



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

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

Thursday, October 13, beginning at 10:00 a.m. and continuing on Friday, October 14, beginning at 9:00 a.m., if necessary

Office of the Attorney General
1515 Clay Street
20th Floor, Conference Room 20-52
Oakland, CA 94612

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

BOARD MEETING

OCTOBER 13-14, 2016

Office of the Attorney General
1515 Clay Street
20th Floor, Conference Room 20-52
Oakland, CA 94612

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. Hearing on the Petition for Reinstatement of Surrendered License of Shih-Weng Chiang, a.k.a. Steve Lin Chiang

This hearing will be held on Thursday, October 13, 2016, beginning at 10:00 a.m., or as soon thereafter as the matter may be heard.

IV. Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]

NOTE: The Board will meet in Closed Session immediately following the Hearing on the Petition for Reinstatement to decide that matter.

V. Consideration of Rulemaking Proposals

- A. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations §425 (Land Surveyor Experience Requirements)
(Possible Action)

Approval of Amendments to Amend Title 16, California Code of Regulations section 425 regarding Experience Requirements – Professional Land Surveyors

At its April meeting, the Board approved beginning the rulemaking process to amend Title 16, California Code of Regulations section 425 (Board Rule 425) regarding the experience requirements for licensure as a professional land surveyor. These proposed amendments were noticed for a 45-day public comment period on August 12, 2016. The 45-day period ended on September 27, 2016. No comments were received. However, in doing a final review of the language, staff realized that a sentence had been left out of subdivision (e). The sentence “All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying” that is included in subdivision (b) also needs to be included in subdivision (e). Adding this sentence to subdivision (e) requires a 15-day noticed public comment period. Therefore, staff recommends that the Board approve this amendment and direct staff to issue a 15-day notice for public comments.

The original proposed amendments are shown in underlined text for additions and ~~striketrough text~~ for deletions. The additional amendment is shown in double underlined text.

RECOMMENDED MOTION:

The Board approves the additional amendment to subdivision (e) as shown in the modified text and directs staff to issue a 15-day notice regarding the modified text for changes to amend Title 16, California Code of Regulations section 425.

425. Experience Requirements - Professional Land Surveyors.

(a) An applicant for licensure as a professional land surveyor shall be granted credit towards the experience requirements contained in Sections 8741 and 8742 of the Code, for the following education curriculum:

- (1) Four (4) years experience credit for graduation from an approved land surveying curriculum.
- (2) Two (2) years experience credit for graduation from a non-approved land surveying curriculum.
- (3) Five (5) years of experience credit for graduation from an approved cooperative work-study land surveying curriculum.
- (4) One-half (1/2) year of education credit for each year of study completed in an approved land surveying curriculum that did not result in the awarding of a baccalaureate degree, except that the maximum of such experience shall be two (2) years. A year of study shall be at least 32 semester units or 48 quarter units, no less than 10 semester units or 15 quarter units of which shall be from classes clearly identified as being land surveying subjects.

“Life Experience Degrees” are not acceptable and will not be counted towards the education credit.

(b) All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying. An applicant shall possess at least two years of actual responsible training experience in land surveying which shall involve at least four of the land surveying activities specified in subdivisions (a) - (g) and (k) - (n) of Section 8726 of the Code. Qualifying experience in activities specified in subdivision (a), (b), (k), (m), and (n) of Section 8726 shall not exceed one year in total. Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week.

(c) For purposes of Section 8742 of the Code, the ~~term~~ terms “responsible field training” and “responsible office training” include the land surveying activities specified in subdivisions (a) - (g) and (k) - (n) of Section 8726 of the Code performed in a field or office environment. Responsible training means the exercise of independent judgment under the responsible charge of a person legally authorized to practice land surveying.

~~may include, but is not limited to, the land surveying activities listed below. Under the responsible charge, direction, and review of a person legally authorized to practice land surveying, the applicant:~~

~~(1) Determines field survey methods and procedures, including selection of accuracy standards.~~

~~(2) Selects or verifies that the correct control monumentation is used to establish the designated survey datum(s) (horizontal and vertical) and selects on the ground locations for control monuments.~~

~~(3) Determines the relevance of monuments and physical field evidence for the purpose of establishing boundary and property lines.~~

~~(4) Reviews measurement observations for the determination of accuracy, completeness, and consistency.~~

~~(5) Reviews field notes and records for application of proper field survey procedures.~~

~~(6) Plans, performs, and reviews field checks and, based on such checks, determines if completed field surveys are accurate and sufficient.~~

~~(7) Searches for boundary and control monuments; assists in analyzing field evidence for locating boundary points and lines; identifies and describes such evidence; compares record data to found physical evidence; compares record data to measured data; documents discrepancies; assists in acquiring and documenting testimony regarding boundary locations; recommends boundary location and/or establishment; selects or verifies that the correct controlling monuments are used to locate or establish boundary points and lines; and prepares draft record documents.~~

~~(8) Coordinates the fieldwork necessary to prepare maps, plats, reports, descriptions, or other documents.~~

~~(9) Recommends when existing boundary monuments are to be replaced, selects the method(s) to be used for replacing and resetting monuments, and prepares field documentation of such work, including that necessary for Parcel Maps, Final Maps, Record of Survey Maps, and Corner Records.~~

~~(10) Functions as a party chief, chief of parties, or lead person in charge of field crew(s) in the performance of field surveys.~~

~~(11) Plans and performs field observations using Global Positioning System technology and determines if completed field surveys are accurate and sufficient in geodetic and land surveying applications.~~

~~(12) Performs surveys to facilitate the location or construction of infrastructure and fixed works of improvement.~~

~~The enumeration of the above tasks does not preclude the Board from awarding “responsible field training” credit for training of a similar character in other current or future land surveying activities not specifically enumerated herein. It is also understood that the listed tasks are only some of those that may be considered as responsible training, and that this list is not in any way intended to enumerate all of the tasks which may be performed by licensed Professional Land Surveyors.~~

~~(d) For purposes of Section 8742 of the Code, the term “responsible office training” experience may include, but is not limited to, the land surveying activities listed below. Under the responsible charge, direction, and review of a person authorized to practice land surveying, the applicant:~~

~~(1) Performs the planning and analysis necessary for the preparation of survey documents, such as Parcel Maps, Final Maps, Record of Survey Maps, Corner Records, legal descriptions, topographic maps, plat maps, lot line adjustments, annexations, and boundary line agreements.~~

~~(2) Reduces and evaluates field data.~~

~~(3) Develops procedures and systems for the collection, reduction, adjustment, and use of land surveying data.~~

~~(4) Prepares data to be used by field surveyors or field crews.~~

~~(5) Coordinates the processing of maps, plats, reports, descriptions, or other documents with local agencies, other licensed surveyors, or County Surveyors Offices.~~

~~(6) Coordinates the office work necessary to prepare maps, plats, reports, descriptions, or other documents.~~

~~(7) Coordinates survey and design efforts for improvement plans as required for sufficiency to enable proper location of improvements in the field.~~

~~(8) Researches public and private records to obtain survey and title data.~~

~~(9) Performs boundary analysis and determination using record descriptions, survey, and title data.~~

~~(10) Plans and coordinates the application of Global Positioning System technology for geodetic and land surveying applications.~~

~~(11) Plans, coordinates, performs, and reviews the entry of property boundary related geo-referenced data into an electronic database.~~

~~(12) Prepares topographic mapping utilizing photogrammetric methods.~~

~~The enumeration of the above tasks does not preclude the Board from awarding “responsible office training” credit for training of a similar character in other current or future land surveying activities not specifically enumerated herein. It is also understood that the listed tasks are only some of those that may be considered as responsible training, and that this list is not in any way intended to enumerate all of the tasks which may be performed by licensed professional land surveyors.~~

~~(e) (d)~~ Computation of qualifying experience for a license as a professional land surveyor shall be to the date of filing of the application, or it shall be to the final filing date announced for the examination if the application is filed within a period of thirty (30) days preceding the final filing date announced for such examination.

~~(f) (e)~~ An applicant for licensure as a land surveyor who holds a valid and unexpired license as a civil engineer is exempt from the application requirements of ~~(subdivisions (b) and (c), and (d))~~ of this section provided he or she submits sufficient documentation that he or she has a minimum of two years of actual broad based progressive experience in land surveying as required by Business and Professions Code Section 8742(a)(3). For purposes of this subdivision and Section 8742(a)(e) of the Code, “actual broad based progressive experience in land surveying” shall involve at least four of the land surveying activities specified in subdivisions (a) - (g) and (k) - (n) of Section 8726 of the Code. All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying. Qualifying experience in activities specified in subdivisions (a), (b), (k), (m), and (n) of Section 8726 shall not exceed six months in total. Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week. Time used to qualify for the civil engineer license, including that given for educational credit, shall not be used to qualify for the land surveyor license, except for the six months allowed for the activities specified in subdivisions (a), (b), (k), (m), and (n) of Section 8726. All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying.

Note: Authority cited: Section 8710, Business and Professions Code. Reference: Sections 8726, 8741 and 8742, Business and Professions Code.

VI. Legislation

- A. Discussion of Legislation for 2016: SB 1085, SB 1165, SB 1194, and SB 1479
(Possible Action)

No Position
SB 1194 (Hill)

legislative proposals resulting from the North Carolina Dental Board Supreme Court decision

Current Status: 8/31/16 Failed Deadline pursuant to Joint Rule 61(b)(17).

Current Location: 8/31/16 Assembly Business and Professions Committee-DEAD

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

Updated 10/4/2016

Staff Analysis: SB 1194

Bill Summary: Would authorize the Director of Consumer Affairs, upon his or her own initiative, and require the director upon the request of the board making the decision or the Legislature, to review any nonministerial market-sensitive action, except as specified, of a board within the department to determine whether it furthers a clearly articulated and affirmatively expressed state policy and to approve, disapprove, or recommend modifications of the board action, as specified. The bill would require the director to issue and post on the department's Internet Web site his or her final written decision and the reasons for the decision.

Staff Comment: Earlier this year Senator Jerry Hill, Chair of the Senate Committee on Business, Professions, and Economic Development, carried SB 1195 related to the North Carolina Board of Dental Examiners Supreme Court case. On June 2nd that bill was placed on the inactive file. On August 19th SB 1195's language was added to SB 1194.

Laws: An act to amend Sections 109, 116, 153, 307, 313. of the Business and Professions Code, and to amend Sections 825 the Government Code, relating to professional regulations.

AMENDED IN ASSEMBLY AUGUST 19, 2016

AMENDED IN SENATE MAY 31, 2016

AMENDED IN SENATE APRIL 21, 2016

AMENDED IN SENATE APRIL 11, 2016

SENATE BILL

No. 1194

Introduced by Senator Hill

February 18, 2016

An act to amend Sections ~~2909.5, 2913, 2914, 2914.1, 2914.2, 2915, 2920, and 2933~~ of, to add Sections 2934.1 and 2988.5 to, and to repeal Section 2947 of, the Business and Professions Code, relating to healing arts: 109, 116, 153, 307, 313.1 of the Business and Professions Code, and to amend Section 825 of the Government Code, relating to professional regulations.

LEGISLATIVE COUNSEL'S DIGEST

SB 1194, as amended, Hill. ~~Psychology: Board of Psychology: personnel. Professions and vocations: board actions and regulations.~~

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

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

This bill would instead authorize the director, upon his or her own initiative, and require the director upon the request of the board making the decision or the Legislature, to review any nonministerial market-sensitive action, except as specified, of a board within the department to determine whether it furthers a clearly articulated and affirmatively expressed state policy and to approve, disapprove, or recommend modifications of the board action, as specified. The bill would require the director to issue and post on the department's Internet Web site his or her final written decision and the reasons for the decision. The bill would, commencing on March 1, 2017, require the director to annually report to the chairs of specified committees of the Legislature information regarding the director's disapprovals and recommended modifications of board actions. The bill would require the director to review rules or regulations, as described above, within 60 days. The bill would require the director to disapprove a proposed rule or regulation that is a market-sensitive action that does not further clearly articulated and affirmatively expressed state policy and authorize him or her to recommend modifications.

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

or former employee reasonably cooperates in good faith in the defense of the claim or action. That act prohibits the payment of punitive or exemplary damages by a public entity, except as specified.

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

~~(1) Existing law, the Psychology Licensing Law (hereafter law), establishes the Board of Psychology to license and regulate the practice of psychology, and authorizes the board to employ all personnel necessary to carry out that law and to employ an executive officer, as specified. These provisions are in effect only until January 1, 2017.~~

~~This bill would extend those provisions to January 1, 2021.~~

~~(2) The law defines the practice of psychology as rendering or offering to render, for a fee, psychological services involving the application of psychological principles and methods, including the diagnosis, prevention, and treatment of psychological problems and emotional and mental disorders. The law prohibits unlicensed persons from practicing psychology, but authorizes unlicensed persons, including psychological assistants who meet certain requirements and do not provide psychological services to the public, except as an employee of a licensed psychologist, licensed physician, contract clinic, psychological corporation, or medical corporation, to perform limited psychological functions. The law also prohibits its provisions from being construed as restricting or preventing specified nonprofit community agency employees from carrying out activities of a psychological nature or using their official employment title, as specified, provided the employees do not render or offer to render psychological services. The law provides that a violation of any of its provisions is a misdemeanor.~~

~~This bill would recast these provisions to authorize an unlicensed person preparing for licensure as a psychologist to perform psychological functions under certain conditions, including registration with the board as a psychological assistant and immediate supervision by a licensed psychologist or physician and surgeon who is board certified in psychiatry, as specified. The bill would prohibit a psychological assistant from providing psychological services to the public except as a supervisee. The bill would expand the prohibition~~

on construing the law's provisions as restricting or preventing specified activities of nonprofit community agency employees by making this prohibition contingent on the employees' not rendering or offering to render psychological services to the public. By changing the definition of a crime, this bill would create a state-mandated local program.

(3) The law conditions the issuance of a psychology license upon an applicant having received any of certain kinds of doctorate degrees, from an accredited educational institution. The law requires, with certain exceptions, the board to issue renewal licenses for psychology only to those applicants who have completed 36 hours of approved continuing education in the preceding two years. Existing law prescribes a biennial license renewal fee of not more than \$500. Existing law also requires a person applying for relicensure or for reinstatement to an active license to certify under penalty of perjury that he or she is in compliance with the continuing education requirements. Existing law requires continuing education instruction to be completed within the state or be approved for credit by the American Psychological Association or its equivalent.

This bill would revise and recast the doctorate degree requirements for licensure to include, until January 1, 2020, a doctorate degree from an unaccredited institution that is approved for operation by a specified entity. The bill would replace the term "continuing education" with "continuing professional development," define "continuing professional development," require a person applying for renewal or reinstatement to certify compliance with these requirements under penalty of perjury, require continuing professional courses to be approved by organizations approved by the board, as specified, and authorize the board to grant exemptions from, or extensions for compliance with, these requirements.

This bill would authorize the board to issue a retired license to a licensed psychologist if the psychologist has applied to the board for a retired license and pays a fee of not more than \$75. The bill would also prohibit the holder of a retired license from engaging in the practice of psychology in the same manner as an active licensee. Because a violation of this prohibition would be a crime, the bill would impose a state-mandated local program.

(4) The law authorizes the board to appoint qualified persons to give the whole or any portion of any examination provided for in the law, to be designated as commissioners on examination.

This bill would repeal this authorization.

This bill would authorize the board to post on its Internet Web site the prescribed information regarding all current and former licensees.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: *yes-no*.

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

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

3 109. ~~(a) The decisions of any of the boards comprising the~~
4 ~~department with respect to setting standards, conducting~~
5 ~~examinations, passing candidates, and revoking licenses, are not~~
6 ~~subject to review by the director, but are final within the limits~~
7 ~~provided by this code which are applicable to the particular board,~~
8 ~~except as provided in this section.~~

9 ~~(b)~~

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

18 ~~(e)~~

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

24 ~~The~~

25 (2) ~~The~~ term "intervene," as used in paragraph ~~(e)~~ (1) of this
26 section may include, but is not limited to, an application for a
27 restraining order or injunctive relief as specified in Section 123.5,
28 or a referral or request for criminal prosecution. For purposes of
29 this section, the director shall be deemed to have standing under
30 Section 123.5 and shall seek representation of the Attorney

1 General, or other appropriate counsel in the event of a conflict in
2 pursuing that action.

3 *(b) (1) For the purposes of this subdivision, the following*
4 *definitions shall apply:*

5 *(A) "Action" includes nonministerial formal actions as voted*
6 *on by a board and nonministerial informal decisions made by staff*
7 *as a result of explicit or implied delegated authority to act on*
8 *behalf of the board.*

9 *(B) Notwithstanding any other law, "board" means a board,*
10 *committee, or commission within the Department of Consumer*
11 *Affairs.*

12 *(C) "Market-sensitive actions" means those actions that create*
13 *barriers to market participation and restrict competition, including,*
14 *but not limited to, examination passage scores, advertising*
15 *restrictions, price regulation, enlarging or restricting the scope*
16 *of practice qualifications for licensure, and a pattern or program*
17 *of disciplinary actions affecting multiple individuals that create*
18 *barriers to market participation.*

19 *(D) "Clearly articulated and affirmatively expressed state*
20 *policy" includes federal statutes and regulations, California state*
21 *statutes and regulations, department policies, and executive orders.*

22 *(2) (A) (i) Within 60 days of an action taking place, the director*
23 *may, upon his or her own initiative, and shall, upon request by the*
24 *board making the decision or the Legislature, review any action*
25 *by a board to determine if it is a market-sensitive action.*

26 *(ii) If the action is found to be a market-sensitive action, the*
27 *director shall, within 90 days of receiving a request for a review*
28 *or initiating a review pursuant to this section, further determine*
29 *whether the market-sensitive action furthers a clearly articulated*
30 *and affirmatively expressed state policy.*

31 *(iii) If the director initiates a review of an action, he or she shall*
32 *notify the relevant board of the review and whether the review*
33 *resulted from a contact made by a specific member of the*
34 *Legislature, a specific organization, or a member of the public.*

35 *(iv) The director's decision to review an action under this*
36 *section shall serve to cease implementation of the action until the*
37 *review is finalized and the action is found to further a clearly*
38 *articulated and affirmatively expressed state policy.*

39 *(v) Any review by the director under this subdivision shall*
40 *include a full substantive review of the board action based upon*

1 *all the relevant facts in the record provided by the board and any*
2 *additional information identified by the director.*

3 *(B) Upon completion of the review, the director shall take one*
4 *of the following actions:*

5 *(i) Approve the action or decision upon determination that it*
6 *furtheres a clearly articulated and affirmatively expressed state*
7 *policy.*

8 *(ii) Disapprove the action or decision if it does not further a*
9 *clearly articulated and affirmatively expressed state policy. Upon*
10 *disapproval, the director may recommend modifications to the*
11 *board action that the board may vote to accept and resubmit for*
12 *review by the director. If the board rejects the recommended*
13 *modification, the board action shall not take effect.*

14 *(3) This subdivision shall not be construed to apply to any action*
15 *taken by any board prior to January 1, 2017.*

16 *(c) The director shall issue, and post on the department's*
17 *Internet Web site, his or her final written decision on the board*
18 *action with an explanation of the reasons that action or decision*
19 *does or does not further a clearly articulated and affirmatively*
20 *expressed state policy and the rationale behind the director's*
21 *decision.*

22 *(d) The review set forth in subdivision (b) shall not apply to the*
23 *review of any regulation promulgated by a board, singular*
24 *disciplinary action, official positions on legislation or legislative*
25 *proposals, or any other sanction or citation imposed by a board*
26 *upon a single licensee unless it is part of a pattern or program of*
27 *disciplinary actions affecting multiple individuals that create*
28 *barriers to market participation.*

29 *(e) The director shall report to the Chairs of the Senate*
30 *Committee on Business, Professions, and Economic Development*
31 *and the Assembly Committee on Business and Professions annually,*
32 *commencing March 1, 2017, regarding his or her disapprovals*
33 *and recommendations for modifications pursuant to this section.*
34 *This report shall be submitted in compliance with Section 9795 of*
35 *the Government Code.*

36 *(f) This section shall not be construed to affect, impede, or delay*
37 *any disciplinary actions of any board, except those actions that*
38 *are under review as part of a potential pattern or program of*
39 *disciplinary actions affecting multiple individuals that create*
40 *barriers to market participation.*

1 (g) *This section shall not affect, impede, or delay the availability*
 2 *of judicial review under any other law, including, but not limited*
 3 *to, Section 1085 of the Code of Civil Procedure.*

4 *SEC. 2. Section 116 of the Business and Professions Code is*
 5 *amended to read:*

6 116. (a) The director may audit and review, upon his or her
 7 own initiative, or upon the request of a consumer or licensee,
 8 inquiries and complaints regarding licensees, dismissals of
 9 disciplinary cases, the opening, conduct, or closure of
 10 investigations, informal conferences, and discipline short of formal
 11 accusation by ~~the Medical Board of California, the allied health~~
 12 ~~professional boards, and the California Board of Podiatric~~
 13 ~~Medicine. The director may make recommendations for changes~~
 14 ~~to the disciplinary system to the appropriate board, the Legislature,~~
 15 ~~or both. any board or bureau within the department.~~

16 (b) The director shall report to the ~~Chairpersons~~ *Chairs* of the
 17 Senate ~~Business and Professions~~ *Committee on Business,*
 18 *Professions, and Economic Development* and the Assembly ~~Health~~
 19 *Committee on Business and Professions* annually, commencing
 20 March 1, ~~1995, 2017,~~ regarding his or her findings from any audit,
 21 review, or monitoring and evaluation conducted pursuant to this
 22 section. *This report shall be submitted in compliance with Section*
 23 *9795 of the Government Code.*

24 *SEC. 3. Section 153 of the Business and Professions Code is*
 25 *amended to read:*

26 153. The director may investigate the work of the several
 27 boards in his *or her* department and may obtain a copy of all
 28 records and full and complete data in all official matters in
 29 possession of the boards, their members, officers, or ~~employees,~~
 30 ~~other than examination questions prior to submission to applicants~~
 31 ~~at scheduled examinations. employees.~~

32 *SEC. 4. Section 307 of the Business and Professions Code is*
 33 *amended to read:*

34 307. The director may contract for the services of experts and
 35 consultants where necessary to carry out ~~the provisions of this~~
 36 chapter and may provide compensation and reimbursement of
 37 expenses for ~~such~~ *those* experts and consultants in accordance with
 38 state law.

39 *SEC. 5. Section 313.1 of the Business and Professions Code*
 40 *is amended to read:*

1 313.1. (a) ~~Notwithstanding~~ *For the purposes of this section,*
 2 *the following definitions shall apply:*

3 (1) *“Market-sensitive actions” means those actions that create*
 4 *barriers to market participation and restrict competition, including,*
 5 *but not limited to, examination passage scores, advertising*
 6 *restrictions, price regulation, enlarging or restricting the scope*
 7 *of practice qualifications for licensure, and a pattern or program*
 8 *of disciplinary actions affecting multiple individuals that create*
 9 *barriers to market participation.*

10 (2) *“Clearly articulated and affirmatively expressed state*
 11 *policy” includes federal statutes and regulations, California state*
 12 *statutes and regulations, department policies, and executive orders.*

13 (b) ~~Notwithstanding any other provision of law to the contrary,~~
 14 ~~no rule or regulation, except those relating to examinations and~~
 15 ~~qualifications for licensure, regulation and no fee change proposed~~
 16 ~~or promulgated by any of the boards, commissions, or committees~~
 17 ~~within the department, shall take effect pending compliance with~~
 18 ~~this section.~~

19 (b)

20 (c) ~~The director shall be formally notified of and shall be~~
 21 ~~provided a full opportunity to review, in accordance with the~~
 22 ~~requirements of Article 5 (commencing with Section 11346) of~~
 23 ~~Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government~~
 24 ~~Code, and this section, all of the following:~~

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

27 (2) ~~Any notices of sufficiently related changes to regulations~~
 28 ~~previously noticed to the public, and the text of proposed~~
 29 ~~regulations showing modifications to the text.~~

30 (3) ~~Final rulemaking records.~~

31 (4) ~~All relevant facts in the rulemaking record, which may~~
 32 ~~include data, public comments, or other documentary evidence~~
 33 ~~pertaining to the proposed regulation to determine whether it~~
 34 ~~further a clearly articulated and affirmatively expressed state~~
 35 ~~policy.~~

36 (e)

37 (d) ~~The submission of all notices and final rulemaking records~~
 38 ~~to the director and the completion of the director’s review,~~
 39 ~~director’s approval, as authorized by this section, shall be a~~
 40 ~~precondition to the filing of any rule or regulation with the Office~~

1 of Administrative Law. The Office of Administrative Law shall
 2 have no jurisdiction to review a rule or regulation subject to this
 3 section until after the completion of the director's review and only
 4 then if the director has not disapproved it. *approval*. The filing of
 5 any document with the Office of Administrative Law shall be
 6 accompanied by a certification that the board, commission, or
 7 committee has complied with the requirements of this section.

8 ~~(d)~~

9 *(e) (1) Following the receipt of any final rulemaking record*
 10 *subject to subdivision (a), the director shall have the authority for*
 11 *a period of 30 days to disapprove a proposed rule or regulation*
 12 *approve or disapprove a proposed rule or regulation within 60*
 13 *days. Disapproval shall only be allowed on the ground that it is*
 14 *injurious to the public health, safety, or welfare: welfare or is a*
 15 *market-sensitive action that does not further a clearly articulated*
 16 *and affirmatively expressed state policy.*

17 *(2) If the regulation is a market-sensitive action that does not*
 18 *further a clearly articulated and affirmatively expressed state*
 19 *policy, it shall be disapproved. If the director disapproves the*
 20 *regulation because it is a market-sensitive action that does not*
 21 *further a clearly articulated and affirmatively expressed state*
 22 *policy, he or she may recommend modifications. The disapproval*
 23 *shall be in writing and express the director's rationale for the*
 24 *disapproval.*

25 ~~(e)~~

26 *(f) Final rulemaking records shall be filed with the director*
 27 *within the one-year notice period specified in Section 11346.4 of*
 28 *the Government Code. If necessary for compliance with this*
 29 *section, the one-year notice period may be extended, as specified*
 30 *by this subdivision.*

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

35 *(2) If the director approves the final rulemaking record or*
 36 *declines to take action on it within 30 days, record, the board,*
 37 *commission, or committee board shall have five days from the*
 38 *receipt of the record from the director within which to file it with*
 39 *the Office of Administrative Law.*

1 (3) (A) If the director disapproves a rule or regulation, it shall
 2 have no force or effect unless, within 60 days of the notice of
 3 disapproval, (A) the disapproval is overridden by a unanimous
 4 vote of the members of the board, commission, or committee, and
 5 (B) the board, commission, or committee files the final rulemaking
 6 record with the Office of Administrative Law in compliance with
 7 this section and the procedures required by Chapter 3.5
 8 (commencing with Section 11340) of Part 1 of Division 3 of Title
 9 2 of the Government Code.

10 (B) *Any regulation disapproved because it does not further a*
 11 *clearly articulated and affirmatively expressed state policy shall*
 12 *not be subject to this subdivision.*

13 ~~(f) Nothing in this~~

14 (g) This section shall not be construed to prohibit the director
 15 from affirmatively approving a proposed rule, regulation, or fee
 16 change at any time within the 30-day period after it has been
 17 submitted to him or her, in which event it shall become effective
 18 upon compliance with this section and the procedures required by
 19 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
 20 3 of Title 2 of the Government Code.

21 (h) *This section shall not affect, impede, or delay the availability*
 22 *of judicial review under any other law, including, but not limited*
 23 *to, Section 1085 of the Code of Civil Procedure.*

24 SEC. 6. *Section 825 of the Government Code is amended to*
 25 *read:*

26 825. (a) Except as otherwise provided in this section, if an
 27 employee or former employee of a public entity requests the public
 28 entity to defend him or her against any claim or action against him
 29 or her for an injury arising out of an act or omission occurring
 30 within the scope of his or her employment as an employee of the
 31 public entity and the request is made in writing not less than 10
 32 days before the day of trial, and the employee or former employee
 33 reasonably cooperates in good faith in the defense of the claim or
 34 action, the public entity shall pay any judgment based thereon or
 35 any compromise or settlement of the claim or action to which the
 36 public entity has agreed.

37 If the public entity conducts the defense of an employee or
 38 former employee against any claim or action with his or her
 39 reasonable good-faith cooperation, the public entity shall pay any
 40 judgment based thereon or any compromise or settlement of the

1 claim or action to which the public entity has agreed. However,
2 where the public entity conducted the defense pursuant to an
3 agreement with the employee or former employee reserving the
4 rights of the public entity not to pay the judgment, compromise,
5 or settlement until it is established that the injury arose out of an
6 act or omission occurring within the scope of his or her
7 employment as an employee of the public entity, the public entity
8 is required to pay the judgment, compromise, or settlement only
9 if it is established that the injury arose out of an act or omission
10 occurring in the scope of his or her employment as an employee
11 of the public entity.

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

14 (b) Notwithstanding subdivision (a) or any other provision of
15 law, a public entity is authorized to pay that part of a judgment
16 that is for punitive or exemplary damages if the governing body
17 of that public entity, acting in its sole discretion except in cases
18 involving an entity of the state government, finds all of the
19 following:

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

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

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

28 As used in this subdivision with respect to an entity of state
29 government, "a decision of the governing body" means the
30 approval of the Legislature for payment of that part of a judgment
31 that is for punitive damages or exemplary damages, upon
32 recommendation of the appointing power of the employee or
33 former employee, based upon the finding by the Legislature and
34 the appointing authority of the existence of the three conditions
35 for payment of a punitive or exemplary damages claim. The
36 provisions of subdivision (a) of Section 965.6 shall apply to the
37 payment of any claim pursuant to this subdivision.

38 The discovery of the assets of a public entity and the introduction
39 of evidence of the assets of a public entity shall not be permitted

1 in an action in which it is alleged that a public employee is liable
2 for punitive or exemplary damages.

3 The possibility that a public entity may pay that part of a
4 judgment that is for punitive damages shall not be disclosed in any
5 trial in which it is alleged that a public employee is liable for
6 punitive or exemplary damages, and that disclosure shall be
7 grounds for a mistrial.

8 (c) Except as provided in subdivision (d), if the provisions of
9 this section are in conflict with the provisions of a memorandum
10 of understanding reached pursuant to Chapter 10 (commencing
11 with Section 3500) of Division 4 of Title 1, the memorandum of
12 understanding shall be controlling without further legislative action,
13 except that if those provisions of a memorandum of understanding
14 require the expenditure of funds, the provisions shall not become
15 effective unless approved by the Legislature in the annual Budget
16 Act.

17 (d) The subject of payment of punitive damages pursuant to this
18 section or any other provision of law shall not be a subject of meet
19 and confer under the provisions of Chapter 10 (commencing with
20 Section 3500) of Division 4 of Title 1, or pursuant to any other
21 law or authority.

22 (e) Nothing in this section shall affect the provisions of Section
23 818 prohibiting the award of punitive damages against a public
24 entity. This section shall not be construed as a waiver of a public
25 entity's immunity from liability for punitive damages under Section
26 1981, 1983, or 1985 of Title 42 of the United States Code.

27 (f) (1) Except as provided in paragraph (2), a public entity shall
28 not pay a judgment, compromise, or settlement arising from a
29 claim or action against an elected official, if the claim or action is
30 based on conduct by the elected official by way of tortiously
31 intervening or attempting to intervene in, or by way of tortiously
32 influencing or attempting to influence the outcome of, any judicial
33 action or proceeding for the benefit of a particular party by
34 contacting the trial judge or any commissioner, court-appointed
35 arbitrator, court-appointed mediator, or court-appointed special
36 referee assigned to the matter, or the court clerk, bailiff, or marshal
37 after an action has been filed, unless he or she was counsel of
38 record acting lawfully within the scope of his or her employment
39 on behalf of that party. Notwithstanding Section 825.6, if a public
40 entity conducted the defense of an elected official against such a

1 claim or action and the elected official is found liable by the trier
 2 of fact, the court shall order the elected official to pay to the public
 3 entity the cost of that defense.

4 (2) If an elected official is held liable for monetary damages in
 5 the action, the plaintiff shall first seek recovery of the judgment
 6 against the assets of the elected official. If the elected official's
 7 assets are insufficient to satisfy the total judgment, as determined
 8 by the court, the public entity may pay the deficiency if the public
 9 entity is authorized by law to pay that judgment.

10 (3) To the extent the public entity pays any portion of the
 11 judgment or is entitled to reimbursement of defense costs pursuant
 12 to paragraph (1), the public entity shall pursue all available
 13 creditor's remedies against the elected official, including
 14 garnishment, until that party has fully reimbursed the public entity.

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

19 *(g) Notwithstanding subdivision (a), a public entity shall pay*
 20 *for a judgment or settlement for treble damage antitrust awards*
 21 *against a member of a regulatory board for an act or omission*
 22 *occurring within the scope of his or her official capacity as a*
 23 *member of a regulatory board.*

24 *(h) Treble damages awarded pursuant to the federal Clayton*
 25 *Act (Sections 12 to 27, inclusive, of Title 15 of, and Sections 52*
 26 *and 53 of Title 29 of, the United States Code) for a violation of*
 27 *the federal Sherman Act (Sections 1 to 7, inclusive, of Title 15 of*
 28 *the United States Code) are not punitive or exemplary damages*
 29 *under the Government Claims Act (Division 3.6 (commencing with*
 30 *Section 810) of Title 1 of the Government Code) for purposes of*
 31 *this section.*

32 ~~SECTION 1. Section 2909.5 of the Business and Professions~~
 33 ~~Code is amended to read:~~

34 ~~2909.5. This chapter shall not be construed as restricting or~~
 35 ~~preventing activities of a psychological nature or the use of the~~
 36 ~~official title of the position for which persons were employed on~~
 37 ~~the part of persons who meet the educational requirements of~~
 38 ~~subdivision (b) of Section 2914 and who have one year or more~~
 39 ~~of the supervised professional experience referenced in subdivision~~
 40 ~~(e) of Section 2914, if they are employed by nonprofit community~~

1 agencies that receive a minimum of 25 percent of their financial
 2 support from any federal, state, county, or municipal governmental
 3 organizations for the purpose of training and providing services,
 4 provided those persons are performing those activities as part of
 5 the duties for which they were employed, are performing those
 6 activities solely within the confines of or under the jurisdiction of
 7 the organization in which they are employed and do not render or
 8 offer to render psychological services to the public, as defined in
 9 Section 2903. Those persons shall be registered by the agency with
 10 the board at the time of employment and shall be identified in the
 11 setting as a “registered psychologist.” Those persons shall be
 12 exempt from this chapter for a maximum period of 30 months from
 13 the date of registration.

14 SEC. 2.— Section 2913 of the Business and Professions Code is
 15 amended to read:

16 2913. A person other than a licensed psychologist may perform
 17 psychological functions in preparation for licensure as a
 18 psychologist only if all of the following conditions are met:

19 (a) The person shall register himself or herself with the board
 20 as a “psychological assistant.” This registration shall be renewed
 21 annually in accordance with regulations adopted by the board.

22 (b) The person (1) has completed a master’s degree in
 23 psychology or education with the field of specialization in
 24 psychology or counseling psychology, or (2) has been admitted to
 25 candidacy for a doctoral degree in psychology or education with
 26 the field of specialization in psychology or counseling psychology,
 27 after having satisfactorily completed three or more years of
 28 postgraduate education in psychology and having passed
 29 preliminary doctoral examinations, or (3) has completed a doctoral
 30 degree that qualifies for licensure under Section 2914.

31 (c) (1) The psychological assistant is at all times under the
 32 immediate supervision, as defined in regulations adopted by the
 33 board, of a licensed psychologist, or a licensed physician and
 34 surgeon who is certified in psychiatry by the American Board of
 35 Psychiatry and Neurology, who shall be responsible for insuring
 36 that the extent, kind, and quality of the psychological services that
 37 the psychological assistant performs are consistent with his or her
 38 training and experience and be responsible for the psychological
 39 assistant’s compliance with this chapter and regulations.

1 ~~(2) A licensed psychologist or board-certified psychiatrist shall~~
2 ~~not supervise more than three psychological assistants at any given~~
3 ~~time. No psychological assistant may provide psychological~~
4 ~~services to the public except as a supervisee pursuant to this~~
5 ~~section.~~

6 ~~(d) The psychological assistant shall comply with regulations~~
7 ~~that the board may, from time to time, duly adopt relating to the~~
8 ~~fulfillment of requirements in continuing education.~~

9 ~~SEC. 3. Section 2914 of the Business and Professions Code is~~
10 ~~amended to read:~~

11 ~~2914. Each applicant for licensure shall comply with all of the~~
12 ~~following requirements:~~

13 ~~(a) Is not subject to denial of licensure under Division 1.5~~
14 ~~(commencing with Section 475).~~

15 ~~(b) Possess an earned doctorate degree (1) in psychology, (2)~~
16 ~~in educational psychology, or (3) in education with the field of~~
17 ~~specialization in counseling psychology or educational psychology.~~
18 ~~Except as provided in subdivision (h), this degree or training shall~~
19 ~~be obtained from an accredited university, college, or professional~~
20 ~~school. The board shall make the final determination as to whether~~
21 ~~a degree meets the requirements of this section.~~

22 ~~(c) (1) On or after January 1, 2020, possess an earned doctorate~~
23 ~~degree in psychology, in educational psychology, or in education~~
24 ~~with the field of specialization in counseling psychology or~~
25 ~~educational psychology from a college or institution of higher~~
26 ~~education that is accredited by a regional accrediting agency~~
27 ~~recognized by the United States Department of Education. Until~~
28 ~~January 1, 2020, the board may accept an applicant who possesses~~
29 ~~a doctorate degree in psychology, educational psychology, or in~~
30 ~~education with the field of specialization in counseling psychology~~
31 ~~or educational psychology from an institution that is not accredited~~
32 ~~by an accrediting agency recognized by the United States~~
33 ~~Department of Education, but is approved to operate in this state~~
34 ~~by the Bureau for Private Postsecondary Education.~~

35 ~~(2) No educational institution shall be denied recognition as an~~
36 ~~accredited academic institution solely because its program is not~~
37 ~~accredited by any professional organization of psychologists, and~~
38 ~~nothing in this chapter or in the administration of this chapter shall~~
39 ~~require the registration with the board by educational institutions~~

1 of their departments of psychology or their doctoral programs in
2 psychology.

3 ~~(3) An applicant for licensure trained in an educational~~
4 ~~institution outside the United States or Canada shall demonstrate~~
5 ~~to the satisfaction of the board that he or she possesses a doctorate~~
6 ~~degree in psychology that is equivalent to a degree earned from a~~
7 ~~regionally accredited university in the United States or Canada.~~
8 ~~These applicants shall provide the board with a comprehensive~~
9 ~~evaluation of the degree performed by a foreign credential~~
10 ~~evaluation service that is a member of the National Association~~
11 ~~of Credential Evaluation Services (NACES), and any other~~
12 ~~documentation the board deems necessary.~~

13 ~~(d) (1) Have engaged for at least two years in supervised~~
14 ~~professional experience under the direction of a licensed~~
15 ~~psychologist, the specific requirements of which shall be defined~~
16 ~~by the board in its regulations, or under suitable alternative~~
17 ~~supervision as determined by the board in regulations duly adopted~~
18 ~~under this chapter, at least one year of which shall be after being~~
19 ~~awarded the doctorate in psychology. The supervisor shall submit~~
20 ~~verification of the experience required by this subdivision to the~~
21 ~~trainee in a manner prescribed by the board. If the supervising~~
22 ~~licensed psychologist fails to provide verification to the trainee in~~
23 ~~a timely manner, the board may establish alternative procedures~~
24 ~~for obtaining the necessary documentation. Absent good cause,~~
25 ~~the failure of a supervising licensed psychologist to provide the~~
26 ~~verification to the board upon request shall constitute~~
27 ~~unprofessional conduct.~~

28 ~~(2) The board shall establish qualifications by regulation for~~
29 ~~supervising psychologists.~~

30 ~~(e) Take and pass the examination required by Section 2941~~
31 ~~unless otherwise exempted by the board under this chapter.~~

32 ~~(f) Show by evidence satisfactory to the board that he or she~~
33 ~~has completed training in the detection and treatment of alcohol~~
34 ~~and other chemical substance dependency. This requirement applies~~
35 ~~only to applicants who matriculate on or after September 1, 1985.~~

36 ~~(g) (1) Show by evidence satisfactory to the board that he or~~
37 ~~she has completed coursework in spousal or partner abuse~~
38 ~~assessment, detection, and intervention. This requirement applies~~
39 ~~to applicants who began graduate training during the period~~

1 commencing on January 1, 1995, and ending on December 31,
2 2003.

3 (2) An applicant who began graduate training on or after January
4 1, 2004, shall show by evidence satisfactory to the board that he
5 or she has completed a minimum of 15 contact hours of coursework
6 in spousal or partner abuse assessment, detection, and intervention
7 strategies, including knowledge of community resources, cultural
8 factors, and same gender abuse dynamics. An applicant may request
9 an exemption from this requirement if he or she intends to practice
10 in an area that does not include the direct provision of mental health
11 services.

12 (3) Coursework required under this subdivision may be
13 satisfactory if taken either in fulfillment of other educational
14 requirements for licensure or in a separate course. This requirement
15 for coursework shall be satisfied by, and the board shall accept in
16 satisfaction of the requirement, a certification from the chief
17 academic officer of the educational institution from which the
18 applicant graduated that the required coursework is included within
19 the institution's required curriculum for graduation.

20 (h) Until January 1, 2020, an applicant holding a doctoral degree
21 in psychology from an approved institution is deemed to meet the
22 requirements of this section if both of the following are true:

23 (1) The approved institution offered a doctoral degree in
24 psychology designed to prepare students for a license to practice
25 psychology and was approved by the former Bureau for Private
26 Postsecondary and Vocational Education on or before July 1, 1999.

27 (2) The approved institution has not, since July 1, 1999, had a
28 new location, as described in Section 94823.5 of the Education
29 Code.

30 SEC. 4. Section 2914.1 of the Business and Professions Code
31 is amended to read:

32 2914.1. The board shall encourage every licensed psychologist
33 to take continuing professional development in geriatric
34 pharmacology.

35 SEC. 5. Section 2914.2 of the Business and Professions Code
36 is amended to read:

37 2914.2. The board shall encourage licensed psychologists to
38 take continuing professional development in psychopharmacology
39 and biological basis of behavior.

1 SEC. 6.— Section 2915 of the Business and Professions Code is
2 amended to read:

3 2915. (a) Except as provided in this section, the board shall
4 issue a renewal license only to an applicant who has completed
5 36 hours of approved continuing professional development in the
6 preceding two years.

7 (b) Each person who applies to renew or reinstate his or her
8 license issued pursuant to this chapter shall certify under penalty
9 of perjury that he or she is in compliance with this section and
10 shall retain proof of this compliance for submission to the board
11 upon request. False statements submitted pursuant to this section
12 shall be a violation of Section 2970.

13 (c) Continuing professional development means certain
14 continuing education learning activities approved in four different
15 categories:

16 (1) Professional.

17 (2) Academic.

18 (3) Sponsored continuing education coursework.

19 (4) Board certification from the American Board of Professional
20 Psychology.

21 The board may develop regulations further defining acceptable
22 continuing professional development activities.

23 (d) (1) The board shall require a licensed psychologist who
24 began graduate study prior to January 1, 2004, to take a continuing
25 education course during his or her first renewal period after the
26 operative date of this section in spousal or partner abuse
27 assessment, detection, and intervention strategies, including
28 community resources, cultural factors, and same gender abuse
29 dynamics. Equivalent courses in spousal or partner abuse
30 assessment, detection, and intervention strategies taken prior to
31 the operative date of this section or proof of equivalent teaching
32 or practice experience may be submitted to the board and at its
33 discretion, may be accepted in satisfaction of this requirement.

34 (2) Continuing education courses taken pursuant to this
35 subdivision shall be applied to the 36 hours of approved continuing
36 professional development required under subdivision (a).

37 (e) Continuing education courses approved to meet the
38 requirements of this section shall be approved by organizations
39 approved by the board. An organization previously approved by

1 the board to provide or approve continuing education is deemed
2 approved under this section.

3 (f) The board may accept sponsored continuing education
4 courses that have been approved by a private, nonprofit
5 organization that has demonstrated to the board in writing that it
6 has, at a minimum, a 10-year history of providing educational
7 programming for psychologists and has documented procedures
8 for maintaining a continuing education approval program. The
9 board shall adopt regulations as necessary for implementing this
10 section.

11 (g) The board may grant an exemption, or an extension of the
12 time for compliance with, from the continuing professional
13 development requirement of this section.

14 (h) The administration of this section may be funded through
15 professional license fees and continuing education provider and
16 course approval fees, or both. The fees related to the administration
17 of this section shall not exceed the costs of administering the
18 corresponding provisions of this section.

19 SEC. 7.— Section 2920 of the Business and Professions Code is
20 amended to read:

21 2920.— (a) The Board of Psychology shall enforce and
22 administer this chapter. The board shall consist of nine members,
23 four of whom shall be public members.

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

26 (c) Notwithstanding any other law, the repeal of this section
27 renders the board subject to review by the appropriate policy
28 committees of the Legislature.

29 SEC. 8.— Section 2933 of the Business and Professions Code is
30 amended to read:

31 2933.— (a) Except as provided by Section 159.5, the board shall
32 employ and shall make available to the board within the limits of
33 the funds received by the board all personnel necessary to carry
34 out this chapter. The board may employ, exempt from the State
35 Civil Service Act, an executive officer to the Board of Psychology.
36 The board shall make all expenditures to carry out this chapter.
37 The board may accept contributions to effectuate the purposes of
38 this chapter.

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

1 ~~SEC. 9. Section 2934.1 is added to the Business and Professions~~
 2 ~~Code, to read:~~

3 ~~2934.1. (a) The board may post on its Internet Web site the~~
 4 ~~following information on the current status of the license for all~~
 5 ~~current and former licensees:~~

6 ~~(1) Whether or not the licensee has a record of a disciplinary~~
 7 ~~action.~~

8 ~~(2) Any of the following enforcement actions or proceedings~~
 9 ~~against the licensee:~~

10 ~~(A) Temporary restraining orders.~~

11 ~~(B) Interim suspension orders.~~

12 ~~(C) Revocations, suspensions, probations, or limitations on~~
 13 ~~practice ordered by the board or by a court with jurisdiction in the~~
 14 ~~state, including those made part of a probationary order, cease~~
 15 ~~practice order, or stipulated agreement.~~

16 ~~(D) Accusations filed by the board, including those accusations~~
 17 ~~that are on appeal, excluding ones that have been dismissed or~~
 18 ~~withdrawn where the action is no longer pending.~~

19 ~~(E) Citations issued by the board. Unless withdrawn, citations~~
 20 ~~shall be posted for five years from the date of issuance.~~

21 ~~(b) The board may also post on its Internet Web site all of the~~
 22 ~~following historical information in its possession, custody, or~~
 23 ~~control regarding all current and former licensees:~~

24 ~~(1) Institutions that awarded the qualifying educational degree~~
 25 ~~and type of degree awarded.~~

26 ~~(2) A link to the licensee's professional Internet Web site.~~

27 ~~(c) The board may also post other information designated by~~
 28 ~~the board in regulation.~~

29 ~~SEC. 10. Section 2947 of the Business and Professions Code~~
 30 ~~is repealed.~~

31 ~~SEC. 11. Section 2988.5 is added to the Business and~~
 32 ~~Professions Code, to read:~~

33 ~~2988.5. (a) The board may issue, upon an application~~
 34 ~~prescribed by the board and payment of a fee not to exceed~~
 35 ~~seventy-five dollars (\$75), a retired license to a psychologist who~~
 36 ~~holds a current license issued by the board, or one capable of being~~
 37 ~~renewed, and whose license is not suspended, revoked, or otherwise~~
 38 ~~restricted by the board or subject to discipline under this chapter.~~

39 ~~(b) The holder of a retired license issued pursuant to this section~~
 40 ~~shall not engage in any activity for which an active license is~~

1 required. A psychologist holding a retired license shall be permitted
 2 to use the title "psychologist, retired" or "retired psychologist."
 3 The designation of retired shall not be abbreviated in any way.

4 (e) A retired license shall not be subject to renewal.

5 (d) The holder of a retired license may apply to obtain an active
 6 status license as follows:

7 (1) If that retired license was issued less than three years prior
 8 to the application date, the applicant shall meet all of the following
 9 requirements:

10 (A) Has not committed an act or crime constituting grounds for
 11 denial or discipline of a license.

12 (B) Pays the renewal fee required by this chapter.

13 (C) Completes the continuing professional development required
 14 for the renewal of a license within two years of the date of
 15 application for restoration.

16 (D) Complies with the fingerprint submission requirements
 17 established by the board.

18 (2) Where the applicant has held a retired license for three or
 19 more years, the applicant shall do all of the following:

20 (A) Submit a complete application for a new license.

21 (B) Take and pass the California Psychology Law and Ethics
 22 Examination.

23 (C) Pay all fees required to obtain a new license.

24 (D) Comply with the fingerprint submission requirements
 25 established by the board.

26 (E) Be deemed to have met the educational and experience
 27 requirements of subdivisions (b) and (c) of Section 2914.

28 (F) Establish that he or she has not been subject to denial or
 29 discipline of a license.

30 SEC. 12. No reimbursement is required by this act pursuant to
 31 Section 6 of Article XIII B of the California Constitution because
 32 the only costs that may be incurred by a local agency or school
 33 district will be incurred because this act creates a new crime or
 34 infraction, eliminates a crime or infraction, or changes the penalty
 35 for a crime or infraction, within the meaning of Section 17556 of
 36 the Government Code, or changes the definition of a crime within
 37 the meaning of Section 6 of Article XIII B of the California
 38 Constitution.

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Supported Legislation

Senate Bill 1085 (Roth)

Laws and Regulations Renewal Examination

Status: 9/25/2016-Chaptered by Secretary of State - Chapter 629, Statutes of 2016..

Location: 9/25/2016-S. CHAPTERED

Last Amendment: 6/28/2016

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

Updated 10/4/2016

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 assessment. The bill would make the failure to complete the assessment 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.

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

Senate Bill No. 1085

CHAPTER 629

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.

[Approved by Governor September 25, 2016. Filed with
Secretary of State September 25, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1085, Roth. Professional engineers: geologists and 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 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.

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

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

6795.2. (a) At the time of renewal specified in Section 6795 or 6796, the board shall administer an assessment of the certificate holder to reinforce the certificate holder's knowledge of state laws and the board's rules and regulations. Failure to complete this assessment within 60 days after the date of expiration of the certificate may result in disciplinary action under Section 6775, but shall not affect the renewal of the certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7881.5. (a) At the time of renewal specified in Section 7880 or 7881, the board shall administer an assessment of the certificate holder to reinforce the certificate holder’s knowledge of state laws and the board’s rules and regulations. Failure to complete this assessment within 60 days after the date of expiration of the certificate may result in disciplinary action under Section 7860, but shall not affect the renewal of the certificate.

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

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

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

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

8801.1. (a) At the time of renewal specified in Section 8801 or 8802, the board shall administer an assessment of the licenseholder to reinforce the licenseholder’s knowledge of state laws and the board’s rules and regulations. Failure to complete this assessment within 60 days after the date of expiration of the license may result in disciplinary action under Section 8780, but shall not affect the renewal of the license.

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

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

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

Supported Legislation

Senate Bill 1165 (Cannella)

Sign/Seal and Delinquent Reinstatement

Status: 8/29/2016-Chaptered by Secretary of State - Chapter 236, Statutes of 2016.

Location: 8/29/2016-S. CHAPTERED

Last Amendment: 6/21/2016

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

Updated 10/4/2016

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.

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.

Senate Bill No. 1165

CHAPTER 236

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.

[Approved by Governor August 29, 2016. Filed with
Secretary of State August 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1165, 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 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 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, or for certification as a geologist-in-training, instead of the applicable graduation requirements 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 2nd division of the examination, and requires an applicant for a certificate as a land surveyor-in-training to meet specified requirements, including passing the first division of the examination. That act requires an application for each division of the examination to be made to the board, as specified. That act generally permits 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.

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

SECTION 1. Section 6751 of the Business and Professions Code is amended to read:

6751. (a) The applicant for certification as an engineer-in-training shall comply with all of the following:

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

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

(3) Satisfactorily complete three years or more of postsecondary engineering education, three years or more of engineering experience, or a combination of postsecondary education and experience in engineering totaling three years.

(b) The board need not verify the applicant's eligibility for certification as an engineer-in-training other than to require the applicant to sign a statement of eligibility on the application form.

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

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

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

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

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

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

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

(b) 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 subdivision (a) of Section 6751.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) 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.

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

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

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

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

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

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

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

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

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

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

(b) Successfully pass the Fundamentals of Geology examination.

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

(1) 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) 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 territory of the United States, or be exempt therefrom. An applicant licensed by the board as a civil engineer is exempt from the requirement of this paragraph.

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

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

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

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

The second division of the examination shall include an examination that incorporates a national examination for land surveying by a nationally recognized entity approved by the board and a supplemental California specific examination. The California specific examination shall include, as a separate part, an examination to test the applicant's knowledge of the

provisions of this chapter and the board's rules and regulations regulating the practice of professional land surveying in this state.

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

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

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

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

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

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

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

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

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

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

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

8743. The names and addresses of at least four land surveyors or civil engineers, duly qualified to practice in the place in which such practice has been conducted, each of whom has sufficient knowledge of the applicant

to enable him or her to certify to the applicant's professional integrity, ability and fitness to receive a license, shall be submitted with the application for a license as a land surveyor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) The board shall establish by regulation an appeal fee for examination. The regulation shall include provisions for an applicant to be reimbursed

the appeal fee if the appeal results in passage of examination. The fee shall be no more than the costs incurred by the board.

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

O

Supported Legislation

Senate Bill 1479 (Committee)

Senate Omnibus Bill

Status: 9/25/2016-Chaptered by Secretary of State - Chapter 634, Statutes of 2016.

Location: 9/25/2016-S. CHAPTERED.

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

Updated 10/4/2016

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.

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.

Senate Bill No. 1479

CHAPTER 634

An act to amend Sections 5092, 5094.3, 5550.2, 7074, 7159.5, 7612.6, 7844, and 7887 of the Business and Professions Code, and to amend Section 13995.1 of the Government Code, relating to business and professions.

[Approved by Governor September 25, 2016. Filed with
Secretary of State September 25, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

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

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

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

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

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

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

fee for rescheduling within 90 days of notification of failure to appear or if the applicant or the examinee for the applicant has failed to achieve a passing grade in the scheduled qualifying examination and fails to request and pay the fee for rescheduling within 90 days of notification of failure to pass the examination.

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

With respect to home improvement contracts between an owner or tenant and a contractor, whether a general contractor or a specialty contractor, that is licensed or subject to be licensed with regard to the transaction, existing statutory law makes the failure to comply with specified provisions governing the furnishing of a performance and payment bond a cause for discipline. Existing regulatory law requires a licensee seeking approval of a blanket bond to meet certain conditions and to submit to the board an Application for Approval of Blanket Performance and Payment Bond. Existing regulatory law requires a licensee to be licensed in this state in an active status for not less than 5 years prior to submitting that application.

This bill would instead require such a licensee to be licensed for not less than 2 years prior to submitting that application.

(4) Existing law, the Cemetery and Funeral Act, requires each cemetery authority to annually file with the Cemetery and Funeral Bureau a specified written report that includes information relating to the general and special endowment care funds. Existing law requires the report to be accompanied by an annual audit report of those funds and specifies the scope of the audit.

This bill would require the audit to be prepared in accordance with generally accepted accounting principles.

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

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

(6) 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.

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

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

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

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

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

(d) The applicant shall show, to the satisfaction of the board, that the applicant has had two years of qualifying experience. This experience may include providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax, or consulting skills. To be qualifying under this section, experience shall have been performed in accordance with applicable professional standards. Experience in public accounting shall be completed under the supervision or in the employ of a person licensed or otherwise having comparable authority under the laws of any state or country to engage in the practice of public accountancy. Experience in private or governmental accounting or auditing shall be completed under the supervision of an individual licensed by a state to engage in the practice of public accountancy.

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

(f) The amendment to subdivision (d) of Section 5094.3 made by the measure adding this subdivision shall not be deemed to reduce or eliminate

the educational requirements of Section 5094.3 for purposes of subdivision (e) of this section.

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

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

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

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

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

(d) Between January 1, 2014, and December 31, 2016, inclusive, a maximum of 10 semester units or 15 quarter units, and on and after January 1, 2017, a maximum of 7 semester units or 11 quarter units, in the following subjects relating to ethics:

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

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

- (A) Philosophy.
- (B) Religion.
- (C) Theology.

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

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

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

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

5550.2. Notwithstanding subdivision (b) of Section 5552, the board may grant eligibility to take the licensure examination to a candidate 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 this chapter. The eligibility point shall be determined by that degree program.

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

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

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

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

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

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

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

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

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

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

SEC. 5. Section 7159.5 of the Business and Professions Code is amended to read:

7159.5. This section applies to all home improvement contracts, as defined in Section 7151.2, between an owner or tenant and a contractor, whether a general contractor or a specialty contractor, that is licensed or subject to be licensed pursuant to this chapter with regard to the transaction.

(a) Failure by the licensee or a person subject to be licensed under this chapter, or by his or her agent or salesperson, to comply with the following provisions is cause for discipline:

(1) The contract shall be in writing and shall include the agreed contract amount in dollars and cents. The contract amount shall include the entire cost of the contract, including profit, labor, and materials, but excluding finance charges.

(2) If there is a separate finance charge between the contractor and the person contracting for home improvement, the finance charge shall be set out separately from the contract amount.

(3) If a downpayment will be charged, the downpayment may not exceed one thousand dollars (\$1,000) or 10 percent of the contract amount, whichever is less.

(4) If, in addition to a downpayment, the contract provides for payments to be made prior to completion of the work, the contract shall include a schedule of payments in dollars and cents specifically referencing the amount of work or services to be performed and any materials and equipment to be supplied.

(5) Except for a downpayment, the contractor may neither request nor accept payment that exceeds the value of the work performed or material delivered.

(6) Upon any payment by the person contracting for home improvement, and prior to any further payment being made, the contractor shall, if requested, obtain and furnish to the person a full and unconditional release from any potential lien claimant claim or mechanics lien authorized pursuant to Sections 8400 and 8404 of the Civil Code for any portion of the work for which payment has been made. The person contracting for home improvement may withhold all further payments until these releases are furnished.

(7) If the contract provides for a payment of a salesperson's commission out of the contract price, that payment shall be made on a pro rata basis in proportion to the schedule of payments made to the contractor by the disbursing party in accordance with paragraph (4).

(8) A contractor furnishing a performance and payment bond, lien and completion bond, or a bond equivalent or joint control approved by the registrar covering full performance and payment is exempt from paragraphs (3), (4), and (5), and need not include, as part of the contract, the statement regarding the downpayment specified in subparagraph (C) of paragraph (8) of subdivision (d) of Section 7159, the details and statement regarding progress payments specified in paragraph (9) of subdivision (d) of Section 7159, or the Mechanics Lien Warning specified in paragraph (4) of subdivision (e) of Section 7159. A contractor furnishing these bonds, bond equivalents, or a joint control approved by the registrar may accept payment

prior to completion. If the contract provides for a contractor to furnish joint control, the contractor shall not have any financial or other interest in the joint control. Notwithstanding any other law, a licensee shall be licensed in this state in an active status for not less than two years prior to submitting an Application for Approval of Blanket Performance and Payment Bond as provided in Section 858.2 of Title 16 of the California Code of Regulations as it read on January 1, 2016.

(b) A violation of paragraph (1), (3), or (5) of subdivision (a) by a licensee or a person subject to be licensed under this chapter, or by his or her agent or salesperson, is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(1) An indictment or information against a person who is not licensed but who is required to be licensed under this chapter shall be brought, or a criminal complaint filed, for a violation of this section, in accordance with paragraph (4) of subdivision (d) of Section 802 of the Penal Code, within four years from the date of the contract or, if the contract is not reduced to writing, from the date the buyer makes the first payment to the contractor.

(2) An indictment or information against a person who is licensed under this chapter shall be brought, or a criminal complaint filed, for a violation of this section, in accordance with paragraph (2) of subdivision (d) of Section 802 of the Penal Code, within two years from the date of the contract or, if the contract is not reduced to writing, from the date the buyer makes the first payment to the contractor.

(3) The limitations on actions in this subdivision shall not apply to any administrative action filed against a licensed contractor.

(c) Any person who violates this section as part of a plan or scheme to defraud an owner or tenant of a residential or nonresidential structure, including a mobilehome or manufactured home, in connection with the offer or performance of repairs to the structure for damage caused by a natural disaster, shall be ordered by the court to make full restitution to the victim based on the person's ability to pay, as defined in subdivision (e) of Section 1203.1b of the Penal Code. In addition to full restitution, and imprisonment authorized by this section, the court may impose a fine of not less than five hundred dollars (\$500) nor more than twenty-five thousand dollars (\$25,000), based upon the defendant's ability to pay. This subdivision applies to natural disasters for which a state of emergency is proclaimed by the Governor pursuant to Section 8625 of the Government Code, or for which an emergency or major disaster is declared by the President of the United States.

SEC. 6. Section 7612.6 of the Business and Professions Code is amended to read:

7612.6. (a) Each cemetery authority shall file with the bureau annually, on or before June 1, or within five months after close of their fiscal year provided approval has been granted by the bureau as provided for in Section 7612.7, a written report in a form prescribed by the bureau setting forth the following:

(1) The number of square feet of grave space and the number of crypts and niches sold or disposed of under endowment care by specific periods as set forth in the form prescribed.

(2) The amount collected and deposited in both the general and special endowment care funds segregated as to the amounts for crypts, niches, and grave space by specific periods as set forth either on the accrual or cash basis at the option of the cemetery authority.

(3) A statement showing separately the total amount of the general and special endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested, which statement shall actually show the financial condition of the funds.

(4) A statement showing separately the location, description, and character of the investments in which the special endowment care funds are invested. The statement shall show the valuations of any securities held in the endowment care fund as valued pursuant to Section 7614.7.

(5) A statement showing the transactions entered into between the corporation or any officer, employee, or stockholder thereof and the trustees of the endowment care funds with respect to those endowment care funds. The statement shall show the dates, amounts of the transactions, and shall contain a statement of the reasons for those transactions.

(b) The report shall be verified by the president or vice president and one other officer of the cemetery corporation. The information submitted pursuant to paragraphs (2), (3), (4), and (5) of subdivision (a) shall be accompanied by an annual audit report, prepared in accordance with generally accepted accounting principles, of the endowment care fund and special care fund signed by a certified public accountant or public accountant. The scope of the audit shall include the inspection, review, and audit of the general purpose financial statements of the endowment care fund and special care fund, which shall include the balance sheet, the statement of revenues, expenditures, and changes in fund balance.

(c) If a cemetery authority files a written request prior to the date the report is due, the bureau may, in its discretion, grant an additional 30 days within which to file the report.

SEC. 7. Section 7844 of the Business and Professions Code is amended to read:

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

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

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

SEC. 8. Section 7887 of the Business and Professions Code is amended to read:

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

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

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

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

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

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

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

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

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

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

SEC. 9. Section 13995.1 of the Government Code is amended to read:

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

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

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

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

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

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

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

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

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

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

(6) (A) An individual business's own advertising initiatives are typically designed to increase its share of the California tourism market rather than to increase or expand the overall size of that market.

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

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

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

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

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

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

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

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

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

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

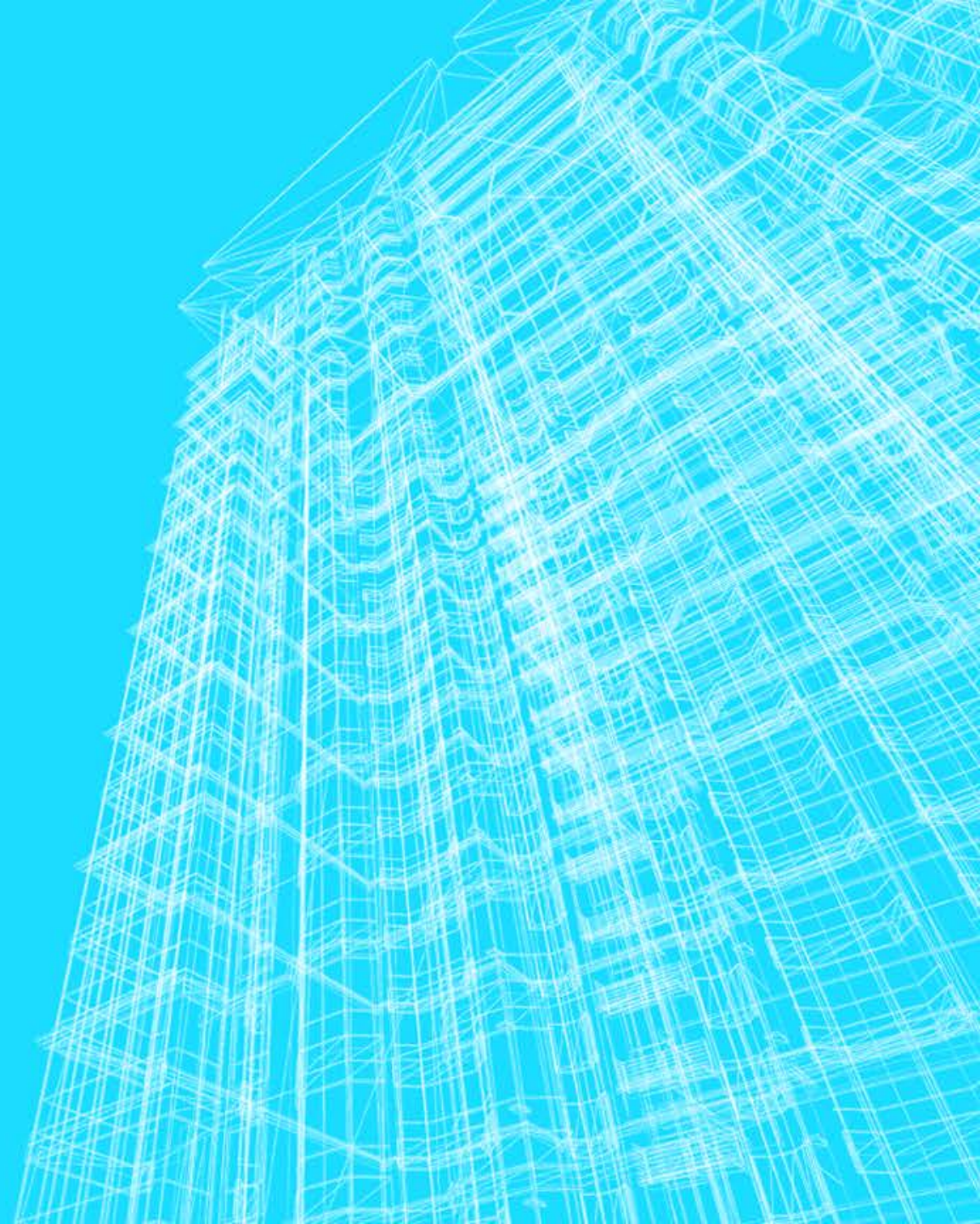
(i) The California Travel and Tourism Commission's marketing budget shall be spent principally to bring travelers and tourists into the state. No more than 15 percent of the commission's assessed funds in any year shall be spent to promote travel within California, unless approved by at least two-thirds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

VII. Administration

- A. FY 2015/16 Budget Summary
- B. FY 2016/17 Budget Summary

BUDGET

- A. FY 2015/16 Budget Summary
- B. FY 2016/17 Budget Summary



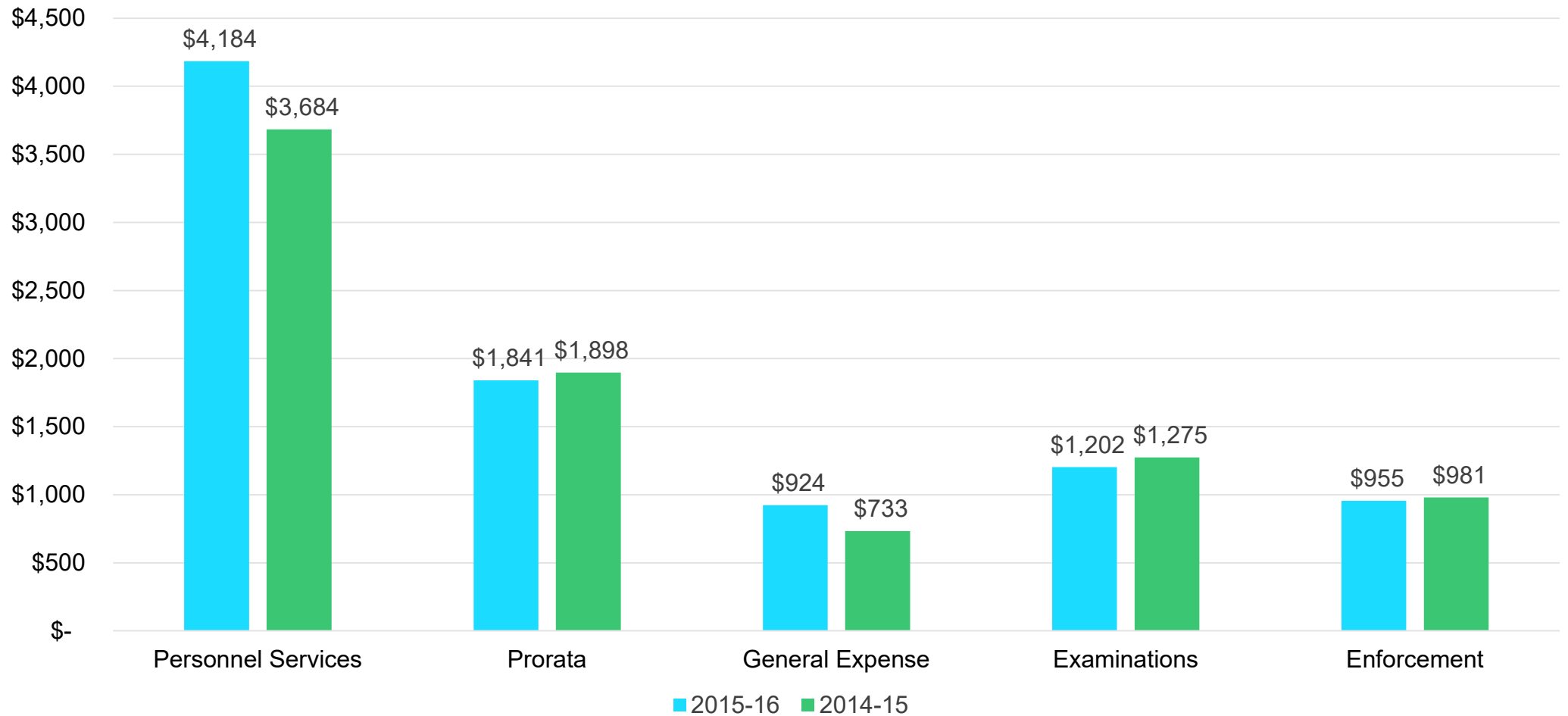
THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS EXPENDITURE REPORT

Expenditures by Fiscal Year (FY)

- FY 2015/16: \$9,106
- FY 2014/15: \$8,571

Expenditure Category	FY 2015/16	Percentage of Expenditure FY 15/16	FY 2014/15	Variance
Personnel Services	\$ 4,184	46%	\$ 3,684	\$ 500
Prorata	\$ 1,841	20%	\$ 1,898	\$ (57)
General Expense	\$ 924	10%	\$ 733	\$ 191
Examinations	\$ 1,202	13%	\$ 1,275	\$ (73)
Enforcement	\$ 955	10%	\$ 981	\$ (26)
Total:	\$ 9,106	100%	\$ 8,571	\$ 535

EXPENDITURES FOR 2015/16 & 2014/15



(Dollars in Thousands)

THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS REVENUE REPORT

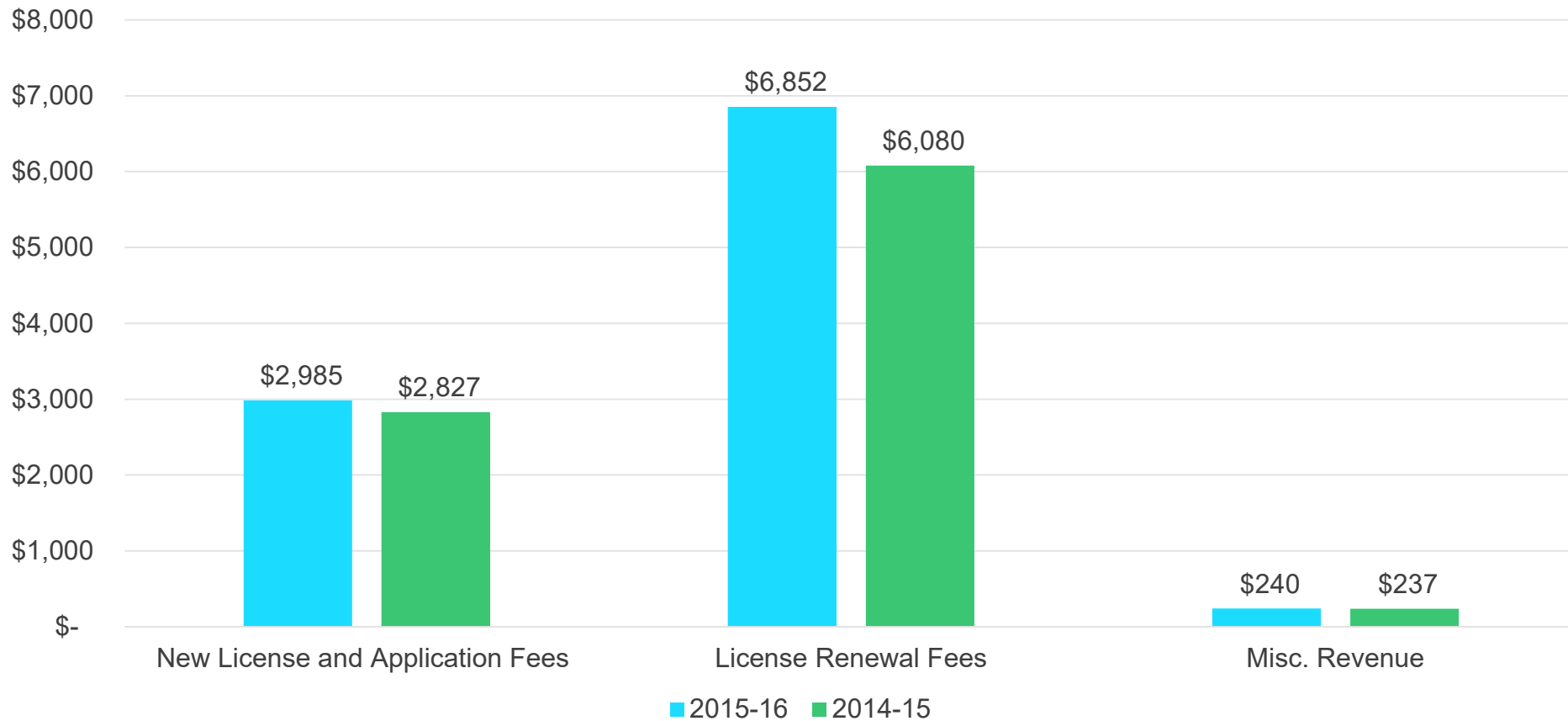
REVENUES by Fiscal Year (FY)

- FY 2015/16: \$10,077
- FY 2014/15: \$9,151

Revenue Category	Revised FY 2015/16	Percentage of Revenue FY 15/16	FY 2014/15	Variance by FY (15/16)-(14/15)
Regulatory Fees and Fines	\$ 95	1%	\$ 132	\$ (37)
New License and Application Fees	\$ 2,985	30%	\$ 2,827	\$ 158
License Renewal Fees	\$ 6,852	68%	\$ 6,080	\$ 772
Delinquent Fees	\$ 93	1%	\$ 75	\$ 18
Income from surplus money investments	\$ 38	0%	\$ 18	\$ 20
Escheat of unclaimed checks and warrants	\$ 11	0%	\$ 10	\$ 1
	\$ 3	0%	\$ 2	\$ 1
Total	\$ 10,077	100%	\$ 9,144	\$ 933

(Dollars in Thousands)

REVENUES 2015/16 VS. 2014/15



(Dollars in Thousands)

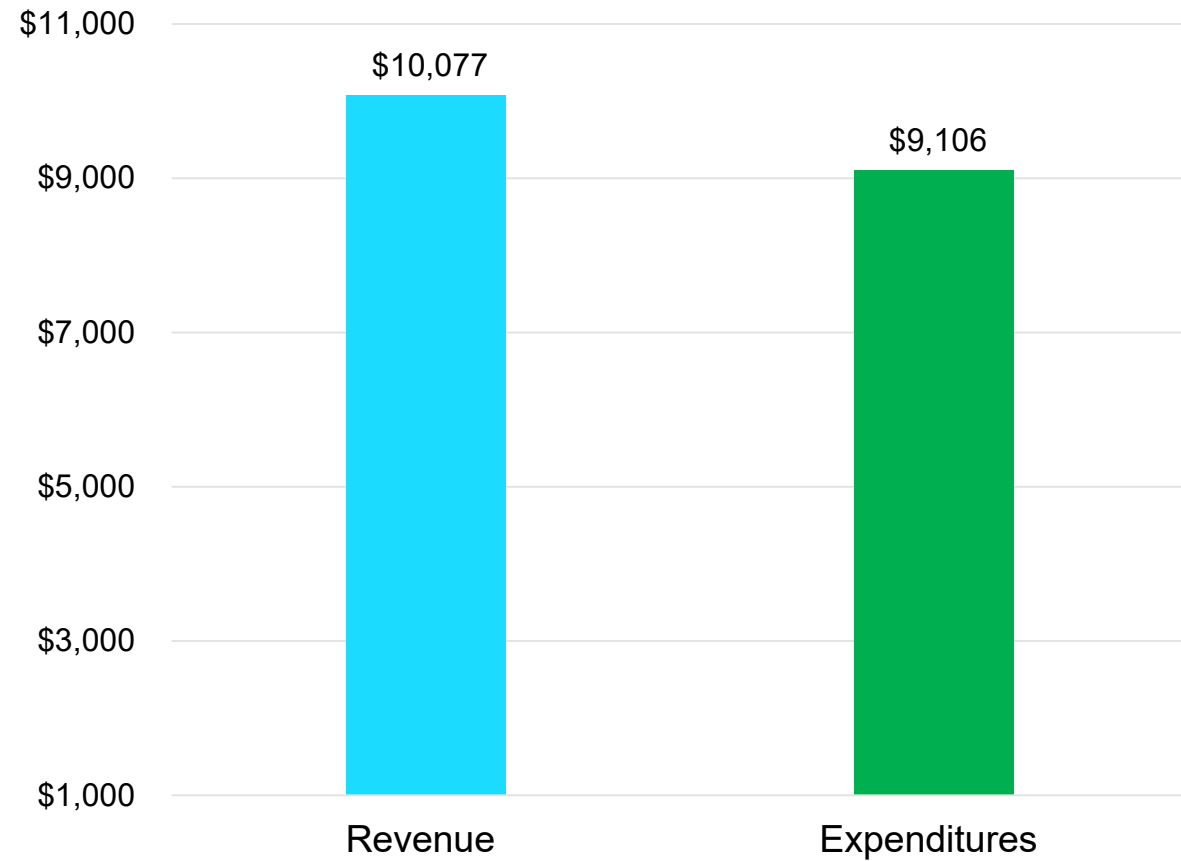
EXPENDITURES VS. REVENUES FY 2015/16

2015/16 Year End

Revenues: \$10,077

Expenditures: \$9,106

Difference: \$971



(Dollars in Thousands)

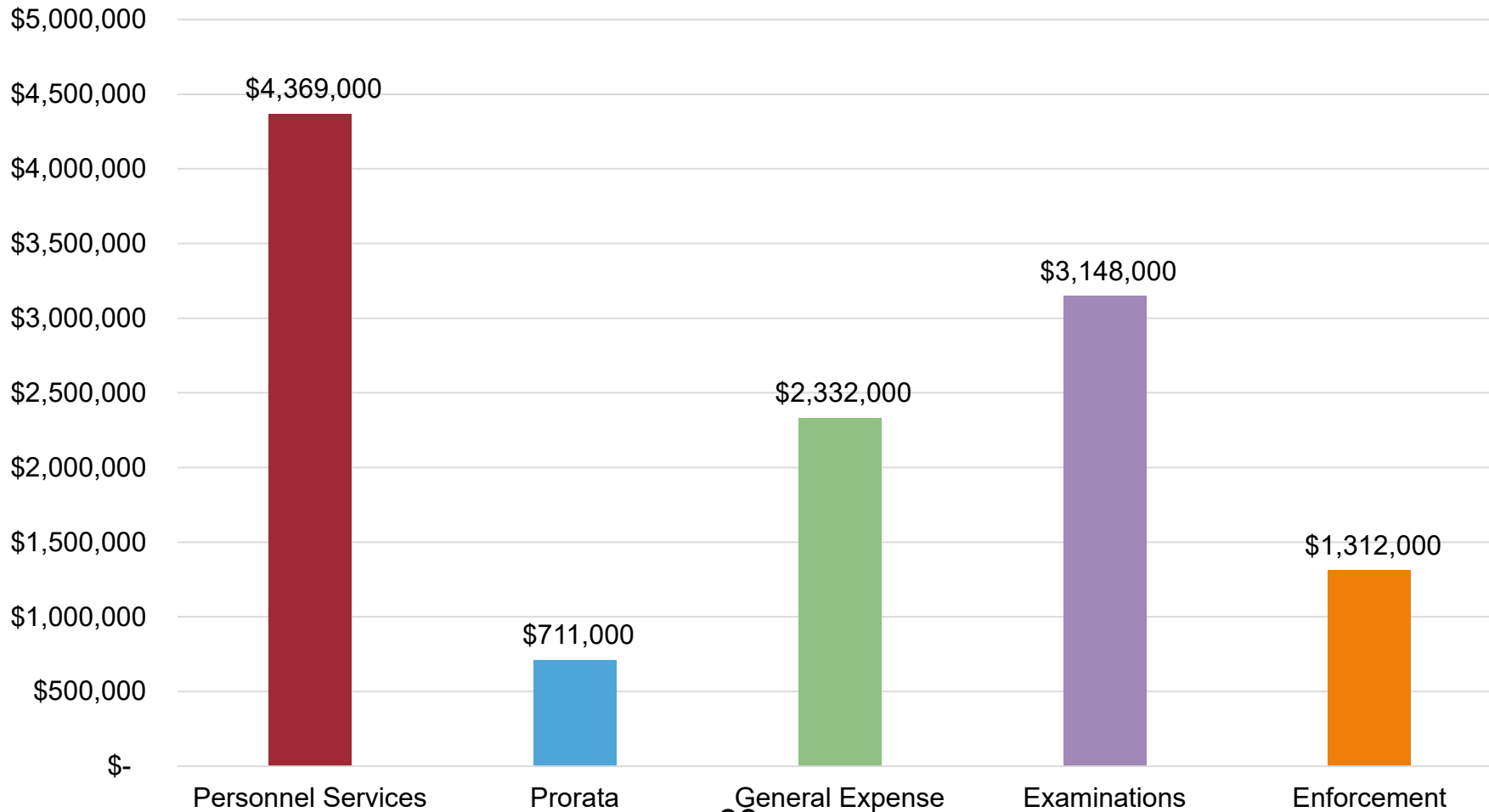
FUND CONDITION FROM GOVERNOR'S BUDGET

	2016-17	2017-18	2018-19
BEGINNING BALANCE	\$ 9,395	\$ 9,846	\$ 7,532
Prior Year Adjustment	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 9,395	\$ 9,846	\$ 7,532
<hr/>			
REVENUES AND TRANSFERS			
Revenues:	\$ 9,165	\$ 9,834	\$ 9,165
FO0001	\$ 3,200	\$ -	\$ -
Totals, Revenues and Transfers	\$ 12,365	\$ 9,834	\$ 9,165
Totals, Resources	\$ 21,760	\$ 19,680	\$ 16,697
<hr/>			
EXPENDITURES			
Disbursements:			
1110 Program Expenditures (State Operations)	\$ 11,914	\$ 10,570	\$ 10,781
1110 Geo Program Expenditures (State Operations)	\$ -	\$ 1,578	\$ 1,610
8840 SCO (State Operations)	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,914	\$ 12,148	\$ 12,391
<hr/>			
FUND BALANCE			
Reserve for economic uncertainties	\$ 9,846	\$ 7,532	\$ 4,306
Months in Reserve	9.7	7.3	4.1

(Dollars in Thousands)

GOVERNOR'S BUDGET 2016/17

The following table presents the Governor's Proposed Budget of \$11,872,000 for Fiscal 2016-17

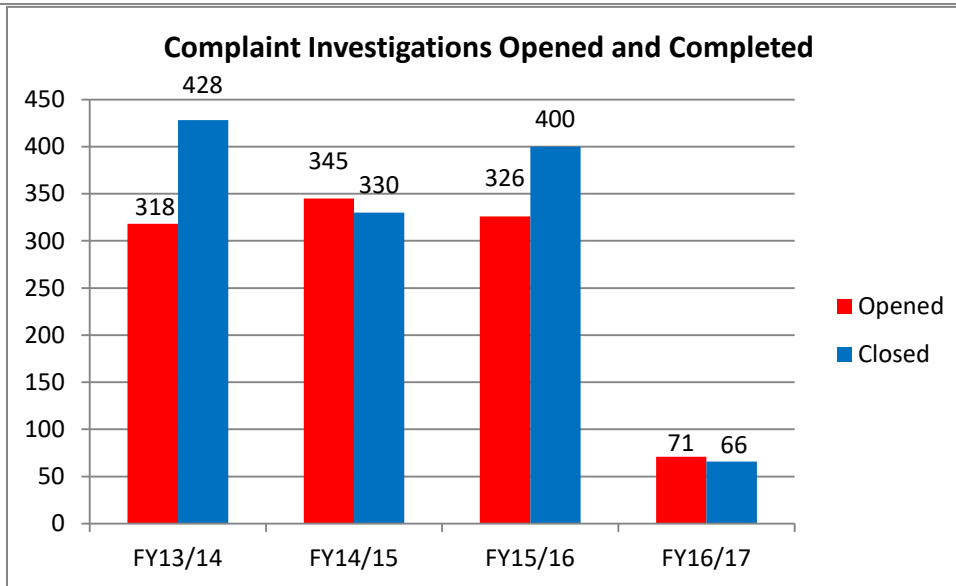
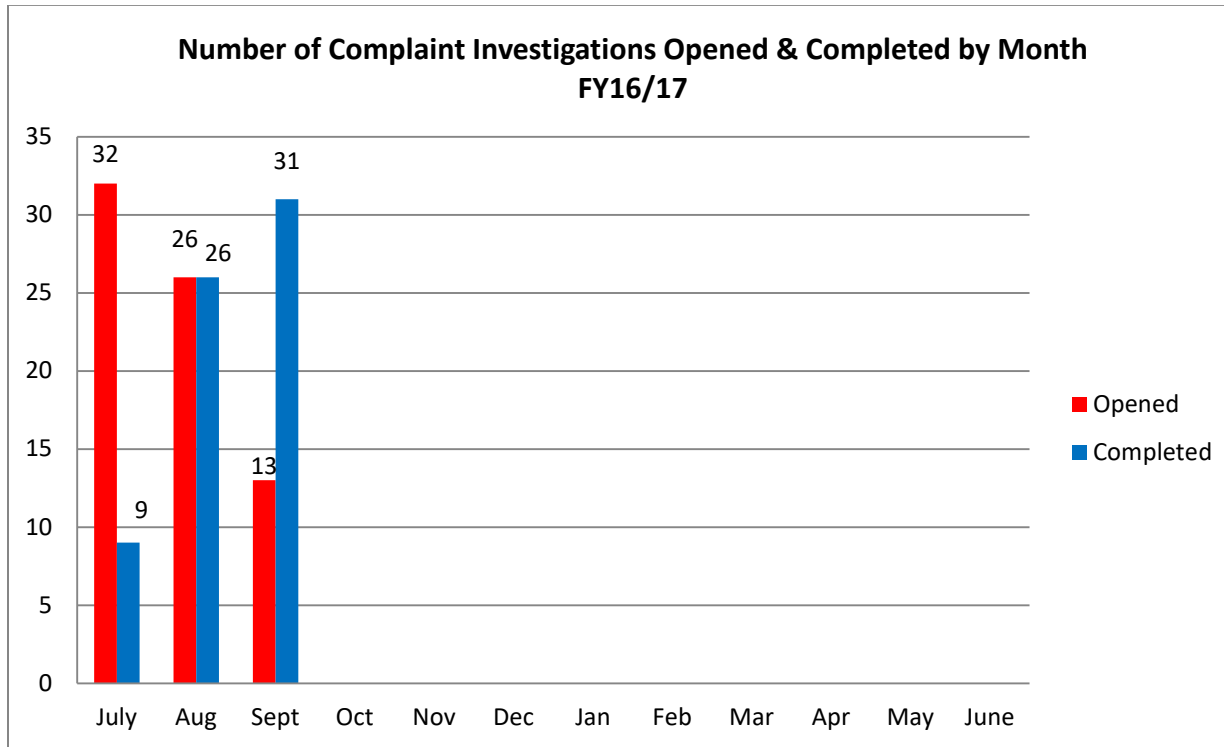


(Dollars in Thousands)

VIII. Enforcement

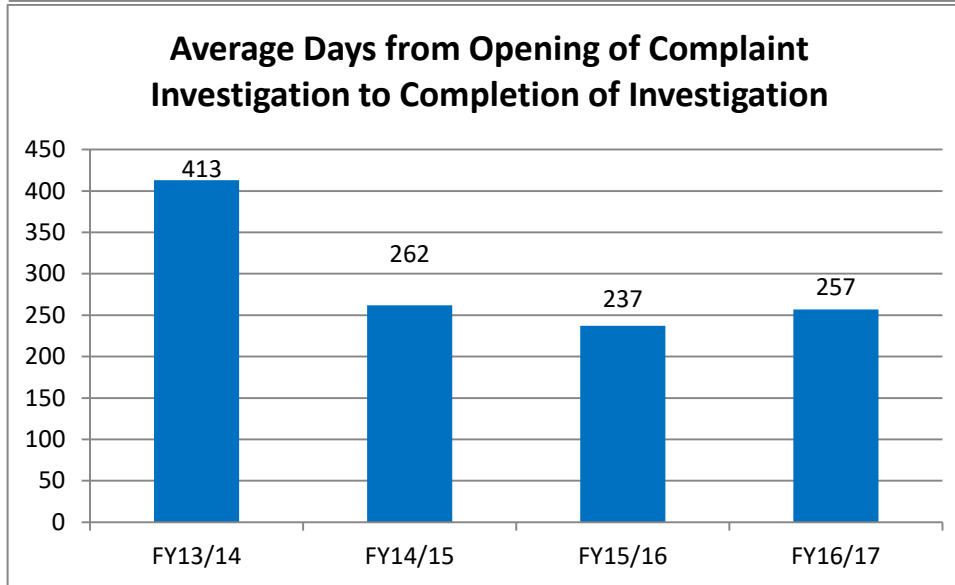
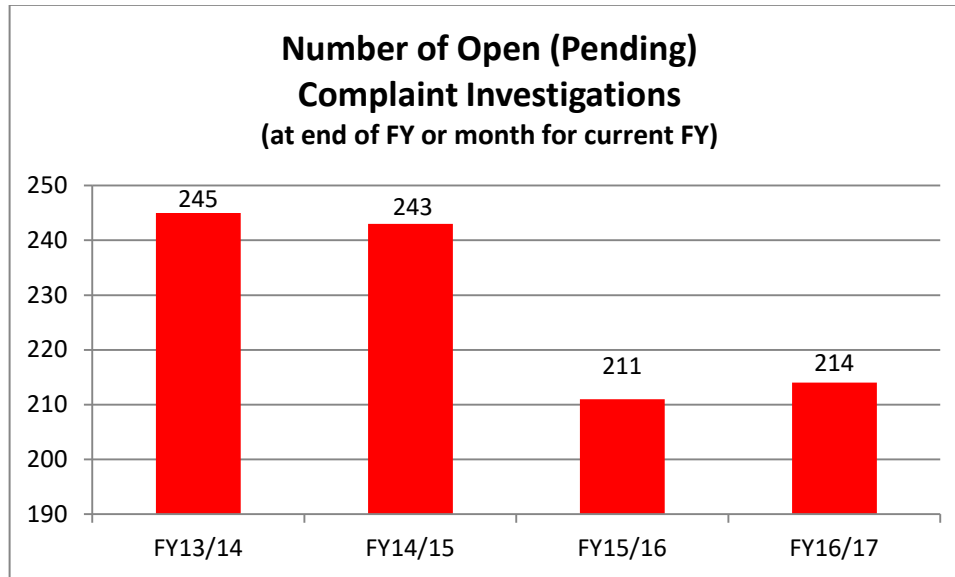
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2016/17 Update

Complaint Investigation Phase



NOTE: FY16/17 statistics are through September 30, 2016

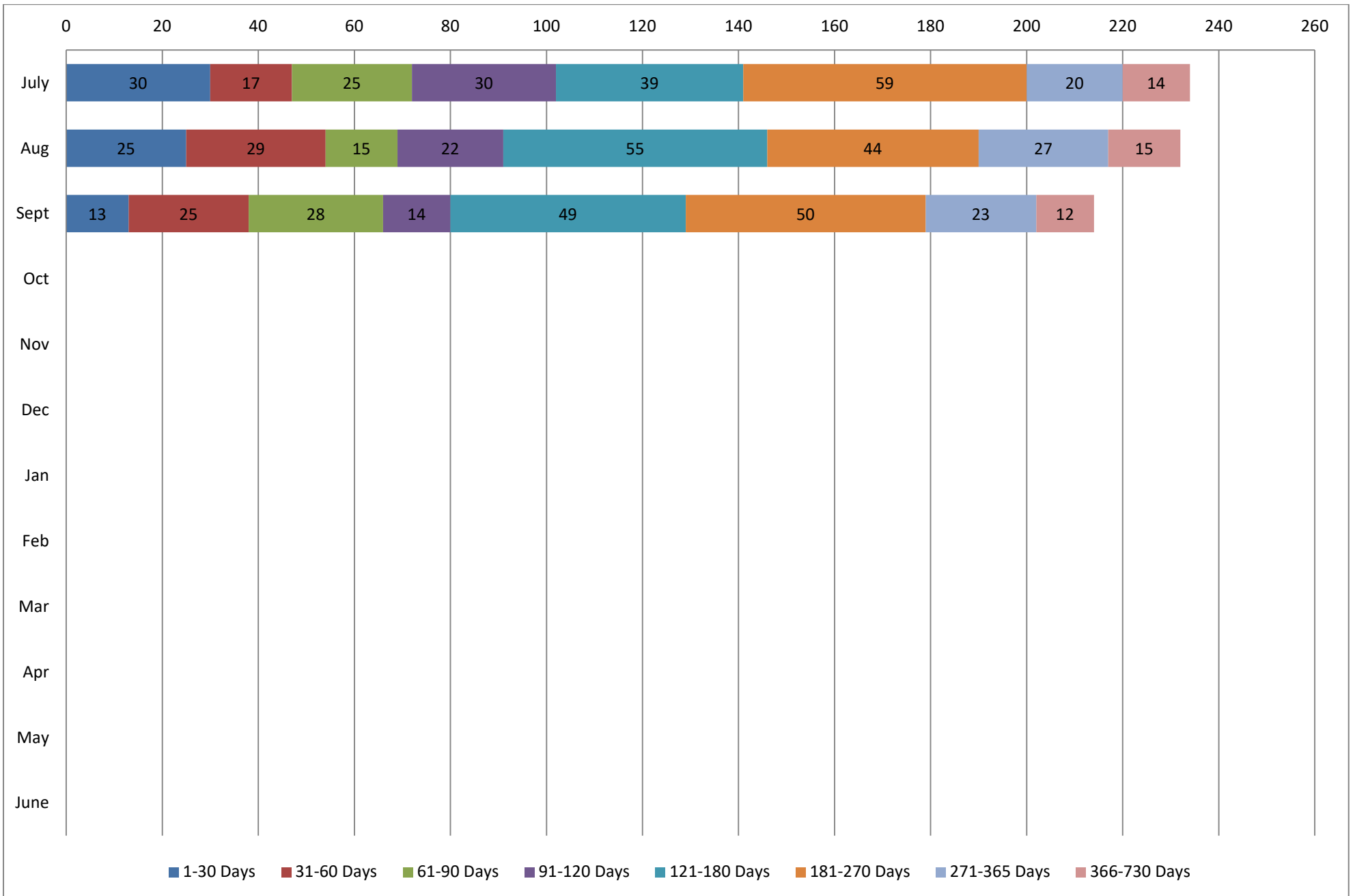
Complaint Investigation Phase



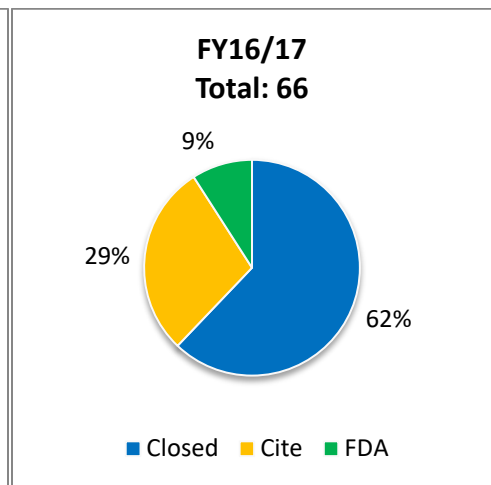
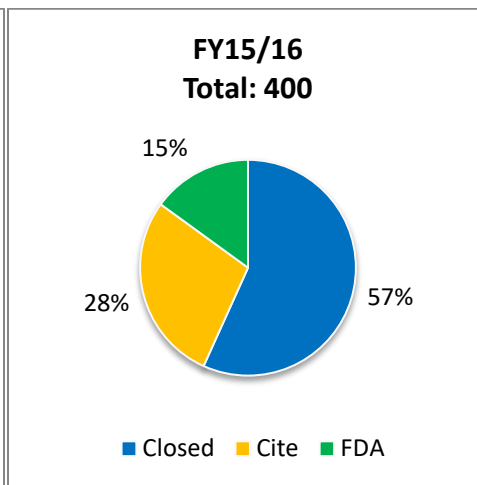
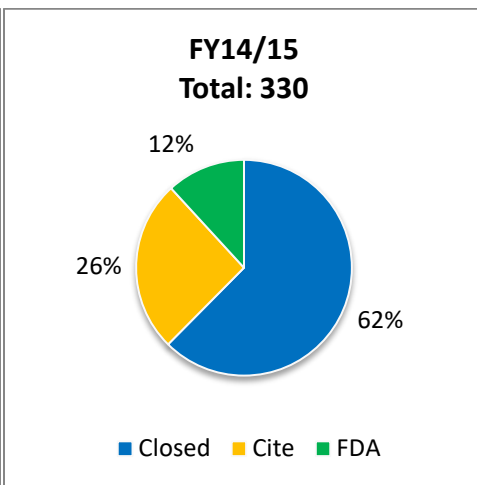
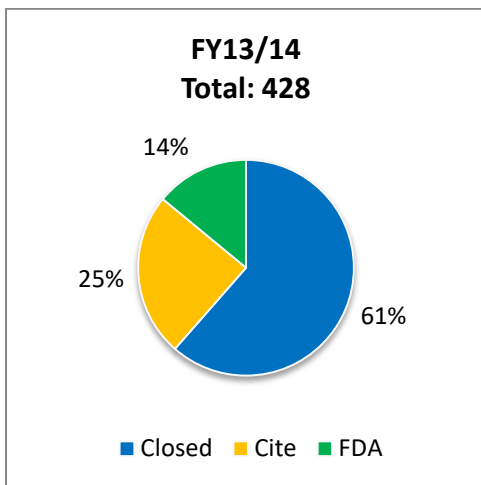
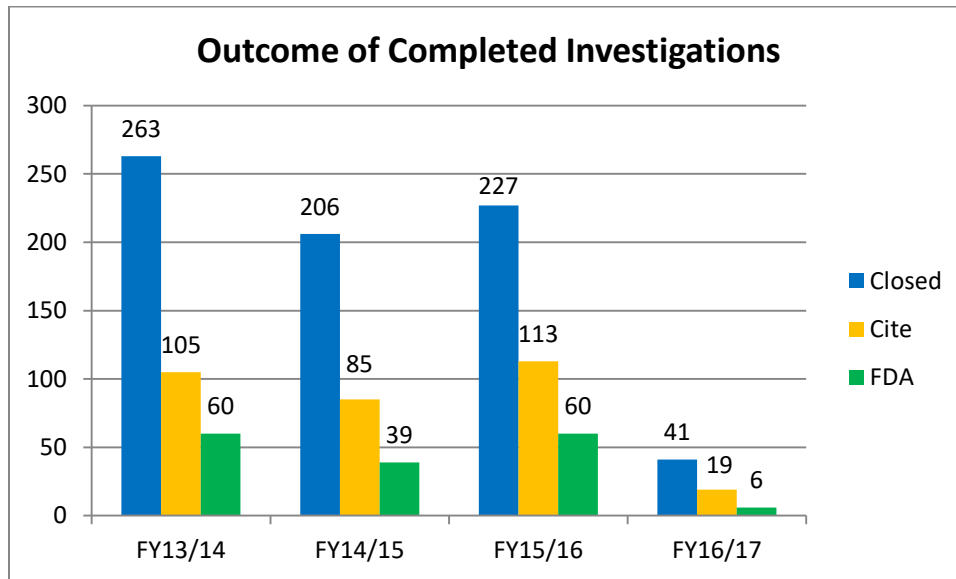
NOTE: FY16/17 statistics are through September 30, 2016

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – FY16/17



Complaint Investigation Phase Outcome of Completed Investigations



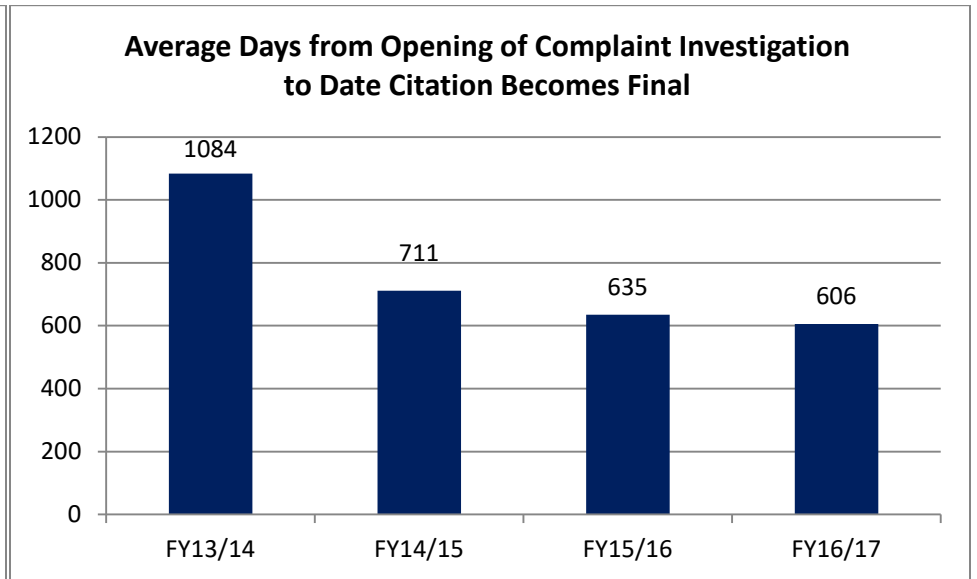
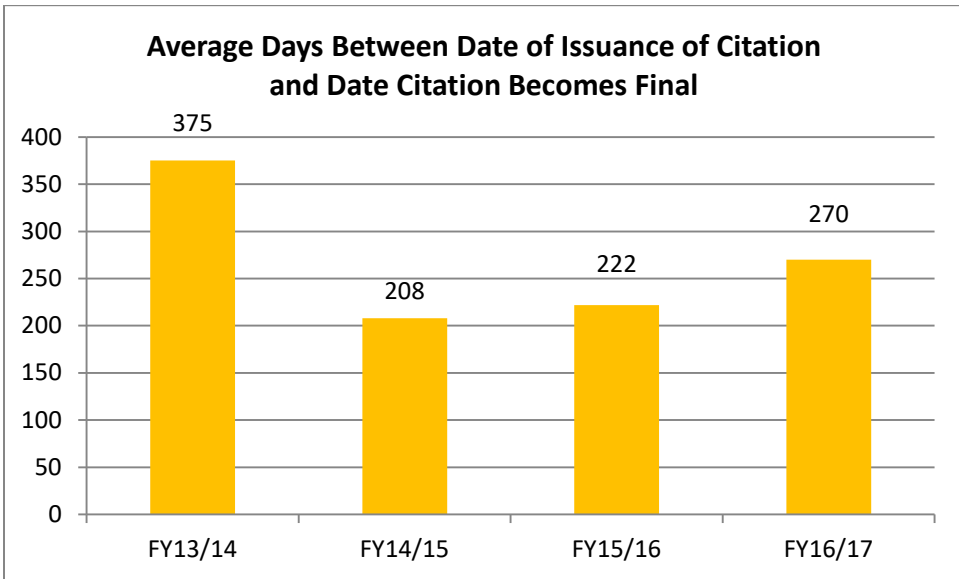
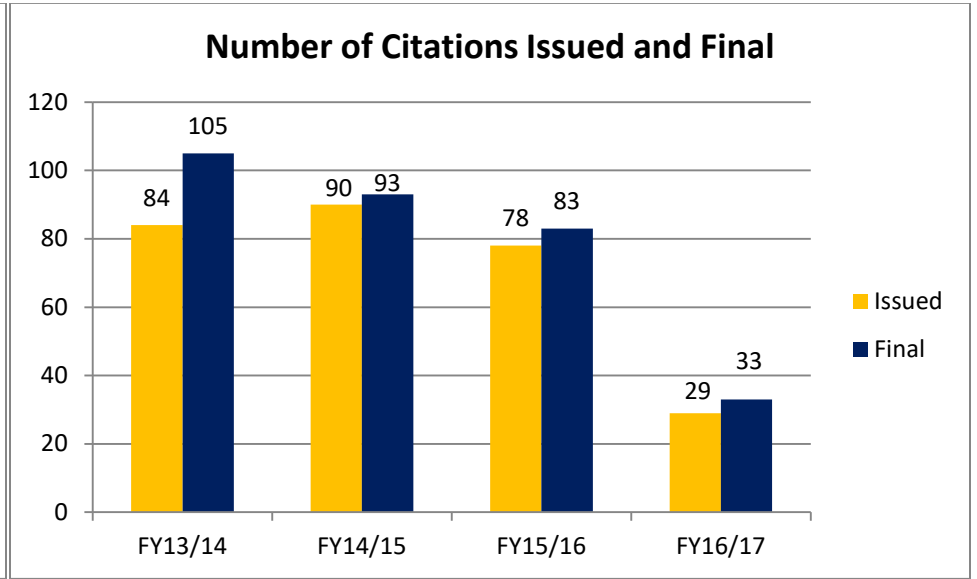
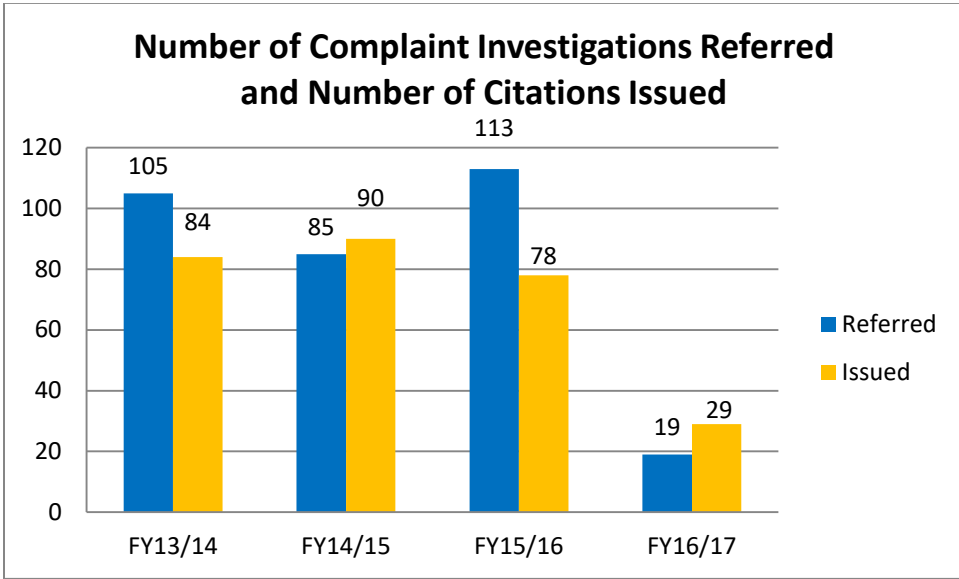
NOTE: FY16/17 statistics are through September 30, 2016

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

Cite = Referred for Issuance of Citation

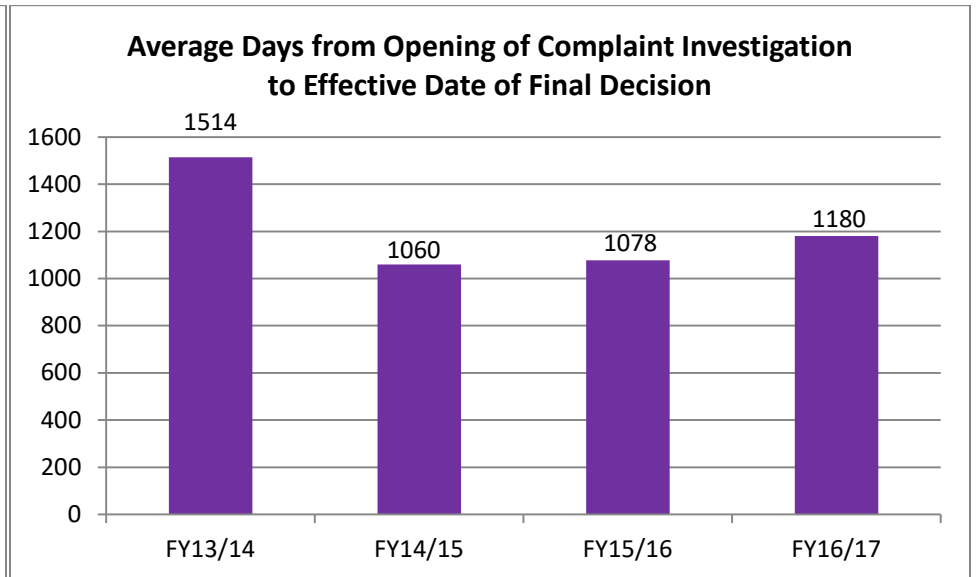
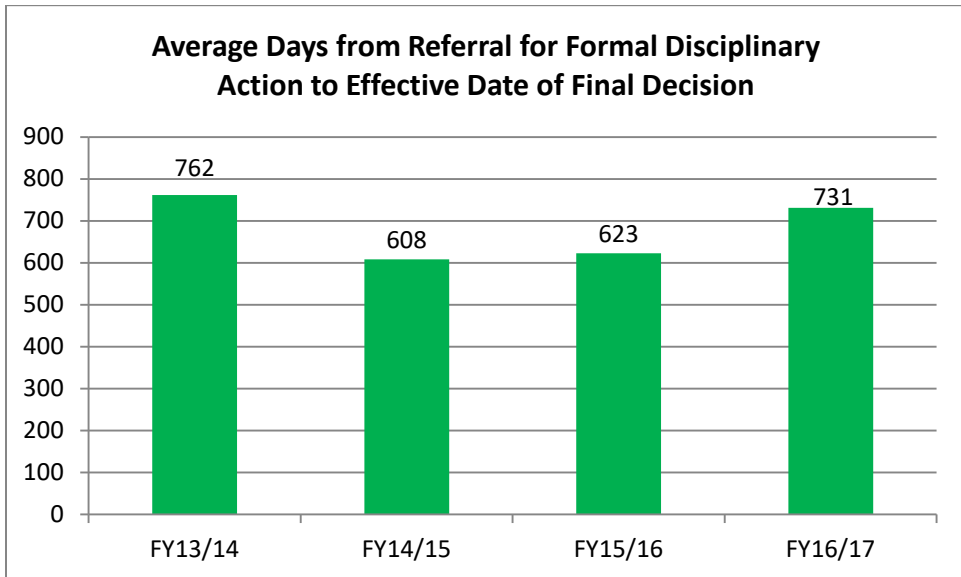
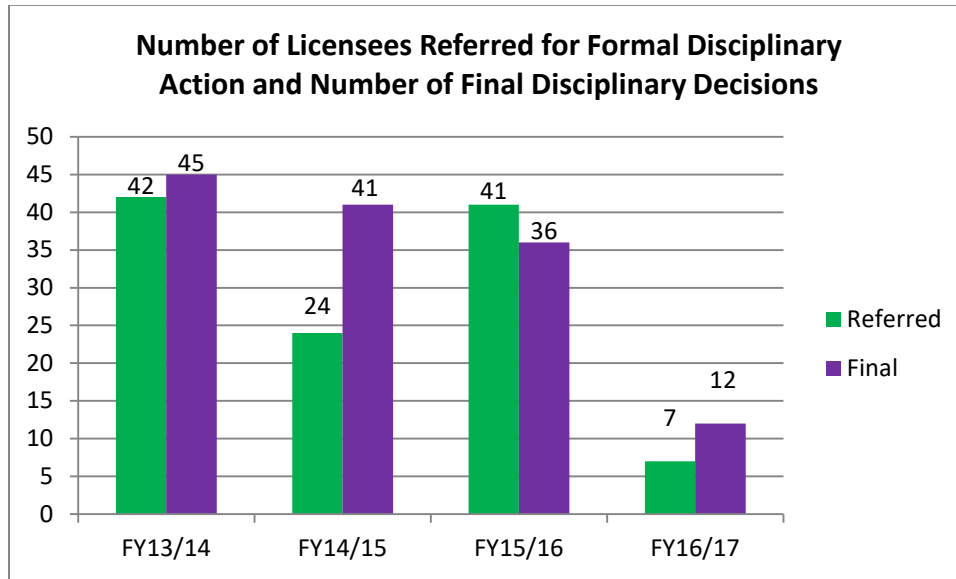
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY16/17 statistics are through September 30, 2016

Formal Disciplinary Actions Against Licensees



NOTE: FY16/17 statistics are through September 30, 2016

IX. Exams/Licensing

A. Fall 2016 Update

X. Approval of Delinquent Reinstatements (Possible Action)

APPROVAL OF DELINQUENT REINSTATMENTS

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

CHEMICAL

HABIBULLAH, ARIF

Reinstate applicant's Chemical license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

ELECTRICAL

WANG, KAI DE

Reinstate applicant's Electrical license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

MECHANICAL

ADAM, NOEL

Reinstate applicant's Mechanical license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

AMBROSE, MICHAEL

Reinstate applicant's Mechanical license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

PETERMAN, DAVID

Reinstate applicant's Mechanical license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

COONEY, JOHN

Reinstate applicant's Mechanical license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

BIERMAYER, PETER

Reinstate applicant's Mechanical license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

MAZZI, ERIC

Reinstate applicant's Mechanical license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

PETROLEUM

NALLA, GOPI

Reinstate applicant's Petroleum license once he/she takes and passes the Take Home Examination, pays all delinquent and renewal fees; and completes the fingerprinting/background check requirement.

XI. Executive Officer's Report

- A. Legislation and Regulation Workgroup Summary
- B. Personnel
- C. ABET
- D. ASBOG
 - 1. Fall meeting motions (Possible Action)
 - a. Charter Amendment 2016-2: Article 3 related to Definition of Subject Matter Expert (Possible Action)
 - b. Bylaws Amendment 2016-1: Section 9.01 related to Committee on Nominations Members and Voting Rights for Member Boards (Possible Action)
 - c. Approve BPELSG Representative for Voting (Possible Action)
- E. Discussion with Department of Conservation, Office of Mine Reclamation (OMR) and State Mining and Geology Board (SMGB) pertaining to the Surface Mining and Reclamation Act (SMARA) and future Rulemaking Efforts
- F. NCEES
- G. Outreach
- H. 2015-2018 Strategic Plan – Mid Plan Review (Possible Action)

Legislation and Regulations Workgroup

Legislation:

-SB 1085, SB 1165, SB 1479 and SB 1194.

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)

- Final Package at Department of Consumer Affairs Budget Office.
 - 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.
 - Final package sent to DCA for final review August 12, 2016.

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

- Final Package at Department of Consumer Affairs Legislative and Regulatory Deputy Director’s Office
 - 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.
 - Board approved final rulemaking package, August 18, 2016.
 - Final package sent to DCA for final review September 9, 2016.

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

- Final Package at Department of Consumer Affairs Budget Office.
 - 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.
 - Board approved final rulemaking package, August 18, 2016.
 - Final package sent to DCA for final review September 9, 2016.

4. Corner Record (464(g)).

- Final Package at the Business, Consumer Services, and Housing Agency.
 - 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 approved final rulemaking package, June 9, 2016.
 - Final package sent to DCA for final review July 11, 2016.

5. Qualifying Experience Land Surveyor (425)

- Request for 15-day Comment Period.
 - Board approved initial rulemaking proposal April 9, 2016.
 - Noticed to (OAL) August 12, 2016, for 45-day Comment Period.
 - OAL Comment Period ended September 27, 2016.

The Board has received the National Association of State Board of Geology 2016 Annual Meeting Documents including a summary of the Proposed Charter and Bylaw changes that will be voted on at the Annual Meeting.

Staff Comments: Staff is requesting guidance on the following specific items detailed below. Staff recommendations are included with each item.

Detailed information on items scheduled for a vote are included 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.

1. Proposed Charter and Bylaw Changes

- i) Replace the term “registered” with the term “licensed/registered” in various sections of the ASBOG Charter.
 - Staff recommendation: approve.
- ii) Define subject matter expert (SME) for participants in the exam development workshops. The definition is to be used in the Charter and Bylaws, and grants the Executive Committee the ability to approve SMEs who are not licensed geologists.
 - Staff recommendation: disapprove unless amended. The definition of SME should be strictly limited to a Professional Geologist in good standing licensed by one of the ASBOG Member Boards.
- iii) Various changes to the standing committees including renaming and reorganizing functions.
 - Staff recommendation: approve.
- iv) Changes to the Bylaws describing how officers are nominated to the Executive Committee.
 - Staff recommendation: approve with reservations. The process used to nominate officers is completely under the control of the Executive Committee. ASBOG would better serve its Member Boards by advancing changes to the Charter and Bylaws that empower Member Boards to be substantively involved in decisions that affect them.

CHARTER
PROPOSED ASBOG® CHARTER AMENDMENT 2016-1:
ARTICLES 3 and 4.
SECTIONS 3.02, 3.04, 3.06, 3.07, and 3.10
SECTION 4.03

Proposed Changes:

- Replace the term registered in Sections 3.02, 3.06, 3.07, 3.10 and 4.03 with the term *licensed/registered*.
- Replace the term registration in Section 3.04 with the term *licensure/registration*.

Discussion:

A majority of the ASBOG® member states either license or register geologists and the ASBOG® Missions Statement refers to both licensure and registration. This change reflects the current practices of most of the ASBOG® member states and the current ASBOG® Mission Statement.

PROPOSED ASBOG® CHARTER AMENDMENT 2016-2:
ARTICLE 3.

Proposed Change:

- Insert the following definition as Section 3.11 of the Charter:

SECTION 3.11— SUBJECT MATTER EXPERT. A Subject Matter Expert (SME) is a professional geologist who is licensed in one of the ASBOG® member states or who has been approved by the Executive Committee to participate in an ASBOG® Examination Workshop. As such, an SME has direct knowledge of the work of a professional geologist and what knowledge, skills, and abilities are required to practice geology successfully.

- Renumber the subsequent sections of Article 3 of the Charter as follows:
 - Section 3.12—Withdrawal of Membership
 - Section 3.13—Termination of Membership

Discussion:

The term Subject Matter Expert is used in Section 3.10 of the ASBOG® Charter and is proposed for use in Section 9.01 of the Bylaws.

The Charter & Bylaws Committee discussed these proposed amendments to the Charter during a teleconference held on July 7, 2016. The committee recommends that these proposed amendments be brought up for consideration by the ASBOG® membership at the 2016 Annual Meeting. In accordance with Section 5.01 of the ASBOG® Bylaws, the committee is transmitting this recommendation to the Executive Committee for their review and concurrence prior to the next Annual Meeting.

BYLAWS
PROPOSED ASBOG[®] BYLAWS AMENDMENT 2016-1:
PART 5. COMMITTEES, Section 5.01—STANDING COMMITTEES, PARAGRAPH 1

CURRENT BYLAWS

SECTION 5.01—STANDING COMMITTEES. The Standing Committees of ASBOG[®] shall be the following:

- Committee on Charter and Bylaws
- Committee on Ethics
- Committee on Examinations and the Council of Examiners
- Committee on Finances
- Committee on International Relations
- Committee on Nominations
- Committee on Public Relations
- Committee for Strategic Planning
- Committee on Uniform Procedures

PROPOSED CHANGES

(Additions shown in red and deletions shown by ~~strike-out~~):

SECTION 5.01—STANDING COMMITTEES. The Standing Committees of ASBOG[®] shall be the following:

- Committee on Charter and Bylaws
- Committee on Ethics
- Committee on Examinations ~~and the Council of Examiners~~
- Committee on Finances
- Committee on International Relations
- Committee on Nominations
- ~~Committee on Public Relations~~
- Committee on **Outreach and** Uniform Procedures
- ~~Committee for Strategic Planning~~ **for Organizational Development**

REVISED BYLAWS

SECTION 5.01—STANDING COMMITTEES. The Standing Committees of ASBOG[®] shall be the following:

- Committee on Charter and Bylaws
- Committee on Ethics
- Committee on Examinations
- Committee on Finances
- Committee on International Relations
- Committee on Nominations
- Committee on Outreach and Uniform Development
- Committee for Organizational Development

Discussion:

The Committee is recommending keeping Ethics and International Relations in the Bylaws as one-person committees rather than creating Ethics and International Relations liaison positions for the following reasons:

- The Executive Committee indicated that the Ethics and International Relations Committees have been operating effectively with one person. A committee can just be one person (Robert's Rules of Order, Chapter XVI, 50. Committees: "A committee "is a body of one or more persons..."). The Executive Committee can designate them as one-person committees, or change the size if there is a need for more committee members in the future.
- The committee felt that Ethics and International Relations are important to the work of ASBOG® and they should be retained in the Bylaws. If they were removed as committees, it would take a two-thirds vote at an Annual or Special Meeting to add them back, in accordance with the Section 5.01 of the Bylaws.
- This is cleaner than creating a new, special, and maybe difficult to define "liaison" category in the charter or bylaws.

The committee is recommending combining the Committee on Public Relations and the Committee on Uniform Procedures to form the Committee on Outreach and Uniform Procedures. The group preferred Uniform Procedures to Model Documents, as the duties of the committee might, at some point, need to be broader than Model Documents.

The Charter & Bylaws Committee discussed these proposed changes to the Standing Committee structure at a teleconference on July 7, 2016. The committee recommends that these proposed changes be brought up for consideration by the ASBOG® membership at the 2016 Annual Meeting. In accordance with Section 5.01 of the ASBOG® Bylaws, the committee is transmitting this recommendation to the Executive Committee for their review and concurrence prior to the next Annual Meeting.

PROPOSED ASBOG® BYLAWS AMENDMENT 2016-1:

PART 9. ADOPTION OF A SLATE OF OFFICERS, Section 9.01—NOMINATIONS.

CURRENT BYLAWS:

The Immediate Past President shall chair the Committee on Nominations and will select two other persons from the pool of Past Presidents to serve as members of the committee. The Committee on Nominations shall initiate a call for nominations for Secretary in the Spring of each year. The Committee on Nominations shall make its recommendation for Secretary, and any other position left vacant by interruption of Executive Committee member succession, and present the full slate of ASBOG® officers to the Executive Committee. Nominations from the floor at the Annual Meeting shall not be in order. The slate of officers as presented shall be adopted at each Annual Meeting.

PROPOSED CHANGES

(Additions shown in red and deletions shown by ~~strike-out~~):

The Immediate Past President shall chair the Committee on Nominations and will select two ~~other persons from the pool of~~ active Past Presidents and two Subject Matter Experts who are currently serving on a Member Board to serve as members of the committee. No two members of the Committee shall be from the same state. The Committee on Nominations shall initiate a call for nominations for Secretary in the Spring of each year. The Committee on Nominations shall make its recommendation for Secretary, and any other position left vacant by interruption of Executive Committee member succession, and present the full slate of ASBOG® officers to the Executive Committee. Nominations from the floor at the Annual Meeting shall not be in order. The slate of officers as presented shall be adopted at each Annual Meeting.

REVISED BYLAWS

The Immediate Past President shall chair the Committee on Nominations and will select two active Past Presidents and two Subject Matter Experts who are currently serving on a Member Board to serve as members of the committee. No two members of the Committee shall be from the same state. The Committee on Nominations shall initiate a call for nominations for Secretary in the Spring of each year. The Committee on Nominations shall make its recommendation for secretary, and any other position left vacant by interruption of Executive Committee member succession, and present the full slate of ASBOG® officers to the Executive Committee. Nominations from the floor at the Annual Meeting shall not be in order. The slate of officers as presented shall be adopted at each Annual Meeting.

The Charter & Bylaws Committee discussed these proposed changes to the Standing Committee structure at a teleconference held on July 7, 2016. The committee recommends that these proposed changes be brought up for consideration by the ASBOG® membership at the 2016 Annual Meeting. In accordance with Section 5.01 of the ASBOG® Bylaws, the committee is transmitting this recommendation to the Executive Committee for their review and concurrence prior to the next Annual Meeting.

Discussion with Department of Conservation, Office of Mine Reclamation (OMR) and State Mining and Geology Board (SMGB) pertaining to the Surface Mining and Reclamation Act (SMARA) and future Rulemaking Efforts

The Office of Mine Reclamation (OMR) requested input from BPELSG staff as part of their efforts to develop regulations to implement two recently signed bills (AB 1142 and SB 209) pertaining to the Surface Mining and Reclamation Act (SMARA). In a meeting on September 22, 2016, OMR provided a brief overview of SMARA mine inspections for BPELSG staff and the Executive Officer, and requested specific input regarding tasks that must be conducted under the responsible charge of a licensed professional. This is the first of what is anticipated to be several meetings with OMR as they develop their implementing regulations, and a training program to explain the changes to their stakeholders.

Additional information regarding AB 1142 and SB 209 can be found here:

http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160AB1142

http://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160SB209

BPELSG Action Plan 2015 (Year Two)	REMAINING	IN PROGRESS	COMPLETED
Goal 1: Licensing: The Board provides applicants and licensees a method for providing services in California in order to protect consumers.			
Objective 1.1 – Identify the minimum curriculum required for a qualifying geological sciences degree.		X	
<ul style="list-style-type: none"> <i>Begin rulemaking process for clarifying core curriculum through regulations</i> 		X	
Objective 1.2 - Develop fact sheets that describe the legal authority, functions, and benefits for the public for each of the license types regulated by the Board.		X	
Goal 2: Applications/Examinations: The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.			
Objective 2.4 - Evaluate and identify ways to reduce the application process timeframes.			X
<ul style="list-style-type: none"> <i>Initiate a business process/needs assessment study (i.e. Legacy systems, BreEZe, etc.)</i> 			X
<ul style="list-style-type: none"> <i>Evaluate current application processes, identify process improvements, and report on findings (i.e. benchmarking, regulation changes, exam administration changes)</i> 			X
Objective 2.6 - Examine the appropriateness of current education / experience requirements for licensure.		X	
Goal 3: Laws and Regulations			
Objective 3.4 - Seek legislation to merge the Geology fund with Engineers/Land Surveyors fund.			X
<ul style="list-style-type: none"> <i>Propose merger via sunset review process</i> 			X
Goal 4: Enforcement			
Objective 4.1 - Leverage collaborative relationships to encourage a reduction in cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General's Office.			X
Objective 4.6 - Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.		X	
<ul style="list-style-type: none"> <i>Develop training for existing and potential experts appropriate to the services required by the Board. (i.e. exam development, enforcement review, DAGs)</i> 		X	
<ul style="list-style-type: none"> <i>Implement procedures to improve internal communication to monitor the use and effectiveness of experts (i.e. universal database or spreadsheets)</i> 		X	
<ul style="list-style-type: none"> <i>Modernize Expert Reference Manual</i> 		X	
<ul style="list-style-type: none"> <i>Identify and implement effective recruitment opportunities (i.e. research other Boards)</i> 		X	
<ul style="list-style-type: none"> <i>Establish qualification guidelines for experts</i> 		X	
Objective 5.2 - Communicate enforcement actions on an ongoing basis on the website as soon as feasible.		X	
<ul style="list-style-type: none"> <i>Identify implementation dates for administrative citations and formal disciplinary actions</i> 		X	
Objective 5.5 - Increase the Board's social media presence.		X	
<ul style="list-style-type: none"> <i>Work with DCA IT unit to make Board communications "mobile aware" (i.e. mobile app)</i> 		X	

BPELSG Action Plan 2015 (Year Two)	REMAINING	IN PROGRESS	COMPLETED
<ul style="list-style-type: none"> • <i>Research the feasibility to implement new technologies that reach our shareholders (i.e. YouTube instructional videos)</i> 			X
<ul style="list-style-type: none"> • <i>Perform Q&A sessions on FB or Twitter</i> 		X	
Objective 5.6 - Proactively educate stakeholders to prevent violations.			X
<ul style="list-style-type: none"> • <i>Create YouTube educational videos</i> 			X
Goal 6: Customer Service			
Objective 6.3 - Implement a plan to improve internal collaboration. (Dependent on objective 6.2)			X
<ul style="list-style-type: none"> • <i>Create team building workshops and activities to increase morale and promote knowledge</i> 			X
<ul style="list-style-type: none"> • <i>Reach out to SOLID to provide specific Board staff training</i> 			X
Objective 6.2 - Enhance customer service by providing training for staff.			X
<ul style="list-style-type: none"> • <i>Contact SOLID for training solutions</i> 			X
<ul style="list-style-type: none"> • <i>Provide front desk with application status checks for callers</i> 			X
<ul style="list-style-type: none"> • <i>Schedule all-staff meetings on a regular basis</i> 			X
Objective 6.4 - Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.			X
<ul style="list-style-type: none"> • <i>Appoint staff person to research cost and effectiveness of machines and procedures</i> 			X
Objective 6.5 - Educate the public about the steps and timing in the enforcement process.		X	

Items highlighted in yellow are new year two objectives



2015-2018

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

Strategic Plan

Adopted: July 31, 2014

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California Board for Professional Engineers, Land Surveyors, and Geologists

Erik Zinn, P.G., C.E.G., President – Geologist Member

Kathy Jones Irish, Vice President – Public Member

Natalie Alavi, P.E. – Mechanical Engineer Member

Asha Malikh Brooks – Public Member

Diane Hamwi – Public Member

Eric Johnson, P.E. – Electrical Engineer Member

Coby King – Public Member

Philip Quartararo – Public Member

Mohammad Qureshi, Ph.D., P.E. - Traffic Engineer Member

Hong Beom Rhee, Ph.D. – Public Member

Karen E. Roberts, S.E. – Structural Engineer Member

Ray Satorre – Public Member

William “Jerry” Silva – Public Member

Robert Stockton, P.E. – Civil Engineer Member

Patrick J. Tami, P.L.S. – Professional Land Surveyor Member

EDMUND G. BROWN, JR., GOVERNOR

ANNA M. CABALLERO, SECRETARY, BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY

AWET KIDANE, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS

RICHARD B. MOORE, EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND
SURVEYORS, AND GEOLOGISTS

Message from the Board President

We are very pleased to present to you with our new strategic plan for 2015-2018. This plan represents the culmination of a huge effort and input by our stakeholders, staff, Board members, and Department of Consumer Affairs (DCA), and represents our revised priorities, goals and the actions essential to achieve those goals.

The timing of the plan couldn't have been better, given the addition of ten new Board members during the last two years. The one-day DCA-facilitated planning workshop, attended by the Board members and staff, was a watershed moment for the Board. We collectively offered experience-based insights and constructively discussed ideas and recommendations for revisions to the plan. Changes, modifications, or new additions were developed by consensus. The collaborative process encouraged each participant to both support and engage in the strategic planning process, and to embrace the plan as a "living document" and support its implementation going forward.

We encourage everyone to reference the strategic plan as we perform our day-to-day duties, as it is an established agreement undergirded by clearly articulated and measurable outcomes and results. And because it is a "living" document, we now have carefully structured a framework to help us assess and adjust our approach and direction as we respond to future changes, both within the Board organization and externally. Further, we have the benefit of our collective understanding and agreement as to the Board's mission, vision, and goals that should support our continued commitment to be public-focused and to implement responsible decision-making, which remains our foremost concern.



Erik Zinn, P.G., C.E.G.
2013-14 Board President



Kathy Jones Irish
2014-15 Board President

About the California Board

The California Legislature created the Board of Registration for Civil Engineers in 1929, following the failure of the St. Francis Dam in northern Los Angeles County. On March 12, 1928, the dam, which was located northeast of Castaic, suddenly gave way. A huge wall of water cascaded down the narrow valley of the Santa Clara River and when the water hit the town of Santa Paula, almost 50 miles downstream, the crest was still 25 feet high. The dam failure unleashed 12 billion gallons of water through the towns of Piru, Fillmore, Santa Paula, and Ventura before it reached the ocean. Lives lost numbered approximately 450; property damage was in the millions of dollars; 1,200 houses were demolished; and 10 bridges washed out. After the flood, inspection revealed that the dam was built on, and anchored to, a weak and faulted rock formation. The Legislature determined that the unregulated design of construction projects constituted a hazard to the public and passed laws to regulate civil engineering and to create the Board.

Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act. The Act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and is in the best interests of the state and California consumers.

Over the years, the Board has experienced some major changes under the provisions of the Professional Engineers Act. The number of branches of engineering regulated by the Board has increased, and the status of some of the older branches has changed. When electrical and mechanical engineering were first covered by the registration law in 1947, the law only affected the use of the titles. In 1967, the Act was amended to regulate the practice of those branches, as

well as the titles. In the late 1960s and early 1970s, the Act was also amended to give the Board the right to accept additional branches of engineering into the registration program. The additional categories were for the purpose of regulating the use of the titles of those engineering branches. Between 1972 and 1975, the Board expanded the registration program to include nine additional branches of engineering under its jurisdiction. In 1986, at the Board's request, the authority to create new title registration branches was removed from the Act. In the late 1990s and early 2000s, four of the title registration branches were deregulated.

In 2009, legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The Board consists of 15 members (seven licensed members and eight public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two terms. The seven licensed members and six of the public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly.

2011-2014 Strategic Plan Accomplishments

- 1 The Board significantly reduced the aging of open investigations over 1 year old from 108 cases to 9 cases during Fiscal Year 2013-14.

- 2 The Board restructured engineering, land surveying, and geology examination and application fees to provide cost savings to our applicants and licensees.

- 3 All State-specific examinations were converted to computer-based testing (CBT), and the Board now offers flexible testing dates for these exams.

- 4 The Board eliminated the 12-14 month backlog of cases awaiting the issuance of Administrative Citations and awaiting referral for formal disciplinary action during Fiscal Year 2012-13.

- 5 The Board improved the validity of the content and security of examinations by transferring the administration responsibilities for national engineering and surveying examinations to NCEES and converting state examinations to computer-based-testing delivery methods.

- 6 The Board received legislative authority to fingerprint applicants and obtain criminal history reports with the overall goal of safeguarding the public.

- 7 The Board continuously identified emerging technologies and established an online presence on multiple social media platforms, including Facebook, Twitter, and LinkedIn, to enhance communication with consumers and licensees.

- 8 The Board amended regulations to remove appeals of national examinations, thus promoting enhanced exam security.

Mission

We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions.

Vision

A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.

Values

Integrity
Consumer protection
Fairness
Quality
Customer service

Strategic Goal Areas

1 LICENSING

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

2 APPLICATIONS/EXAMINATIONS

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

3 LAWS AND REGULATIONS

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

4 ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

5 OUTREACH

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

6 CUSTOMER SERVICE

The Board strives to enhance organizational effectiveness and improve the quality of its services.

Goal 1: Licensing

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

- 1.1 Identify the minimum curriculum required for a qualifying geological sciences degree.
- 1.2 Develop fact sheets that describe the legal authority, functions, and benefits for the public for each of the license types regulated by the Board.
- 1.3 Improve the existing credit card process with the implementation of BreEZe¹.
- 1.4 Expand credit card transactions to all license types with the implementation of BreEZe.
- 1.5 Recommend potential methods for enacting continuing education requirements.
- 1.6 Educate university administrators and students about the importance of licensure.

¹ BreEZe is the new online licensing and enforcement system scheduled to be implemented 2015-16 by Department of Consumer Affairs'.

Goal 2: Applications/Examinations

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

- 2.1 Work with DCA to increase Board involvement in all aspects of the national exams.
- 2.2 Increase exam opportunities for candidates.
- 2.3 Advocate for national exams to include content that measures competency that meets California's needs.
- 2.4 Evaluate and identify ways to reduce the application process timeframes.
- 2.5 Explore costs and benefits of considering, if appropriate, withdrawing from national exams and developing California exams.
- 2.6 Examine the appropriateness of current education / experience requirements for licensure.

Goal 3: Laws and Regulations

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

- 3.1 Establish a legislative and regulatory work group of two Board members and staff and provide a written report at Board meetings.
- 3.2 Determine if changes to legislation or regulations are needed due to emerging technologies and industry practices.
- 3.3 Pro-actively clarify conflicting laws and regulations.
- 3.4 Seek legislation to merge the Geology/Geophysics fund with Engineers/Land Surveyors fund.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

- 4.1 Leverage collaborative relationships to encourage a reduction in cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General's Office.
- 4.2 Analyze and determine reasonable time frames and develop a benchmark/expectation for each step in the investigation.
- 4.3 Reduce complaint investigation cycle times to under 180 calendar days.
- 4.4 Research the feasibility of adding a legal requirement that licensees respond to Board investigative inquiries within a specified period of time.
- 4.5 Reduce formal disciplinary action process to a target of 540 calendar days.
- 4.6 Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.

Goal 5: Outreach

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

- 5.1 Develop a multi-phase stakeholder outreach plan.
- 5.2 Communicate enforcement actions on an ongoing basis on the website as soon as feasible.
- 5.3 Produce a newsletter on a quarterly basis that includes enforcement actions.
- 5.4 Encourage DCA and Agency to approve speaking and/or participating in conferences and other public and/or licensee outreach events.
- 5.5 Expand the Board's social media presence.
- 5.6 Proactively educate stakeholders to prevent violations.

Goal 6: Customer Service

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

- 6.1 Provide Board-specific training for new Board members in addition to DCA's Board Member Orientation Training.
- 6.2 Enhance customer service by providing training for staff.
- 6.3 Implement a plan to improve internal collaboration.
- 6.4 Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.
- 6.5 Educate the public about the steps and timing in the enforcement process.

Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of engineers, land surveyors, geologists, and geophysicists; professional associations; California colleges; and others who expressed interest in the strategic direction of the Board. The online survey received 1,202 responses.
- Telephone interviews with Board members in April 2014.
- Two focus group discussions with Board staff in April 2014.
- A manager focus group in April 2014.
- An interview with the Executive Officer and Assistant Executive Officer in May 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on June 5, 2014. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in this 2015 – 2018 strategic plan.

**CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS,
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Prepared by:



Department of Consumer Affairs
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Sacramento, CA 95834

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for BPELSG in April and May 2014. Subsequent amendments may have been made after Board adoption of this plan.



XII. 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)
 - 1. Approval of 2016-2017 Geology and Geophysics TAC Workplan

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**PROPOSED
WORK PLAN
TECHNICAL ADVISORY COMMITTEE (GEOLOGY AND GEOPHYSICS)****INTRODUCTION**

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

YEAR PLAN 2016-2017

1. To help clarify "gray" areas in the existing laws, rules, and regulations regarding the practices of Geology and Geophysics, and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
2. To review proposed legislation or regulations that would affect the practice of geology or geophysics.
3. To assist the Board with information regarding the practices of geology and geophysics proposed to be included in information prepared and disseminated by the Board.
4. To aid in formulating suggested procedures, information required, and questions to be asked with regard to enforcement issues relating to the practice of geology and/or geophysics, and to advise the Board staff upon review of such enforcement cases as requested.
5. To meet in closed session to address specific consumer and inter-professional complaints, and make recommendations to the Board regarding their solutions.
6. To assist staff in advising, guidance, and identification of expert consultants.
7. To assist staff with reviewing minimum qualifications for Geologists and Geophysicists applying for examinations, as necessary

- 8.** Review licensing issues affecting other states to determine if the same issues may be relevant to California.
- 9.** Assist Board staff with outreach to students, professionals, and the general public with subjects of interest for licensees as necessary.
- 10.** To assist with any National Association of State Boards of Geology (ASBOG) matters regarding geology when referred by the Board.
- 11.** To coordinate with the Board's other Technical Advisory Committees as required by the Board.
- 12.** To assist the Board as directed.

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XIII. President's Report/Board Member Activities

XIV. 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 August 18, 2016, Board Meeting

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

Department of Consumer Affairs
HQ2 Hearing Room #186
1747 North Market Boulevard
Sacramento, CA 95834

Thursday, August 18, 2016, beginning at 9:00 a.m.

Board Members Present:	Coby King, President; Mohammad Qureshi, Vice President; Natalie Alavi; Fel Amistad; Chelsea Esquibias; Cynthia Guzman; Kathy Jones Irish; Eric Johnson; Asha Lang; Karen Roberts; Jerry Silva; Robert Stockton; and Steve Wilson
Board Members Absent:	Betsy Mathieson
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Larry Kereszt (Examinations Manager); Kara Williams (Budget Analyst); Susan Christ (Registrar); Mike Donelson (Registrar); Laurie Racca (Registrar); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President King called the meeting to order at 9:06 a.m., and a quorum was established.

II. Public Comment

No public comment.

President King thanked the Board for electing him and shared his goals to run a fair meeting while encouraging participation and achieving consensus. In return, he asked everyone to attend and to come prepared.

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)

MOTION:	Dr. Qureshi and Ms. Lang moved to 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
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	Affairs and the Office of Administrative Law for review and approval.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson				X	

MOTION:	Ms. Jones Irish and Mr. Johnson moved to delegate the authority to the Executive Officer to finalize the rulemaking file for submittal to the Office of Administrative Law.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson				X	

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)

MOTION:	Dr. Qureshi and Dr. Amistad moved to adopt the proposed changes to Title 16, California Code of Regulations Sections
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	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.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson				X	

MOTION:	Ms. Jones Irish and Mr. Johnson move to delegate the authority to the Executive Officer to finalize the rulemaking file for submittal to the Office of Administrative Law.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson				X	

- C. Request to Amend Title 16, California Code of Regulations §438 (Waiver of Fundamentals Examination) from Robert A. Katin, P.E.

Mr. Katin stated that the purpose of the Board is to protect the public, and it would be great if there were more candidates to sit for the Professional Engineering examinations. Current Board Rules indicate if you graduate from an ABET accredited school with a BS in engineering, four years apply towards the six years of qualifying experience if you have an EIT certificate. If you graduate with an MS, the fifth year applies towards the required six years. However, 15 years of experience are required to waive the EIT. He believes education credit should count towards the 15 years and would like the Board to consider modifying the Board Rules to allow for this.

Mr. Moore reported that the Board specifically changed the language in 2002 to clarify that experience is in addition to the degree.

Mr. Stockton noted there is no ambiguity in the language and believes it is appropriate.

The Board chose to take no action on Mr. Katin's request and to leave the Board Rule as it currently is.

9:21 a.m. Ms. Roberts arrived.

9:22 a.m. Mr. Wilson arrived.

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

Mr. Moore briefed the Board on a prior request about changing Board Rule 461 related to reports related to laboratory testing. At the time, the Board requested a review by the Civil Engineering TAC and the Geology & Geophysics TAC. At that time, the TACs recommended that an article be included in the Board's newsletter as an educational tool but that no changes be made to the Board Rule.

Robert Lokteff and Martin McIlroy representing CalGeo provided some background regarding testing and inspection during design and construction. There are certified inspectors and testers who are not under the supervision of an engineering firm or civil engineer. They believe there should be some clarification in the language to outline that laboratory testing for design and construction are engineering services and therefore need to be performed by an engineer or by a technician employed by an engineering company. Civil TAC member Neal Colwell reviewed background information and has worked with the Civil TAC and would like further direction from the Board.

Ms. Jones Irish believes it is not within the Board's jurisdiction, but other regulatory agencies could require a civil engineer to approve laboratory testing. Mr. Santiago concurred with Ms. Jones Irish but indicated that practice, and what constitutes the practice, of civil engineering is within the

Board's jurisdiction to address. Ms. Roberts indicated her concern that modifying the language as CalGeo proposed could cause unintentional consequences depending on the type of inspections; Mr. Johnson and Ms. Alavi concurred with her concerns. Mr. Stockton recommended staff work with CalGeo, Board members, and legal counsel to prepare a recommendation and report back to the Board.

IV. Legislation

A. Discussion of Legislation for 2016:

Ms. Williams reviewed important dates on the legislative calendar.

10:02 a.m. Mr. Silva left the meeting.

SB 1155 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. This bill did not make it out of The Assembly Appropriations Committee.

SB 1085 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. This bill is currently on the Assembly floor.

MOTION:	Mr. Stockton and Ms. Roberts moved to take a support position on SB 1085 as amended 6/28/2016.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts	X				
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

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

Mr. Silva returned at 10:10 a.m.

MOTION:	Mr. Stockton and Ms. Alavi move to take a support position on SB 1165 as amended 6/21/2016.
VOTE:	12-0-1, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts	X				
William Silva			X		

Robert Stockton	X				
Steve Wilson	X				

SB 1479 This omnibus bill was 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. This bill is currently on the Assembly floor.

SB 1194 and SB 1195 Ms. Eissler briefed the Board on the current status of the bills. At the last Board meeting, the Board discussed SB 1195 which had been amended in April and June to include language to address the North Carolina Dental Board Supreme Court decision which dealt with state supervision of licensing boards that have active market participant licensees as members. The bill was placed in the suspense file for the Senate floor and did not make it out of the Senate. At the Board's June meeting, it was anticipated that language regarding this matter would appear in another bill during session. The Board discussed it and took action. Staff has been in communication with DCA, and they have been actively working with the Senate Business, Professions and Economic Development Committee staff and Senator Hill, the bills' author, as well as other interested parties. Language has been developed for possible inclusion in SB 1194; however, it has not yet been published. DCA has provided the boards with the proposed language and have given the boards opportunities to have an open dialogue with them. Ms. Eissler and Mr. Moore have worked with Mr. Stockton and President King to convey opinions on the language in line with the actions taken by the Board at its June meeting. Ms. Eissler provided an overview of the proposed language and explained that staff will continue monitoring the bill and will take appropriate action as directed by Mr. Stockton and President King to convey the Board's positions. Ms. Eissler noted that the bill must be acted upon by both the Senate and the Assembly by the following week or it will be considered dead.

V. Administration

A. Budget Summary

Ms. Williams reviewed the budget. She reported an increase in expenditures for the PE and LS fund which is associated with an increase in civil service pay and benefits. Additionally, there has been an increase in revenue as well.

The Geologist and Geophysicists fund also increased in expenditures in staff benefits and pay. Renewals have decreased; Ms. Williams noted that this is usual because renewal cycles are cyclical depending on the Fiscal Year. She added that there was an increase in applicants for the Fundamentals of Geology which she attributed to outreach.

Mr. Stockton requested to add a row to reflect real surplus/deficit numbers. Dr. Qureshi requested that in the fund condition, he would like to have a line

item be added to reflect surplus/deficit. Ms. Williams indicated that since the two funds have merged, she is looking at new ways to present the budget and will consider how to add this information during the development.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2015/16 Year-End Update
2. Fiscal Year 2016/17 Update

Ms. Criswell reviewed the enforcement statistics for both FY2015/16 and FY2016/17.

President King noted the success in reducing the aging of cases and congratulated the enforcement staff for reducing the amount of enforcement cases. He also asked if it would be feasible to combine prior-year statistics for PELS and G&G to have as a comparison with current-year since they are now merged. Ms. Criswell and Ms. Eissler agreed to investigate methods on how to accomplish this.

IX. Executive Officer's Report

F. NCEES

1. Presentation regarding the NCEES Technology Task Force Recommendations by Jim Foley, Task Force Chair
Jim Foley, former Board member and Emeritus member of NCEES, served on the NCEES Technology Task Force. The purpose of the task force is to evaluate emerging technology, study the impact it has on the engineering and surveying professions, and to provide guidelines to member boards for these emerging technologies. They are focusing on electronic seals and signatures, building information modeling, and remote sensing technologies.

Mr. Silva recognized former Board member Ray Satorre and presented him with a certificate of recognition and proclamation for his service. Mr. Satorre expressed his gratitude.

VIII. Approval of Delinquent Reinstatements

VII.

MOTION:	Mr. Stockton and Dr. Amistad moved to approve the delinquent reinstatements.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				

Mohammad Qureshi	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	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs
No report given.

B. Appointment of TAC Members
No report given.

C. Reports from the TACs
No report given.

XII. President's Report/Board Member Activities

President King welcomed Steve Wilson to the Board as the new Professional Land Surveyor member.

XIII. Approval of Consent Items

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

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

MOTION:	Dr. Amistad and Mr. Stockton moved to approve the minutes as amended.
VOTE:	10-0-3, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson			X		

IX. Executive Officer’s Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reviewed the regulations. Ms. Eissler reported that the regulations regarding the citation program, Board Rules 472-473.4 and 3062-3063.4, have been submitted to DCA to begin their final review prior to submitting it to Office of Administrative Law for final approval.

F. NCEES

2. NCEES Annual Meeting Motions & Resolutions

- (a) Uniform Procedures and Legislative Guidance Committee – Motion 12 regarding Proposed Changes to NCEES Model Law/Rules related to Structural Engineers

MOTION:	Mr. Stockton and Ms. Alavi moved to support as is but give authority to the members attending the Annual Meeting to evaluate and deal with any changes that may arise at meeting.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

- (b) Advisory Committee on Council Activities – Motion 8 regarding the NCEES Treasurer Terms

MOTION:	Mr. Stockton and Ms. Lang moved to support a 3-year term for treasurer.
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VOTE:	13-0, Motion Carried.
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Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

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

MOTION:	Mr. Johnson and Mr. Stockton moved to oppose.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	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	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

(d) Southern Zone Resolution regarding proposed Changes to How NCEES Interim Zone Meetings are Funded

MOTION:	Mr. Stockton and Ms. Lang moved to oppose.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
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Coby King	X				
Mohammad Qureshi	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	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

B. Personnel

Mr. Moore advised that recruitment for the Land Surveyor registrar has been extended until the end of August.

D. ABET

Dr. Qureshi advised that he has been assigned as an ABET observer for a university outside of California for training purposes.

E. ASBOG

Out-of-state travel requests for ASBOG meetings were not approved as part of the Board's blanket request. Ms. Williams is currently working on submitting a specific request for the annual meeting in Lawrence, Kansas. Ms. Racca came in second to be secretary and was encouraged to apply next year. She is also providing a presentation on geological efforts to update educational requirements.

G. Outreach

Ms. Racca reported on her outreach efforts. She provided a presentation at the Department of Water Resources, took part in an online webinar for the Groundwater Resources Association of California, and is currently scheduling college outreach visits for the fall. She noted that the Geologist-in-Training applications have increased by 75% and the Professional Geologist applications have increased by 20% over last year and attributed it to the Board's outreach.

Mr. Donelson provided a presentation at Camp Pendleton for military veterans.

Mr. Moore and Ms. Criswell will attend a session at Cal Poly Pomona to discuss land surveyor applications and enforcement.

VII. Exams/Licensing

A. Presentation regarding the Exam Development Process

Mr. Kereszt provided an overview on the exam development process which includes a test plan, item writing, item review, exam construction, field test, administration, and standard setting.

Holly Dance, Vice-President of global account management at Prometric introduced Patrick Cheicante, Laura Pitz, Julie Morby, and Janice Flores representing Prometric explained their roles and responsibilities in the exam development and administration process.

IX. Executive Officer's Report

C. Administrative and Business Processes Assessment Contract1. Presentation from Visionary Integration Professionals (VIP)

Eddie Rash and Jeston Griffith representing VIP Services provided a brief overview and outlined their objectives for the business process analysis project.

Mr. Moore announced the release of the new plastic licensee identification cards currently being mailed to all licensees.

XI. Board Recognition of Former Board Members

The Board discussed ways in which it could recognize former Board members for their service. Ms. Eissler provided historical information on what the Board has done over the past 25 years. It was decided that any member who served two full terms would be given a Board proclamation at the last meeting before their grace year began and that all other Board members and all TAC members would be sent a letter thanking them for their service. It was further decided that this procedure would be included in the Board Operating Procedures, which staff is in the process of updating. The Board Operating Procedures will be presented at a future meeting for discussion and approval.

XIV. Other Items Not Requiring Board Action

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

3:45 p.m. Ms. Lang left the meeting.

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)]

VIII.

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

Ms. Criswell reported that during closed session, the Board took action on six stipulations, three default decisions, and discussed litigation as noticed.

XVII. Adjourn

The meeting adjourned at 5:02 p.m.

PUBLIC PRESENT

Steve Hao, CalTrans
Yeaphana LaMarr, DCA Legislation
Neal Colwell, Civil TAC member
Carl Josephson, SEAOC
Rob McMillan, CLSA

XV. Other Items Not Requiring Board Action

- A. 2017 Board Meeting Schedule
- B. Next Board Meeting: December 8-9, 2016, San Diego

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

A. Civil Litigation

1. 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

XVII. Open Session to Announce the Results of Closed Session

XVIII. Adjourn
