Mr. Moore explained that he had previously consulted with Legal Counsel to see if the Board could entertain having a peer-to-peer meeting with Mr. Ehe. Mr. Santiago explained there is no provision in the law for such a meeting to be held.

Mr. Eissler stated that under the law, Mr. Ehe can petition for a reinstatement not less than three years after the effective date of the revocation. Once the three years have passed, Mr. Ehe would have the opportunity to petition the Board in 2017, and the Board would hold a hearing.

Roger Hanlin, President of CLSA, recognized Patrick Tami for his extensive service and dedication to not only the public but the land surveying profession. Mr. Tami has addressed issues within the profession to keep the public informed on current issues as the profession advances and referred to him as a role model and true professional.

Former CLSA President Bill Hofferber stated that it has been an honor and a privilege to follow in Mr. Tami's footsteps. Mr. Tami has been an outstanding leader, representative, and someone land surveyors can look up to for his professionalism, dedication, and outstanding leadership.

Former CLSA President Jay Seymour recognized Mr. Tami for all he has done for the profession.

Mr. McMillan, CLSA liaison, is honored to have known Mr. Tami and be able to work with him on issues affecting the profession.

The CLSA representatives presented Mr. Tami with a plaque as their token of appreciation.

President Stockton and several other board members added that Mr. Tami will be sorely missed by the Board.

Hugh Robertson, representing Association of Engineering Geologists (AEG), thanked the Board for coming to Riverside and for keeping AEG apprised of legislation affecting the profession. Mr. Robertson also reminded the Board that the geologists work for homeowners that need geologic advice. He wanted to dispel the perception that they only work for large businesses.

III. Presentation from ASCE on ASCE's "Raise the Bar" Initiative

Jay Higgins, Director of ASCE Region 9, introduced Ken Rosenfield and provided the Board with their presentation which provided an overview of the initiative. The two main points he wanted to present are that there is a body of knowledge that ASCE feels that is necessary to complete a degree in civil engineering bachelor's

degree, and there is also a decreasing trend in the number of hours obtained to acquire the Bachelor of Science degree. The initiative is one of three top initiatives for ASCE. Its purpose is to increase educational requirements to be licensed as a professional civil engineer.

Members of the public commented and expressed their concerns.

After much discussion, President Stockton stated that he views the initiative as a significant impediment to licensing. Over time he has observed the number of credits required go down and has not seen a diminution of quality; if anything, he has seen better qualified engineers.

IV. Legislation

A. Discussion of Legislation for 2016:

Ms. Williams reviewed the legislative calendar.

AB 2237 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.

Ms. Williams reported that the bill died in committee.

SB 1085 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 make the failure to complete an online assessment regarding the laws and regulations a cause for disciplinary action.

MOTION:	Dr. Qureshi and Ms. Mathieson moved to support SB1085 as amended April 20, 2016.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				

Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Pat Tami	X				

SB 1165 This Bill would provide for more uniformity among the Board's Acts. The Board anticipates the increased uniformity of our Acts will permit licensees and consumers with improved protection and comprehension of our Acts.

Ms. Eissler explained that at the April meeting the Board discussed rulemaking to better define the educational requirements for a geologist license. After discussing it with the Board's Legal Counsel, it was determined that the Board did not have the statutory authority based on the language in the statute to outline the types of courses that would be acceptable as the wording in the statute discussed degree programs, whereas the statute for geophysicists specifies degree programs and courses by semester units. It was decided to amend the language for the geologists and geologists-in-training to include the references to semester units for appropriate courses. The bill is scheduled to be heard in Assembly Business and Professions Committee June 14, 2016.

MOTION:	Mr. King and Ms. Jones Irish moved to support SB1165 as amended May 17, 2016 and to support additional conforming changes regarding the geologists and geologists-in-training curriculum.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Pat Tami	X				

SB 1479 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. The Board did not change its position on the bill.

SB 1155 This bill would require every program within the Department to waive initial application and license fees for veterans who have been honorably discharged from the California National Guard or United States Armed Forces. This bill was recently amended on May 31, 2016 to specifically exclude business applicants and make other clarifying changes. The Board did not change its position on the bill.

SB 1195 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 of 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.

Ms. Eissler reported that the bill made it out of Senate Appropriations Committee and was then amended extensively on June 1, 2016. It was then moved to the Senate inactive file on June 2, 2016. She noted that it was very likely that various provisions of the bill would be amended into other bills and recommended that the Board take positions on various aspects of the bill so that staff could represent the Board's official position should the provisions be added to other bills.

MOTION:	Vice-President King and Mr. Silva moved to support expanding civil litigation indemnity of treble damages in anti-trust cases in any bill(s).
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				

Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Pat Tami	X				

MOTION:	Vice-President King and Mr. Tami moved to oppose any requirement that the Executive Officer not be a licensee as such a provision would interfere with the Board's ability to choose the person most appropriate to serve as its Executive Officer.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Pat Tami	X				

11:17 a.m. Mr. Silva left the meeting room.

MOTION:	Vice-President King and Ms. Mathieson moved that, as a general policy, the Board is in favor only in changes to the laws that are as narrowly drawn as possible to protect the state from any anti-trust exposure resulting from the North Carolina Dental Board Supreme Court decision and that maintain the appropriate balance of power between the boards, DCA, and the Legislature. The Board's representatives are to be guided by this policy in dealing with any legislative proposals during this legislative session.
VOTE:	10-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva				X	
Patrick Tami	X				

11:26 a.m. Mr. Silva returned.

MOTION:	Mr. Tami and Dr. Qureshi moved to designate President Stockton and Vice-President King to the legislative standing committee for those issues in line with the previous motions relating to SB 1195 and anti-trust laws.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

V. Consideration of Rulemaking Proposals

A. Adoption of Proposed Amendments to Division 5 of Title 16, California Code of Regulations §464 - Corner Records.

MOTION:	Mr. Tami and Dr. Qureshi moved to 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.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

MOTION:	Mr. Tami and Ms. Jones Irish moved to delegate the authority to the Executive Officer to finalize the rulemaking file.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	

Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

B. Approval of Proposed Amendments to Title 16, California Code of Regulations §§472-473.4 and §§3062-3063.4 (Citations)

MOTION:	Vice-President King and Ms. Jones Irish moved to approve the modified text and direct 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 and delegate the authority to the Executive Officer to adopt the final rulemaking if there are no adverse comments and make minor technical changes to finalize rulemaking.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

C. Proposal to Amend Title 16, California Code of Regulations §3031 (Geologist Education and References)

Ms. Eissler noted that discussion of this item should wait until the amendments proposed in SB 1165 are finalized.

President Stockton introduced and welcomed new public member, Cynthia Guzman, to the Board.

VI. Withdrawal of Guidelines Relating to Geological and Geophysical Reports Created by the Former Board for Geologists and Geophysicists

Ms. Eissler reported that Ms. Racca recently discovered guidelines prepared by the former Board for Geologist and Geophysicists are still being used and relied

upon in the profession. The Board's staff and Legal Counsel are concerned that such guidelines would be considered underground regulations no matter what disclaimers may be included with them.

MOTION:	Ms. Mathieson and Dr. Qureshi moved to formally withdraw the following four guidelines and advise that the withdrawn guidelines are not to be used, relied upon, or distributed. <ul style="list-style-type: none"> • 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)
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

IX. Approval of Delinquent Reinstatements

MOTION:	Mr. Silva and Mr. Amistad moved to approve the delinquent reinstatements.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				

Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

XII. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs
No report given.

B. Appointment of TAC Members

MOTION:	Dr. Qureshi and Mr. Amistad moved to reappoint all TAC members as recommended.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

C. Reports from the TACs
No report given.

XIII. President’s Report/Board Member Activities

President Stockton presented Mr. Patrick Tami with a proclamation on behalf of the Board as his term has come to an end.

Mr. Tami expressed his gratitude.

Mr. Silva would like to extend an invitation to Mr. Ray Satorre to the next Board meeting to present him with his proclamation

Mr. Moore presented Robert Stockton with a gavel plaque for his tenure as Board president.

XV. Approval of Consent Items

A. Approval of the Minutes of the April 21, 2016, Board Meeting

MOTION:	Vice-President King and Ms. Jones Irish moved to approve the minutes as amended.
VOTE:	8-3-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton			X		
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman			X		
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson			X		
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

XIV. Nomination and Election of President and Vice President for Fiscal Year 2016/17

MOTION:	Mr. Silva and Mr. Johnson moved to appoint Coby King as Board President and Mohammad Qureshi as Vice-President.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	

Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

VII. Enforcement

A. Enforcement Statistical Report

Ms. Criswell presented the statistics and reported that as of the end of May there are no geology cases over a year old and the general aging of the cases is continuing to decrease. Ms. Racca has been a great asset to the enforcement staff by providing direction and reaching out to subjects of investigations and complainants.

B. Enforcement Overview Presentation

Mr. Moore and Ms. Criswell provided a presentation that outlined the enforcement complaint process.

Ms. Mathieson left the meeting at 3:20 p.m.

VIII. Exams/Licensing

A. Update on NCEES Exam Registration System as it Pertains to California Licensure Applicants

Mr. Moore reported that he has been working with NCEES to address how to accommodate candidates from California. Staff has received webinar training and the system is scheduled to go live June 20, 2016. NCEES was able to incorporate what was necessary into the system.

B. Update on Spring 2016 Exam Results

Mr. Moore reviewed the examination results. He noted that since the California civil seismic and engineering surveying examinations transitioned to computer based testing, there has been a slight upward trend in the average pass rate.

He noted that for the second time in the history of California adopting the NCEES Principles of Surveying (PS) examination, California candidates surpassed the national average.

President Stockton expressed interest in the percentage of surveyors vs. civil engineers pass rates taking the state specific professional land surveyor examination. Mr. Moore explained that with the Fundamentals of

Surveying (FS) examination, the largest population of those who pass have a surveying degree, followed by those who have a civil engineering degree, followed by any other degree, and those who pass the least often are those with experience only. As for the Professional Surveying (PS) examination, those with a surveying degree had the highest pass rate, following by those with actual experience, followed by those with any other non-engineering or surveying degree, followed by those with an engineering degree.

Mr. Moore reviewed the geology results and reported that the staff was monitoring the passing rates of California candidates taking the National ASBOG Practice of Geology (PG) examination as the most recent pass rate is 77% which is trending upwards over the last few administrations; this raises some concern that the national examination may not be adequately testing minimal competence.

X. Administration

A. Budget Summary

In Ms. Williams's review of the budget, she reported that within the PELS fund, expenditures have slightly increased versus last year's figures as a result of increased staff benefit increases for health costs and contract costs. Renewals have increased based on the cyclical nature of the PELS population. As a result, revenue should increase by approximately one million dollars.

As for the GEO fund, applications and renewals have decreased slightly versus last year's figures which will decrease revenue as a result for this fiscal year.

The Board is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year. Overall, revenue at year-end should remain consistent with historical averages.

She reviewed the fund condition and provided last year's actual figures for 2014-2015, current year projection for 2015-2016, and the projection for 2016-2017.

Currently, the Board has \$4 million outstanding in the general fund loan. Ms. Williams indicated that the Board projects to have a slight increase in revenue paired with a slight increase in expenditures. On July 1, 2016, the two funds will merge, and the Board's revenue authority and expenditure authority will merge into one fund. At fiscal year-end 2016-2017, the Board projects to have approximately \$9 million in reserve.

Applications and renewals for the GEO fund have decreased slightly versus last year's figures which will decrease revenue as a result for the

Geology and Geophysicists account this fiscal year. The GEO fund will transfer approximately \$1 million to the joint account.

XI. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Ms. Eissler reviewed the workgroup summary and provided updates that the waiver of the fundamentals examination has been submitted to the Office of Administrative Law for final review and approval.

She reported that clarifying the qualifications and experience for the structural and geotechnical engineer licenses has been noticed for public comment.

As for the qualifying experience for land surveyors, staff is preparing the necessary documentation to begin the rulemaking process based on the Board's approval at the last meeting.

B. Personnel

Mr. Moore indicated that they are still conducting interviews for the Land Surveyor registrar position.

C. Business Process Assessment Contract

Mr. Moore updated the Board on the latest information. VIP services met with staff and discussed the overall goals and staff roles. VIP is planning on providing a presentation to the Board at the August meeting. Dr. Qureshi suggested sharing status updates provided by the vendor to Board members. Mr. Moore suggested that a status update could be provided on a regular basis to a Board member, and Ms. Jones Irish agreed to be the liaison for that purpose. Mr. Moore reminded the Board that this is a process improvement study and not about a computer system.

D. ABET

No report given.

E. ASBOG

Ms. Racca reported that she applied for election as secretary for the ASBOG executive committee and should hear if she is selected by late summer/early fall.

F. NCEES

Mr. Tami attended the Anchorage, AK Western Zone meeting as the Western Zone Vice President. He explained that during this event, the committees present their motions, and they are discussed. These items are then voted on at the Annual meeting.

Mr. Moore announced Mr. Tami is officially nominated to be president elect, Ms. Eissler was appointed to the Law Enforcement Committee and Mr. Moore was appointed to the MBA Committee, both for the 2016-17 terms commencing with the end of the upcoming Annual meeting.

It was decided that since Mr. King would be unable to attend the NCEES Annual meeting, that Mr. Qureshi and Ms. Eissler would be selected as the two funded delegates this year should OST be approved. In addition, Mr. Moore reminded the Board that all new Board members, appointed within the last 24 months and who have not previously attended the Annual meeting are also eligible for funding by NCEES. He requested that anyone eligible and interested should contact him, and he would notify NCEES as required.

MOTION:	Vice-President King and Ms. Jones Irish moved to designate one funded position for NCEES Annual Meeting for Ms. Nancy Eissler.
VOTE:	10-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson				X	
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
William Silva	X				
Patrick Tami	X				

G. Outreach

Ms. Eissler reported that Mike Donelson, Board staff electrical engineer, is attending an event at Camp Pendleton focusing on those leaving the military and going into the workforce with an emphasis on STEM careers. Ms. Racca reported on her outreach efforts which included making presentations to the South Coast Geological Society, Loma Linda University, and the Association of Environmental and Engineering Geologists. She added that she and Mr. Moore received an invitation to do a webinar for Groundwater Resources Association of California. Mr. Moore and Ms. Racca provided a presentation at the Department of Water

Resources. Mr. Moore reported that he provided a presentation for ASCE Younger Member Forum in Los Angeles and attended a CLSA Chapter meeting in Sacramento; he has also received an invitation to speak at the CalPoly Pomona geomatics program.

XVI. Other Items Not Requiring Board Action

- A. Next Board Meeting: August 18-19, 2016
Department of Consumer Affairs
HQ2 Hearing Room, #186
1747 North Market Boulevard
Sacramento, CA 95834

President Stockton suggested commencing each board meeting with the Pledge of Allegiance. Vice-President King indicated that there must be a flag. Mr. Santiago noted that some boards do while others do not. It was determined if there is a flag, then it will be recited.

Mr. Silva would like consistency in how the Board recognizes Board members when they leave the Board. Ms. Eissler suggested adding this topic to the August agenda for discussion. Mr. Moore explained that for the last several years, there has been no consistency. It is rare to know when a Board member is attending their last meeting. Mr. Satorre's term expired between Board meetings and was replaced by Ms. Esquibias. In the past, Legislative resolutions were arranged for only Gregg Brandow and Jim Foley, and it was unknown who coordinated that effort within or outside of Board staff. This has not been common practice. Board staff did produce proclamations for Pat Tami and recently at the request of Mr. Silva, Ray Satorre. Mr. Moore further suggested that the Board agree to Ms. Eissler's suggestion to put this on the August agenda and that the Board can decide if and how they wish to setup a plan for them to recognize a member upon leaving their Board service.

The Board recessed at 4:46 p.m.

Friday, June 10, 2016, beginning at 9:00 a.m.

Board Members Present:	Robert Stockton, President; Coby King, Vice President; Fel Amistad; Cynthia Guzman; Eric Johnson; Kathy Jones Irish; Mohammad Qureshi; Karen Roberts; Jerry Silva; and Patrick Tami
Board Members Absent:	Natalie Alavi; Chelsea Esquibias; Asha Lang; Betsy Mathieson; Hong Beom Rhee;
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Stockton called the meeting to order at 9:00 a.m., and a quorum was established.

XVII. 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
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

During Closed Session, the Board took action on three stipulations, two proposed decisions, two petitions for reconsideration, and discussed litigation as noticed.

XIX. Adjourn

The meeting adjourned at 10:00 a.m.

PUBLIC PRESENT (Either or both days)

William Rolph
William R. Hofferber, CLSA
Mathew L. Hunt, LOR Geotechnical Group, Inc.
Jay Kay Seymour, CLSA
Kenneth Rosenfield, ASCE
Hugh Robertson

Roger Hanlin, CLSA
Jay H. Higgins, ASCE Region 9
Jordan Mathe

DRAFT

XIV. Other Items Not Requiring Board Action

A. Next Board Meeting: October 13-14, 2016, Bay Area

XV. 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
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

XVI. Open Session to Announce the Results of Closed Session

XVII. Adjourn
