

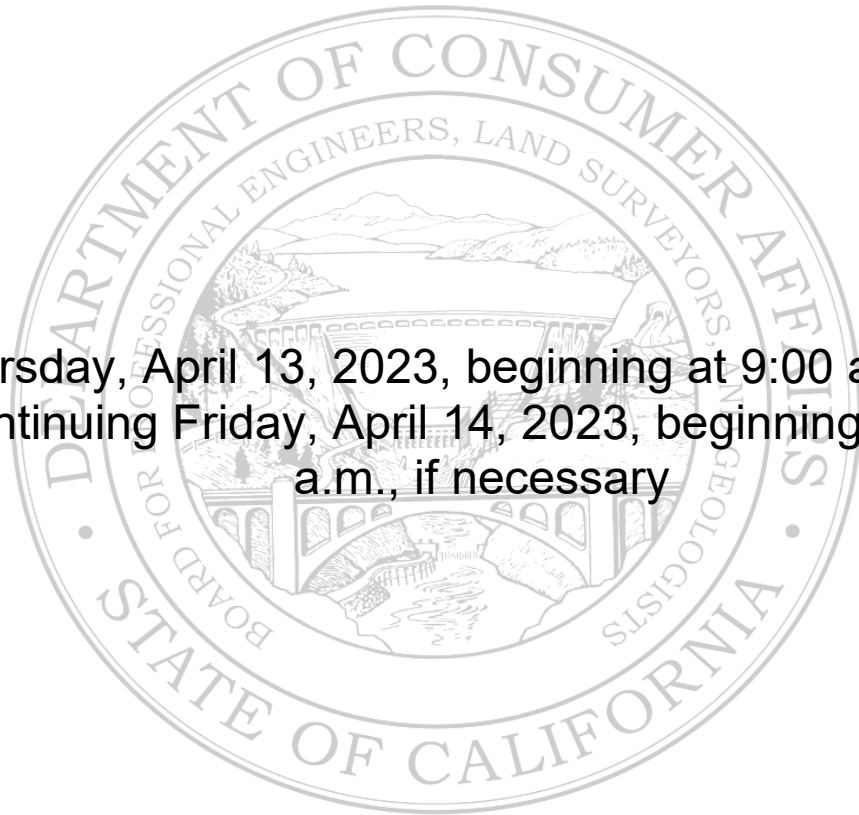


Gavin Newsom, Governor

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

Board for Professional Engineers,  
Land Surveyors, and Geologists

Thursday, April 13, 2023, beginning at 9:00 a.m., and  
continuing Friday, April 14, 2023, beginning at 9:00  
a.m., if necessary



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

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BOARD MEETING

APRIL 13-14, 2023

Department of Consumer Affairs  
HQ 2 North Market Hearing Room  
1747 North Market Boulevard, #186  
Sacramento, CA 95834

### BOARD MEMBERS

President Rossana D'Antonio; Vice-President Michael Hartley; Fel Amistad; Alireza Asgari; Kathy Jones Irish; Coby King; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong

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

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## II. Pledge of Allegiance

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### **III. Public Comment for Items Not on the Agenda**

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**NOTE:** The Board cannot discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).) The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.



#### IV. Legislation

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- A. 2023 Legislative Calendar
- B. Discussion of Legislation for 2023 (**Possible Action**)
  - 1. Assembly Bill (AB) 883 (Mathis, 2023) - Business licenses: United States Department of Defense SkillBridge program.
  - 2. Senate Bill (SB) 372 (Menjivar, 2023) - Department of Consumer Affairs: licensee and registrant records: name and gender changes.
  - 3. SB 544 (Laird, 2023) - Bagley-Keene Open Meeting Act: teleconferencing.
  - 4. SB 802 (Roth, 2023) - Licensing boards: disqualification from licensure: criminal conviction.
  - 5. SB 818 (Roth, 2023) - Department of Consumer Affairs: terms of office: fingerprinting.



**2023 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 11-4-22

**DEADLINES**

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

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16** Martin Luther King, Jr. Day.
- Jan. 20** Last day to submit **bill requests** to the Office of Legislative Counsel.

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

- Feb. 17** Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).
- Feb. 20** Presidents' Day.

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

- Mar. 30** **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).
- Mar. 31** Cesar Chavez Day observed.

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

- Apr. 10** Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- Apr. 28** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

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

- May 5** Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).
- May 12** Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 19** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).  
Last day for **fiscal committees** to meet prior to June 5 (J.R. 61(a)(6)).
- May 29** Memorial Day.
- May 30-June 2** **Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)).

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

**2023 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 11-4-22

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

- June 2** Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).
- June 5** Committee meetings may resume (J.R. 61(a)(9)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

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

- July 4** Independence Day.
- July 14** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).
- Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

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

- Aug. 14** Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

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

- Sept. 1** Last day for **fiscal committees** to meet and report bills (J.R. 61(a)(11)).
- Sept. 4** Labor Day.
- Sept. 5-14** **Floor session only.** No committees may meet for any purpose, except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(a)(12)).
- Sept. 8** Last day to **amend** on the Floor (J.R. 61(a)(13)).
- Sept. 14** Last day for each house to pass bills. (J.R. 61(a)(14)).
- Interim Recess** begins upon adjournment (J.R. 51(a)(4)).

**IMPORTANT DATES OCCURRING DURING INTERIM RECESS**

**2023**

Oct. 14 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 14 and in the Governor's possession on or after Sept. 14 (Art. IV, Sec. 10(b)(1)).

**2024**

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

Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).

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

**AB 883 (Mathis, R-Porterville)**  
**Business licenses: United States Department of Defense SkillBridge program.**

**Status/History:** 3/28/2023 – Passed Assembly Business & Professions Committee; Referred to Assembly Appropriations Committee with recommendation to Consent Calendar.

**Location:** 3/28/2023 – Assembly Committee on Appropriations

**Introduced:** 2/14/2023

**Last Amended:** 3/23/2023

**Board Position:** Pending

**Board Staff Analysis:** 4/3/2023

**Bill Summary:** Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions. This bill would additionally require a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

**Affected Laws:** An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

**Staff Comment:** This bill would expand the provisions of Business and Professions Code section to include active duty military who are enrolled in the U.S. Department of Defense SkillBridge program. It also clarifies that if the Board chooses to pursue regulations to administer these provisions, the regulations must be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

Board staff does not believe this expansion of applications to be expedited would have much impact on workload. We do not receive many applications from military members.

Both the introduced version (February 14, 2023) and the current version (as amended March 23, 2023) of the bill are included.

**Staff Recommendation:** Staff recommends the Board take a position of “Watch” on AB 883, as amended March 23, 2023.

**ASSEMBLY BILL**

**No. 883**

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**Introduced by Assembly Member Mathis**

February 14, 2023

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An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as introduced, Mathis. Business licenses: United States Department of Defense SkillBridge program.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally require a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is enrolled in the United States Department of Defense SkillBridge program, as specified.

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



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

- 1 SECTION 1. Section 115.4 of the Business and Professions
- 2 Code is amended to read:
- 3 115.4. (a) Notwithstanding any other law, on and after July 1,
- 4 2016, a board within the department shall expedite, and may assist,
- 5 the initial licensure process for an applicant who supplies
- 6 satisfactory evidence to the board that the applicant *is enrolled in*
- 7 *the United States Department of Defense SkillBridge program as*
- 8 *authorized under Section 1143(e) of Title 10 of the United States*
- 9 *Code or has served as an active duty member of the Armed Forces*
- 10 *of the United States and was honorably discharged.*
- 11 (b) A board may adopt regulations necessary to administer this
- 12 section.

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AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 883**

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**Introduced by Assembly Member Mathis**

February 14, 2023

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An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as amended, Mathis. Business licenses: United States Department of Defense SkillBridge program.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally require a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is *an active duty member of a regular component of the Armed Forces of the United States* enrolled in the United States Department of Defense SkillBridge program, ~~as specified.~~ *specified, and would provide that regulations to*

*administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.*

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

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

- 1 SECTION 1. Section 115.4 of the Business and Professions
- 2 Code is amended to read:
- 3 115.4. (a) Notwithstanding any other law, on and after July 1,
- 4 2016, a board within the department shall expedite, and may assist,
- 5 the initial licensure process for an applicant who supplies
- 6 satisfactory evidence to the board that the applicant is *an active*
- 7 *duty member of a regular component of the Armed Forces of the*
- 8 *United States* enrolled in the United States Department of Defense
- 9 SkillBridge program as authorized under Section 1143(e) of Title
- 10 10 of the United States Code or has served as an active duty
- 11 member of the Armed Forces of the United States and was
- 12 honorably discharged.
- 13 (b) A board may adopt regulations necessary to administer this
- 14 ~~section.~~ *section in accordance with the provisions of Chapter 3.5*
- 15 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
- 16 *2 of the Government Code.*

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**SB 372 (Menjivar, D-San Fernando Valley/Burbank)  
(Coauthors: Senators Cortese (D-San Jose) and Wiener (D-San Francisco))  
(Coauthors: Assembly Members Lee (D-San Jose), Pellerin (D-Santa Cruz),  
and Wallis (R-Palm Springs))**

**Department of Consumer Affairs: licensee and registrant records:  
name and gender changes.**

**Status/History:** 3/27/2023 – Passed Senate Business, Professions and Economic Development Committee; referred to Senate Judiciary Committee; set for hearing on 4/18/2023

**Location:** 3/29/2023 – Senate Committee on Judiciary

**Introduced:** 2/9/2023

**Last Amended:** 3/20/2023

**Board Position:** Pending

**Board Staff Analysis:** 4/3/2023

**Bill Summary:** This bill would require a board to update a licensee’s records, including records contained within an online verification system, to include the licensee’s updated legal name or gender if the board receives government-issued documentation, as described, from the licensee demonstrating that the licensee’s legal name or gender has been changed. The bill would also require the board to remove the licensee’s former name or gender from its online verification system and treat this information as confidential. The board would be required to establish a process to allow a person to request and obtain this information, as prescribed. Additionally, the bill would require the board, if requested, to reissue specified documents issued to the licensee with their updated legal name or gender.

**Affected Laws:** An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** This bill is co-sponsored by the California Association of Marriage and Family Therapists, California State Association of Psychiatrists, California Association of Social Rehabilitation Agencies, California Council of Community Behavioral Health Agencies, California Psychological Association, California Association for Licensed Professional Clinical Counselors, National Association of Social Workers – CA Chapter, and Psychiatric Physicians Alliance of California. According to the Author, “Deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously used. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online. When transgender or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation and behavior for transgender people. It is imperative that the state take every step to uplift and protect trans and non-binary Californians. DCA can help protect its over 3.4 million licensed professionals by ensuring that trans and non-binary licensees who have legally changed their names have their identities reflected on their online system.”

Both the introduced version (February 9, 2023) and the current version (as amended March 20, 2023) of the bill are included.

**Staff Recommendation:** Staff recommends the Board take a position of “Watch” on SB 372, as amended March 20, 2023.

**Introduced by Senator Menjivar**  
**(Coauthor: Senator Wiener)**  
(Coauthor: Assembly Member Pellerin)

February 9, 2023

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An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as introduced, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Under existing law, the department is composed of various boards, bureaus, committees, and commissions. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines "board" for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board to update a licensee or registrant's records, including records contained within an online license verification system, to include the licensee or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. The bill would require the board, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The bill would prohibit a board from charging a higher fee for reissuing a document

with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

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

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

1 SECTION 1. Section 27.5 is added to the Business and  
2 Professions Code, to read:

3 27.5. (a) (1) Notwithstanding any other law, if a board receives  
4 government-issued documentation, as described in subdivision  
5 (b), from a licensee or registrant demonstrating that the licensee  
6 or registrant’s legal name or gender has been changed, the board  
7 shall update their records, including any records contained within  
8 an online license verification system, to include the updated legal  
9 name or gender. If requested by the licensee or registrant, the board  
10 shall reissue any documents conferred upon the licensee or  
11 registrant with the licensee or registrant’s updated legal name or  
12 gender.

13 (2) A board shall not charge a higher fee for reissuing a  
14 document with a corrected or updated legal name or gender than  
15 the fee it charges for reissuing a document with other corrected or  
16 updated information.

17 (b) The documentation of a licensee or registrant sufficient to  
18 demonstrate a legal name or gender change includes, but is not  
19 limited to, any of the following:

- 20 (1) State-issued driver’s license or identification card.
- 21 (2) Birth certificate.
- 22 (3) Passport.
- 23 (4) Social security card.
- 24 (5) Court order indicating a name change or a gender change.

25 (c) This section does not require a board to modify records that  
26 the licensee or registrant has not requested for modification or  
27 reissuance.

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AMENDED IN SENATE MARCH 20, 2023

**SENATE BILL**

**No. 372**

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**Introduced by Senator Menjivar**

~~(Coauthor: Senator~~ *(Coauthors: Senators Cortese and Wiener)*

~~(Coauthor: (Coauthors: Assembly Member Pellerin Members Lee, Pellerin, and Wallis)~~

February 9, 2023

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An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. ~~Under existing law, the department is composed of various boards, bureaus, committees, and commissions.~~ Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines "board" for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board to update a ~~licensee~~ *licensee's* or registrant's records, including records contained within an online license verification system, to include the ~~licensee~~ *licensee's* or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. *The bill would require the board to remove the licensee's*



or registrant's former name or gender from its online license verification system and treat this information as confidential. The board would be required to establish a process to allow a person to request and obtain this information, as prescribed. The bill would require the board, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The bill would prohibit a board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

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

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

1 SECTION 1. Section 27.5 is added to the Business and  
2 Professions Code, to read:  
3 27.5. (a) (1) Notwithstanding any other law, if a board receives  
4 government-issued documentation, as described in subdivision  
5 (b), from a licensee or registrant demonstrating that the licensee  
6 licensee's or registrant's legal name or gender has been changed,  
7 the board shall update their records, including any records  
8 contained within an online license verification system, to include  
9 the updated legal name or gender. ~~If requested by the licensee or~~  
10 ~~registrant, the board shall reissue any documents conferred upon~~  
11 ~~the licensee or registrant with the licensee or registrant's updated~~  
12 ~~legal name or gender.~~  
13 (2) (A) *If the board operates an online license verification*  
14 *system, it shall remove the licensee's or registrant's former name*  
15 *upon receipt of government-issued documentation, as described*  
16 *in subdivision (b). The licensee's or registrant's former name and*  
17 *gender shall be deemed confidential.*  
18 (B) *The board shall establish a process for providing a*  
19 *licensee's or registrant's former name and gender upon receipt*

1 of a request that is related to a complaint against the licensee or  
2 registrant.

3 (C) In establishing a process to provide a licensee’s or  
4 registrant’s former name and gender, the board shall consider  
5 respect for the licensee’s or registrant’s privacy and safety.

6 ~~(2)~~

7 (3) If requested by the licensee or registrant, the board shall  
8 reissue any documents conferred upon the licensee or registrant  
9 with the licensee’s or registrant’s updated legal name or gender.

10 A board shall not charge a higher fee for reissuing a document  
11 with a corrected or updated legal name or gender than the fee it  
12 charges for reissuing a document with other corrected or updated  
13 information.

14 (b) The documentation of a licensee or registrant sufficient to  
15 demonstrate a legal name or gender change includes, but is not  
16 limited to, any of the following:

- 17 (1) State-issued driver’s license or identification card.
- 18 (2) Birth certificate.
- 19 (3) Passport.
- 20 (4) Social security card.
- 21 (5) Court order indicating a name change or a gender change.

22 (c) This section does not require a board to modify records that  
23 the licensee or registrant has not requested for modification or  
24 reissuance.

25 *SEC. 2. The Legislature finds and declares that Section 1 of*  
26 *this act, which adds Section 27.5 to the Business and Professions*  
27 *Code, imposes a limitation on the public’s right of access to the*  
28 *meetings of public bodies or the writings of public officials and*  
29 *agencies within the meaning of Section 3 of Article I of the*  
30 *California Constitution. Pursuant to that constitutional provision,*  
31 *the Legislature makes the following findings to demonstrate the*  
32 *interest protected by this limitation and the need for protecting*  
33 *that interest:*

34 *In order to protect the privacy rights and safety of individuals,*  
35 *it is necessary that this act limit the public’s right of access to that*  
36 *information.*

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## SB 544 (Laird, D-Santa Cruz)

### Bagley-Keene Open Meeting Act: teleconferencing.

**Status/History:** 3/29/2023 – Referred to Senate Committees on Governmental Organization and Judiciary.

**Location:** 3/29/2023 – Senate Committee on Governmental Organization

**Introduced:** 2/15/2023

**Last Amended:** 3/20/2023

**Board Position:** Pending

**Board Staff Analysis:** 4/3/2023

**Bill Summary:** Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting. Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.

This bill, as amended March 20, 2023, would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting. This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or

accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

**Affected Laws:** An act to amend Section 11123 of the Government Code, relating to state government.

**Staff Comment:** This bill would allow the Board to conduct its meetings virtually (“via teleconference”) without identifying each location from which a Board Member is participating. It would require that if the Board chose to conduct a meeting virtually, it would have to provide a minimum of one physical location where the public could attend and participate in the meeting; a Board Member or a Board staff person would be required to be present at that location. The Board would still be able to conduct in-person meetings without providing a virtual option.

**Staff Recommendation:** Staff recommends the Board take a position of “Support” on SB 544, as amended March 20, 2023.

AMENDED IN SENATE MARCH 20, 2023

**SENATE BILL**

**No. 544**

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**Introduced by Senator Laird**

February 15, 2023

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An act to amend Section ~~50280.1~~ *11123* of the Government Code, relating to ~~local~~ *state* government.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Laird. ~~Historical—property—contracts—~~  
*Bagley-Keene Open Meeting Act: teleconferencing.*

*Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.*

*Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.*

*This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each*

*teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.*

*This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.*

*Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.*

*This bill would make legislative findings to that effect.*

~~Existing law authorizes an owner of any qualified historical property, as defined, to contract with the legislative body of a city, county, or city and county, to restrict the use of the property, as specified, in exchange for lowered assessment values.~~

~~This bill would make nonsubstantive changes to the provisions that define a qualified historical property.~~

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

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

1     SECTION 1. Section 11123 of the Government Code is  
2 amended to read:

3     11123. (a) All meetings of a state body shall be open and  
4 public and all persons shall be permitted to attend any meeting of  
5 a state body except as otherwise provided in this article.

6     (b) (1) This article does not prohibit a state body from holding  
7 an open or closed meeting by teleconference for the benefit of the  
8 public and state body. The meeting or proceeding held by  
9 teleconference shall otherwise comply with all applicable  
10 requirements or laws relating to a specific type of meeting or  
11 proceeding, including the following:

12     (A) The teleconferencing meeting shall comply with all  
13 requirements of this article applicable to other meetings.

14     (B) The portion of the teleconferenced meeting that is required  
15 to be open to the public shall be audible to the public at the location  
16 specified in the notice of the meeting.

17     (C) If the state body elects to conduct a meeting or proceeding  
18 by teleconference, it shall ~~post agendas at all teleconference~~  
19 ~~locations and~~ conduct teleconference meetings in a manner that  
20 protects the rights of any party or member of the public appearing  
21 before the state body. ~~Each teleconference location shall be~~  
22 ~~identified in the notice and agenda of the meeting or proceeding,~~  
23 ~~and each teleconference location shall be accessible to the public.~~  
24 *The state body shall provide a means by which the public may*  
25 *remotely hear audio of the meeting, remotely observe the meeting,*  
26 *or attend the meeting by providing on the posted agenda a*  
27 *teleconference telephone number, an internet website or other*  
28 *online platform, and a physical address for at least one site,*  
29 *including, if available, access equivalent to the access for a*  
30 *member of the state body participating remotely. The applicable*  
31 *teleconference telephone number, internet website or other online*  
32 *platform, and physical address indicating how the public can*  
33 *access the meeting remotely and in person shall be specified in*  
34 *any notice required by this article.*

35     (D) *The agenda shall provide an opportunity for members of*  
36 *the public to address the state body directly pursuant to Section*  
37 *11125.7 at each teleconference location. 11125.7.*

38     (⊕)

1 (E) All votes taken during a teleconferenced meeting shall be  
2 by rollcall.

3 ~~(E)~~

4 (F) The portion of the teleconferenced meeting that is closed  
5 to the public may not include the consideration of any agenda item  
6 being heard pursuant to Section 11125.5.

7 ~~(F)~~

8 (G) At least one member *or staff* of the state body shall be  
9 physically present at the location specified in the notice of the  
10 meeting.

11 (2) For the purposes of this subdivision, “teleconference” means  
12 a meeting of a state body, the members of which are at different  
13 locations, connected by electronic means, through either audio or  
14 both audio and video. This section does not prohibit a state body  
15 from providing members of the public with additional locations  
16 in which the public may observe or address the state body by  
17 electronic means, through either audio or both audio and video.

18 (c) *If a state body holds a meeting through teleconferencing*  
19 *pursuant to this section and allows members of the public to*  
20 *observe and address the meeting telephonically or otherwise*  
21 *electronically, the state body shall also do both of the following:*

22 (1) *Implement a procedure for receiving and swiftly resolving*  
23 *requests for reasonable modification or accommodation from*  
24 *individuals with disabilities, consistent with the federal Americans*  
25 *with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and*  
26 *resolving any doubt whatsoever in favor of accessibility.*

27 (2) *Advertise that procedure each time notice is given of the*  
28 *means by which members of the public may observe the meeting*  
29 *and offer public comment.*

30 ~~(e)~~

31 (d) The state body shall publicly report any action taken and  
32 the vote or abstention on that action of each member present for  
33 the action.

34 (e) *For purposes of this section, “participate remotely” means*  
35 *participation in a meeting at a location other than the physical*  
36 *location designated in the agenda of the meeting.*

37 *SEC. 2. The Legislature finds and declares that Section 1 of*  
38 *this act, which amends Section 11123 of the Government Code,*  
39 *imposes a limitation on the public’s right of access to the meetings*  
40 *of public bodies or the writings of public officials and agencies*



1 *within the meaning of Section 3 of Article I of the California*  
2 *Constitution. Pursuant to that constitutional provision, the*  
3 *Legislature makes the following findings to demonstrate the interest*  
4 *protected by this limitation and the need for protecting that*  
5 *interest:*

6 *(a) By removing the requirement for agendas to be placed at*  
7 *the location of each public official participating in a public meeting*  
8 *remotely, including from the member’s private home or hotel room,*  
9 *this act protects the personal, private information of public officials*  
10 *and their families while preserving the public’s right to access*  
11 *information concerning the conduct of the people’s business.*

12 *(b) During the COVID-19 public health emergency, audio and*  
13 *video teleconference were widely used to conduct public meetings*  
14 *in lieu of physical location meetings, and those public meetings*  
15 *have been productive, increased public participation by all*  
16 *members of the public regardless of their location and ability to*  
17 *travel to physical meeting locations, increased the pool of people*  
18 *who are able to serve on these bodies, protected the health and*  
19 *safety of civil servants and the public, and have reduced travel*  
20 *costs incurred by members of state bodies and reduced work hours*  
21 *spent traveling to and from meetings.*

22 *(c) Conducting audio and video teleconference meetings*  
23 *enhances public participation and the public’s right of access to*  
24 *meetings of the public bodies by improving access for individuals*  
25 *that often face barriers to physical attendance.*

26 ~~SECTION 1. Section 50280.1 of the Government Code is~~  
27 ~~amended to read:~~

28 ~~50280.1. “Qualified historical property” for purposes of this~~  
29 ~~article, means privately owned property that is not exempt from~~  
30 ~~property taxation and that meets either of the following criteria:~~

31 ~~(a) The property is listed in the National Register of Historic~~  
32 ~~Places or is located in a registered historic district, as defined in~~  
33 ~~Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.~~

34 ~~(b) The property is listed in any state, city, county, or city and~~  
35 ~~county official register of historical or architecturally significant~~  
36 ~~sites, places, or landmarks.~~

O

## SB 802 (Roth, D-Riverside)

### **Licensing boards: disqualification from licensure: criminal conviction.**

**Status/History:** 3/29/2023 – Passed Senate Committee on Business, Professions and Economic Development; referred to Senate Committee on Appropriations with recommendation to consent calendar; set for hearing on 4/10/2023.

**Location:** 3/27/2023 – Senate Committee on Appropriations

**Introduced:** 2/17/2023

**Board Position:** Pending

**Board Staff Analysis:** 4/3/2023

**Bill Summary:** Existing law authorizes a board to deny a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. Existing law requires a board to notify the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history.

If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, this bill would require a board to notify the applicant in writing within 30 days after a decision is made, as specified.

**Affected Laws:** An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

**Staff Comment:** The Author is the Sponsor of this bill. According to the Author, SB 802 makes clarifying changes to ensure timely communication with applicants for licensure to provide more certainty in their path toward employability and participating in the economic marketplace.

Board staff does not believe the provisions of this bill would impact the Board's workload or operations as we already notify applicants within 30 days if we are denying their application.

**Staff Recommendation:** Staff recommends the Board take a position of "Watch" on SB 802.

**Introduced by Senator Roth**

February 17, 2023

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

LEGISLATIVE COUNSEL'S DIGEST

SB 802, as introduced, Roth. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. Existing law requires a board to notify the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history.

If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, this bill would require a board to notify the applicant in writing within 30 days after a decision is made, as specified.

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

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

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

1 480. (a) Notwithstanding any other provision of this code, a  
2 board may deny a license regulated by this code on the grounds  
3 that the applicant has been convicted of a crime or has been subject  
4 to formal discipline only if either of the following conditions are  
5 met:

6 (1) The applicant has been convicted of a crime within the  
7 preceding seven years from the date of application that is  
8 substantially related to the qualifications, functions, or duties of  
9 the business or profession for which the application is made,  
10 regardless of whether the applicant was incarcerated for that crime,  
11 or the applicant has been convicted of a crime that is substantially  
12 related to the qualifications, functions, or duties of the business or  
13 profession for which the application is made and for which the  
14 applicant is presently incarcerated or for which the applicant was  
15 released from incarceration within the preceding seven years from  
16 the date of application. However, the preceding seven-year  
17 limitation shall not apply in either of the following situations:

18 (A) The applicant was convicted of a serious felony, as defined  
19 in Section 1192.7 of the Penal Code or a crime for which  
20 registration is required pursuant to paragraph (2) or (3) of  
21 subdivision (d) of Section 290 of the Penal Code.

22 (B) The applicant was convicted of a financial crime currently  
23 classified as a felony that is directly and adversely related to the  
24 fiduciary qualifications, functions, or duties of the business or  
25 profession for which the application is made, pursuant to  
26 regulations adopted by the board, and for which the applicant is  
27 seeking licensure under any of the following:

28 (i) Chapter 6 (commencing with Section 6500) of Division 3.

29 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

30 (iii) Chapter 11.3 (commencing with Section 7512) of Division  
31 3.

32 (iv) Licensure as a funeral director or cemetery manager under  
33 Chapter 12 (commencing with Section 7600) of Division 3.

34 (v) Division 4 (commencing with Section 10000).

35 (2) The applicant has been subjected to formal discipline by a  
36 licensing board in or outside California within the preceding seven  
37 years from the date of application based on professional misconduct  
38 that would have been cause for discipline before the board for  
39 which the present application is made and that is substantially  
40 related to the qualifications, functions, or duties of the business or

1 profession for which the present application is made. However,  
2 prior disciplinary action by a licensing board within the preceding  
3 seven years shall not be the basis for denial of a license if the basis  
4 for that disciplinary action was a conviction that has been dismissed  
5 pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425  
6 of the Penal Code or a comparable dismissal or expungement.  
7 Formal discipline that occurred earlier than seven years preceding  
8 the date of application may be grounds for denial of a license only  
9 if the formal discipline was for conduct that, if committed in this  
10 state by a physician and surgeon licensed pursuant to Chapter 5  
11 (commencing with Section 2000) of Division 2, would have  
12 constituted an act of sexual abuse, misconduct, or relations with  
13 a patient pursuant to Section 726 or sexual exploitation as defined  
14 in subdivision (a) of Section 729.

15 (b) Notwithstanding any other provision of this code, a person  
16 shall not be denied a license on the basis that the person has been  
17 convicted of a crime, or on the basis of acts underlying a conviction  
18 for a crime, if that person has obtained a certificate of rehabilitation  
19 under Chapter 3.5 (commencing with Section 4852.01) of Title 6  
20 of Part 3 of the Penal Code, has been granted clemency or a pardon  
21 by a state or federal executive, or has made a showing of  
22 rehabilitation pursuant to Section 482.

23 (c) Notwithstanding any other provision of this code, a person  
24 shall not be denied a license on the basis of any conviction, or on  
25 the basis of the acts underlying the conviction, that has been  
26 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42,  
27 or 1203.425 of the Penal Code, or a comparable dismissal or  
28 expungement. An applicant who has a conviction that has been  
29 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42  
30 of the Penal Code shall provide proof of the dismissal if it is not  
31 reflected on the report furnished by the Department of Justice.

32 (d) Notwithstanding any other provision of this code, a board  
33 shall not deny a license on the basis of an arrest that resulted in a  
34 disposition other than a conviction, including an arrest that resulted  
35 in an infraction, citation, or a juvenile adjudication.

36 (e) A board may deny a license regulated by this code on the  
37 ground that the applicant knowingly made a false statement of fact  
38 that is required to be revealed in the application for the license. A  
39 board shall not deny a license based solely on an applicant's failure

1 to disclose a fact that would not have been cause for denial of the  
2 license had it been disclosed.

3 (f) A board shall follow the following procedures in requesting  
4 or acting on an applicant's criminal history information:

5 (1) A board issuing a license pursuant to Chapter 3 (commencing  
6 with Section 5500), Chapter 3.5 (commencing with Section 5615),  
7 Chapter 10 (commencing with Section 7301), Chapter 20  
8 (commencing with Section 9800), or Chapter 20.3 (commencing  
9 with Section 9880), of Division 3, or Chapter 3 (commencing with  
10 Section 19000) or Chapter 3.1 (commencing with Section 19225)  
11 of Division 8 may require applicants for licensure under those  
12 chapters to disclose criminal conviction history on an application  
13 for licensure.

14 (2) Except as provided in paragraph (1), a board shall not require  
15 an applicant for licensure to disclose any information or  
16 documentation regarding the applicant's criminal history. However,  
17 a board may request mitigating information from an applicant  
18 regarding the applicant's criminal history for purposes of  
19 determining substantial relation or demonstrating evidence of  
20 rehabilitation, provided that the applicant is informed that  
21 disclosure is voluntary and that the applicant's decision not to  
22 disclose any information shall not be a factor in a board's decision  
23 to grant or deny an application for licensure.

24 (3) If a board decides to deny an application for licensure based  
25 solely or in part on the applicant's conviction history, the board  
26 shall notify the applicant in ~~writing~~ *writing, within 30 days after*  
27 *a decision is made*, of all of the following:

28 (A) The denial or disqualification of licensure.

29 (B) Any existing procedure the board has for the applicant to  
30 challenge the decision or to request reconsideration.

31 (C) That the applicant has the right to appeal the board's  
32 decision.

33 (D) The processes for the applicant to request a copy of the  
34 applicant's complete conviction history and question the accuracy  
35 or completeness of the record pursuant to Sections 11122 to 11127  
36 of the Penal Code.

37 (g) (1) For a minimum of three years, each board under this  
38 code shall retain application forms and other documents submitted  
39 by an applicant, any notice provided to an applicant, all other

1 communications received from and provided to an applicant, and  
2 criminal history reports of an applicant.

3 (2) Each board under this code shall retain the number of  
4 applications received for each license and the number of  
5 applications requiring inquiries regarding criminal history. In  
6 addition, each licensing authority shall retain all of the following  
7 information:

8 (A) The number of applicants with a criminal record who  
9 received notice of denial or disqualification of licensure.

10 (B) The number of applicants with a criminal record who  
11 provided evidence of mitigation or rehabilitation.

12 (C) The number of applicants with a criminal record who  
13 appealed any denial or disqualification of licensure.

14 (D) The final disposition and demographic information,  
15 consisting of voluntarily provided information on race or gender,  
16 of any applicant described in subparagraph (A), (B), or (C).

17 (3) (A) Each board under this code shall annually make  
18 available to the public through the board's internet website and  
19 through a report submitted to the appropriate policy committees  
20 of the Legislature deidentified information collected pursuant to  
21 this subdivision. Each board shall ensure confidentiality of the  
22 individual applicants.

23 (B) A report pursuant to subparagraph (A) shall be submitted  
24 in compliance with Section 9795 of the Government Code.

25 (h) "Conviction" as used in this section shall have the same  
26 meaning as defined in Section 7.5.

27 (i) This section does not in any way modify or otherwise affect  
28 the existing authority of the following entities in regard to  
29 licensure:

30 (1) The State Athletic Commission.

31 (2) The Bureau for Private Postsecondary Education.

32 (3) The California Horse Racing Board.

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## SB 818 (Roth, D-Riverside)

### Department of Consumer Affairs: terms of office: fingerprinting.

**Status/History:** 3/30/2023 – Passed Senate. In Assembly; read first time; held at Desk.

**Location:** 3/30/2023 – Assembly Desk

**Introduced:** 2/17/2023

**Board Position:** Pending

**Board Staff Analysis:** 4/3/2023

**Bill Summary:** This bill makes non-substantive changes to Business and Professions Code sections 130 and 144 to update the names of various boards.

**Affected Laws:** An act to amend Sections 130 and 144 of the Business and Professions Code, relating to consumer affairs.

**Staff Comment:** Section 130 lists boards whose member terms end on June 1. This Board is included in this list under its previous name; this bill would update the name of the Board to its current name.

Business and Professions Code section 6712, which is part of the Professional Engineers Act, specifies that the terms of the members of this Board end on June 30. Section 6712 was amended in 2006 during the Sunset Review process. From information Board staff has been able to find, the intent at that time was to remove the Board from the list in Section 130 so that there would not be confusion regarding the end dates of Board Member terms. For some reason, this change was not made; it is believed that this section was overlooked. However, the appointing authorities (Governor, Assembly, and Senate) are aware that our Board Member terms end on June 30, rather than June 1, since it is specified in the Professional Engineers Act. Board staff has discussed this issue with the Author's staff and requested that the Board be removed from the list altogether. The Author's staff indicated they will consider this request.

**Staff Recommendation:** Staff recommends the Board take a position of "Watch" on SB 818.



**Introduced by Senator Roth**

February 17, 2023

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An act to amend Sections 130 and 144 of the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 818, as introduced, Roth. Department of Consumer Affairs: terms of office: fingerprinting.

Existing law establishes the Department of Consumer Affairs and sets forth the various boards and other entities under its jurisdiction.

Existing law changed the name of the Board for Professional Engineers and Land Surveyors to the Board of Professional Engineers, Land Surveyors, and Geologists. Existing law changed the name of the Naturopathic Medicine Committee to the California Board of Naturopathic Medicine.

This bill would make conforming changes related to these name changes.

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

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

- 1 SECTION 1. Section 130 of the Business and Professions Code
- 2 is amended to read:
- 3 130. (a) Notwithstanding any other law, the term of office of
- 4 any member of an agency designated in subdivision (b) shall be
- 5 for a term of four years expiring on June 1.
- 6 (b) Subdivision (a) applies to the following boards or
- 7 committees:

- 1 (1) The Medical Board of California.
- 2 (2) The Podiatric Medical Board of California.
- 3 (3) The Physical Therapy Board of California.
- 4 (4) The Board of Registered Nursing, except as provided in
- 5 subdivision (c) of Section 2703.
- 6 (5) The Board of Vocational Nursing and Psychiatric
- 7 Technicians.
- 8 (6) The California State Board of Optometry.
- 9 (7) The California State Board of Pharmacy.
- 10 (8) The Veterinary Medical Board.
- 11 (9) The California Architects Board.
- 12 (10) The Landscape Architect Technical Committee.
- 13 (11) ~~The Board for Professional Engineers and Land Surveyors.~~
- 14 *Engineers, Land Surveyors, and Geologists.*
- 15 (12) The Contractors State License Board.
- 16 (13) The Board of Behavioral Sciences.
- 17 (14) The Court Reporters Board of California.
- 18 (15) The State Athletic Commission.
- 19 (16) The Osteopathic Medical Board of California.
- 20 (17) The Respiratory Care Board of California.
- 21 (18) The Acupuncture Board.
- 22 (19) The Board of Psychology.
- 23 (20) The Structural Pest Control Board.
- 24 SEC. 2. Section 144 of the Business and Professions Code is
- 25 amended to read:
- 26 144. (a) Notwithstanding any other law, an agency designated
- 27 in subdivision (b) shall require an applicant to furnish to the agency
- 28 a full set of fingerprints for purposes of conducting criminal history
- 29 record checks. Any agency designated in subdivision (b) may
- 30 obtain and receive, at its discretion, criminal history information
- 31 from the Department of Justice and the United States Federal
- 32 Bureau of Investigation.
- 33 (b) Subdivision (a) applies to the following:
- 34 (1) California Board of Accountancy.
- 35 (2) State Athletic Commission.
- 36 (3) Board of Behavioral Sciences.
- 37 (4) Court Reporters Board of California.
- 38 (5) Dental Board of California.
- 39 (6) California State Board of Pharmacy.
- 40 (7) Board of Registered Nursing.

- 1 (8) Veterinary Medical Board.
- 2 (9) Board of Vocational Nursing and Psychiatric Technicians
- 3 of the State of California.
- 4 (10) Respiratory Care Board of California.
- 5 (11) Physical Therapy Board of California.
- 6 (12) Physician Assistant Board.
- 7 (13) Speech-Language Pathology and Audiology and Hearing
- 8 Aid Dispensers Board.
- 9 (14) Medical Board of California.
- 10 (15) California State Board of Optometry.
- 11 (16) Acupuncture Board.
- 12 (17) Cemetery and Funeral Bureau.
- 13 (18) Bureau of Security and Investigative Services.
- 14 (19) Division of Investigation.
- 15 (20) Board of Psychology.
- 16 (21) California Board of Occupational Therapy.
- 17 (22) Structural Pest Control Board.
- 18 (23) Contractors State License Board.
- 19 (24) ~~Naturopathic Medicine Committee.~~ *California Board of*
- 20 *Naturopathic Medicine.*
- 21 (25) Professional Fiduciaries Bureau.
- 22 (26) Board for Professional Engineers, Land Surveyors, and
- 23 Geologists.
- 24 (27) Podiatric Medical Board of California.
- 25 (28) Osteopathic Medical Board of California.
- 26 (29) California Architects Board, beginning January 1, 2021.
- 27 (30) Landscape Architects Technical Committee, beginning
- 28 January 1, 2022.
- 29 (31) Bureau of Household Goods and Services with respect to
- 30 household movers as described in Chapter 3.1 (commencing with
- 31 Section 19225) of Division 8.
- 32 (c) For purposes of paragraph (26) of subdivision (b), the term
- 33 “applicant” shall be limited to an initial applicant who has never
- 34 been registered or licensed by the board or to an applicant for a
- 35 new licensure or registration category.

O



**V. Administration**

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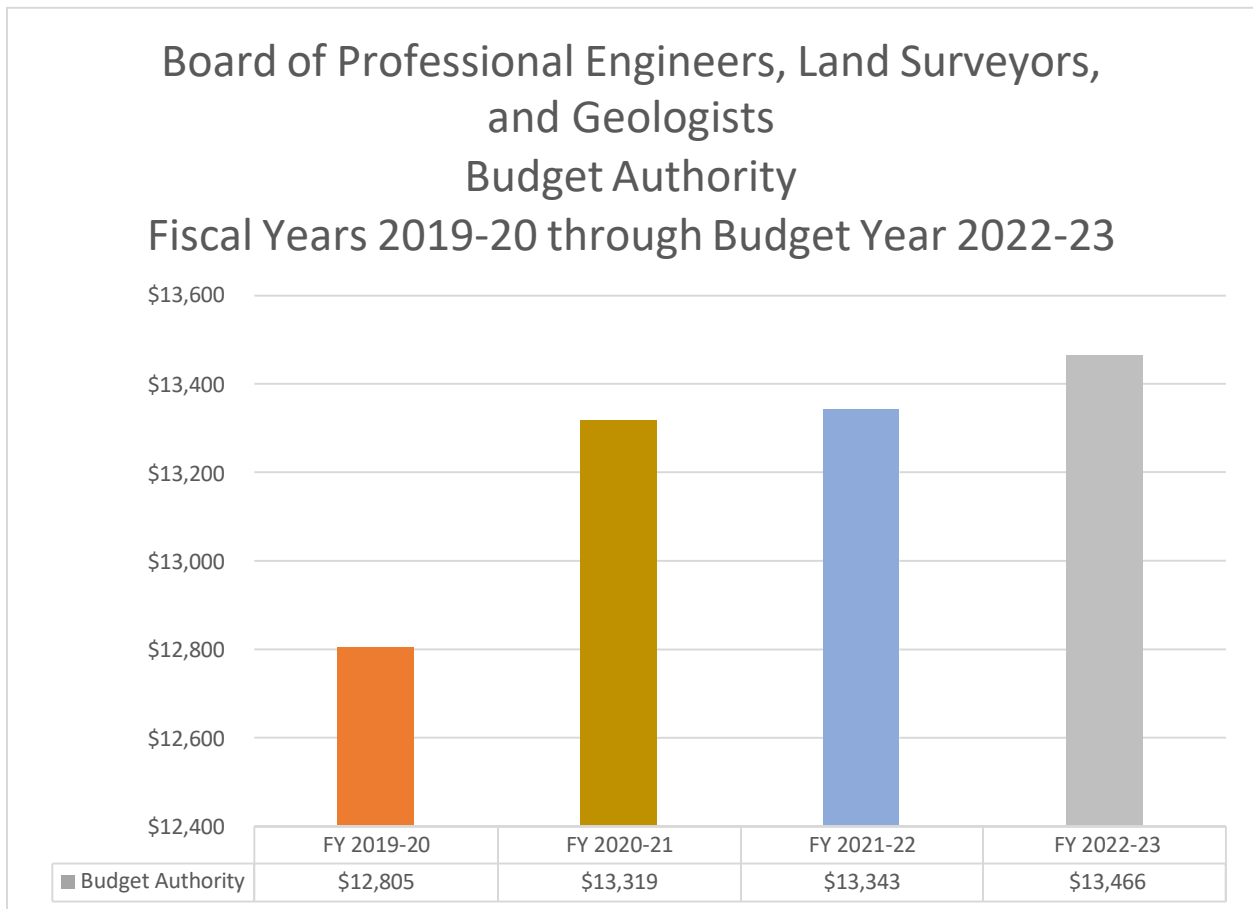
A. Fiscal Year 2022/23 Budget Report



# FINANCIAL REPORT

## BUDGET AUTHORITY

The Board's Budget Authority for fiscal year (FY) 2022-23 is \$13,466,000 (1% increase over FY 2021-22). Board actual expenditures for FY 2021-22 were 90% of Budget Authority.



GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

**Current Year Projections**  
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

**Revenue Category**  
Provides the name of the line item where our revenues occur.

**Prior Year**  
Revenue collected up to FM 4 in October of 2020.

**Arrows**  
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

**Current Year**  
Revenue collected up to FM 4 in October of 2021.

Department of Consumer Affairs  
Expenditure Projection Report

Fiscal Month: 4  
Fiscal Year: 2021 - 2022  
Run Date: 12/09/2021

**Fiscal Month**  
Identifies the expenditures up to October 2021

**Fiscal Year**  
Identifies the current year

**Run Date**  
Identifies the date this report was pulled from QBIRT

**CY 21-22 YTD + Encumbrance**  
Provides a FM 4 total of YTD Actual and Encumbrance.

**Governor's Budget**  
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

**Object Description**  
Provides the name of the line item where our expenditures occur.

**PY 20-21 YTD + Encumbrance**  
Provides a FM 4 total of YTD Actual and Encumbrance.

**Percent of Governor's Budget spent**  
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

**Projections to Year End**  
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

\*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

**Surplus/(Deficit)**  
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.



# FINANCIAL REPORT

## FISCAL YEAR 2022-23 FISCAL MONTH 8 FINANCIAL STATEMENT

### Revenues

Fee increase effective January 1, 2021, and significant increase in initial application volume has had a positive impact on revenues. Total revenue down \$927,517 (-10%) over prior year. Current Fiscal Year 2022-23 is a low volume year for renewals.

Revenue Category	PRIOR YEAR FY 2021-22 FM 8	CURRENT YEAR FY 2022-23 FM 8	CURRENT YEAR FY 2022-23 PROJECTION
Delinquent Fees	\$101,690	\$118,685	\$150,044
Other Regulatory Fees	\$77,688	\$58,810	\$117,586
Other Regulatory Licenses & Permits	\$1,383,351	\$1,261,199	\$1,638,188
Other Revenue	\$21,189	\$68,048	\$16,156
Renewal Fees	\$9,036,099	\$8,185,758	\$9,081,441
Total	\$10,620,016	\$9,692,499	\$11,003,811

There was a significant increase in FY 2021-22 initial application volume and revenue over prior years. The increase in revenue is due to the fee increase effective January 2021, and the uptick in volume of initial applications received. The current year projections do not assume the increase in volume will continue to trend up and the projections are based on the average of applications received over a five-year lookback period.

Reimbursements totaled \$61,525 including \$41,846 for background checks and \$17,929 in cost recovery. Background check expenses are included in the General Expense category.

FY 2021-22 includes \$2,650,380 Revenue in advance. FY 2022-23 includes \$2,301,473 Revenue in advance.

**Department of Consumer Affairs  
Expenditure Projection Report**

**Fiscal Month: 8**

**Fiscal Year: 2022 - 2023**

Run Date: 03/20/2023

**PERSONAL SERVICES**

Notes	Fiscal Code	PY 21-22 FM 8 YTD + Encumbrance	CY 22-23 FM 8 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$2,180,315	\$2,269,754	\$3,701,000	61%	\$3,672,254
	5100 TEMPORARY POSITIONS	\$87,793	\$92,473	\$232,000	40%	\$103,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$45,076	\$18,381	\$36,000	51%	\$41,605
	5150 STAFF BENEFITS	\$1,231,875	\$1,382,189	\$1,935,000	71%	\$2,114,142
	<b>PERSONAL SERVICES</b>	<b>\$3,545,060</b>	<b>\$3,762,798</b>	<b>\$5,904,000</b>	<b>64%</b>	<b>\$5,931,001</b>

**OPERATING EXPENSES & EQUIPMENT**

2	5301 GENERAL EXPENSE	\$94,667	\$58,347	\$32,000	182%	\$80,000
3	5302 PRINTING	\$88,633	\$54,119	\$26,000	208%	\$87,000
	5304 COMMUNICATIONS	\$9,688	\$8,938	\$15,000	60%	\$18,000
	5306 POSTAGE	\$1,462	\$2,343	\$36,000	7%	\$26,000
	5308 INSURANCE	\$0	\$0	\$0	0%	\$100
	53202-204 IN STATE TRAVEL	\$1,402	\$23,060	\$22,000	105%	\$36,500
	53206-208 OUT OF STATE TRAVEL	\$0	\$0	\$0	0%	\$2,500
	5322 TRAINING	\$2,000	\$0	\$15,000	0%	\$1,000
4	5324 FACILITIES*	\$456,527	\$442,960	\$377,000	117%	\$540,832
5	53402-53403 C/P SERVICES (INTERNAL)	\$356,290	\$385,289	\$871,000	44%	\$731,546
6	53404-53405 C/P SERVICES (EXTERNAL)	\$1,548,053	\$1,775,106	\$3,280,000	54%	\$1,808,100
7	5342 DEPARTMENT PRORATA	\$1,420,500	\$1,417,500	\$1,968,000	72%	\$1,886,000
8	5342 DEPARTMENTAL SERVICES	\$17,803	\$7,095	\$27,000	26%	\$26,000
	5344 CONSOLIDATED DATA CENTERS	\$75	\$66	\$22,000	0%	\$13,000
	5346 INFORMATION TECHNOLOGY	\$299,963	\$37,207	\$165,000	23%	\$66,065
	5362-5368 EQUIPMENT	\$19,859	\$17,815	\$0	0%	\$109,000
	5390 OTHER ITEMS OF EXPENSE	\$0	\$12	\$3,000	0%	\$50
	54 SPECIAL ITEMS OF EXPENSE	\$838	\$558	\$0	0%	\$4,100
	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$4,317,760</b>	<b>\$4,230,415</b>	<b>\$6,859,000</b>	<b>62%</b>	<b>\$5,435,793</b>
	<b>TOTALS</b>	<b>\$7,862,820</b>	<b>\$7,993,213</b>	<b>\$12,763,000</b>	<b>63%</b>	<b>\$11,366,794</b>
9	4840-4850 REIMBURSEMENTS					\$108,200
	<b>OVERALL TOTALS &amp; REIMBURSEMENTS</b>					<b>\$11,258,594</b>

\*Includes additional \$75k Architecture Revolving Fund Expenses

## Expenditure Report Notes

- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 1.0 OT.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 8 are \$41,846.
- 3 Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months.
- 4 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, security, COVID-19 sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 5 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 6 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 7 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 8 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 9 Reimbursements** - Includes Reimbursements-Private Sectors, Fingerprint Reports, US Cost Recovery, and US DOI Civil Case.

# 0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

## Analysis of Fund Condition

Prepared 03/20/2023

(Dollars in Thousands)

### PY 21-22 Actuals & CY 22-23 FM 8 Projections

	Actual 2021-22	CY 2022-23	BY 2023-24	BY+1 2024-25
<b>BEGINNING BALANCE</b>	\$ 2,351	\$ 3,405	\$ 2,119	\$ 1,541
Prior Year Adjustment	\$ 654	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,005	\$ 3,405	\$ 2,119	\$ 1,541
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>				
Revenues:				
4121200 Delinquent fees	\$ 149	\$ 150	\$ 152	\$ 150
4127400 Renewal fees	\$ 10,142	\$ 9,081	\$ 9,886	\$ 9,081
4129200 Other regulatory fees	\$ 131	\$ 118	\$ 124	\$ 118
4129400 Other regulatory licenses and permits	\$ 2,064	\$ 1,638	\$ 1,600	\$ 1,638
4163000 Income from surplus money investments	\$ 26	\$ 27	\$ 32	\$ 167
4171400 Escheat of unclaimed checks and warrants	\$ 15	\$ 16	\$ 15	\$ 16
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 12,528	\$ 11,031	\$ 11,810	\$ 11,171
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -385	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 12,143	\$ 11,031	\$ 11,810	\$ 11,171
Totals, Revenues, Transfers and Other Adjustments	\$ 15,148	\$ 14,436	\$ 13,929	\$ 12,712
<b>EXPENDITURES</b>				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,878	\$ 11,259	\$ 11,597	\$ 11,945
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 656	\$ 849	\$ 582	\$ 582
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,743	\$ 12,317	\$ 12,388	\$ 12,736
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 3,405	\$ 2,119	\$ 1,541	\$ -23
<b>Months in Reserve</b>	3.3	2.1	1.5	0.0

### NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1

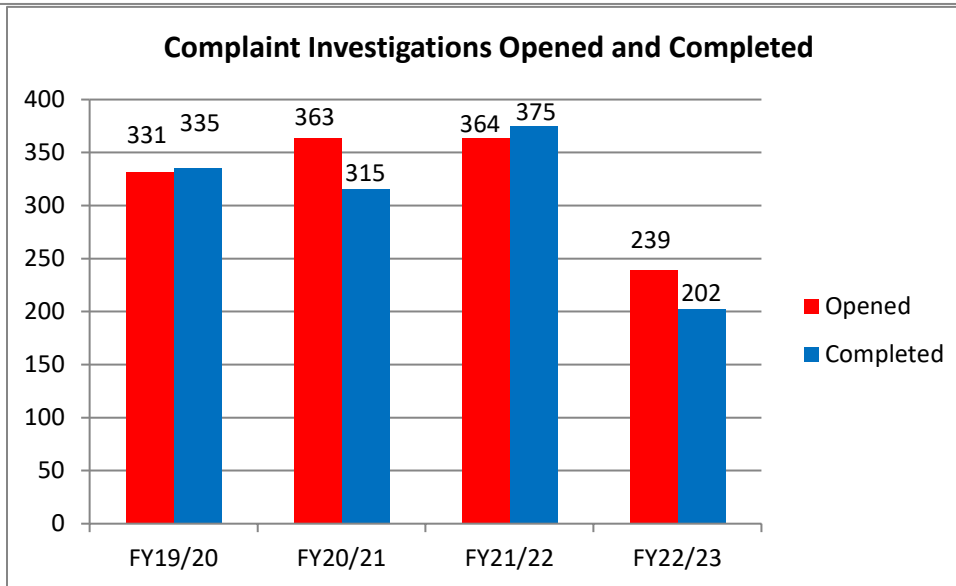
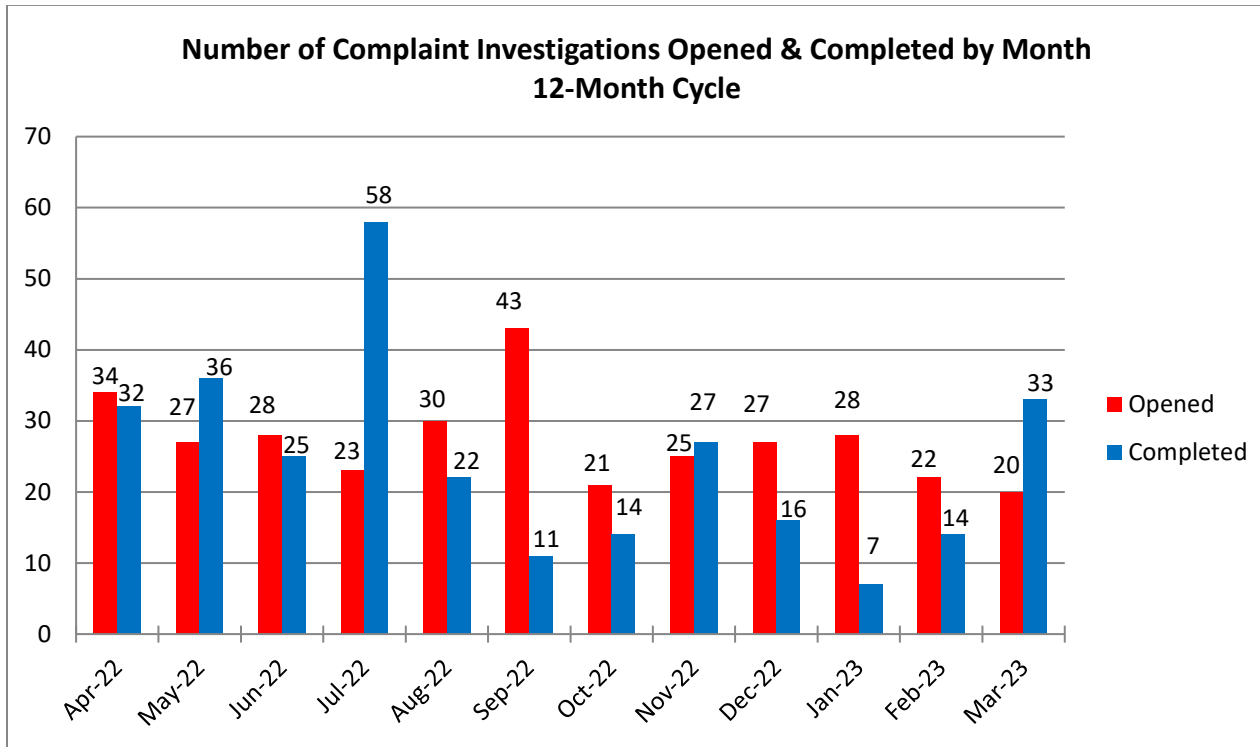
## **VI. Enforcement**

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- A. Enforcement Statistical Reports
  - 1. Fiscal Year 2022/23 Update

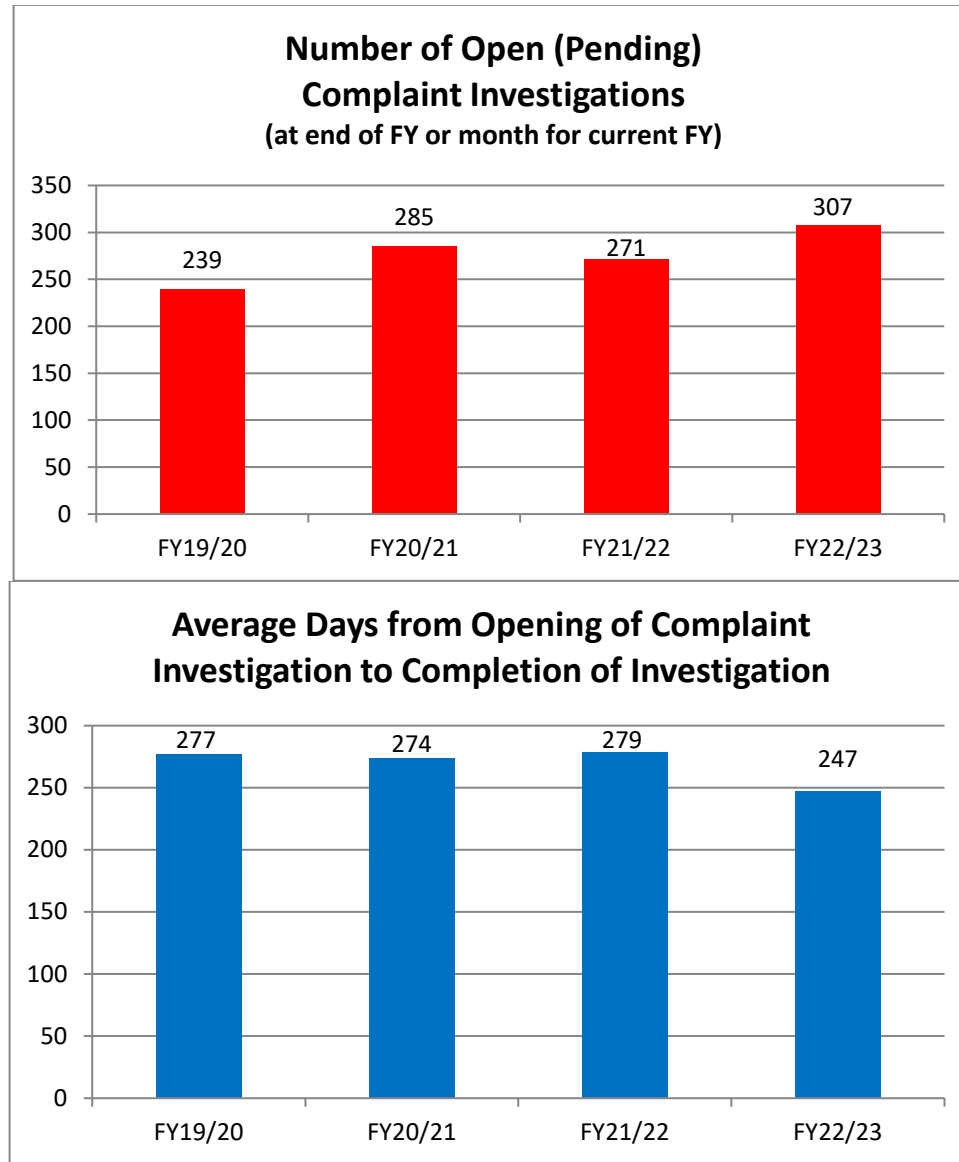


# Complaint Investigation Phase



NOTE: FY22/23 statistics are through March 31, 2023

# Complaint Investigation Phase



NOTE: FY22/23 statistics are through March 31, 2023

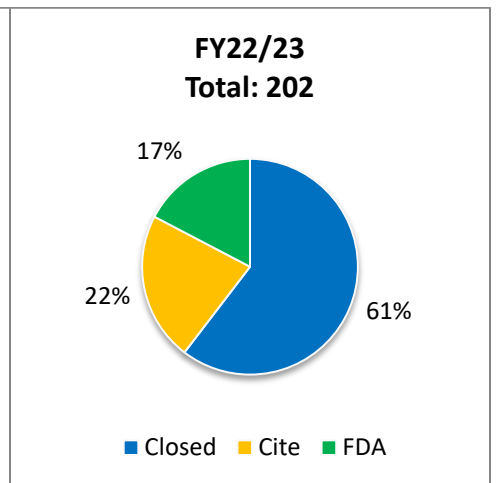
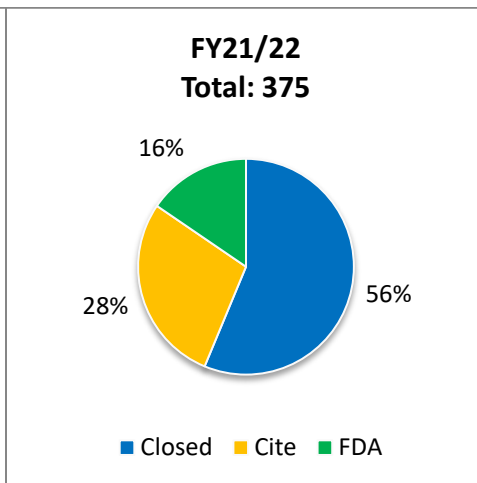
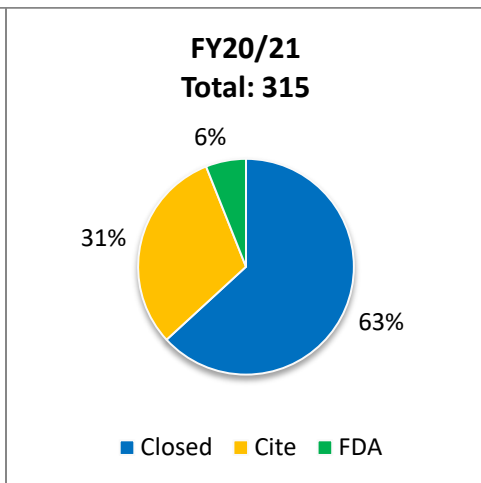
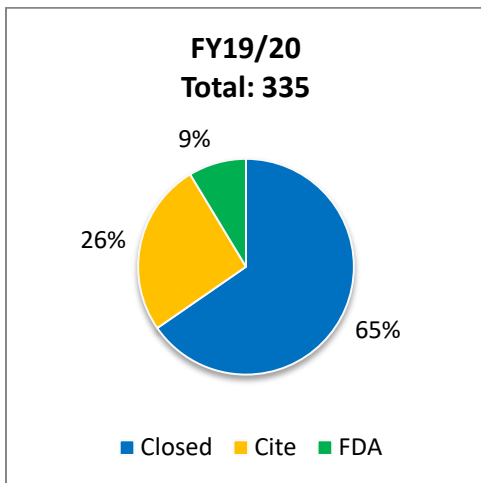
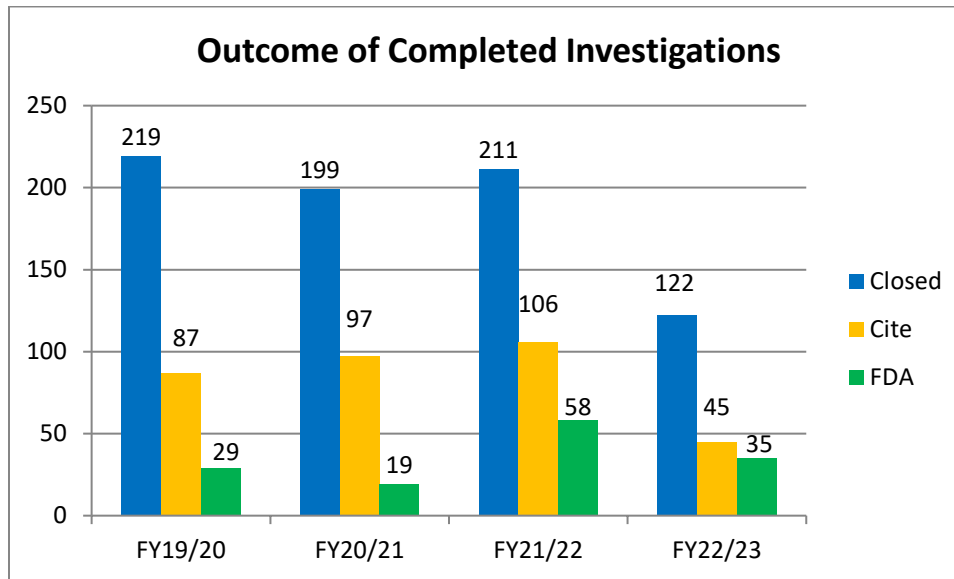


# Complaint Investigation Phase

## Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



# Complaint Investigation Phase Outcome of Completed Investigations



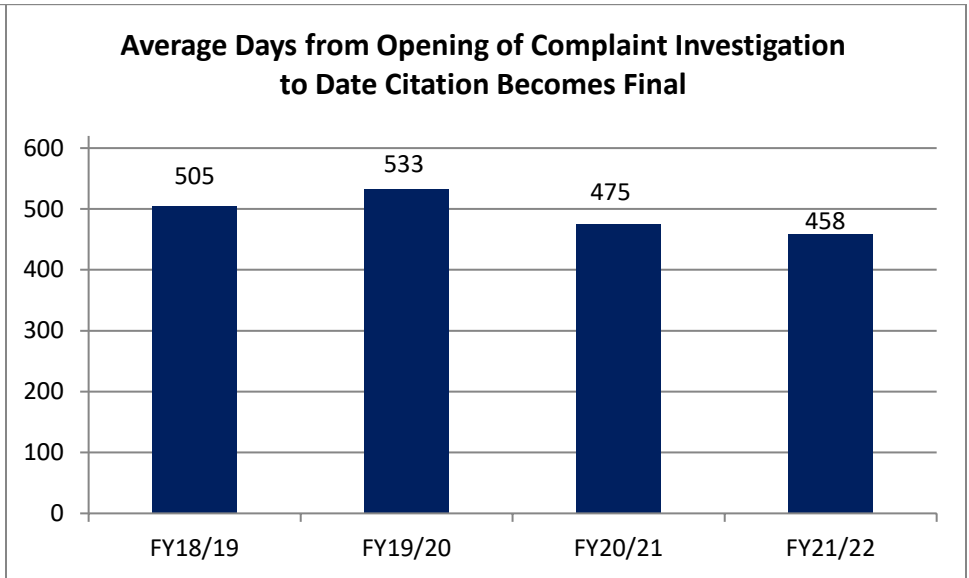
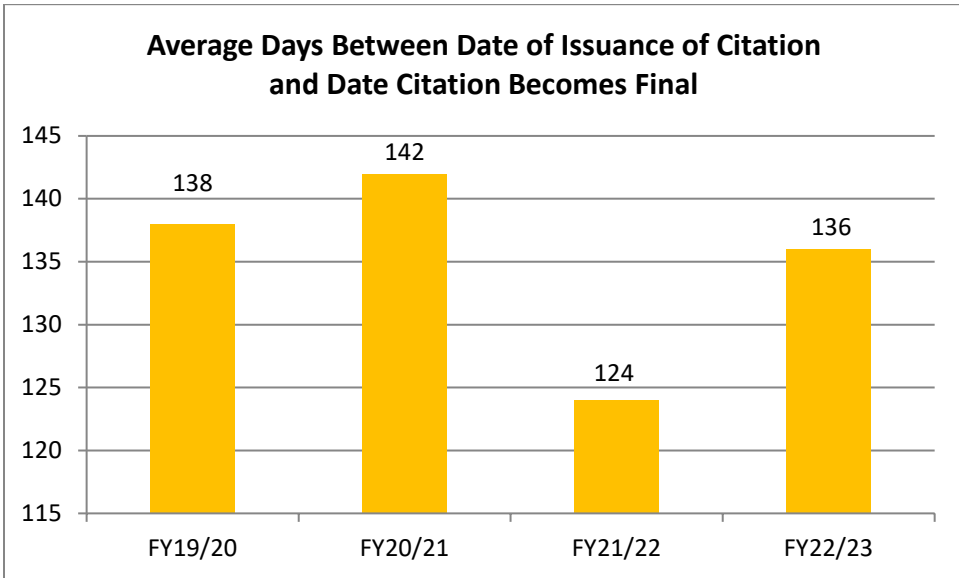
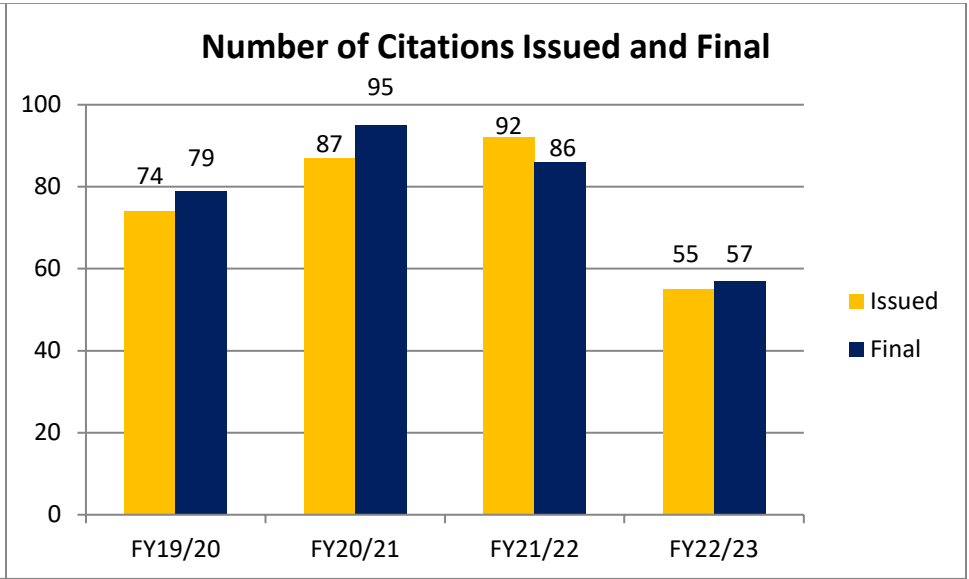
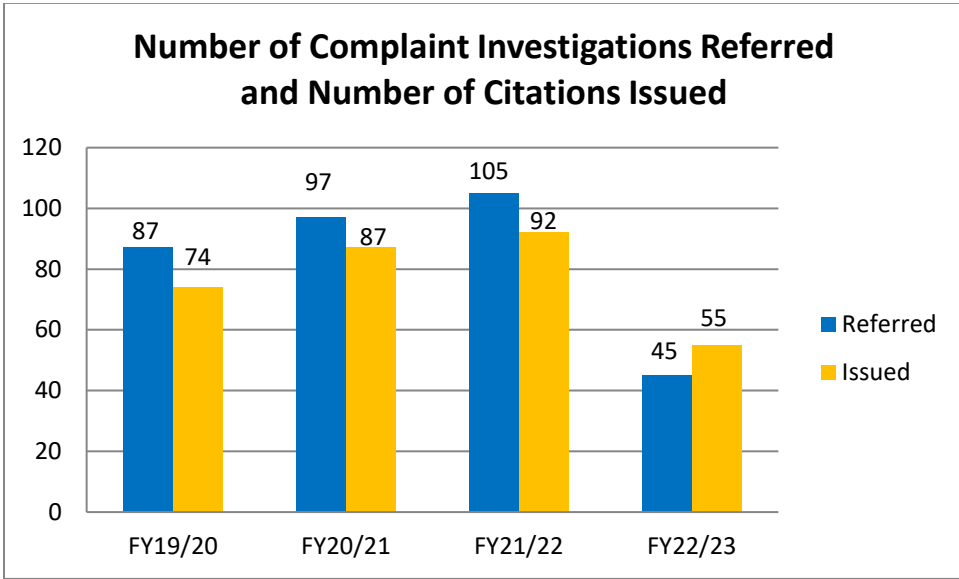
**NOTE: FY22/23 statistics are through March 31, 2023**

Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

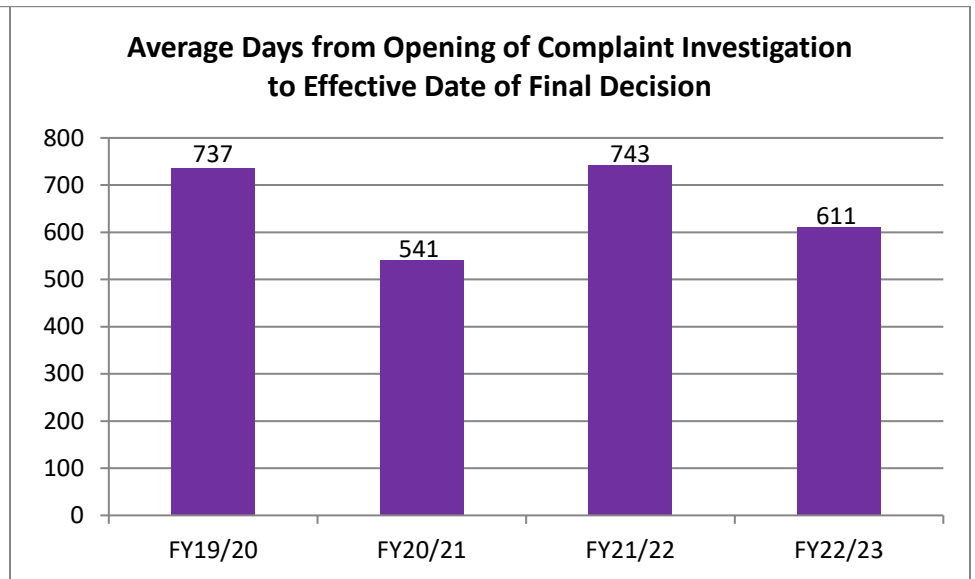
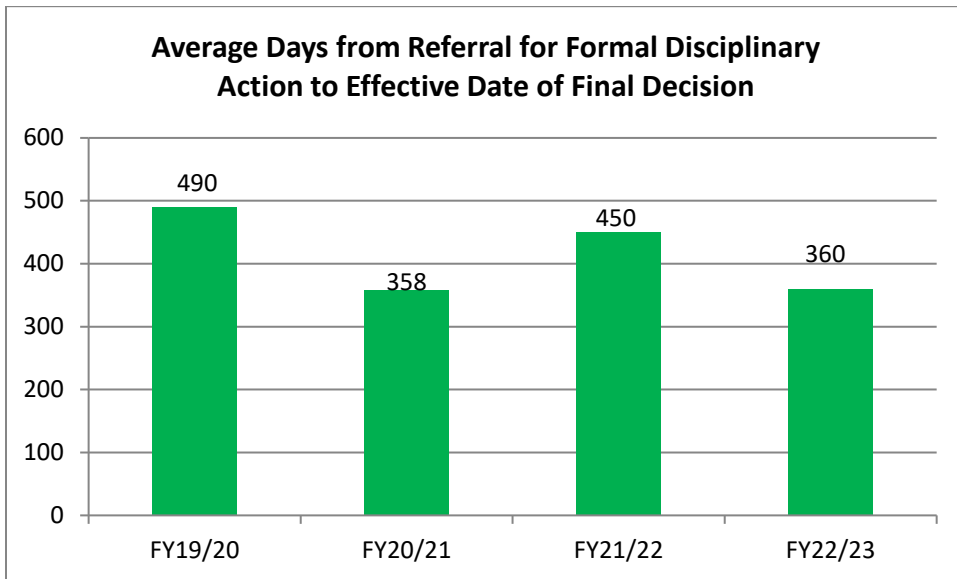
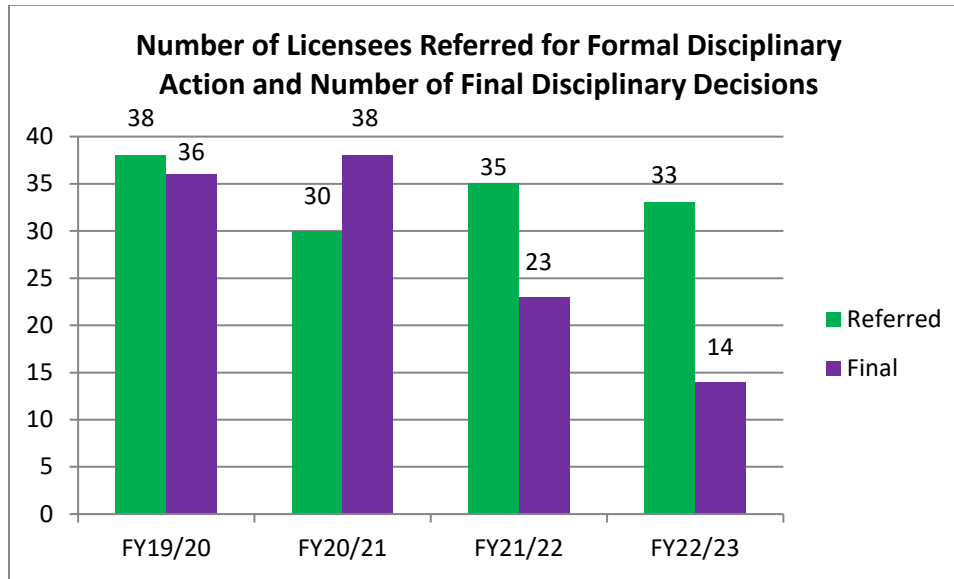
FDA = Referred for Formal Disciplinary Action

# Citations (Informal Enforcement Actions)



NOTE: FY22/23 statistics are through March 31, 2023

# Formal Disciplinary Actions Against Licensees



NOTE: FY22/23 statistics are through March 31, 2023

## Complaint Investigation Phase

### Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
April 2022	34	32
May 2022	27	36
June 2022	28	25
July 2022	23	58
August 2022	30	22
September 2022	43	11
October 2022	21	14
November 2022	25	27
December 2022	27	16
January 2023	28	7
February 2023	22	14
March 2023	20	33

### Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2019/20	331	335
2020/21	363	315
2021/22	336	350
2022/23	239	202

Current Fiscal Year through March 31, 2023

### Number of Open (Pending) Complaint Investigations (at end of FY or month for current FY)

Fiscal Year	Number of Open (Pending) Complaint Investigations
2019/20	239
2020/21	285
2021/22	268
2022/23	307

Current Fiscal Year through March 31, 2023

## Complaint Investigation Phase

### Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2019/20	277
2020/21	274
2021/22	278
2022/23	247

Current Fiscal Year through March 31, 2023

### Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	122	61%	45	22%	35	17%

Current Fiscal Year through March 31, 2023

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

## Complaint Investigation Phase

### Aging of Open (Pending) Complaint Investigation Cases 12-Month Cycle

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
April 2022	33	17	41	20	36	56	34	39	1	0
May 2022	27	32	17	40	34	39	44	34	1	0
June 2022	28	27	30	16	58	43	25	43	1	0
July 2022	22	25	26	25	31	37	35	31	3	0
August 2022	23	24	22	28	29	47	29	38	3	0
September 2022	42	23	24	22	46	44	36	35	3	0
October 2022	20	36	25	25	44	40	45	45	2	0
November 2022	24	18	30	23	42	49	43	49	2	0
December 2022	26	24	16	28	43	50	39	62	3	0
January 2023	27	26	13	26	48	57	39	73	3	0
February 2023	21	23	26	22	44	59	41	81	3	0
March 2023	19	19	21	26	27	67	48	77	3	0

## Citations (Informal Enforcement Actions)

### Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2019/20	87	74
2020/21	97	87
2021/22	105	87
2022/23	45	55

Current Fiscal Year through March 31, 2023

### Number of Citations Issued and Final

Fiscal Year	Issued	Final
2019/20	74	79
2020/21	87	95
2021/22	87	85
2022/23	55	57

Current Fiscal Year through March 31, 2023

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

Fiscal Year	Number of Days
2019/20	138
2020/21	142
2021/22	125
2022/23	136

Current Fiscal Year through March 31, 2023

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

Fiscal Year	Number of Days
2019/20	505
2020/21	533
2021/22	475
2022/23	458

Current Fiscal Year through March 31, 2023



## Formal Disciplinary Actions Against Licensees

### Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2019/20	38	35
2020/21	30	38
2021/22	32	19
2022/23	33	14

Current Fiscal Year through March 31, 2023

### Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2019/20	490
2020/21	358
2021/22	419
2022/23	360

Current Fiscal Year through March 31, 2023

### Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2019/20	737
2020/21	541
2021/22	747
2022/23	611

Current Fiscal Year through March 31, 2023



**VII. Exams/Licensing**

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- A. Examination/Licensing Updates
- B. ASBOG Spring Examination Updates



# 2022 Exam Results Statistics

## 2022-California State Specific Civil Engineer Examination Results

First Quarter 2022			
<b>Civil Engineer - Seismic Principles</b>			
	Total Number of Candidates	Number Passed	Pass %
January	86	50	58%
February	119	69	58%
March	222	96	43%
<b>Total</b>	<b>427</b>	<b>215</b>	<b>50%</b>
<b>Civil Engineer - Engineering Surveying</b>			
	Total Number of Candidates	Number Passed	Pass %
January	74	43	58%
February	125	73	58%
March	222	108	49%
<b>Total</b>	<b>421</b>	<b>224</b>	<b>53%</b>
Second Quarter 2022			
<b>Civil Engineer - Seismic Principles</b>			
	Total Number of Candidates	Number Passed	Pass %
April	211	121	57%
May	177	95	54%
June	240	106	44%
<b>Total</b>	<b>628</b>	<b>322</b>	<b>51%</b>
<b>Civil Engineer - Engineering Surveying</b>			
	Total Number of Candidates	Number Passed	Pass %
April	215	120	56%
May	160	79	49%
June	240	91	38%
<b>Total</b>	<b>615</b>	<b>290</b>	<b>47%</b>
Third Quarter 2022			
<b>Civil Engineer - Seismic Principles</b>			
	Total Number of Candidates	Number Passed	Pass %
July	176	106	60%
August	171	84	49%
September	212	84	40%
<b>Total</b>	<b>559</b>	<b>274</b>	<b>49%</b>
<b>Civil Engineer - Engineering Surveying</b>			
	Total Number of Candidates	Number Passed	Pass %
July	175	95	54%
August	149	80	54%
September	202	92	46%
<b>Total</b>	<b>526</b>	<b>267</b>	<b>51%</b>
Fourth Quarter 2022			
<b>Civil Engineer - Seismic Principles</b>			
	Total Number of Candidates	Number Passed	Pass %
October	168	110	65%
November	169	94	56%
December	273	117	43%
<b>Total</b>	<b>610</b>	<b>321</b>	<b>53%</b>
<b>Civil Engineer - Engineering Surveying</b>			
	Total Number of Candidates	Number Passed	Pass %
October	202	122	60%
November	119	68	57%
December	244	116	48%
<b>Total</b>	<b>565</b>	<b>306</b>	<b>54%</b>
2022 Totals			
<b>Civil Engineer - Seismic Principles</b>			
	Total Number of Candidates	Number Passed	Pass %
<b>2022 Total</b>	<b>2224</b>	<b>1132</b>	<b>51%</b>
<b>Civil Engineer - Engineering Surveying</b>			
	Total Number of Candidates	Number Passed	Pass %
<b>2022 Total</b>	<b>2127</b>	<b>1087</b>	<b>51%</b>

# 2022 Exam Results Statistics

## 2022-California State Specific Exams

California Land Surveyor			
	Total Number of Candidates	Number Passed	Pass %
Spring	107	48	45%
Fall	148	40	27%
<b>Total</b>	<b>255</b>	<b>88</b>	<b>35%</b>

Traffic Engineer			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A
Fall	71	33	46%
<b>Total</b>	<b>71</b>	<b>33</b>	<b>46%</b>

Geotechnical Engineer			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A
Fall	81	22	27%
<b>Total</b>	<b>81</b>	<b>22</b>	<b>27%</b>

Professional Geologist California Specific Exam			
	Total Number of Candidates	Number Passed	Pass %
Spring	128	58	45%
Fall	145	67	46%
<b>Total</b>	<b>273</b>	<b>125</b>	<b>46%</b>

Certified Engineering Geologist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A
Fall	31	13	42%
<b>Total</b>	<b>31</b>	<b>13</b>	<b>42%</b>

Certified Hydrogeologist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A
Fall	24	10	42%
<b>Total</b>	<b>24</b>	<b>10</b>	<b>42%</b>

Professional Geophysicist			
	Total Number of Candidates	Number Passed	Pass %
Spring	N/A	N/A	N/A
Fall	3	3	100%
<b>Total</b>	<b>3</b>	<b>3</b>	<b>100%</b>

## 2022-Geology ASBOG Exams

Fundamentals of Geology			
	Total Number of Candidates	Number Passed	Pass %
Spring	120	88	73%
Fall	116	63	54%
<b>Total</b>	<b>236</b>	<b>151</b>	<b>64%</b>

Practice of Geology			
	Total Number of Candidates	Number Passed	Pass %
Spring	90	74	82%
Fall	82	62	76%
<b>Total</b>	<b>172</b>	<b>136</b>	<b>79%</b>

# 2022 Exam Results Statistics

## 2022 NCEES Engineering and Land Surveying National Exams

### Paper and Pencil Exams

	Total Number of Candidates	Number Passed	Pass %
Structural Engineer (Lateral)	261	78	30
Structural Engineer (Vertical)	263	90	34

### Computer-Based Exams (CBT)

	Total Number of Candidates	Number Passed	Pass %
Agricultural Engineer	1	1	100
Chemical Engineer	57	28	49
Civil Engineer	2177	1036	48
Control Systems Engineer	51	22	43
Electrical Engineer	503	220	44
Fire Protection Engineer	51	37	73
Fundamentals of Engineering	5,265	2,578	49
Fundamentals of Surveying	347	134	39
Industrial Engineer	10	5	50
Mechanical Engineer	448	267	60
Metallurgical Engineer	12	9	75
Nuclear Engineer	2	2	100
Petroleum Engineer	12	5	42
Practice of Surveying	220	92	42

# Examination Statistics

(State Specific and ASBOG Examinations)

NCEES examination statistics are available on the NCEES website at: <https://ncees.org/>

## Civil Seismic Principles

Exam Cycle	Tested	Passed	Pass %
Spring 2017	1969	1080	55
Fall 2017	1626	713	44
<b>Total 2017</b>	<b>3595</b>	<b>1793</b>	<b>50</b>
Q1 2018	No exams administered		
Q2 2018	1341	556	41
Q3 2018	513	225	44
Q4 2018	802	347	43
<b>Total 2018</b>	<b>2656</b>	<b>1128</b>	<b>42</b>
Q1 2019	593	283	48
Q2 2019	801	405	51
Q3 2019	715	341	48
Q4 2019	818	398	49
<b>Total 2019</b>	<b>2927</b>	<b>1427</b>	<b>49</b>
Q1 2020	319	177	55
Q2 2020	No exams administered		
Q3 2020	715	476	67
Q4 2020	713	369	52
<b>Total 2020</b>	<b>1747</b>	<b>1022</b>	<b>59</b>
Q1 2021	238	166	70
Q2 2021	941	482	51
Q3 2021	511	255	50
Q4 2021	625	283	45
<b>Total 2021</b>	<b>2315</b>	<b>1186</b>	<b>51</b>
Q1 2022	427	215	50
Q2 2022	628	322	51
Q3 2022	559	274	49
Q4 2022	610	321	53
<b>Total 2022</b>	<b>2224</b>	<b>1132</b>	<b>51</b>

## Civil Engineering Surveying

Exam Cycle	Tested	Passed	Pass %
Spring 2017	1911	873	46
Fall 2017	1794	972	54
<b>Total 2017</b>	<b>3705</b>	<b>1845</b>	<b>50</b>
Q1 2018	No exams administered		
Q2 2018	1254	485	39
Q3 2018	513	224	44
Q4 2018	839	383	46
<b>Total 2018</b>	<b>2606</b>	<b>1092</b>	<b>42</b>
Q1 2019	553	251	45
Q2 2019	823	385	47
Q3 2019	695	304	44
Q4 2019	814	386	47
<b>Total 2019</b>	<b>2885</b>	<b>1326</b>	<b>46</b>
Q1 2020	420	232	55
Q2 2020	No exams administered		
Q3 2020	747	438	59
Q4 2020	713	332	47
<b>Total 2020</b>	<b>1880</b>	<b>1002</b>	<b>53</b>
Q1 2021	303	207	68
Q2 2021	1004	468	47
Q3 2021	522	274	52
Q4 2021	665	327	49
<b>Total 2021</b>	<b>2494</b>	<b>1276</b>	<b>51</b>
Q1 2022	421	224	53
Q2 2022	615	290	47
Q3 2022	526	267	51
Q4 2022	565	306	54
<b>Total 2022</b>	<b>2127</b>	<b>1087</b>	<b>51</b>

## CA Professional Land Surveyor

Exam Cycle	Tested	Passed	Pass %
Spring 2017	203	44	22
Fall 2017	154	34	22
<b>Total 2017</b>	<b>357</b>	<b>78</b>	<b>22</b>
Spring 2018	129	30	23
Fall 2018	93	25	27
<b>Total 2018</b>	<b>222</b>	<b>55</b>	<b>25</b>
Spring 2019	112	40	36
Fall 2019	81	33	41
<b>Total 2019</b>	<b>193</b>	<b>73</b>	<b>38</b>
Spring 2020	No exams administered		
Fall 2020	116	38	33
<b>Total 2020</b>	<b>116</b>	<b>38</b>	<b>33</b>
Spring 2021	85	30	35
Fall 2021	88	27	31
<b>Total 2021</b>	<b>173</b>	<b>57</b>	<b>33</b>
Spring 2022	107	48	45
Fall 2022	148	40	27
<b>Total 2022</b>	<b>255</b>	<b>88</b>	<b>35</b>

## Traffic Engineer

Exam Cycle	Tested	Passed	Pass %
Spring 2017	N/A	N/A	N/A
Fall 2017	117	38	32
<b>Total 2017</b>	<b>117</b>	<b>38</b>	<b>32</b>
Spring 2018	N/A	N/A	N/A
Fall 2018	77	39	51
<b>Total 2018</b>	<b>77</b>	<b>39</b>	<b>51</b>
Spring 2019	N/A	N/A	N/A
Fall 2019	69	36	52
<b>Total 2019</b>	<b>69</b>	<b>36</b>	<b>52</b>
Spring 2020	N/A	N/A	N/A
Fall 2020	49	31	63
<b>Total 2020</b>	<b>49</b>	<b>31</b>	<b>63</b>
Spring 2021	N/A	N/A	N/A
Fall 2021	60	28	47
<b>Total 2021</b>	<b>60</b>	<b>28</b>	<b>47</b>
Spring 2022	N/A	N/A	N/A
Fall 2022	71	33	46
<b>Total 2022</b>	<b>71</b>	<b>33</b>	<b>46</b>

## Geotechnical Engineer

Exam Cycle	Tested	Passed	Pass %
<b>Total 2017*</b>	<b>68</b>	<b>17</b>	<b>25</b>
Spring 2018	39	13	33
Fall 2018	35	7	20
<b>Total 2018</b>	<b>74</b>	<b>20</b>	<b>27</b>
Spring 2019	N/A	N/A	N/A
Fall 2019	78	30	38
<b>Total 2019</b>	<b>78</b>	<b>30</b>	<b>38</b>
Spring 2020	N/A	N/A	N/A
Fall 2020	60	21	35
<b>Total 2020</b>	<b>60</b>	<b>21</b>	<b>35</b>
Spring 2021	N/A	N/A	N/A
Fall 2021	74	26	35
<b>Total 2021</b>	<b>74</b>	<b>26</b>	<b>35</b>
Spring 2022	N/A	N/A	N/A
Fall 2022	81	22	27
<b>Total 2022</b>	<b>81</b>	<b>22</b>	<b>27</b>

\*In 2017 the Geotechnical Engineer exam was offered on a continuous basis.

## ASBOG Fundamentals of Geology

Exam Cycle	Tested	Passed	Pass %
Spring 2017	137	101	74
Fall 2017	159	117	74
<b>Total 2017</b>	<b>296</b>	<b>218</b>	<b>74</b>
Spring 2018	105	75	71
Fall 2018	216	149	69
<b>Total 2018</b>	<b>321</b>	<b>224</b>	<b>70</b>
Spring 2019	153	108	71
Fall 2019	209	136	65
<b>Total 2019</b>	<b>362</b>	<b>244</b>	<b>67</b>
Spring 2020	No exams administered		
Fall 2020	145	112	77
<b>Total 2020</b>	<b>145</b>	<b>112</b>	<b>77</b>
Spring 2021	161	105	65
Fall 2021	132	95	72
<b>Total 2021</b>	<b>293</b>	<b>200</b>	<b>68</b>
Spring 2022	120	88	73
Fall 2022	116	63	54
<b>Total 2022</b>	<b>236</b>	<b>151</b>	<b>64</b>

## ASBOG Practice of Geology

Exam Cycle	Tested	Passed	Pass %
Spring 2017	73	56	77
Fall 2017	93	73	78
<b>Total 2017</b>	<b>166</b>	<b>129</b>	<b>78</b>
Spring 2018	61	45	74
Fall 2018	105	73	70
<b>Total 2018</b>	<b>166</b>	<b>118</b>	<b>71</b>
Spring 2019	80	61	76
Fall 2019	89	70	79
<b>Total 2019</b>	<b>169</b>	<b>131</b>	<b>78</b>
Spring 2020	No exams administered		
Fall 2020	75	61	81
<b>Total 2020</b>	<b>75</b>	<b>61</b>	<b>81</b>
Spring 2021	95	69	73
Fall 2021	91	74	81
<b>Total 2021</b>	<b>186</b>	<b>143</b>	<b>77</b>
Spring 2022	90	74	82
Fall 2022	82	62	76
<b>Total 2022</b>	<b>172</b>	<b>136</b>	<b>79</b>

## Geology California Specific

Exam Cycle	Tested	Passed	Pass %
Spring 2017	103	46	45
Fall 2017	134	73	54
<b>Total 2017</b>	<b>237</b>	<b>119</b>	<b>50</b>
Spring 2018	102	47	46
Fall 2018	137	69	50
<b>Total 2018</b>	<b>239</b>	<b>116</b>	<b>49</b>
Spring 2019	116	56	48
Fall 2019	139	44	32
<b>Total 2019</b>	<b>255</b>	<b>100</b>	<b>39</b>
Spring 2020	150	74	49
Fall 2020	79	40	51
<b>Total 2020</b>	<b>229</b>	<b>114</b>	<b>50</b>
Spring 2021	106	47	44
Fall 2021	133	60	45
<b>Total 2021</b>	<b>239</b>	<b>107</b>	<b>45</b>
Spring 2022	128	58	45
Fall 2022	145	67	46
<b>Total 2022</b>	<b>273</b>	<b>125</b>	<b>46</b>

## Certified Engineering Geologist

Exam Cycle	Tested	Passed	Pass %
Spring 2017	N/A	N/A	N/A
Fall 2017	37	11	30
<b>Total 2017</b>	<b>37</b>	<b>11</b>	<b>30</b>
Spring 2018	N/A	N/A	N/A
Fall 2018	45	24	53
<b>Total 2018</b>	<b>45</b>	<b>24</b>	<b>53</b>
Spring 2019	N/A	N/A	N/A
Fall 2019	40	29	73
<b>Total 2019</b>	<b>40</b>	<b>29</b>	<b>73</b>
Spring 2020	N/A	N/A	N/A
Fall 2020	17	11	65
<b>Total 2020</b>	<b>17</b>	<b>11</b>	<b>65</b>
Spring 2021	N/A	N/A	N/A
Fall 2021	39	20	51
<b>Total 2021</b>	<b>39</b>	<b>20</b>	<b>51</b>
Spring 2022	N/A	N/A	N/A
Fall 2022	31	13	42
<b>Total 2022</b>	<b>31</b>	<b>13</b>	<b>42</b>

## Certified Hydrogeologist

Exam Cycle	Tested	Passed	Pass %
Spring 2017	N/A	N/A	N/A
Fall 2017	22	11	50
<b>Total 2017</b>	<b>22</b>	<b>11</b>	<b>50</b>
Spring 2018	N/A	N/A	N/A
Fall 2018	33	22	67
<b>Total 2018</b>	<b>33</b>	<b>22</b>	<b>67</b>
Spring 2019	N/A	N/A	N/A
Fall 2019	18	11	61
<b>Total 2019</b>	<b>18</b>	<b>11</b>	<b>61</b>
Spring 2020	N/A	N/A	N/A
Fall 2020	14	9	64
<b>Total 2020</b>	<b>14</b>	<b>9</b>	<b>64</b>
Spring 2021	N/A	N/A	N/A
Fall 2021	18	10	56
<b>Total 2021</b>	<b>18</b>	<b>10</b>	<b>56</b>
Spring 2022	N/A	N/A	N/A
Fall 2022	24	10	42
<b>Total 2022</b>	<b>24</b>	<b>10</b>	<b>42</b>

## Professional Geophysicist

Exam Cycle	Tested	Passed	Pass %
Spring 2017	N/A	N/A	N/A
Fall 2017	6	5	83
<b>Total 2017</b>	<b>6</b>	<b>5</b>	<b>83</b>
Spring 2018	N/A	N/A	N/A
Fall 2018	4	1	25
<b>Total 2018</b>	<b>4</b>	<b>1</b>	<b>25</b>
Spring 2019	N/A	N/A	N/A
Fall 2019	3	1	33
<b>Total 2019</b>	<b>3</b>	<b>1</b>	<b>33</b>
Spring 2020	N/A	N/A	N/A
Fall 2020	5	2	40
<b>Total 2020</b>	<b>5</b>	<b>2</b>	<b>40</b>
Spring 2021	N/A	N/A	N/A
Fall 2021	9	4	44
<b>Total 2021</b>	<b>9</b>	<b>4</b>	<b>44</b>
Spring 2022	N/A	N/A	N/A
Fall 2022	3	3	100
<b>Total 2022</b>	<b>3</b>	<b>3</b>	<b>100</b>

Past examination statistics are available on the Board's website at: [https://www.bpelsg.ca.gov/applicants/exam\\_statistics.shtml](https://www.bpelsg.ca.gov/applicants/exam_statistics.shtml)



## VIII. Strategic Plan Discussion

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- A. Objective 1.3 Continuing Education Committee Report
- B. Review of Objective 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations. **(Possible Action)**
- C. Review of Objective 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights to improve the public's awareness. **(Possible Action)**
- D. Objective 4.3.1 Contact DCA for department-wide opportunities for collection of unpaid fines



### **VIII. A. Objective 1.3 Continuing Education Committee Report**

The Committee, consisting of Board President Rossana D'Antonio and Board Member Christina Wong, along with Ric Moore, Executive Officer, and Nancy Eissler, Assistant Executive Officer, met online through Teams on March 17, 2023 to discuss the Board's assignment.

The committee revisited the discussion from the February 2, 2023 Board meeting and decided that the first steps would be to research information from 1) other DCA boards/bureaus, with similar license disciplines, and 2) other NCEES and ASBOG member boards, who had recently (last 5-7 years) implemented new requirements so we could identify lessons learned and what hurdles they faced in this process.

Staff will be preparing a list of questions to send out to the NCEES/ASBOG member boards and will compile information from those responses in addition to the information collected from DCA-related entities for further evaluation by the Committee.

## VIII. Strategic Plan Discussion

As staff moves forward with plans to address these two objectives, we would like to better understand the Board's expectations as it pertains to measuring the successful implementation of these two objectives:

### Goal 5: Outreach

*The Board promotes the importance of licensure to educate applicants, licensees, the public, and other stakeholders about the practice and regulation of the professions.*

Objectives:

- 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations.
- 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights with the Board to improve the public's awareness.

## IX. Executive Officer's Report

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- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
  - 1. 2023 Spring Council of Examiners (COE) Workshop, April 13-15, 2023  
Greenville, SC – Update
  - 2. 2023 Fall Annual Meeting, October 2023, Spokane, WA - Update
- F. National Council of Examiners for Engineering and Surveying (NCEES)
  - 1. 2023 NCEES All Zone Meeting, April 27-29, 2023 – Update
  - 2. 2023 NCEES Annual Meeting, August 15-18, 2023 Boston, MA –  
Selection of Board Delegates (**Possible Action**)
- G. Update on Outreach Efforts



## Rulemaking Status Report

### 1. Examination Fees, Abandoned Applications, and Postponements (16 CCR sections 3005, 3024, 3024.5, 3026, and 3031)

- Staff working with DCA Legal to file with Office of Administrative Law (OAL).
  - Board adopted final rulemaking proposal at the February 2-3, 2023, Board meeting.
  - The Office of Administrative Law has approved the notice of publication for a 45-day comment period that was posted on the Board website on November 10, 2022.
  - Board staff finalizing initial rulemaking documents for submittal to DCA and Agency for review prior to public notice in October 2022.
  - Initial rulemaking package submitted to DCA Legal for review on July 27, 2022.
  - Board approved revised text at the June 23-24, 2022, Board meeting.
  - Staff working with DCA Legal to finalize proposal for notice (April 2022).
  - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
  - Board directed staff to pursue rulemaking proposal on November 8, 2021.

### 2. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)

- Staff working with Legal to prepare language for Board review at the April 2023 meeting.
  - Staff working on final text for submittal to DCA Legal in September 2022.
  - Staff working with DCA Legal to finalize proposal for notice (April 2022).
  - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
  - Board directed staff to pursue rulemaking proposal on November 8, 2021.

### 3. Definition of Traffic Engineering (16 CCR 404)

- Board staff will work with DCA Legal to prepare documents for initial notice in 2023.
  - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
  - Board directed staff to pursue rulemaking proposal on March 8, 2018.

### 4. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)

- Board staff will work on the pre-notice documents in 2023.
  - Board directed staff to pursue rulemaking proposal on September 6, 2018.

**Note:** Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: [http://www.bpelsq.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsq.ca.gov/about_us/rulemaking.shtml).

## PROJECT STATUS REPORT

<b>Reporting period:</b>	1/21/2020 – 4/03/2023	<b>Project title:</b>	Business Modernization Cohort 1
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### EXECUTIVE SUMMARY

<b>Narrative Summary of Status</b>	<b>Schedule:</b>	<b>GREEN</b>	<b>Budget:</b>	<b>GREEN</b>	<b>Issues:</b>	<b>GREEN</b>
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The Maintenance & Operations (M&O) phase of project began July 2022 and expected to continue through 2023. After PI6/M&O2 release, Agile Team proactively identified potential vulnerabilities and began work on maintenance fixes in collaboration with vendor which caused Connect to be unavailable between March 9-17 \* for all programs. Staff is currently working with Agile Team on additional application (GIT and Professional Geologist) types for the PI7/M&O3 release.

### PROJECT MILESTONE STATUS REVIEW

<b>Project Milestones</b>	<b>Status</b>	<b>Completion Date</b>	<b>Issues Exist (Yes/No)</b>
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live - Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live - Product Increment 4 (PI4)	Complete	4/29/2022	No





Go Live – M&O Increment 1 (PI5/M&O1)	Complete	10/12/2022	No
Go Live – M&O Increment 2 (PI6/M&O2)	Complete	2/28/2023	No
Go Live – M&O Increment 3 (PI7/M&O3)	In Process	Apr 2023	No

\* - As a result of the timing for Connect being unavailable March 9-17, 2023, Board staff extended the quarterly deadline for approved applicants to register/submit payment to sit for the California civil engineering exams in Quarter 2, until April 14.

# QUARTERLY OUTREACH REPORT (Q3)

## January, February, and March 2023

 <b>TOP FACEBOOK POSTS</b>	<b>DATE</b>	<b>REACH</b>
Division of Mine Reclamation SMARA Workshop “Thank You”	2/17	931
Civil 2 week exam extension	3/29	567
Engineer’s Week & “Introduce a Girl to Engineering Day”	2/24	527
Email Address Notification	1/13	507
Meeting Materials posted for Feb 2-3 Board Mtg	1/27	275

 <b>TOP TWEETS</b>	<b>DATE</b>	<b>VIEWS</b>
Engineer’s Week & “Introduce a Girl to Engineering Day”	2/24	370
Division of Mine Reclamation SMARA Workshop “Thank You”	2/17	181
NCEES Recruits Mechanicals for PAKS Study	2/15	82
DCA <i>Consumer Connection</i> Article on Land Surveying Published	3/17	71
Meeting Materials posted for Feb 2-3 Board Mtg	1/27	64

<b>WEB PAGE VIEWS</b>	<b>VIEWS</b>
License lookup	455,502
Board Home Page	186,670
Applicant Information	110,574
Licensee Renewal Information	85,473
PE Application	85,128

## January February March Outreach Events

**KEY:**

- ACEC - American Council of Engineering Companies
- AEG - Association of Environmental & Engineering Geologists
- ASCE - American Society of Civil Engineers
- CLSA - CA Land Surveyors Association
- PEER - Pacific Earthquake Engineering Research Center, Berkeley, CA
- YMF - Young Members Forum

January February March Outreach Events
Jan 12 - San Diego - CLSA PLS exam review class. D. Sweeney, P.L.S.
Jan 17 - San Francisco - YMF PE Presentation. N. King, P.E.
Feb 7 - Cal Poly SLO - (4) Path to PE license Presentations to ME Senior Design class. M. Donelson, P.E.
Feb 7 - Cal Poly SLO - Path to PE license Presentation to EE Dept. members of Eta Kappa Nu. M. Donelson, P.E.
Feb 15 - PEER Student Committee FE/PE presentation. N. King, PE and Dr. M. Qureshi, PhD, P.E., T.E.
Feb 15 - Dept. of Conservation's Division of Mine Reclamation (DMR) inspection workshop (virtual). J. Goodwin, PG, CEG, N. King, P.E., & D. Sweeney, P.L.S.
Feb 15 - DMR Inspection Workshop. J. Goodwin, PG, CEG, N. King, P.E, and D. Sweeney, P.L.S.
Feb 16 - University of San Francisco Professional Licensure presentation. N. King, P.E.
Feb 21 - Arcadis Company Professional Licensure presentation. J. Goodwin, PG, CEG and N. King, P.E.
Feb 28 - San Francisco AEG presentation. J. Goodwin, PG, CEG
Mar 2 - CSU Sacramento ASCE Student Chapter FE/PE presentation. N. King, P.E.
Mar 7 - UC Irvine CEE 181B Licensure and NCEES exam presentation. N. King, P.E.
March 8 - UC Irvine PE Presentation. M. Donelson, P.E.
Mar 9 - Cal Poly Pomona CLSA Student Chapter Professional Licensure presentation (virtual). N. King, P.E., and D. Sweeney, P.L.S.
Mar 22 - Cal Poly Pomona "Role of a Professional in Society" presentation. N. King, P.E.



**X. President's Report/Board Member Activities**

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**XI. Approval of Meeting Minutes (Possible Action)**

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A. Approval of February 2, 2023 Board Meeting Minutes





**DRAFT**

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

Thursday, February 2, 2023, beginning at 9:00 a.m.

**Thursday, February 2, 2023**

<b>Board Members Present:</b>	President Rossana D’Antonio; Fel Amistad; Alireza Asgari; Kathy Jones Irish; Coby King; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
<b>Board Members Absent:</b>	Vice-President Michael Hartley
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Christopher Pirrone (Legal Counsel); Tara Welch (Legal Counsel)

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

President D’Antonio called the meeting to order at 9:02 a.m., and a quorum was established.

**II. Pledge of Allegiance**

Mr. King led everyone in the recitation of the Pledge of Allegiance.

**III. Public Comment for Items Not on the Agenda**

During Public Comment, Dan Walsh, County Surveyor, representing Ventura County Public Works Agency, welcomed the Board and expressed his appreciation for meeting in person and throughout the state to allow the public to attend.

Todd Traunero, representing Caltrans, announced that he is the new liaison until a replacement can be found for Steve Hao.

Bob DeWitt, representing ACEC, would like to participate in the Sunset review process.

Carl Josephson, representing SEAOC, introduced Kelsey and Michael Parolini with the San Luis Obispo SEAOC Licensing Committee.

**IV. Legislation**

**A. 2023 Legislative Calendar**

Ms. Eissler presented the Legislative calendar and reported that bills are coming out in print. She has noticed one spot bill for DCA that makes a change to the general Business & Professions Code that pertains to the Department. She also

received some information on Sunset. She inquired as to when the Board will receive the official questions that will need to be addressed in the report and when it would be due. DCA’s Deputy Director for Legislation has not heard anything specific but those who are reporting this year received them in August and those reports were due January 3, 2023. The majority of the questions and information that the Board will need to provide do not change much other than updating statistics. Assuming the report will be due at the end of December or the beginning of January, it will be at the November Board meeting that the Board will need to take action on the final report. Prior to the November meeting, staff will bring information to the Board. Mr. Moore explained that there are generally two Board members who assist staff during the review process; a discussion should be held at the next meeting to determine who those two members will be. Ms. Eissler added that the Board will have to take formal action at a meeting to approve and adopt the final report, noting that everyone will have an opportunity to review it prior to approval. Ms. Eissler also explained that members of the public will have the opportunity to provide public comment at Board meetings as well as testifying before the Legislature.

**Consideration of Rulemaking Proposals**

- A. Consideration of Comments Received During the 45-day Comment Period and Proposed Modifications to Noticed Text Relating to Rulemaking on Amendments to California Code of Regulations (CCR), Title 16, Sections 3005 (Fees), 3024 (Abandoned Applications), and 3031 (Examinations: Geologist-in-Training, Professional Geologist, Professional Geophysicist and Specialty Certification), Addition of Section 3024.5 (Postponements), and Repeal of Section 3026 (Unqualified Applicant: Refund of Examination Fee) and Adoption of Proposed Rulemaking

<b>MOTION:</b>	Ms. Mathieson and Ms. Irish moved to direct staff to proceed as recommended to reject the comments as specified and provide the responses to the comments as indicated in the staff recommended responses.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley				X	
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

Christina Wong	X				
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<b>MOTION:</b>	Ms. Mathieson and Ms. Wong moved to direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law and authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents and adopt the proposed regulations as described in the notice for 16 CCR sections 3005, 3024, 3024.5, 3026, and 3031, as noticed.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D'Antonio	X				
Vice-President Hartley				X	
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

**VI. Administration**

A. Fiscal Year 2022/23 Budget Report

Mr. Moore reported that Fiscal Year 2022/23 budget authority is \$13,466,000, which represents a 1% increase from last Fiscal Year, and the actual expenditures for the prior Fiscal Year were approximately 90% of the budget authority. There was an increase in revenue due to the fee changes that took effect two years ago. As reported in previous meetings, there has been a significant increase in initial application volume which is contributing to the revenue increase. Total revenue is down due to the low renewal year. He explained that revenue alternates between a low renewal year and high renewal year. Last year was the higher renewal year.

**VII. Enforcement**

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Criswell reviewed the enforcement statistics. Ms. Mathieson inquired about the increase in percentages in cases that are referred for formal

disciplinary action; the increase from last year appears to be continuing this year, and she wondered if there is an explanation for the increase other than the types of cases that are being received. Ms. Criswell noted that, historically, the Board is always within 15-18%, and there is not a whole lot of differences in cases received. She explained that staff is working on probation monitoring so there is an increase in petitions to revoke probation. Mr. Novak asked what the circumstances under which a case is closed and does not move forward. Ms. Criswell explained that it depends on everything from mitigating factors, severity of allegations, violations determined, complaint history along with more egregious violations such as negligence or incompetence. Many cases are not severe enough that we could not just put the subject on notice that violations occurred and can close the case with a warning. Also, in cases involving unlicensed activity where there was an apparent ignorance of the law that perhaps was not as significant, it is not always necessary to go as far as administrative action.

During public comment Michael Parolini expressed his appreciation for the staff of the Enforcement Unit.

## **VIII. Exams/Licensing**

### **A. Examination/Licensing Updates**

Mr. Moore reported that ASBOG is now directly collecting examination fees along with applicants registering with ASBOG. Each board needs to provide ASBOG with an eligibility list of candidates who can register for the Fundamentals of Geology or the Practice of Geology examinations. This new process went live yesterday, February 1, 2023, by ASBOG initiating the Authorization to Test notices and they are pleased with how it is progressing so far.

During Public Comment, Carl Josephson announced that NCEES has decided that the last paper and pencil Structural examination will be administered October of 2023 and will go to Computer Based Testing (CBT) beginning in 2024.

## **IX. Executive Officer's Report**

### **A. Rulemaking Status Report**

Ms. Eissler reported that now that the ASBOG Rulemaking is very close to being finalized, staff will continue working on the other Rulemaking packages. More information will likely be provided at the April meeting.

### **B. Update on Board's Business Modernization Project**

Mr. Moore reported that the next release for all four boards has been pushed back to the end of February in order to conduct more testing with central cashiering prior to its release. A subsequent release is scheduled for March as staff was notified to begin testing as a result of fixes and requests that were completed. The Professional Geologist and Geologist-in-Training applications

will be held until March due to the additional testing to provide sufficient time to fully vet the applications. The updates will be reflected in the next report.

In addition to addressing bugs and refinements, Mr. Moore explained the first half of 2023 is being dedicated to the Professional Geologist (PG) and Geologist-In-Training (GIT) applications in addition to the Traffic Engineer, Geotechnical Engineer, and Structural Engineer applications.

The second half of 2023 will include the enforcement discipline queue which will require more work to assist the Enforcement Unit to monitor and manage cases. Time permitting, the introduction of the Certified Engineering Geologist (CEG) and Certified Hydrogeologist (CHG) applications is anticipated to take place.

2024 includes completing the enforcement goals to allow the management of informal conference and appeals in addition to implementing the license renewal assessment.

The Board, along with other project entities for BMC1 and BMC2, are collaborating with DCA to utilize QBIRT, (Quality Business Interactive Reporting Tool), the department's integrated reporting system.

#### C. Personnel

Mr. Moore introduced the new Senior Registrar, Geologist Joshua Goodwin, who started with the Board on January 3, 2023. Mr. Goodwin is a graduate of Chico State University with a Bachelor of Science degree in Geology and comes to the Board with 22 years of experience.

There are currently three vacancies, one in the Licensing Unit, one in the Administrative Unit, and one in the Enforcement Unit that resulted from a retirement.

Mr. Moore reported that since the Connect roll-out and since the Board office has opened back up after the pandemic, there has been a significant decrease in foot traffic in the office. Dawn Hall, the Administrative Unit manager, along with Candace Cummins, the Licensing Unit manager, are working together to combine the duties of both units to draw more potential candidates to the vacancies.

#### D. ABET

No report given.

#### E. Association of State Boards of Geology (ASBOG)

Ms. Mathieson reported there will be an exam development meeting but due to it being held in a prohibited state, she will not be able to attend.

#### F. National Council of Examiners for Engineering and Surveying (NCEES)

Mr. Moore reported that an email was distributed to all Board and Associate members in late January in reference to committee preferences to allow the President-Elect an opportunity to select from the volunteers to serve on committees for NCEES during 2023/24.

G. Update on Outreach Efforts

Mr. Moore reviewed the Board's outreach efforts.

H. Strategic Plan Discussion – Review of Objective 1.3 Develop a strategy to implement a continuing education requirement to help licensees maintain and improve their professional knowledge and awareness of new, pertinent laws.

Mr. Moore recalled that at the December 2022 Board meeting, the Board requested to discuss Objective 1.3 from the Adopted Strategic Plan 2022-2027 related to continuing education. In addition to the Business and Professions Code section 166 language, he reviewed some suggestions and recommendations to aid in this discussion.

Mr. Moore reviewed Objective 1.3 of the Strategic Plan and Business & Professions Code 166, which requires the Director of DCA to adopt regulations to establish a framework for continuing education for all boards to utilize. The department is beginning the rulemaking process to adopt regulations to establish these guidelines. Mr. Moore noted that the Board already has statutory authority to require licensees to complete an assessment of their knowledge of the laws and regulations at the time of renewal. However, this has not yet been implemented because we did not have a way to track compliance. With the Connect system, a framework has been established to be able to reach out to licensees to deliver, monitor, and track who has completed it as part of the license renewal process. Mr. Moore suggested the following considerations to aid in the discussion.

- Identify what concerns are needed which address this effort and what supporting evidence is available to demonstrate how the public is not being protected now.
- Research other DCA boards/bureaus with similar license disciplines who have implemented new requirements in recent years and what hurdles they faced in this process.
- Research what other NCEES/ASBOG member boards do in terms of managing and verifying compliance as well as any that have implemented new requirements in recent years and what hurdles they faced in this process.
- Evaluate the potential effect this would have on the Board's operations in terms of staffing and implementing processes to record, manage, and verify compliance.
- Evaluate the potential fiscal impact this would have on the Board's current budget authority (i.e., new staff positions, impact on fees, etc.)

- Identify and evaluate any potential impact on licensees in terms of increasing regulatory requirements to maintain a license.
- Evaluate any potential fiscal impact this would have on application and license renewal revenue (i.e., increase, decrease, etc.)

President D'Antonio recalled that when the Board worked on the Strategic Plan, it was almost unanimous, if not unanimous, that the Board include this item to explore the feasibility of continuing education. She expressed how important this topic is given how the professions are evolving. She believes there is an opportunity for the Board to ensure that licensees are staying current. She has witnessed some of the disciplinary issues which highlights the need to keep licensees current. Ms. Mathieson added that over the years she's heard that the legislature considers continuing education requirements a potential barrier to licensure and that the Board has not had a serious discussion about it.

Mr. King appreciates the concerns Mr. Moore and Ms. Eissler presented. He agrees with Ms. Mathieson that the Board has not had a serious discussion about it and probably should. He is very curious to see how quickly DCA will move forward with the regulations and how the regulations would impact those employed by the government as there are exceptions for some government employees for other licensing programs. He concluded that the Board should move forward deliberately but cautiously while exploring some of the bullet points.

Ms. Eissler explained that the Board would have to justify this to the legislature because, while they may be in favor of modifying existing requirements for professions, sometimes they are not very interested in creating new requirements. If the Board wanted to move forward, we would need to address the importance that it is a requirement vs. a hurdle to those obtaining or maintaining a license. There have been historical studies that have attempted to correlate continuing education to a reduction in enforcement issues without success.

Mr. Novak commended staff and added that there should be discussion of the feasibility and process relative to legislative authority.

Ms. Wong explained the importance of exploring all aspects as it may prove to be very complicated. The Board exists for consumer protection and the disciplinary cases she sees are due to the lack of knowledge of the current laws. She believes if the Board has a strong legislative package and continues to have the conversation it is achievable but will be a monumental task.

Mr. Moore reported that this tied back to the license renewal assessment. The Board was able to justify it at the time to show how many violations there were in the Acts and Board Rules, not necessarily standards of practice, rather

knowing where the common violations are in the rules and laws. It could serve as a good introduction and monitor how it is being accepted and complied with. It is not intended to be a hurdle or an examination. It will be similar to a pilot study and be managed in Connect. It will be a great method to see if it is something that the Board wants to consider.

Dr. Qureshi believes this is not the approach to take on this matter. He suggested a two-member committee to work with staff to aid in the development as it may be more productive long term. He explained that staff is currently very busy and if there are more tasks assigned, they will have to prioritize what is important.

Mr. Novak indicated that as a practicing professional, continuing education requirements can prove to be a burden; however, it does force him to stay current on the laws and added that it can be a financial burden as well for those who are just getting started.

During Public Comment, Mr. Walsh provided his experience and was given the option of education and took advantage of it as he felt a responsibility as a licensee to stay current. As a manager, he encourages his staff to continue their education.

Mr. Parolini indicated that he supports continuing education and recommends creating an opt out for retirees.

Alan Escarda, representing Professional Engineers in California Government (PECG), reported that PECG’s official position is that it supports continuing education but not as a mandatory requirement.

<b>MOTION:</b>	Mr. Novak and Ms. Irish moved to direct staff to continue to research bullet points including the legislation process, government employees, and retirees, work with Connect and to appoint a sub-committee to work with staff and provide reports at Board meetings, as appropriate.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley				X	
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Betsy Mathieson	X				



Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

President D’Antonio and Ms. Wong will serve on the sub-committee.

**X. President’s Report/Board Member Activities**

No report given.

**XI. Approval of Meeting Minutes**

A. Approval of December 8, 2022, Board Meeting Minutes

<b>MOTION:</b>	Ms. Wong and Dr. Amistad moved to approve the December 8, 2022, meeting minutes as amended.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley				X	
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

**XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

No report given.

**XIII. Closed Session – The Board met in Closed Session to discuss, as needed:**

A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)

B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:

1. *Ryan Crownholm, et al. vs. Richard B. Moore, et al.*, United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD

2. *Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al.*, Sacramento County Superior Court. Case No. 34-2022-00328379

**XIV. Adjourn**

The meeting adjourned at 12:35 p.m.

**PUBLIC PRESENT**

Bob DeWitt, ACEC-CA  
Kelsey Parolini, SEAOC  
Michael Parolini, SEAOC  
Todd Traunero, Caltrans  
Alan Escarda, PECG  
Melissa Gear, DCA

**XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting**



**XIII. Closed Session – The Board will meet in Closed Session to discuss, as needed:**

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- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
  - 1. *Patrick Frederick Christensen vs. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs of the State of California*, San Diego County Superior Court, Case No. 37-2022-00000484-CU-WM-CTL



#### **XIV. Adjourn**

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