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## MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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Board for Professional Engineers and Land Surveyors  
2535 Capitol Oaks Drive, Suite 300  
Sacramento, CA 95833  
(916) 263-2222

Thursday, March 24, 2011 beginning at 9:00 a.m.  
Friday, March 25, 2011 beginning at 9:00 a.m.

**Board Members:** Mike Modugno, President; Jerry Silva, Vice President; Kim Blackseth; James Foley; Carl Josephson; David Luzuriaga; Philip Quartararo; Ray Satorre; Patrick Tami; Michael Trujillo; Paul Wilburn; and Erik Zinn.

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(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)	
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XXII. Adjourn	121

I. Roll Call to Establish a Quorum

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- II. Public Comment  
*Public comment will be heard on both days of the Board meeting.*
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III. Strategic Planning Session

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

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**AGENDA****STRATEGIC PLANNING SESSION  
OF THE BOARD FOR PROFESSIONAL  
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

Thursday, March 24, 2011, beginning at 9:00 a.m.

**Board Members:** Mike Modugno, President; Jerry Silva, Vice President; Kim Blackseth; James Foley; Carl Josephson; David Luzuriaga; Philip Quartararo; Ray Satorre; Patrick Tami; Michael Trujillo; Paul Wilburn; and Erik Zinn.

- |            |  |
|------------|--|
| 9:00 a.m.  | 1. Introductions/Welcome.  |
| 9:05 a.m.  | 2. Importance of a Strategic Plan.   |
| 9:15 a.m.  | 3. Examine S.W.O.T Results.  |
| 9:25 a.m.  | 4. Determine length of plan.   |
| 9:30 a.m.  | 5. Review current mission, vision, values. Identify any content to carry over. |
| 9:45 a.m.  | 6. Develop a mission statement.  |
| 10:30 a.m. | 7. Break   |
| 10:45 a.m. | 8. Develop a vision statement.   |
| 11:30 a.m. | 9. Develop values.   |
| 12:15 p.m. | 10. Break  |
| 12:30 p.m. | 11. Review current goals and objectives, identify any content to carry over.   |
| 12:45 p.m. | 12. Develop new goals.   |
| 1:45 p.m.  | 13. Adjourn  |



**Board for Professional Engineers, Land Surveyors, and Geologists**  
**SWOT Analysis Worksheet**

**Internal Strengths:** Internal strengths are resources or capabilities that help your organization accomplish its mandate(s) or mission. In identifying your organization's internal strengths, consider the following factors:

<u>Resources</u>	<u>Present Strategy</u>	<u>Performance</u>
People	Overall	Indicators
Economic	Department	Results
Information	Process	History
Competencies	Functional	
Culture		

**What are the organization's internal strengths? Please provide three strengths.**

- 1.
- 2.
- 3.

**Options for keeping or building upon those strengths:**

**Internal Weaknesses:** Internal weaknesses are deficiencies in resources and capabilities that hinder your organization's ability to accomplish its mandate or mission. In indentifying your organization's internal weaknesses, consider the following factors:

Resources

People  
Economic  
Information  
Competencies  
Culture

Present Strategy

Overall  
Department  
Process  
Functional

Performance

indicators  
Results  
History

**What are the organization's internal weaknesses? Please provide three weaknesses.**

1.

2.

3.

**Options for minimizing or overcoming weaknesses:**

**External Opportunities:** External opportunities are outside factors or situations that can affect your organization in a favorable way. In identifying your organization's external opportunities, consider the following factors:

<u>Forces/trends</u>	<u>Key Resource Controllers</u>	<u>Competitors</u>
Political	Customers	Competitive forces
Economic	Licensees	Collaborative forces
Social	Members	
Technological	Regulators	
Educational		
Physical		

**What are the organization's external opportunities? Please provide three external opportunities.**

1.

2.

3.

**Options for taking advantage of opportunities:**

**External Threats:** External threats are outside factors or situations that can affect your organization in a negative way. In indentifying your organization's external threats, consider the following factors:

<u>Forces/trends</u>	<u>Key Resource Controllers</u>	<u>Competitors</u>
Political	Customers	Competitive forces
Economic	Licensees	Collaborative forces
Social	Members	
Technological	Regulators	
Educational		
Physical		

**What are the organizations external threats? Please provide three external threats.**

- 1.
- 2.
- 3.

**Options for minimizing or overcoming threats:**

Another factor that you may want to consider as well in your SWOT analysis are influences from stakeholders.

**Stakeholders:** Consider how they influence your organization and what they need from you and, in turn, what you need from them.

What do the stakeholders need from your organization?

What do you need from your stakeholders?

Please E-mail this form to Evin Van Outryve:  
[evin.vanoutryve@dca.ca.gov](mailto:evin.vanoutryve@dca.ca.gov)

IV. DCA Director Updates

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



VII. Update on Recruitment/Appointment of a New Executive Officer (Possible Action)

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VIII. Temporary Authorization Applications (Possible Action)

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March 2011 Board Meeting

### **Request for Temporary Authorization**

## **STEVEN NAPOLITANO**

Mr. Napolitano has requested a second temporary authorization to complete a project begun under a prior temporary authorization. The prior temporary authorization was granted in August 2010 for the 180-day time period from November 1, 2010 to April 30, 2011. This request is to practice civil engineering for a second 180-day time period in accordance with §6760 of the Professional Engineers Act. He has submitted a fee of \$68.75 as required in §6799(b).

Mr. Napolitano is a licensed civil engineer in Texas, Nevada and New Jersey, the state where his business is located.

Mr. Napolitano is currently a Principal at SNS Architects & Engineers, in Montvale, NJ.

The project for which Mr. Napolitano is requesting a Temporary Authorization is a one-story building expansion in Rialto, CA. The approximately 79,000 square foot expansion will be to an existing distribution center for FedEx Ground. There are also expansions to the existing parking areas for employee parking, loading and unloading and truck paring areas.

Mr. Napolitano has been preparing the civil/site engineering design for the building and parking additions, and designing the building foundations. The building will be a pre-engineered building designed by others.

Mr. Napolitano has stated that the client put the project on hold, but it is now under construction. He requests this new temporary authorization to complete the project and intends to practice in California beginning on May 1, 2011 and complete the project within 180-days.

Mr. Napolitano will not attend the March Board meeting as the applicant previously demonstrated knowledge of the application of seismic forces in the design of structures, and in any other phases of civil engineering involved with this project at the August 2010 Board meeting.



IX. Executive Officer's Report

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- A. Legislation
  - 1. Discussion of Legislation for 2011: AB 275, AB 958, AB 1023, AB 1210, SB 543, and SB 692 (Possible Action)
  - 2. Legislative Proposals for 2011 (Possible Action)
  - 3. Regulation Status Report
- B. Sunset Review 2010 (Possible Action)
- C. Personnel
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  - 2. Status of April 2011 Examinations
- F. Licensing
- G. Publications
- H. Website



# Board for Professional Engineers and Land Surveyors

## 2011 Legislative Session

- AB 275** Solorio. Rainwater Capture Act of 2011. This bill would enact the Rainwater Capture Act of 2011, which would among other things, authorize landscape contractors, holding a specified classification, to design and install all exterior components of a rainwater capture system.  
STATUS: Introduced 2/7/11  
RECOMMENDED POSITION: Oppose unless amended  
BOARD POSITION:
- AB 958** Berryhill. Regulatory boards: limitations periods. Existing law requires some boards within the Department of Consumer Affairs (DCA) to file disciplinary action accusations against licensees for various violations within a specified time. This bill would delete those specified limitations periods for each board and would instead impose a specified limitations period on all boards within DCA.  
STATUS: Introduced 2/18/11.  
RECOMMENDED POSITION: Oppose  
BOARD POSITION:
- AB 1023** Wagner. Maintenance of the codes. This bill would make nonsubstantive changes to various provisions of law based on the recommendations made by the Legislative Counsel to the Legislature. This bill repeals Sections 6731.1, 6731.2, 8726.1, and 8761.1 of the Business and Professions Code.  
STATUS: Introduced 2/18/11.  
RECOMMENDED POSITION: Oppose unless amended  
BOARD POSITION:
- AB 1210** Garrick. Civil Engineering. This bill (currently) would make nonsubstantive changes to the Engineer's Act (Section 6731.1 of the B&P Code).  
STATUS: Introduced 2/18/11.  
RECOMMENDED POSITION: Watch  
BOARD POSITION:
- SB 543** Price. Business and professions: regulatory boards. This bill extends the sunset dates for various DCA regulatory boards and bureaus that are being evaluated by the Joint Sunset Review Committee.  
STATUS: Introduced 2/17/11.  
RECOMMENDED POSITION: Support  
BOARD POSITION:
- SB 692** Walters. Professional engineers. This bill would change the disciplines currently licensed as "title act" engineers to "practice act" engineers.  
STATUS: Introduced 2/18/11.  
RECOMMENDED POSITION: Oppose  
BOARD POSITION:

**Board for Professional Engineers and Land Surveyors  
Bill Analysis  
2011 Legislative Session**

**BILL: AB 275**

**AUTHOR: Solorio**

**TOPIC:** Rainwater Capture Act

**DATE OF INTRODUCTION:** 2/7/11

**MOST RECENT VERSION:**

**ANALYSIS DATE:** 3/10/11

**BILL'S LEGISLATIVE HISTORY:**

**RECOMMENDED POSITION:** Oppose unless amended

**BOARD POSITION:**

**SUMMARY:**

This bill would enact the Rainwater Capture Act of 2011, which would authorize landowners to install, maintain, and operate rain barrel systems, as defined, and rainwater capture systems, as defined, for specified purposes, provided that the systems comply with specified requirements. Existing law authorizes a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of among other things, a rainwater capture system, as defined, if the system is used for landscape irrigation. The bill would authorize a landscape contractor holding a specified classification to design and install all exterior components of a rainwater capture system that are not a part of, or attached to, a structure.

**COMMENT:**

This bill includes rain barrel systems and rainwater capture systems for irrigation. Because the legal definition of civil engineering includes fixed works for irrigation, and mechanical engineering includes plumbing, the Board should request to have a provision included in the bill that requires all engineering work to be performed by a licensed engineer. Suggested language is as follows:

"Except as provided in Business and Professions Code section 6737.3, all professional engineering work shall be performed by an appropriately licensed professional engineer in compliance with the requirements of Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code."

**Board for Professional Engineers and Land Surveyors  
Bill Analysis  
2011 Legislative Session**

**BILL: AB 958**

**AUTHOR: Berryhill**

**TOPIC:** Regulatory boards: limitations periods

**DATE OF INTRODUCTION:** 2/18/11

**MOST RECENT VERSION:**

**ANALYSIS DATE:** 3/15/11

**BILL'S LEGISLATIVE HISTORY:**

**RECOMMENDED POSITION:** Oppose

**BOARD POSITION:**

**SUMMARY:**

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires these boards to file disciplinary action accusations against licensees for various violations within a specified limitations period particular to each board. This bill would delete those specified limitations periods for each board and would instead impose a specified limitations period on all boards within the Department of Consumer Affairs.

**COMMENT:**

This bill would require that any accusation filed against a licensee of a board shall be filed within one year after the board discovers the act or omission alleged as the ground for disciplinary action, or within four years after the act or omission alleged as the ground for disciplinary action occurs, whichever occurs first.

This bill is not consumer friendly. Many of our cases are opened more than four years after an "alleged act" occurs. For example, if someone's house starts to shift on its foundation 5 years after the house is built (due to a faulty geotechnical report or geological report) it would be too late to do anything. Furthermore, expecting a case to be filed within one year may work for some of our cases but not for all. Many of our cases are very complex and can take an expert months to review and then write a report. Sometimes the cases go back and forth or are sent to a second expert. All of this takes time and to place a fixed limit on how long an investigation can take is not realistic.

**Board for Professional Engineers and Land Surveyors  
Bill Analysis  
2011 Legislative Session**

**BILL:** AB 1023

**AUTHOR:** Wagner

**TOPIC:** Maintenance of the codes

**DATE OF INTRODUCTION:** 2/18/11

**MOST RECENT VERSION:**

**ANALYSIS DATE:** 3/15/11

**BILL'S LEGISLATIVE HISTORY:**

**RECOMMENDED POSITION:** Oppose unless amended

**BOARD POSITION:**

**SUMMARY:**

This bill makes nonsubstantive changes in various provisions of law to effectuate the recommendations made by the Legislative Counsel to the Legislature. This bill would repeal sections 6731.1, 6731.2, 8726.1, and 8761.1 of the Business and Professions Code.

**COMMENT:**

The sections that Legislative Counsel determined to be eliminated from our B&P Code are needed and should be left in our law. The sponsor of the bill has been contacted and the above mentioned sections are being removed from the bill.

**Board for Professional Engineers and Land Surveyors  
Bill Analysis  
2011 Legislative Session**

**BILL:** AB 1210

**AUTHOR:** Garrick

**TOPIC:** Civil engineering

**DATE OF INTRODUCTION:** 2/18/11

**MOST RECENT VERSION:**

**ANALYSIS DATE:** 3/15/11

**BILL'S LEGISLATIVE HISTORY:**

**RECOMMENDED POSITION:** Watch

**BOARD POSITION:**

**SUMMARY:**

Existing law provides that civil engineering embraces certain studies or activities in connection with specified fixed works and also includes specified practices. This bill would make nonsubstantive changes to these provisions (Section 6731.1 of the B&P Code).

**COMMENT:**

This is a spot bill (holding a place to add substantive language at a later date). It is being sponsored by American Council of Engineering Companies (ACEC - CA).

**Board for Professional Engineers and Land Surveyors  
Bill Analysis  
2011 Legislative Session**

**BILL: SB 543**

**AUTHOR: Price**

**TOPIC:** Professions and Professions: regulatory boards

**DATE OF INTRODUCTION:** 2/17/11

**MOST RECENT VERSION:**

**ANALYSIS DATE:**

**BILL'S LEGISLATIVE HISTORY:**

**RECOMMENDED POSITION:** Support

**BOARD POSITION:**

**SUMMARY:** This bill is the "sunset bill" for the Senate Committee on Business, Professions and Economic Development. Among other things, this bill extends the operation date for this Board until January 1, 2016.

**COMMENT:** This bill will eventually contain language for each board (including the Board for Professional Engineers, Land Surveyors, and Geologists) that is going through the Sunset Review Hearings this year.

**Board for Professional Engineers and Land Surveyors  
Bill Analysis  
2011 Legislative Session**

**BILL:** SB 692

**AUTHOR:** Walters

**TOPIC:** Professional Engineers

**DATE OF INTRODUCTION:** 2/18/11

**MOST RECENT VERSION:**

**ANALYSIS DATE:** 3/15/11

**BILLS LEGISLATIVE HISTORY:**

**RECOMMENDED POSITION:** Oppose

**BOARD POSITION:**

**SUMMARY:** This bill would prohibit the practice of agricultural, chemical, control system, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic engineering by any person who has not passed a specified examination and who is not appropriately licensed by the Board for Professional Engineers and Land Surveyors in the particular discipline. In other words, this bill converts "title act" disciplines to "practice act" disciplines.

**HISTORY:** The issue of title acts and what should be done about them has been a concern of the Board for over 25 years. After various studies, task forces, and legislation, the Board continues to arrive at the same conclusion that it would be best to leave "title acts" as they are or to leave some of them as they are and to eliminate others. In 2000, the Joint Legislative Sunset Review Committee (JLSRC), the Department of Consumer Affairs (DCA), and the Board decided that the best way to address the "title act" issue was to contract with an independent consultant to perform a review of all of the title act branches of engineering. The report that was prepared by the independent consultant (ISR) was completed in November of 2002. The report concluded, among other things, that the state should eliminate title protection and offer practice protection to all regulated disciplines. A Task Force was then appointed by the Board consisting of two members of the Board, Committee consultants of the Legislature, a representative from DCA, and other various members of the public and two professional engineers (not members of the Board). The Task Force began meeting in August of 2003 and held five meetings throughout the state to discuss the ISR recommendations and receive public comment regarding those recommendations or others being considered by the Task Force. The Task Force completed its work in January of 2004 and made its recommendations to the Board. The Board, with minor changes, approved the Task Force recommendations in May of 2004. The JLSRC met in June 2004, adopted all the Board's recommendations and the next year, on June 20, 2005, placed them into a bill, SB 246. SB 246 included language that established chemical, control systems, fire protection, nuclear, petroleum, and traffic engineering as "practice acts" and discontinued examinations for the title disciplines of agricultural, industrial, and metallurgical engineering. Among other things, SB 246 provided that the professional practice of engineering in the branches recognized by the Board may overlap, but with specified provisions. SB 246 was met with vigorous opposition and was having difficulty making it through the Legislature. In July 2005, it was scheduled to be heard in the Assembly Committee on Business and Professions (B&P), but due to the opposition it was "held" in Committee.

In 2005/2006, the Assembly B&P Committee held a number of meetings regarding the issue of converting the "title act" disciplines to "practice acts." The meetings were comprised of numerous groups and individuals who expressed an interest – both pro and con – to the language in SB 246 to make such conversions. The goal of the meetings was to arrive at language that was acceptable to

**Board for Professional Engineers and Land Surveyors  
Bill Analysis  
2011 Legislative Session**

most, if not all, of the parties. Agreeable language could not be reached, so after much discussion between the Board and the JLSRC, the decision was made that the language to convert "title act" disciplines to "practice acts" should be dropped from the bill. The Board voted at its March 17, 2006, meeting to support the removal of the language to convert "title act" disciplines to "practice act" disciplines.

In 2009, SB 275, which was virtually identical to SB 692 was introduced. It was sponsored by the Farm Bureau and Chemical Industry Council. American Council of Engineering Companies (ACEC CA) and Professional Engineers in California Government (PECG) were opposed to the bill. The Board had a "watch" position. SB 275 failed passage out of its first Committee hearing.

**COMMENT:** Many people who are currently licensed in "title act" disciplines were grandfathered (licensed without examination) into those disciplines, although it is becoming fewer and fewer each year. This brings up another issue: most of the "title act" disciplines are shrinking (see below) and may eventually go away on their own through attrition. The Board needs to consider that many unlicensed people are currently legally doing work that would suddenly become protected if "title acts" are converted to "practice acts"; these people would no longer be able to do their jobs. Therefore, SB 692 could be seen as a "job killer" and, in this economy, may reflect poorly on this bill.

Branch of Engineering	Number of Licensees FY 1999/2000	Number of Licensees As of 6/30/2010
Agricultural	309	193
Chemical	2140	1954
Control System	2410	1416
Fire Protection	883	760
Industrial	854	467
Metallurgical	417	277
Nuclear	1038	613
Petroleum	482	389
Traffic	1398	1512

## Regulations Status Report

**Board Meeting Date: March 24 & 25, 2011**

Sections affected – 404, 424, 425, 438, and 460

Subject – Definitions of Approved Curricula and PhD waiver of Fundamentals

Status – Submitted to OAL for final review & approval on March 1, 2011

Contact Person – Larry Kereszt

Section affected – 3005

Subject – Geology Fees

Status – Proposal to be noticed for 45-day public comment period on March 25, 2011; hearing to be held May 12, 2011

Contact Person – Larry Kereszt

Section affected – 407

Subject – Engineer/Land Surveyor Fees

Status – Currently under staff review; Proposal for public notice is forthcoming

Contact Person – Debbie Thompson



FY2010/2011 SUMMARY OF ENGINEERING AND LAND SURVEYING ENFORCEMENT CASES  
Through February 2011

	IN-HOUSE					DIV. OF INVEST.			ATTORNEY GENERAL				
	Cases Opened	Cases Closed	Cases Pend.	Mean/Median Age of Cases Pending (in days)	Pending Cases Over 365 Days	Cases Subm.	Cases Ret'd	Cases Pend.	Cases Subm.	Cases Closed	Cases Pend.	SOIs Pend.	ACCs Pend.
JULY	34	37	295	317/166	92	3	9	23	9	0	126	1*	126*
AUG	26	61	260	355/232	94	1	1	23	9	0	135	1*	135*
SEPT	21	25	256	359/227	94	7	4	26	0	11	124	1*	124*
OCT	24	16	264	356/251	90	2	2	26	2	3	123	1*	123*
NOV	17	19	265	364/254	94	4	3	27	4	1	126	1*	126*
DEC	58	29	294	333/229	92	1	3	25	2	18	110	1*	110*
JAN	47	45	296	328/221	94	2	3	24	2	2	110	1*	110*
FEB	17	19	295	335/231	105	4	3	25	8	2	116	1*	116*
MARCH													
APRIL													
MAY													
JUNE													
TOTALS	244	251				24	28		36	37			

\*Some of the cases pending at the Attorney General's Office involve both a Statement of Issues (denial of licensure) and an Accusation (disciplinary action against a license or certificate). Therefore, the number of SOIs Pending and the number of ACCs Pending total more than the number of Cases Pending at the Attorney General's Office.

Explanation of Terms:

"In-House" totals represent the number of complaints opened, closed, and pending in a given month. In addition, the mean and median age of pending cases and the number of pending cases over 365 days are provided.

"Div. Of Invest." totals represent the number of complaints which are referred to, returned from, and still pending with the Division of Investigation in a given month. These cases are a subset of the "In-House" cases.

"Attorney General" totals represent the number of cases submitted to, closed, and pending with the Office of the Attorney General, as well as a breakdown of how many cases are Statements of Issues (SOIs), which are not generated by enforcement/complaint activity, and how many cases are Accusations (ACCs), which are generated by enforcement/complaint activity. (SOIs are generated by denials of applications for registration or licensure.)

SUMMARY OF ENGINEERING AND LAND SURVEYING ENFORCEMENT CASES BY FISCAL YEAR  
Through February 2011

	IN-HOUSE					DIV. OF INVEST.			ATTORNEY GENERAL				
	Cases Opened	Cases Closed	Cases Pend.	Mean & Median Age of Pend. Cases	Cases Pend. Over 365 Days	Cases Subm.	Cases Ret'd	Cases Pend.	Cases Subm.	Cases Closed	Cases Pend.*	SOIs Pend.	ACCs Pend.*
03/04	393	246	556	469/343	271	32	26	34	31	18	42	2	40
04/05	276	262	570	586/506	368	31	23	42	20	24	38	3	35
05/06	452	374	648	504/366	326	74	24	92	30	29	39	2	37
06/07	559	569	637	513/405	353	50	42	100	15	28	26	3	23
07/08	457	612	482	446/294	213	54	62	92	17	9	34	3	31
08/09	458	558	382	405/260	151	34	64	62	59	12	67*	4**	66**
09/10	456	541	298	321/192	100	28	51	29	88	38	117	1**	117**
10/11	244	251	295	335/231	105	24	28	25	36	37	116	1**	116**

The Division of Investigation cases are a subset of the In-House Complaint Investigation Cases.

\* In preparing the July 2008 statistics, it was discovered that the Accusations Pending (ACCs Pend.) number was incorrect. It is not possible to go back through the years to determine when the error in the statistics occurred; therefore, we have not changed the previous years' numbers.

\*\* Some of the cases pending at the Attorney General's Office involve both a Statement of Issues (denial of licensure) and an Accusation (disciplinary action against a license or certificate). Therefore, the number of SOIs Pending and the number of ACCs Pending total more than the number of Cases Pending at the Attorney General's Office.

\*\*\* In preparing the February 2011 statistics, it was discovered that the Division of Investigation Cases Pending (DIV. OF INVEST. Cases Pend.) number was incorrect. It is not possible to go back through the years to determine when the error in the statistics occurred; therefore, we have not changed the previous years' numbers.

Explanation of Terms:

"In-House" totals represent the number of complaints opened, closed, and pending in a given month. In addition, the mean and median age of pending cases and the number of pending cases over 365 days are provided.

"Div. Of Invest." totals represent the number of complaints which are referred to, returned from, and still pending with the Division of Investigation in a given month. These cases are a subset of the "In-House" cases.

"Attorney General" totals represent the number of cases submitted to, closed, and pending with the Office of the Attorney General, as well as a breakdown of how many cases are Statements of Issues (SOIs), which are not generated by enforcement/complaint activity, and how many cases are Accusations (ACCs), which are generated by enforcement/complaint activity. (SOIs are generated by denials of applications for registration or licensure.)

ENGINEERING AND LAND SURVEYING COMPLAINT CATEGORY STATISTICS  
Through February 2011

Because the Professional Engineers Act and Professional Land Surveyors' Act have general/all-inclusive statutes which address violations (for example, Section 6775 includes fraud, deceit, misrepresentation, breach or violation of contract, negligence, incompetence, aiding/abetting, and violating the Code of Professional Conduct in the practice of professional engineering, and Section 8780 includes fraud, deceit, misrepresentation, breach or violation of contract, negligence, incompetence, aiding/abetting, and violating the Code of Professional Conduct in the practice of professional land surveying), the Enforcement Unit does not classify complaints by the specific type of violation; in general, we investigate the complaint as if all of these violations have been alleged. However, the Department of Consumer Affairs (DCA) has standard category types for complaint statistics which we use when a complaint case is initially opened. These categories are contractual, fraud, health and safety, non-jurisdictional, competence/negligence, other category, personal conduct, product quality, unprofessional conduct, and unlicensed or unregistered activity. Therefore, when a complaint is received and opened as a formal complaint the information provided by the complainant is reviewed and one or two of the DCA categories are chosen for statistical purposes.

CATEGORY	FY03/04	FY04/05	FY05/06	FY06/07	FY07/08	FY08/09	FY09/10	FY10/11
Competence/Negligence	119	84	110	114	105	159	124	110
Contractual*	79	72	96	87	84	78	60	65
Fraud	34	33	68	56	49	53	41	22
Unlicensed Activity	124	84	105	98	103	108	82	58
Other Category	29	6	7	6	28	22	18	6
Record of Survey**	32	35	52	29	23	74	55	35
Delinquents**	10	1	1	2	0	2	2	1
Examination Subversion**	63	31	106	271	149	94	167	36
Code of Professional Conduct	7	5	16	9	16	10	8	2
Reporting of Legal Actions Program**	N/A	N/A	N/A	N/A	1	18	38	52

\* Contractual includes failure to use a written contract or failure to include all required elements in the written contract as well as breach of contract.  
\*\* These are not DCA categories; they are Board categories.

(Please note: These numbers may total more than the number of complaints we opened in a given year because a complaint may fall within more than one category.)

ENGINEERING & LAND SURVEYING COMPLAINT INVESTIGATION CASE RESOLUTION STATISTICS  
Through February 2011

This table shows the general closing categories used by the Enforcement Unit when closing a complaint investigation case; these categories are based on categories from the Department of Consumer Affairs.

Fiscal Year	No Violation & Insufficient Evidence	Compliance Obtained	Mediated	RAIN	Warning Letter	Citation to be Issued	Referred to		Other
							DA	AG	
03/04	53	71	4	23	9	18	12	52	4
04/05	62	83	7	11	12	32	2	32	11
05/06	92	86	28	19	25	52	5	61	9
06/07	171	199	7	10	34	70	12	48	18
07/08	135	183	9	8	76	113	11*	63*	12
08/09	130	112	11	17	91	112	3	77	5
09/10	150	104	2	5	59	98	5	103	14
10/11	77	34	5	8	39	38	6*	36*	10

\* In FY07/08, two cases were submitted to both the District Attorney and the Attorney General. In FY10/11, one case was submitted to both the District Attorney and the Attorney General.

"No Violation & Insufficient Evidence" also includes "No Jurisdiction" (the alleged violations do not fall within the Board's Jurisdiction). "RAIN" stands for "Resolved After Initial Notification." "Other" includes such categories as Subject Deceased, Unable to Locate Subject, Non-Cooperation of Complainant, No Response from Exam Subversion Subjects (Applications Voided).

In addition to investigating formal complaints, the Enforcement Unit staff assists consumers and licensees in resolving problems before they actually become complaints. Most of these matters involve a breakdown of communication between the licensee and the client. The Enforcement Analysts assist both parties in re-opening the lines of communication; the analysts act only as mediators, not arbitrators. In these situations, it is generally the parties involved who resolve the problem rather than the analysts. Most of these matters are generally handled through telephone contact rather than with correspondence.

AGING OF ENGINEERING AND LAND SURVEYING  
 ACCUSATION & PROBATION VIOLATION CASES ASSIGNED TO THE ATTORNEY GENERAL  
 Through February 2011

	0-91 DAYS	92-182 DAYS	183-274 DAYS	275-365 DAYS	1-2 YEARS	2-3 YEARS	OVER 3 YEARS
PRE-ACCUSATION CASES	11	5	5	3	9	0	0
POST-ACCUSATION CASES	6	26	20	10	5	0	0

“Pre-Accusation” are cases for which an Accusation has not yet been filed and is calculated from the date the case is submitted to the AG’s Office to the current date.

“Post-Accusation” are cases for which an Accusation has been filed and is calculated from the date the Accusation is filed to the current date.

OUTCOME OF ENGINEERING & LAND SURVEYING CASES SUBMITTED TO THE ATTORNEY GENERAL'S OFFICE  
Through February 2011

Based on the Effective Date of the Decision  
(Including Proposed Decisions, Stipulations, Defaults, and Decisions After Reconsideration)

Fiscal Year	Total	Revoked or Voluntary Surrender	Rev/Stay (with probation)	Susp/Stay (with probation)	Other (i.e., Suspension Only, Probation Only)	Dismissed**	Withdrawn*	
							Acc Filed	No Acc Filed
03/04	17	4	11	0	1	0	0	1
04/05	27	3	15	3	5	0	1	0
05/06	24	7	10	1	3	1	0	2
06/07	28	10	8	0	3	0	3	4
07/08	7	2	1	0	3	1	0	0
08/09	12	4	5	0	1	0	0	2
09/10	38	11	11	0	8	0	1	7
10/11	37	14	13	0	4	0	4	2

\* For statistical tracking purposes, we use the term "Withdrawn" to apply to both cases which are returned by the AG's Office with the recommendation that an Accusation not be filed as well as cases in which an Accusation is filed and then formally withdrawn (through a Notice of Withdrawal signed by the Executive Officer as the Complainant in the Accusation) prior to the issuance of a Final Decision by the Board. Generally, the DAG will recommend that an Accusation not be filed if he believes, after reviewing all of the evidence provided, the case is too old or there is insufficient evidence or if the subject/respondent complies with the law (such as filing the Record of Survey or completing the terms of the contract). Additionally, Accusations are withdrawn (after filing) if additional evidence indicates that the respondent is in compliance with the law.

\*\* An Accusation is dismissed (with or without prejudice) through a Final Decision by the Board (generally, by adopting a Proposed Decision which orders dismissal or by granting a Petition for Reconsideration and ordering dismissal).

(It is rare that a case will be opened as a complaint, submitted to the AG's Office, and have a final decision issued in the same fiscal year. In addition, multiple complaint cases against the same individual are combined into one case when submitted to the AG's Office.)

# ENGINEERS AND LAND SURVEYORS FY 2010-11

## SUMMARY OF EXAMS AND LICENSING STATISTICS

Through January 31, 2011

	YTD as of Jan. 31, 2011	YTD as of Jan. 31, 2010	Increase / Decrease	
			#	%
Applications	14,862	13,094	1,768	14%
Comity Applications	41	32	9	28%
License Renewals	21,235	26,633	(5,398)	-20%
Active Licenses (PE & PLS)	94,877	93,570	1,307	1%
Active Certifications (FE & FS)	38,465	34,982	3,483	10%
Retired Status Licenses	3,308	3,058	250	8%
	<b>FY 2010-11 Exams</b>	<b>FY 2009-10 Exams</b>		
October	13,328	14,948	(1,620)	-11%
April	11,899	13,720	(1,821)	-13%

**ENGINEERS AND LAND SURVEYORS**

FY 2010-11

**Exam Applicants Through January 31, 2011**

DISCIPLINE	Month				Exam Applications				Comity <sup>(1)</sup>				
	Jan. '11		Jan. '10		Jan. '11		Jan. '10		Jan. '11		Jan. '10		
	Increase/Decrease	Year to Date	Increase/Decrease	Year to Date	Increase/Decrease	Year to Date							
<b>Practice Acts</b>													
Civil	2,011	763	1,248	5,480	4,586	894	2	9	894	2	9	(7)	
Electrical	159	89	70	628	469	159	19	6	159	19	6	13	
Mechanical	90	135	(45)	564	538	26	15	8	26	15	8	7	
Land Surveyor	241	166	75	437	369	68	1	0	68	1	0	1	
<b>Title Authority Acts</b>													
Structural	57	17	40	376	338	38	0	0	38	0	0	0	
Geotechnical	0	0	0	72	77	(5)	0	0	(5)	0	0	0	
<b>Title Acts</b>													
Agricultural	0	0	0	2	2	0	0	0	0	0	0	0	
Control Systems	0	0	0	22	17	5	1	0	5	1	0	1	
Fire Protection	2	1	1	24	28	(4)	0	0	(4)	0	0	0	
Chemical	17	25	(8)	98	91	7	0	1	7	0	1	(1)	
Industrial	0	0	0	4	2	2	0	0	2	0	0	0	
Metallurgical	0	0	0	5	12	(7)	0	0	(7)	0	0	0	
Nuclear	0	0	0	1	2	(1)	0	0	(1)	0	0	0	
Petroleum	0	0	0	4	4	0	0	0	0	0	0	0	
<b>Title Acts (California Specific)</b>													
Traffic	1	1	0	82	91	(9)	0	0	(9)	0	0	0	
Quality	0	0	0	0	0	0	0	0	0	0	0	0	
Safety	0	0	0	0	0	0	0	0	0	0	0	0	
Corrosion	0	0	0	0	0	0	0	0	0	0	0	0	
<b>SUBTOTAL (PE/PLS)</b>	2,578	1,197	1,381	7,799	6,626	1,173	38	24	1,173	38	24	14	
<b>In-Training</b>													
Fundamentals of Engineering	2,877	1,978	899	6,728	6,145	583	3	8	583	3	8		
Fundamentals of Surveying	138	93	45	335	323	12	0	0	12	0	0		
<b>SUBTOTAL (FE/FS)</b>	3,015	2,071	944	7,063	6,468	595	3	8	595	3	8		
<b>TOTALS</b>	5,593	3,268	2,325	14,862	13,094	1,768	41	32	1,768	41	32	9	
% + / - Change			71%			14%						28%	

**Notes:**

(1) Prior FY comparison not available as comity statistics for FE and FLS were not tracked in FY 2009-10. Total comity amount excludes FE & FLS.

**ENGINEERS AND LAND SURVEYORS**

FY 2010-11

**Active Licenses Through January 31, 2011**

DISCIPLINE	Licenses & Certifications <sup>(1)</sup>				Retired Status		Increase/ Decrease
	Year to Date As Of:		Increase/ Decrease	Year to Date As Of:		Increase/ Decrease	
	Jan. 2011	Jan. 2010		Jan. 2011	Jan. 2010		
<b>Practice Acts</b>							
Civil	52,327	51,114	1,213	1,079	996	83	
Electrical	9,165	9,080	85	333	295	38	
Mechanical	14,724	14,385	339	477	454	23	
Land Surveyor	4,204	4,230	(26)	119	101	18	
<b>Title Authority Acts</b>							
Structural	3,783	3,701	82	82	72	10	
Geotechnical	1,410	1,381	29	30	26	4	
<b>Title Acts</b>							
Agricultural	176	179	(3)	28	26	2	
Control Systems	1,251	1,382	(131)	205	190	15	
Fire Protection	748	753	(5)	49	46	3	
Manufacturing	564	596	(32)	149	147	2	
Chemical	1,970	1,966	4	61	57	4	
Industrial	422	465	(43)	113	106	7	
Metallurgical	260	280	(20)	35	32	3	
Nuclear	556	570	(14)	95	92	3	
Petroleum	373	384	(11)	16	13	3	
<b>Title Acts (California Specific)</b>							
Traffic	1,490	1,510	(20)	74	70	4	
Quality	683	762	(79)	209	195	14	
Safety	511	566	(55)	118	107	11	
Corrosion	260	266	(6)	36	33	3	
<b>SUBTOTAL (PE &amp; PLS)</b>	<b>94,877</b>	<b>93,570</b>	<b>1,307</b>	<b>3,308</b>	<b>3,058</b>	<b>250</b>	
Total % Growth			1%			8%	
<b>In-Training</b>							
Fundamentals of Engineering	36,079	32,747	3,332	n/a	n/a	n/a	
Fundamentals of Surveying	2,386	2,235	151	n/a	n/a	n/a	
<b>SUBTOTAL (FE &amp; FS)</b>	<b>38,465</b>	<b>34,982</b>	<b>3,483</b>				
Total % Growth			10%			n/a	
<b>TOTALS</b>	<b>133,342</b>	<b>128,552</b>	<b>4,790</b>	<b>3,308</b>	<b>3,058</b>	<b>250</b>	

**Notes:**

(1) Excludes licenses cancelled, deceased, revoked, suspended, and denied.



**GEOLOGY AND GEOPHYSICISTS  
FY 2010-11**

**SUMMARY OF EXAMS AND LICENSING STATISTICS**

	YTD Jan. 31, 2011	YTD Jan. 31, 2010	Increase / Decrease #	%
Applications	201	230	(29)	-13%
License Renewals/Certifications	2,108	1,994	114	6%
Active Licenses	5,266	5,243	23	0.4%
Active Certifications	2,498	2,474	24	1.0%
March 2011 Exams Scheduled	286	249	37	15%
October 2010 Exams Scheduled	497	270	227	84%

**Notes:**

(1) Geophysicist, Certified Hydrogeologist, and Certified Engineering Geologist Exams not administered in FY 2009-10.

EXECUTIVE REPORT

Fiscal Year 2010-11  
Exam Applicants Through January 31, 2011

DISCIPLINE	Exam Applications						
	Month		Increase/ Decrease	Year to Date		Increase/ Decrease	
	Jan. '11	Jan. '10		Jan. '11	Jan. '10		
<b>Professional Licenses:</b>							
Professional Geologist <sup>(1)</sup>	63	0	63	196	157	39	
Professional Geophysicist	0	0	0	0	7	(7)	
<i>Subtotal</i>	63	0	63	196	164	32	
<b>Certifications:</b>							
Engineering Geologist	2	0	2	2	33	(31)	
Hydrogeologist	1	0	1	3	33	(30)	
<i>Subtotal</i>	3	0	3	5	66	(61)	
<b>TOTALS</b>	66	0	66	201	230	(29)	

(1) Includes the ASBOG national Geology Practice Exam, Fundamentals Exam and the California State-Specific Geology exam.

# GEOLOGISTS AND GEOPHYSICISTS

FY 2010-11

Active Licenses as of January 31, 2011

DISCIPLINE	ACTIVE LICENSES <sup>(1)</sup>		
	Year to Date		Increase/ Decrease
	Jan. 31, 2011	Jan. 31, 2010	
<b>Licenses:</b>			
Geologist	5,072	5,041	31
Geophysicist	<u>194</u>	<u>202</u>	<u>(8)</u>
Subtotals	5,266	5,243	23
<b>Certifications:</b>			
Engineering Geologist	1,610	1,607	3
Hydrogeologist	<u>888</u>	<u>867</u>	<u>21</u>
Subtotals	2,498	2,474	24
<b>TOTAL</b>	<b>7,764</b>	<b>7,717</b>	<b>47</b>
Total % Growth			0.61%

**Notes:**

(1) Excludes licenses cancelled, licensees deceased, licenses revoked, suspend



**PROFESSIONAL ENGINEERS AND LAND SURVEYORS WEBSITE STATISTICS – Fiscal Year 2010/2011**  
**Top 10 Web Page Requests (First through Tenth Position Indicated)**

Web Page	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
License Lookup Introduction Page	1	1	1	1	1	1	1	1				
Consumer Guide	5	3	3	4	5	7	4	2				
Board Rules	3	6	2	2	2	3	5	3				
Application Information Index	2	2	4	3	3	2	2	4				
Exam Schedule/Final Filing Date Introduction Page	4	4	5	6	8	6	3	5				
List of Civil Engineers Licensed Prior to January 1, 1982			9	8	6		10	6				
Engineering Exam Schedule/Final Filing Dates	8	7	6	7	7	8	7	7				
EIT/LSIT Application Information & Instructions		5	7	10	9		8	8				
PE Application Form								9				
Examination Information Index	7	8	8	5		10	9	10				
Information Regarding the Release of the 10/10 Exam Results (added 12/30/10)	n/a4	n/a	n/a	n/a	n/a		6					
PE Application Introduction Page	6	10	10	9	4	4						
Bulletin 34, Fall 2010 (posted 11/30/10)	n/a	n/a	n/a	n/a		5						
PE Application Instructions, Page 1					10	9						
Information regarding New Exam Registration Procedures	9	9										
Local Officials Guide	10											

**License Lookup Hits – Board Site vs. DCA Site**

License lookup can be accessed from both the Board's website and from the main Department of Consumer Affairs' site.

License Lookup Access	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
via the Board's site	51,605	24,250	22,288	22,058	21,778	27,611	53,875	23,572				
via DCA's site	136,094	58,256	50,386	50,637	48,809	60,484	142,332	53,878				

**GEOLOGISTS AND GEOPHYSICISTS PROGRAM WEBSITE STATISTICS – Fiscal Year 2010/2011**

**Top 10 Web Page Requests (First through Tenth Position Indicated)**

Web Page	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
Professional Geologist Application Form				3								
Exam/Application Information Page	1	1	1	1	1	1	1	2				
Exam Schedule & Final Filing Dates	3	3	7	8	6	4	2	3				
Licensee Information Index	2	2	2	2	2	2	3	4				
Forms/Publications Index	5	4	3	6	8	8	4	5				
FAQs	7	5	5	10	9	7	8	6				
Geologist & Geophysicist Regulations							7	7				
Fee Schedule	8	6	8	4	4	9	9	8				
March 2011 Examinee Instructions (added 2/11)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	9				
FAQs Regarding ABx4 20							10	10				
Information regarding the Release of the 10/10 Examination Results (posted 12/10)	n/a	n/a	n/a	n/a	n/a	3	5					
Geologist & Geophysicist Act					10		6					
Application Information Index	4	7		7	5	5						
Notice & Agenda for the 12/15/10 Geologist Technical Advisory Committee Meeting (posted 12/3/10)	n/a	n/a	n/a	n/a	n/a	6						
Enforcement Actions Index Page						10						
Featured Topics Index	6	10	6		3							
Professional Geologist Application Instructions	10	8	9	5	7							
Geologist-in-Training Application Instructions		9		9								
Examination Statistics Index			4									
Strategic Plan			10									
March 2010 Examinee Instructions (added 2/10)	9											

**License Lookup Hits**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June
License Lookup	4,275	4,445	3,337	4,000	3,303	7,054	6,038	4,673				

- X. Consideration of Rulemaking Proposals, as follows:
    - A. Update on Proposed Amendments to Title 16, California Code of Regulations  
Section 407 - Fees (Possible Action)
-



XI. Approval of Delinquent Reinstatements (Possible Action)

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## APPROVAL OF DELINQUENT REINSTATEMENTS

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

### CIVIL

#### **CALLAS, BASHAR**

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

#### **IRWIN JR, THOMAS W**

Reinstate applicant's civil license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

### MECHANICAL

#### **RICCARDELLA, PETER C**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination and Principles and Practice of Engineering, and pays all delinquent and renewal fees.



- XII. Information Technology Updates (Possible Action)
- On-Line Renewals/Credit Card Renewals (Possible Action)
-



XIII. Address of Record Available to the Public via Website

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## ADDRESS OF RECORD AVAILABLE TO THE PUBLIC

At the November 2010 Board meeting, a member of the public who is a licensee of the Board expressed concerns that licensees' addresses of record are available to the public, especially on the internet via License Lookup. The Board directed staff to review the issue of whether the Board is required to provide licensees' addresses of record to the public.

Pursuant to Business and Professions Code section 27, the Board is required to include its licensees' addresses of record on its internet listing of licensees. The License Lookup database is considered to be an internet listing of licensees; therefore, the address of record is available to the public when they look up an individual licensee. In addition, the address of record associated with a state-issued license is considered public information, unless there are laws specifically prohibiting disclosure of the address.

It is important to note that the License Lookup database is not a database that is accessible to search engines, such as Google; therefore, doing a general internet search will not reveal the information contained in the License Lookup database. In order to obtain information from the License Lookup database, a person must enter specific search criteria, such as a name or license number, into the database's own search engine.

It should also be noted that the Board's laws and regulations do not require its licensees to provide their home addresses as their addresses of record. They may provide a business address, a post office box, or an alternate address; they also do not have to indicate whether they are providing a home, business, or alternate address.

In order to stop providing the licensees' addresses of record to the public, the Board would need to seek legislation to amend Section 27 and to add sections to its laws specifically prohibiting the disclosure of its licensees' addresses of record.



XIV. California's New Green Building Code (Possible Action)

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XV. Proposed Changes to the Written Contract Requirements (Possible Action)

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## PROPOSED CHANGES TO THE WRITTEN CONTRACT REQUIREMENTS

At the November 2010 Board meeting, it was suggested that the Board require its licensees to include information in their written contracts as to how their clients could contact the Board to verify that the licensee is appropriately licensed in good standing. The Board directed staff to research this issue and report to the Board at a future meeting.

Currently, the Professional Engineers Act and the Professional Land Surveyors' Act (specifically, Business and Professions Code sections 6749 and 8759) require that professional engineers and land surveyors use written contracts with their clients when providing professional services. These sections specify certain items that must be included in the written contract. The sections also list certain circumstances in which a written contract is not required. There are no provisions in the Geologist and Geophysicist Act that require professional geologists or geophysicists to use written contracts when providing their services. Sections 463.5 and 3066 of Title 16, California Code of Regulations require professional engineers, land surveyors, geologists, and geophysicists to provide notice to their clients that they are licensed by the Board. These sections list certain methods by which this notice may be accomplished, one of which is to include a statement on the written contract, if one is used. None of these laws require the inclusion of information as to how to contact the Board to verify that the licensee is appropriately licensed and in good standing.

In order to require its licensees to include information in their written contracts as to how their clients could contact the Board to verify that the licensee is appropriately licensed in good standing, the Board would need to seek legislation to amend Business and Professions Code sections 6749 and 8759 to include this as one of the items that must be included in the written contracts and would need to seek legislation to add sections to the Geologist and Geophysicist Act to require professional geologists and geophysicists to use written contracts and to include such information in those written contracts.



- XVI. Administration (Possible Action)
    - A. Fund Condition (Possible Action)
    - B. FY 2010/11 Budget (Possible Action)
    - C. FY 2011/12 Budget Change Proposals (Possible Action)
-



**a. Fund Condition (Possible Action):**

The fund conditions for the Engineers/Land Surveyor's Fund and Geology/Geophysicists' Fund are identified **Attachments A and B.**

The Engineers and Land Surveyors' Fund revenue received through January 31, 2010 of this FY was \$7,438,388 which is a \$214,111 reduction from the prior FY revenue received at this time. This revenue drop is a result of both the normal renewal revenue decline that occurs every other FY and the reduction in exam applications received in FY 2010-11.

The Geologist and Geophysicists' Fund revenue received through January 31, 2011 was \$630,502 which is a \$15,278 increase as compared to the prior FY. This includes a \$49,155 increase in license renewal revenue and a drop of \$34,889 in exam applications and initial license fee revenue from the prior FY.

**ATTACHMENT A**

**Professional Engineers and Land Surveyors  
FUND CONDITION  
As of March 9, 2011**

	<u>Prior Actual</u>	<u>Current</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>
<b>FUND CONDITION:</b>	<b>2009-10</b>	<b>2010-11</b>			
Total Reserves, July 1	\$ 4,266	\$ 5,644	\$ 986	\$ 705	\$ 485
Revenue:					
License Renewal Fees	\$ 6,308	\$ 5,425	\$ 6,405	\$ 5,534	\$ 6,533
Exam Application Fees	\$ 3,775	\$ 3,852	\$ 3,700	\$ 3,700	\$ 3,700
Delinquent Fees	\$ 64	\$ 64	\$ 64	\$ 64	\$ 64
Surplus Money Investment Income	\$ 44	\$ 55	\$ 50	\$ 50	\$ 57
Other Miscellaneous	\$ 32	\$ 35	\$ 38	\$ 35	\$ 35
<b>Total Revenue</b>	<b>\$ 10,223</b>	<b>\$ 9,431</b>	<b>\$ 10,257</b>	<b>\$ 9,383</b>	<b>\$ 10,389</b>
Transfers from Other Funds					\$ 5,000
Transfers to Other Funds	\$ 14,489	\$ 15,075	\$ 11,243	\$ 10,088	\$ 10,874
Unreimbursed Loans to GF	\$ (5,000)				\$ -
<b>Total Resources:</b>	<b>\$ 14,489</b>	<b>\$ 10,075</b>	<b>\$ 11,243</b>	<b>\$ 10,088</b>	<b>\$ 15,874</b>
<b>Expenditures:</b>					
State Controller's Office	\$ 8,845	\$ 9,089	\$ 9,414	\$ 9,602	\$ 9,794
Financial Information System for CA	\$ 6	\$ 15	\$ 10		
BreEze Funding Realignment	\$ -	\$ (36)			
FY 2011-12 SFL Nat'l Exam Administration	\$ -	\$ -	\$ 1,124	\$ -	\$ -
<b>Total Expenditures</b>	<b>\$ 8,851</b>	<b>\$ 9,074</b>	<b>\$ 10,589</b>	<b>\$ 9,602</b>	<b>\$ 9,794</b>
Reserve, June 30	\$ 5,644	\$ 986	\$ 705	\$ 485	\$ 6,080
<b>MONTHS IN RESERVE</b>	<b>7.5</b>	<b>1.3</b>	<b>0.9</b>	<b>0.6</b>	<b>7.3</b>

**Notes:**

- A. Assumes workload and revenue projections as realized for FY 2010-11 & ongoing.
- B. Assumes interest rate at 1%.
- C. Assumes appropriation growth of 2% per year.
- D. Excludes 5% workforce cap and employee salary adjustments included in Budget Act of 2010.

**ATTACHMENT B**

**Geology and Geophysicists Fund  
FUND CONDITION  
As of March 9, 2011**

	Prior Actual		Current		
<b>FUND CONDITION:</b>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>	<u>2013-14</u>
Total Reserves, July 1	\$ 828	\$ 724	\$ 728	\$ 275	\$ (55)
Revenue:					
License Renewal Fees	\$ 758	\$ 820	\$ 784	\$ 850	\$ 784
Application & Exam Fees	\$ 186	\$ 100	\$ 100	\$ 183	\$ 183
Delinquent Fees	\$ 14	\$ 14	\$ 14	\$ 14	\$ 14
Surplus Money Investment Income	\$ 5	\$ 4	\$ -	\$ -	\$ -
Other Miscellaneous	\$ 3	\$ 6	\$ 6	\$ 6	\$ 8
<b>Total Revenue:</b>	<u>\$ 966</u>	<u>\$ 944</u>	<u>\$ 904</u>	<u>\$ 1,053</u>	<u>\$ 989</u>
Total Revenue & Transfers	\$ 1,794	\$ 1,668	\$ 1,632	\$ 1,328	\$ 934
Unreimbursed Loans to GF	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total Resources:</b>	<u>\$ 1,794</u>	<u>\$ 1,668</u>	<u>\$ 1,632</u>	<u>\$ 1,328</u>	<u>\$ 934</u>
Expenditure Budget	\$ 1,070	\$ 1,330	\$ 1,357	\$ 1,384	\$ 1,411
Projected Expense Budget Savings	0	<u>(390)</u>	-	-	-
<b>Total Expenditures:</b>	<u>\$ 1,070</u>	<u>\$ 940</u>	<u>\$ 1,357</u>	<u>\$ 1,384</u>	<u>\$ 1,411</u>
Reserve, June 30	\$ 724	\$ 728	\$ 275	\$ (55)	\$ (478)
<b>MONTHS IN RESERVE</b>	<b>6.5</b>	<b>6.4</b>	<b>2.4</b>	<b>(0.5)</b>	<b>(4.0)</b>

**Notes:**

- A. Assumes workload and revenue projections are realized for FY 20010-11 & ongoing.
- B. Assumes interest rate at 1%.
- C. Assumes appropriation growth of 2% per year.
- D. Excludes 5% workforce cap and employee salary adjustments included in Budget Act of 2010.



**b. FY 2010-11 Budget (Possible Action)**

The FY 2010-11 budgets and projected expenditures are listed below. As of January 31, 2011, the Engineers/Land Surveyors expended \$4,540,305 and the Geologists/Geophysicists expended \$340,493.

<b>Expense Description</b>	<b>Budget Allotment</b>	<b>Expense Projection</b>	<b>Balance</b>
<b>ENGINEERS/LAND SURVEYORS:</b>			
Personal Services <sup>(1)</sup>	\$ 3,024	\$ 3,009	\$ 15
General Operating Expenses <sup>(2)</sup>	2,062	2,106	(44)
Equipment	33	-	33
Exams Program	3,047	2,814	233
Enforcement Program	<u>982</u>	<u>1,194</u>	<u>(212)</u>
<i>Subtotal Expenditures</i>	9,148	9,123	\$ 25
<i>Less: Reimbursements</i>	<u>(16)</u>	<u>(16)</u>	
<b>NET TOTAL</b>	\$ 9,132	\$ 9,107	\$ 25
 <b>GEOLOGISTS/ GEOPHYSICISTS:</b>			
Personal Services <sup>(1)</sup>	\$ 299	\$ 274	\$ 25
General Operating Expenses <sup>(2)</sup>	292	266	26
Equipment	15	15	-
Exams Program	475	206	269
Enforcement Program	<u>249</u>	<u>49</u>	<u>200</u>
<i>Subtotal Expenditures</i>	1,330	810	520
<i>Less: Reimbursements</i>	<u>-</u>	<u>-</u>	
<b>NET TOTAL</b>	\$ 1,330	\$ 810	\$ 520

**Notes:**

(1) Includes required 5% workforce cap salary savings.

(2) Includes DCA and Statewide Prorata.



**c. FY 2011-12 Budget Change Proposal (BCPs) (Possible Action):**

The Board submitted on January 14, 2011, the following Spring Finance Budget Change Proposals for FY 2011/12. The Department of Finance denied the Attorney General BCP and has requested further information from Board staff for the National Exams Administration BCP. An update regarding approval/denial will be reported at the Board meeting.

- 1) Enforcement Case Attorney General Expenses
- 2) National Exams Administration



- XVII. Technical Advisory Committees (TACs) (Possible Action)
    - A. Board Assignments to TACs (Possible Action)
    - B. Appointment of TAC Members (Possible Action)
    - C. Reports from the TACs (Possible Action)
-



## **Appointment to the Mechanical Engineering Technical Advisory Committee**

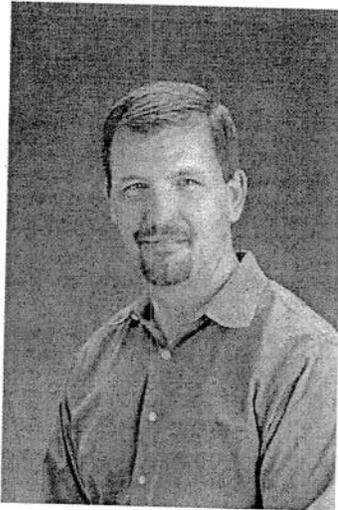
### **Recommended Motion:**

Appoint Phil Ball, M.E., LEED AP, to a first term expiring June 30, 2013.

### **Background:**

The ME-TAC appointment for Mr. Phil Ball has been nominated by Board Member William "Paul" Wilburn, P.E. The candidate has applied and the application accepted for recommendation for appointment as an ME-TAC member. The appointment of this candidate will help ensure the continuance and enhancement of the professional mechanical engineering expertise and advice provided by the ME-TAC.

The resume for the candidate is included for review by the Board.



**Phil Ball, M.E., LEED AP**  
Chief Engineer

### Professional Background

Mr. Ball has over 15 years of design and construction experience in various mechanical systems. Mr. Ball oversees the heating, ventilating, air conditioning and plumbing systems design and is well versed in all phases of the project from inception through completion. Mr. Ball is also involved with the commissioning phase of the project by overseeing the testing procedure to ensure a working system of the client.

Phil coordinates with the Owner, Architect, Engineers, and our in-house detailing team to complete the design process in a timely and constructible manner. During construction, Phil provides technical support to our project managers and field crews.

### Recent Project Experience

- California Independent Systems Operator, Folsom
- 621 Capital Mall, Sacramento
- Raging Wire, Sacramento
- Affymetrix, West Sacramento
- Kyoho Machine Works, Stockton
- Kaiser 1680 MOB, Roseville
- Herlong Prison, Herlong
- Spanos Building, Stockton
- Sutter Health, Roseville
- San Joaquin Council of Governments, Stockton
- Oak Park Research Building, Sacramento
- Coalinga Secure Treatment Facility
- Meridian Plaza, Sacramento
- Sutter Health, Yuba City
- Fremont Rideout Health Group, Marysville

### References

- Paul Wilburn, State of California.
- Tim, Albiani, Rudolph & Sletten, Inc.,
- Mike Donaldson, LDA

**Registered Professional Engineer**  
CA - M30161,  
AZ - M45002,  
NV - M17834

**Education**  
Bachelor of Science, Mechanical  
Engineering, California State University,  
Sacramento

HVAC Certificate Program, University of  
California, Davis

**LEED™ Accredited Professional**

**National Environmental Balancing Bureau  
(NEBB)**  
Certified Systems Commissioning  
Administrator  
Building Systems Commissioning - HVAC

**FMB Professional Affiliations**

ASHRAE — American Society of Heating,  
Refrigerating and Air Conditioning Engineers

President  
Sacramento Valley Chapter ASHRAE  
1998/99

ASPE — American Society of Plumbing  
Engineers

ASME — American Society of Mechanical  
Engineers

DBIA — Design Build Institute of America

**Website**  
[www.frankbooth.com](http://www.frankbooth.com)

- XVIII. Liaison Reports (Possible Action)
- A. ASBOG (Possible Action)
  - B. ABET (Possible Action)
  - C. NCEES (Possible Action)
  - D. Technical and Professional Societies (Possible Action)
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XIX. President's Report/Board Member Activities

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XX. Other Items Not Requiring Board Action

- Date of Next Board Meeting: May 12 & 13, 2011, Sacramento, California  
[Board Meeting]
-



XXI. Approval of Consent Items (Possible Action)  
(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

- Approval of the Minutes of the January 28, 2011, Board Meeting
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**MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS**

**2535 Capitol Oaks Drive  
Third Floor Conference Room  
Sacramento, California, 95833**

**Friday, January 28, 2011**

**Board Members Present:** Mike Modugno, President; Jerry Silva, Vice President; James Foley; David Luzuriaga; Philip Quartararo; Ray Satorre; Patrick Tami; Michael Trujillo; and Erik Zinn.

**Board Members absent:** Kim Blackseth; Carl Josephson; Paul Wilburn

**Board Staff Present:** Joanne Arnold (Acting Executive Officer); Linda Brown (Administrative Manager); Paula Bruning (Board Liaison); Celina Calderone (Staff); Susan Christ (Staff Civil Engineer); Tiffany Criswell (Staff); Mike Donelson (Staff Electrical Engineer); Nancy Eissler (Enforcement Manager); Joyce Hirano (Staff Civil Engineer); Bobbie Moore (Licensing Evaluator); Ric Moore (Staff Land Surveyor); Debbie Thompson (Budget Analyst); and Gary Duke (Legal Counsel).

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

The teleconference meeting was called to order by President Mike Modugno at 9:45 a.m. Roll call was taken, and there was not a quorum.

It was also noted that members of the public were present at teleconference sites. Heba El-Guendy appeared at the office of Mr. Satorre, and Charles Nestle appeared at the office of Mr. Trujillo.

**III. Public Comment**

Heba El-Guendy requested assistance from the Board in her application process. She stated that she attended the Traffic Engineering examination in October 2010. She learned from the Board's website that the examination results had been mailed; however, she had not received her results in the mail. Therefore, she attempted contact several times and finally spoke with Christina Trujillo of the Board staff on January 19, 2011, wherein Ms. Trujillo referred her to the NCEES website. Ms. El-Guendy discovered that the NCEES does not publish state-specific examination results. Ms. Trujillo then checked her file and indicated she would send out a letter to Ms. El-Guendy the same day. Ms. El-Guendy received two letters on January 21, 2011. The first letter, dated January 7, 2011, indicated that she had passed the Traffic Engineering examination; however, the take-home examination was missing from her file.

Ms. El-Guendy was directed in the letter to return the take-home examination by January 21, the same day she had received the letter. The second letter notified Ms. El-Guendy that her application for the Civil Engineering examination for the April 2011 examination was not accepted because it was hand-written instead of type-written. She explained that she was continually shut out of the website; therefore, she printed the application form and filled it out by hand. She indicated that she submitted the application with all the requirements, including references for nine years of California experience, a copy of her Masters Degree in Civil Engineering, her NCEES registration, and the take-home examination.

Ms. El-Guendy indicated that she spoke with Ms. Bruning and requested to attend this meeting and left several messages for Joyce Hirano. She indicated that she received a call from Ms. Hirano while she was in route to the Board office on January 23, 2011, indicating it was not necessary for Ms. El-Guendy to visit the Board's office. Ms. Hirano indicated that she used another copy of her take-home examination and issued her Traffic Engineer license back-dated to January 7, 2011. Ms. El-Guendy stated that Ms. Hirano also told her there was a possibility for her to attend the Civil Engineering examination in April 2011, and that she would send her an e-mail on the following Monday or Tuesday. Ms. El-Guendy stated that she received an e-mail from Ms. Hirano on Wednesday indicating that she would not be able to take the April 2011 examination because the application was hand-written.

Ms. El-Guendy mentioned that she did previously submit a type-written application for the April 2010 examination. She had received a letter inquiring about information on the reference letters, for which she responded. She stated she did not receive a response and decided to wait and submit an application for the April 2011 examination with a letter requesting that the evaluator let her know if anything was missing.

Ms. El-Guendy indicated that despite all her efforts, her file was not checked until she contacted the office on January 19. She does not believe it should be this difficult to get to the examination; therefore, she is seeking help from the Board.

President Modugno suggested that staff meet with Ms. El-Guendy face-to-face to lay out the final requirements of what she needs to do to take whichever examination for which she qualifies.

It was noted that Mr. Silva joined the meeting at 9:55 a.m., and a quorum was now established.

Mr. Foley requested that someone look into what went wrong in this situation.

Mr. Tami indicated that Ms. Hirano was in attendance at the meeting and inquired with Ms. El-Guendy if she would like to address the situation in the public forum. Ms. El-Guendy indicated that she overnighted a type-written

application to Ms. Hirano prior to her decision to deny her for the April examination. She stated she would be happy to approach the situation either now or in a separate meeting. She noted that she was not attempting to complain about staff but was simply looking for a resolution. Mr. Tami clarified that Ms. El-Guendy was comfortable with proceeding in front of the Board.

Ms. Hirano stated that she had explained in her e-mail that she had indeed issued Ms. El-Guendy's Traffic Engineer license backdated to January 7, 2011, because staff found the take-home examination she submitted with her Civil Engineering application. She further stated in regards to Ms. El-Guendy's application for the Civil Engineering examination that hand-written applications are not accepted from anyone. Ms. Hirano stated that Ms. El-Guendy did submit a type-written application after she received a letter requesting one.

Mr. Foley stated that he seemed as if the Board's system had failed somewhere. He stated that Ms. El-Guendy paid her fees twice, and he inquired as to what had happened with the first application for the April 2010 examination. Ms. Hirano responded that the first application was type-written, but it was deemed incomplete. She stated that she did not have the file with her but believed Ms. El-Guendy's response was either not submitted in a timely manner or did not provide sufficient information to complete her application. Ms. Hirano stated the second application needed to be type-written because it is considered to be a new application. She stated that if one hand-written application is going to be accepted, then the Board will need to allow all applicants to submit hand-written applications.

President Modugno asked if the application has now been completed and if Ms. El-Guendy was going to be able to sit for the October 2011 examination. Ms. Hirano indicated the application is complete and will be reviewed for October; however, staff is in the process of completing the review of the applications for the April 2011 examination.

Ms. El-Guendy stated that she had requested that the letters she received be circulated to the Board members; however, she understood that there may have been some legal issue with doing that. She stated that Ms. Hirano told her during a phone conversation that there was a possibility that she would still be able to take the April examination but directed her to return home instead of bringing her type-written application to the office. She stated that she would have submitted a type-written application if she had been notified in December that she needed to do so, just as she responded promptly to the letter she received January 21, 2011. She reiterated that this is not the first time she has attempted to take the examination. She asked that her situation be considered.

Ms. Hirano indicated that Ms. El-Guendy's application came in with all of the applications that were submitted right at the examination application cut-off date; therefore, considering the volume of applications received, there was no way to

notify her any sooner about the deficiency. She stated the applications are processed in the order they are received.

President Modugno requested Ms. Hirano go back to the original application and inform Ms. El-Guendy as to what was missing from her application for the April 2010 examination. He stated that Ms. El-Guendy would need to wait for the October 2011 examination. He said the Board would take into consideration any areas where the process was flawed, and he thanked her for bringing this matter to the attention of the Board.

Frank Pierce, Agricultural Engineer and Registered Environmental Assessor, appeared before the Board, representing the California Society for Professional Engineers. He stated that as a result of how the California Green Building Standards Code (Code) is being implemented, Professional Engineers have not been allowed to work on buildings. Instead, they are required to obtain a separate certification, which may diminish the motivation for individuals to seek a Professional Engineering license. The Code sets targets for energy efficiency, water consumption, water conservation, dual plumbing systems for potable, recyclable water, diversion of construction waste, resource efficiency and the environment. The Code passed in 2008 and was to be implemented January 2011 through local enforcement agencies. The implementation of these regulations passed by local governments is requiring work be done by those with various credentials. Professional Engineers are not qualified without the additional credentials. Mr. Pierce requested the Board review this with consideration that licensed Professional Engineers should be able to work without additional certifications.

President Modugno inquired if this is a LEED certification or a separate certification. Mr. Pierce responded that this is in reference to the California Code of Regulations, Title 24, Part 11, California Green Building Standards Code. President Modugno agreed the Board should look into this matter and requested input from the other members and staff. Ms. Eissler indicated this is the first time she had heard of this additional certification requirement, and that the Enforcement Unit had not received any inquiries from Professional Engineers who were being told they could not practice without additional certifications. She stated that if a local agency is trying to restrict a Professional Engineer's practice, the Board can address that with the agency due to a law that prohibits that. However, if another state agency is enforcing this, the Board has less jurisdictional authority. She said the staff can look into this and report back to the Board. Ms. Eissler asked Mr. Pierce which specific sections of the California Green Building Standards Code required the certifications. Mr. Pierce responded that Title 24 required them.

Mr. Pierce indicated that he is also a member of the City of Salinas Business Development Task Force. The fact that the City of Salinas is applying this was discussed at one their task force meetings

President Modugno stated that this sounds like a step to making California less productive, which is not where the state wants to go. Mr. Tami stated that the presentation given at the November Board meeting discussed the California Green Building Standards Code, wherein similar questions came up. He also asked that staff look into what is happening in other agencies as a follow-up. The Board asked staff to place it on the agenda for the next Board meeting.

Mr. Pierce also mentioned that Salinas Valley is facing extreme changes in the requirements for farm run-off and testing. He said he is finding that the technical side is not being understood by the Board. He indicated that he cannot use logic engineering science the way things are structured.

Bob DeWitt, representing ACEC California, stated that one of their member's Civil Engineer employee has been in contact with the State Water Resources Control Board regarding the preparation of storm water pollution control plans. After September 2011, registered engineers will no longer be able to provide storm water pollution control plans without getting an additional certification. ACEC California is quite concerned about this and will discuss this at their Board of Directors meeting next week in Sacramento. He suggested that this issue, along with the one brought forward by Mr. Pierce, be reviewed by the Civil Engineering Technical Advisory Committee for recommendation to the Board.

President Modugno requested that Mr. Pierce and Mr. DeWitt submit a written request to the Board to provide a basis for review. Mr. Pierce indicated he submitted a copy of his write-up to Ms. Bruning (see Attachment 1).

It was noted that Mr. Quartararo joined the meeting at 10:12 a.m.

Roll call was taken a second time to ensure a quorum was still established.

## **II. Introduction of New Members of the Board**

President Modugno introduced new Board Member Erik Zinn. Mr. Zinn explained that he is a Professional Geologist and Certified Engineering Geologist and has been practicing out of Santa Cruz for 20 years. He also stated that he has owned his own consulting firm for 11 years. He said that his work varies from residential to water tanks to multi-story buildings, and he is looking forward to serving on the Board. The Board welcomed Mr. Zinn and shared that there has been much anticipation of his arrival as the first geologist member.

President Modugno indicated that Carl Josephson was recently appointed to the Structural Engineer position of the Board. Mr. Josephson had a calendar conflict with this meeting prior to his appointment; therefore, the Board will formally welcome him at the next Board meeting.

### III. DCA Director Updates

Paul Riches, Department of Consumer Affairs (DCA) Deputy Director of Enforcement and Compliance, appeared on behalf of Director Brian Stiger.

Mr. Riches stated that Governor Brown was sworn in January 3, 2011, and the State has been in the full-speed transition since then. Appointments have been made at a slow pace. Mr. Stiger has been asked to remain as the Director of DCA and continue on with the Department's agenda until further notice. Mr. Riches indicated the number one agenda item for DCA for the past year and a half has been the Consumer Protection Enforcement Initiative (CPEI), which is a Department-wide effort to improve enforcement processes and shorten enforcement timelines. Governor Brown's administration has directed DCA to continue with the hiring freeze set in place by Governor Schwarzenegger. Mr. Riches indicated DCA will work to pursue exceptions to fill high-priority and critical positions.

Mr. Riches commented on the most recent Executive Order directing state government to reduce the number of cell phones by 50 percent. He indicated that DCA asked all programs to produce a reduction plan by the end of January. DCA has received those plans and has begun collecting the excess cell phones. Mr. Riches thanked this Board for its cooperation and work on implementing the order by reducing the number of cell phones staff use by 80 percent.

Mr. Riches indicated that DCA hopes to be publishing the second set of Department-wide performance measures for the CPEI next week. In the past year, DCA developed a set of performance measures to evaluate key enforcement performance metrics that all DCA programs are reporting on a quarterly basis. He stated that consistent metrics is essential to the ongoing improvement process and this is the first time all the 30 – 40 different DCA programs have used the same standard metrics. He stated that DCA urges all the Boards to look at their numbers, which are available on the website, as a key point of contact with the program to see its progress. DCA's goal for all programs is to reach an average case age of 18 months or less.

Mr. Riches stated another part of CPEI is to look at the regulatory tool kit that all the boards have. Some boards have found new approaches to solving their enforcement processes to make them work more effectively. DCA sponsored legislation last year in an effort to bring standard tools to all programs. Although that legislation was not successful, approximately half of the tools that were included in that bill can be adopted by regulation and do not require a statutory change. DCA urges each board to look at the list and determine which tools would be appropriate to assist the program to run more efficiently and effectively. DCA has also put together model paperwork for the rulemaking process. As one tool each board can put into use, Mr. Riches discussed the advantages of delegating authority for stipulations for voluntary surrender or revocation of a

license and default decisions to be adopted by the Executive Officer. By delegating the authority to the Executive Officer, the timeframes can be shortened significantly, as well as allowing the board members to devote their time to the more difficult judgment calls.

He indicated that DCA has put together a data collection process wherein each program submits a set of uniform statistics on a monthly basis. He again urged the Board to look at the statistics being submitted as it provides a snapshot of what is happening in key elements of the program.

Mr. Riches discussed another practice, the mail ballot process, known to save time in the enforcement process. He stated that he was pleased to see the Board discussed that option at a recent meeting and decided to implement its use on decisions where needed between meetings to ensure expeditious handling of time-sensitive cases. Mr. Riches indicated that DCA has developed a secure electronic mail balloting system that can be provided to this program. This system allows board members to access a secure e-mail system and cast their ballots and review documents electronically. The electronic mail ballot system allows the members the benefit of the mail ballot process while making it time efficient for the staff.

Mr. Riches indicated that DCA is making efforts to increase transparency to the public. DCA encourages all boards to webcast their board meetings to allow the public to participate in a more effective way. DCA's Public Affairs office can provide webcasting resources to enable the boards to participate in these efforts. He added that publishing the board meeting agenda materials on the website 10 days in advance of the meetings provides the public an opportunity to comment in a relevant manner based on the information provided.

He stated another step DCA is taking is building a new licensing data system. The current system is made up of two antiquated elements: Consumer Affairs System (CAS) was implemented in the mid-1980's, and the Applicant Tracking System (ATS) was deployed in the early 1990's. Many challenges are created by trying to use the two in concert with each other. The new system is titled "BreEZe" and is a customizable off-the-shelf product that will have modern databases that are fully web-enabled and the ability to conduct transactions online and pull data for performance metrics. The final request for proposal was published in December, and it is anticipated DCA will receive bids in mid-February. The target date for contract award is early August. The budget authority was passed last year as part of CPEI. The target for deployment at the first boards is early 2012. He indicated that Debbie Balaam is the Chief Information Officer overseeing this process. DCA encourages the Board to have Ms. Balaam provide a presentation about BreEZe at one of its meetings.

DCA has encountered a problem with its use of expert consultants, commonly referred to as Subject Matter Experts or SMEs or Technical Experts. In

reviewing the way it pays these expert consultants, DCA has seen a need to shift its business practice in order to come into full compliance. Instead of being paid on an invoice basis as has been done in the past, the SMEs will need to be under individual contract with the Department. This will be phased in over a transitional period through an expedited contract process. DCA recognizes that SMEs are essential to the business processes of the Boards; however, it is also essential that these individuals be brought under contract to normalize the business relationships.

Mr. Riches also indicated that DCA is putting a renewal payment process into place. To date, all applications had to be accompanied by a payment other than credit card. A pilot project started this month with one board for them to accept credit card payments on renewal applications. This Board is one of eight that have requested to be part of the pilot project. The process is slow to start, taking two to three months per board for implementation. There will be a charge of a 2% credit card fee that the boards will have to pay for those transactions; however, it is hoped that both the program staff and applicants find this to be a convenient way to expedite the process.

The Sunset Review process is underway, and this Board is scheduled for a formal hearing on March 21, 2011. The Legislature is going through a transition with new members; therefore, there have been delays in the process. DCA is going to partner with all the boards and bureaus up for Sunset Review and go forward together. He stated that a big focus for the review will be enforcement. The overall time to discipline a licensee at this Board is over 60 months, which is the longest of all the boards under DCA. The steps the Board is taking to reduce processing time, such as utilizing the mail ballot process and looking at regulations to speed the process, will serve the Board well in the Sunset Review process.

Mr. Riches indicated DCA is working with the Board on a contract for computer-based testing. This will aid the Board in serving its applicants more efficiently, timely, and cost-effectively.

He closed with information regarding the restriction of out-of-state travel. DCA recognizes that having a voice in national forums is valuable; however, the state is in an extraordinary fiscal situation. Out-of-state travel is being limited to criterion which includes saving lives, saving money, or obtaining funds.

Ms. Arnold inquired if the Medical Board is sponsoring legislation regarding the contracts for the expert consultants. Mr. Riches indicated that the draft language that he had seen was specific to the Medical Board but would serve as a model for any board. He added that DCA would like to have a Department-wide solution; however, DCA does not have any such language approved at this time.

Mr. Foley recognized all the positive information that Mr. Riches shared. He inquired about the Board's budget request for additional funding for the Attorney General's (AG's) Office. He stated that enforcement needs funding and personnel to perform well, and he does not think DCA is advocating for the Board's needs. Mr. Riches agreed that resources are a key component to having adequate enforcement performance. He stated that the operating principles of CPEI recognize three issues, the first being genuine resources needs. He stated DCA has worked with all the programs to obtain the resources they need to improve; however, the budget process is challenging. DCA is working with the Board on the current year and next fiscal year budget funding issues. Another component to addressing the performance issue is the database infrastructure, which is why BreZE is part of CPEI. The final component is steps that can be taken to improve the program, including policies and procedures. He stated there are legal tools and other opportunities to perform better within the resources that are available.

Mr. Tami inquired about out-of-state travel. He stated that there is an upcoming meeting of all the Executive Officers from the licensure boards for engineering and land surveying from all of the other states and territories. The Board pays into an organization that holds those meetings. A portion of those dues are used for examination and also for the travel of the Executive Officer and Board President to attend those meetings. He said that California is unrepresented at an organization that writes and develops its examinations as well as policies and procedures California is required to adhere to. He also pointed out that California is the number one user of these examinations. Mr. Riches indicated that he understands the frustration. President Modugno mentioned the problems the Board encountered due to a lost examination and stated that the relationships the Board had through its members saved the Board significant funds. He indicated that lack of attendance at these meetings can have financial implications to the Board by lack of representation. He reiterated that there is no cost to the Board for this travel since it was already expended to the national organization through dues. Mr. Riches stated that he would take the matter back to Director Stiger and suggested the Board submit written comments and work with peers in other states to have its concerns heard at national meetings. Ms. Arnold mentioned that there is an exemption request at DCA for a meeting in May for one the Board members to attend. Mr. Riches again stated he would take the strength and feeling of the Board in this matter back to the Department.

The Board took a short recess before convening in closed session.

- V. **Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]**
- A. **Rodolfo Ventura Dimalanta v. Board for Professional Engineers and Land Surveyors, Alameda County Superior Court Case No. RG10513640.**

## B. Examinations

### VI. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that the Board, in closed session, discussed pending litigation as noticed, rejected one and adopted four stipulations, and voted on a petition for reconsideration.

### IX. Consideration of Rulemaking Proposals, as follows:

- **Proposed Amendments to Title 16, California Code of Regulations Section 407 – Fees (Possible Action)**

Ms. Arnold indicated that a rulemaking package is being started to make changes to the fees, which enable the Board to move forward to using NCEES to administer the examinations. Ms. Thompson referred to the issue paper she prepared, which was disseminated to the Board via e-mail and copies were made available to the public on the Board's website and at the meeting. She stated that staff has submitted a Spring Finance Letter to cover the fees that NCEES will charge when it begins administering the national examinations effective with the October 2011 examinations. The Board is proposing regulations to change the fees so that applicants will pay NCEES directly for the national examination effective with the 2012 examinations. Under the proposal, the applicants will pay an application processing fee to the Board, and they will pay NCEES directly for the examination. The applicants will still pay state-specific examination fees directly to the Board. Ms. Thompson explained how the staff arrived at the amount of the fees, as outlined in the issue paper. She requested approval of the proposed fees by the Board for staff to submit in a regulatory package. She stated the plan is to have the fees and regulations approved by March or April 2012.

Mr. Pierce inquired how the new fee structure would affect the title act professions. Ms. Thompson indicated that the title act professions would be covered under Section 407 (b)(3) as a professional engineer.

Craig Copelan, Professional Engineers of California Government, asked for clarification of the additional fees that would be charged by NCEES. Ms. Thompson reiterated that applicants will pay the Board \$110 application review fee, and they will pay national examination fees directly to NCEES. She provided an example of the fees a mechanical engineering candidate would pay to NCEES for a national examination: \$10 book fee, \$100 examination administration fee, and \$155 grading fee. The fees including application and examination total \$375. The examination fees vary by examination. The fees for Structural Engineering examinations are the highest at \$400 each.

Mr. Pierce suggested the regulation include a statement indicating that the fees paid by the title act professions that are not specifically listed are paid directly to the national organization. President Modugno indicated that it

sounded like a good proposal to offer some clarity in that area. Ms. Thompson indicated that making changes now will affect the timeline for putting the rulemaking package through.

Mr. Foley cautioned that making language too specific can cause the need to amend the language more frequently. The more general the language is kept the better off the Board will be. Mr. Riches indicated that regulations proposing fee changes are the most closely scrutinized. He stated that the fewer issues that are raised in changes to fee sections, the more likely the Board is to succeed and not encounter additional problems down the line. He suggested that it is better to explain the regulations in publications rather than in the text of the regulation. Mr. Pierce retracted his suggestion.

Ms. Thompson concluded by stating the Board's Acts do include language that specify it can contract with an outside public or private entity to administer the examination as well as collect the fees. She added that the new process will likely expedite the scheduling of examination administration with NCEES and save the Board \$1.6 million.

**MOTION:** Mr. Tami/Mr. Luzuriaga moved to go forward with the rulemaking proposal as presented.

Mr. Foley inquired as to why the Board needed to go through the rulemaking process to designate the fees if the Acts already included the authority to work with an outside vendor. He suggested the Board eliminate the fees applicable to this and pay the fees as they fluctuate. Mr. Duke responded that the fees that will be paid directly to NCEES are strictly for the examination; the other fees that are designated are the Board's processing fees for reviewing applications. Mr. Duke explained that the Board is required by law to specify in regulations the exact amount of the fees it will collect for various things, such as renewal fees and application fees. Ms. Thompson indicated that the Board cannot keep the fees at the current \$275 since the Board will no longer be collecting the fees to pay to NCEES.

Ms. Bruning took the vote by roll call.

**VOTE:** 8-0-1, motion carried. Mr. Foley abstained.

Ms. Thompson mentioned that as a result of the reduction in the application fee, the licensure and renewal fees will also be going down.

X. **Approval of Delinquent Reinstatements (Possible Action)**

**MOTION:** Mr. Tami/Mr. Foley moved to approve the Delinquent Reinstatements in the agenda as follows:

**CIVIL**

**MCMURTRY, RICHARD KEITH**

Reinstate applicant's Civil license once he/she takes and passes the seismic principles examination, the engineering surveying examination, and the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**ELECTRICAL**

**AUMAN, HARRY JAMES**

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**MECHANICAL**

**BROWN, JACKSON ARNOLD**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**FARAMARZI, RAMIN T**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**JOHNSON, SCOTT HOWARD**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**LANDON, FRANK LAWSON**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**WELCH, PATRICK MICHAEL**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

Ms. Bruning took the vote by roll call.

**VOTE:** 9-0, motion carried.

**XIII. Technical Advisory Committees (TACs) (Possible Action)**

**B. Appointment of TAC Members (Possible Action)**

Ms. Christ recommended the Board appoint Williston Warren to the Structural Engineering Technical Advisory Committee. She stated that Mr. Warren has

a broad range of technical competencies and his experience would be important to the TAC

**MOTION:** Mr. Tami/Mr. Satorre moved to appoint Williston Warren to the Structural Engineering Technical Advisory Committee.

Ms. Bruning took the vote by roll call.

**VOTE:** 9-0, motion carried.

**XVII. Approval of Consent Items (Possible Action)**  
(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

**A. Approval of the Minutes of the November 17 & 18, 2010, Board Meeting**

**B. Approval of the Minutes of the December 15, 2010, Board Meeting**

**MOTION:** Mr. Satorre /Mr. Tami moved to approve the Board minutes on the consent agenda.

Ms. Bruning took the vote by roll call.

**VOTE:** 9-0, motion carried.

**XVIII. Consideration of Amendments to the Minutes of the August 11 & 12, 2010 Board Meeting. (Possible Action)**

Ms. Eissler explained that the Board office had become aware after the November 18, 2010, Board meeting that a member of the public, Keivan Salehzadeh, had submitted an e-mail that day requesting that his remarks as listed in the August 11 & 12, 2010, Board meeting minutes be modified. Since the Board already adopted the August minutes, the Board would need to vote to amend those minutes to change his comments.

Mr. Silva inquired if the requested modification is accurate. Ms. Bruning responded that she had listened back to the recording and determined that Mr. Salehzadeh had made the statements that he requested be added.

**MOTION:** Mr. Tami/Mr. Silva moved to approve the amended minutes of the August 11 & 12, 2010, Board Meeting.

Ms. Bruning took the vote by roll call.

**VOTE:** 9-0, motion carried.

It was noted that Mr. Silva and Mr. Luzuriaga left the meeting at 12:25 p.m., and there was no longer a quorum.

**VII. Recruitment/Appointment of a New Executive Officer (Possible Action)**

Jennifer Willis, DCA Personnel Officer, introduced herself and presented information regarding the Executive Officer position. She stated that this is an exempt position and serves at the pleasure of the Board. The Board has exercised its right to appoint an Acting Executive Officer and has requested an Interim Executive Officer. For clarification, an Acting Executive Officer is unpaid, whereas an Interim Executive Officer is paid. The state is in a hiring freeze situation and in order to provide payment, a hiring freeze exemption would need to be approved by the Governor's office. DCA resubmitted the hiring freeze exemption request to the State and Consumer Services Agency (SCSA) on Wednesday and are awaiting a decision. If approved by SCSA, the request would be submitted to the Governor's Office for a final decision.

Ms. Willis presented an overview of the recruitment and hiring process for the permanent Executive Officer. She distributed a handout (see Attachment 2), which will be provided in electronic format to the members at remote locations after the meeting. She stated that the hiring process takes four to six months to complete depending on the availability of the Board members and the candidates. DCA recommends that the Board identify two Board members to serve on a selection committee. The committee would work with the DCA Office of Human Resources (OHR) and the Deputy Director of Board Relations, review and finalize the duty statement to provide a foundation for the recruitment, identify the desirable qualifications and leadership competencies, develop screening criteria, and advertise the position. Either the committee or OHR can conduct the pre-screening of applications and the reference checks. The final screening and initial interviews will be conducted by the committee. The final interviews of the top two to three candidates are conducted by a quorum of the Board in closed session meeting conforming to the public notice requirements for all Board meetings. The Board must vote to choose the final candidate for the position and determine the candidate's appropriate salary within the current salary range during closed session. The Board would subsequently announce in open session that a selection has been made; however, identification of the candidate should wait until the candidate has been notified and has accepted the position. Administration of the Oath of Office and announcement of the final appointment would take place at a future date during a public meeting. Ms. Willis indicated it up to the Board as to what process they choose to take. The Board can choose to forego this process and simply make an appointment.

President Modugno noted that Ms. Arnold has been doing a great job and the Board wants to reward her for her efforts by appointing and paying her as the Interim Executive Officer, rather than just as the Acting Executive Officer. He stated that the Board would encounter a net savings as her Assistant Executive Officer position goes unfilled during the interim.

Mr. Foley indicated that he and Mr. Blackseth served on the selection committee to recruit for the position in the past. He indicated the previous position description is still available and should not warrant much updating. He stated that they went through the State Personnel Board to advertise the position for the minimum amount of time, which resulted in 10 candidates. The committee narrowed the candidates to three final candidates for the Board to interview. The process took a total of approximately four to six weeks, versus the proposed four to six months. Mr. Foley suggested the Board reduce the time and avoid a nation-wide search.

President Modugno requested confirmation that Mr. Wilburn and Mr. Blackseth were to serve on the selection committee. Ms. Eissler stated that her understanding was that the Board had appointed Mr. Foley and Mr. Wilburn to the committee at the August Board meeting; however, at the December Board meeting, Mr. Foley stepped down due to his impending term expiration and that President Modugno intended to ask Mr. Blackseth to serve on the committee. President Modugno indicated that Mr. Blackseth accepted the appointment to the committee. He requested that Mr. Foley send the position description and other pertinent information from the prior selection process to the new committee. Ms. Willis indicated that her office assisted with the process previously and has access to that information as well. Ms. Eissler stated that she also has copies of the previous job description and duty statement. President Modugno indicated he will confirm through staff that Mr. Wilburn and Mr. Blackseth will serve on the committee. He stated that he will serve as a back-up in case one of the members cannot participate. Ms. Willis indicated Margo Cooper of her office will be working with the selection committee.

Mr. Foley suggested that OHR advertise the position immediately for the minimum required amount of time and, if necessary, extend the final filing date. Ms. Willis indicated she would be glad to work with staff and the committee to initiate the process.

Mr. Tami indicated that the salary range for the Executive Officer is lower than that of some of the Board's licensed staff whom the position supervises. At one time, the Board investigated raising the Executive Officer pay range. He inquired if there was a way to look at quickly raising the pay range to attract licensed individuals who do not want to take a salary cut. Ms. Willis responded that although it is possible, the salaries are set through the Department of Personnel Administration and the Governor's Office. Depending on the candidate, an exception could be requested, but they are rarely granted. She suggested the Board move forward with the recruitment process, see who the candidates are, and then revisit the issue when the Board makes a decision or has options available.

Mr. Tami asked if the Board would have to wait for a hiring freeze exemption once a candidate is selected. Ms. Willis indicated that the current exemption

request that has been submitted for the interim position will apply to the permanent position as well, if approved. She indicated there is no way of knowing how long the exemption request decision will take.

The Board thanked Ms. Willis for her presentation.

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

### **A. Legislation**

#### **1. Legislative Proposals for 2011 (Possible Action)**

Ms. Arnold stated that she drafted legislation as directed by the Board to make administering the state-specific California Structural Engineering Seismic examination permissive instead of mandatory. This would give the Board the option of administering the examination in addition to the 16-hour National Council Structural examination. She included documentation from NCEES stating that a quarter of the individuals writing the national examination are from California and that the examination covers the required items included on the state-specific examination. She indicated that she is hoping to meet with a legislator during the following week in hopes that they will carry the bill.

President Modugno inquired if this Board has someone evaluating the national examination to ensure it is covering the components required by California. Mr. Tami indicated that Board member Carl Josephson has been working on the examination. Mr. Foley stated that current SETAC member and former Board member Gregg Brandow has also been involved in the process.

#### **2. Regulation Status Report**

No report given.

### **B. Sunset Review 2010 (Possible Action)**

Ms. Arnold stated that the Board is scheduled for its Sunset Review hearing on March 21, 2011. She indicated that Mr. Foley will be making the presentation and all Board members are welcome to attend. The Senate Business & Professions Committee staff is to provide the issues to be addressed, which has not been received yet. Ms. Arnold indicated that she, Mr. Foley, and Mr. Tami would be meeting with DCA in February to go over the issues.

President Modugno inquired as to when the next Sunset Review would take place. Ms. Arnold responded that the Board is reviewed every four years. President Modugno suggested that a newer Board member should attend and participate in the Sunset Review process so as to have continuity for the next review. Mr. Zinn indicated that he will be attending the hearing, especially in consideration of impending discussion of the merger of the former Board for

Geologists and Geophysicists and the Board for Professional Engineers and Land Surveyors.

**C. Personnel**

Ms. Arnold stated that the Examination Unit has filled a half-time position starting February 2, 2011. In addition, an individual in the Examination Unit moved from a half-time position to a full-time position. She indicated there is an AGPA vacancy in the Geologists and Geophysicists Program and two vacant Office Technician positions. She stated that under the current hiring freeze, the Board is restricted to hiring individuals from with DCA. Interviews have been scheduled for Tuesday.

**D. Enforcement**

Ms. Eissler referred to the statistics in the agenda packet. She indicated that staff is making some changes to assignments and duties within the unit to get a handle on the backlog of citations that need to be issued. Staff is working with the AG's Office; however, the funding for the AG's Office is diminishing. Therefore, staff is working with DCA to get approval for a current year deficiency to augment the fund for the AG line item.

**E. Exams**

**1. Release of Examination Results – October 2010 (Possible Action)**

Ms. Arnold indicated that she held a meeting with Jerry Carter and Pam Powell of NCEES at the Board office on January 5, 2011. She indicated that Mr. Tami, Mr. Moore, and Ms. Thompson attended the meeting, with President Modugno joining by telephone. She stated that it was a productive meeting wherein they discussed the examination process, the Spring Finance Letter submitted to DCA by the Board, and the contract amendment to hand the administration of the national examination over to NCEES in October. Mr. Carter and Ms. Powell stopped by Sacramento on their way to work on item writing for the 16-hour National Council Structural examination in San Diego.

Mr. Moore indicated the results from the October 2010 examination were released December 22, 2010, for the Fundamentals of Engineering and the Fundamentals of Land Surveying examinations. The results for the remainder of the examinations were released on January 7, 2011, which was three to five weeks ahead of schedule, with the exception of the California Structural Engineering Seismic examination, which was released earlier this week. He stated that a large majority of the staff worked diligently to make this happen.

Mr. Tami inquired about the statistics listed in the Year to Date column on page 26 of the agenda packet, suggesting that the numbers looked low. Ms. Thompson responded that the numbers reflect all applicants on a fiscal year basis from July 1 – December 31, 2010. In addition, Mr. Moore

clarified that the number represents the total number of applicants, not the number of examinations taken since some applicants take multiple examinations.

**2. Status of April 2011 Examinations**

Nothing to report.

**F. Licensing**

Statistical information was provided in the Board agenda packet.

**G. Publications**

Nothing to report.

**H. Website**

Ms. Arnold announced that Celina Calderone is now the Webmaster for the Board. Ms. Calderone is the former Board Liaison and will be returning to the capacity in the near future.

**XI. Information Technology Updates (Possible Action)**

• **On-Line Renewals/Credit Card Renewals (Possible Action)**

Mr. Donelson reminded the Board that the Credit Card Renewal system is for existing licenses for renewal applications only and does not include new applications. He added that the system accepts payments without verifying the license and is merely taking money.

Mr. Donelson indicated that the transaction fee will be \$1 plus an estimated two percent of the transaction value for each process. The fees will be charged to the Board but will not be passed on to the applicant. He stated the processor is the same that the IRS is using. The Department of General Services negotiates the Master Service Agreements with the various credit card companies for all departments, which are being amended. He stated that there is fiscal impact that Ms. Thompson will address during her presentation. He stated that there is some question about whether the Board can afford to implement the new system right away or if it needs to wait until the new fiscal year starts in July.

Mr. Foley indicated that the Board should have a resulting cost savings as a result of processing credit card payments.

President Modugno asked if the Board is in line to be a part of the pilot program for the Credit Card Renewal system, and if that will transition into the BreZE project. Mr. Donelson confirmed that the Board did request to be a part of both projects; however, the Board is at least two to three years out from being transitioned to BreZE because it is not a healing arts board. The transition to the Credit Card Renewal system will be available in three to six months.

Ms. Thompson indicated that the number of renewal applications processed annually varies since licensees renew every two years; therefore, the number of licenses expiring changes from even years to odd years. Approximately 44,000 renewals are processed in one year and 50,000 in the next year. Therefore, the cost of the credit card renewal fees would not be charged to the Board every year for every licensee, and it is assumed that not every licensee will use the Credit Card Renewal system.

## **XII. Administration (Possible Action)**

### **A. Fund Condition (Possible Action)**

Ms. Thompson referred to the Fund Condition for the Board in the agenda packet. She stated the Professional Engineers and Land Surveyors Fund brought in \$6,414,269, which is approximately \$504,801 more than this time last year. This is a normal trend due to the renewal revenue cycle change every two years as previously explained. The Geologists and Geophysicists Fund brought in \$552,246, which is a \$43,978 reduction compared to the prior fiscal year's revenue at this time. She indicated that this is not a normal trend, and staff is working on adjusting the program's regulations, including an amendment to the application fees. The Fund is projected to go into a deficit in Fiscal Year 2011/12; however, the projected balance for the end of the current fiscal year is a savings of \$439,000. The Board may need to utilize that balance in the next year until the regulations are approved to repair the structural imbalance.

Mr. Tami asked about the process for changing the budget. Ms. Thompson responded that to get more money into the operating budget, a Budget Change Proposal is submitted. In the case of the Geologists and Geophysicists Program, it is the Fund or savings account from which the budget is pulled that is an immediate issue. She indicated that the issue was included in the Sunset Review report.

### **B. FY 2010/11 Budget (Possible Action)**

Ms. Thompson referred to the budget information on page 47 of the agenda packet. She stated that the Professional Engineers and Land Surveyors Fund has a projected deficit of \$147,000 in the current budget, mostly due to the enforcement program. The Board is waiting for a response to the current year deficiency request to obtain additional funding for enforcement. Ms. Thompson indicated that if the deficiency request is not approved, the Board may be able to alternatively cover the funds by not going forward with the Credit Card Renewal project. In addition, there may be some examination savings in April 2011 since the examinee population is declining.

Ms. Thompson indicated the Geologists and Geophysicists Fund has a projected savings of \$439,000, partially attributed to the hiring freeze and the Spring Finance augmentation the fund received.

**C. FY 2011/12 Budget Change Proposals (Possible Action)**

Ms. Thompson indicated that the Board requested Spring Finance Budget Change Proposals for Fiscal Year 2011/12 to address the October 2011 national examination administration costs and the enforcement program AG expenses.

**XIII. Technical Advisory Committees (TACs) (Possible Action)**

**A. Board Assignments to TACs (Possible Action)**

Nothing to report.

**C. TAC Report (Possible Action)**

Mr. Foley stated that the Geology and Geophysics TAC distributed assignments for review of the current statutes, regulations, and definitions. He indicated that the TAC also discussed the examinations and the need for recruiting SMEs.

Mr. Moore indicated that the Land Surveyor TAC established dates for possible meetings this year, which are tentatively set for April 22, July 22, and October 7.

Mr. Pierce stated that he submitted a resume for consideration of appointment to a TAC.

**XIII. Liaison Reports (Possible Action)**

**A. ASBOG (Possible Action)**

Nothing to report.

**B. ABET (Possible Action)**

Nothing to report.

**C. NCEES (Possible Action)**

Mr. Tami reported that he attended a land surveyor examination development meeting in Clemson, South Carolina. He indicated that the Western Zone meeting is coming up in Washington State. The annual meeting is in Rhode Island. Mr. Tami mentioned that as the Chair of the Uniform Procedures and Legislative Guidelines Committee, he is funded to attend these meetings.

Mr. Tami stated that the meeting with Jerry Carter and Pam Powell of NCEES went well. President Modugno commented that the meeting included negotiations to move forward with NCEES administering the examination in California. He inquired if NCEES is intending to audit the April examination. Mr. Moore responded that NCEES staff will be observing and assisting at the April examination to experience the logistics of administering to California's large examinee population. The Board will assist NCEES in the transfer in October by helping provide examination sites and anything else possible at

that time. The Board will continue to offer the state-specific examinations and will, therefore, be in close proximity to NCEES during the transition.

Mr. Tami indicated that NCEES is looking at holding examinations for the Engineer-In-Training and Land Surveyor-In-Training candidates at college campuses. Mr. Moore indicated that he has passed information along to NCEES regarding campuses that are willing to participate in this venture. He stated that any further suggestions for campuses can be brought to him and he would be happy to provide that information to NCEES.

Mr. Foley reported that he will be attending the NCEES Advisory Committee on Council Activities meeting in San Antonio the week of February 3, 2011.

#### **D. Technical and Professional Societies (Possible Action)**

Ms. Eissler reported that she and Mr. Foley attended the dinner meeting of the North County Civil Engineers and Land Surveyors Association in San Diego this week. Mr. Foley indicated there was an extensive question and answer session following the meeting, the bulk of which focused on enforcement activities and the reporting requirements. Ms. Eissler and Mr. Foley agreed it was a successful endeavor.

#### **XV. President's Report/Board Member Activities**

President Modugno thanked Mr. Tami and Board staff for the success of the meeting with NCEES. He stated that the DCA phone conferences with the Board Presidents continue to be productive and informative.

President Modugno inquired of staff if the contracts with expert consultants were going to cause any problems. Ms. Eissler responded that staff is working on developing standard language. The new requirement will affect expert witnesses used by enforcement, the SMEs used for examination development, and licensees used to review applications. Staff are concerned about the fiscal impact and timing for contract approval. Ms. Arnold indicated that staff estimates 650 contracts will be required annually. Mr. Riches recommended the Board use multi-year contracts for the stable of experts the Board relies on. This would avoid the need to process contracts annually for the Board and the DCA Contracts Office. Ms. Arnold asked for clarification on contracting with state employees. Mr. Riches indicated there is an issue with state employees being paid twice. Mr. Moore stated that the state employees that work with the Examination Unit typically do not charge the hours they are working on the examinations as they are getting paid at their normal job during that time. They are reimbursed for travel expenses. He stated that Mr. Riches offered assistance in working with other agencies, such as CalTrans and Department of Water Resources, to try to establish a Memorandum of Understanding to facilitate that cooperation. Mr. Riches indicated that usually when two agencies involve themselves in a contractual relationship it is referred to as an Interagency Agreement or a Memorandum of Understanding. It is important to ensure all

agencies have access to the experts they need. DCA is committed to doing what they need to ensure the experts necessary are in place.

President Modugno reminded Board members to take the least expensive mode of transportation possible when traveling to Board meetings.

President Modugno indicated that he is continuously impressed with staff.

**XVI. Other Items Not Requiring Board Action**

- Date of Next Meeting: March 24 & 25, 2011, Sacramento, California  
[Strategic Planning and Board Meeting]  
Ms. Arnold indicated that the Board will next meet on March 24 and 25, 2011, for Strategic Planning and Board meetings. She reminded everyone that the Sunset Review hearing will be held during the same week.

**XVII. Adjourn**

The meeting adjourned at 1:30 p.m.

**PUBLIC PRESENT**

Brian Clifford, Department of Consumer Affairs

Heba El-Guendy (via teleconference)

Roger Hanlin, California Land Surveyors Association

Steve Hao, California Department of Transportation

Annette Lockhart, California Land Surveyors Association

Richard Markuson, American Society of Civil Engineers

Charles Nestle (via teleconference)

Frank D. Pierce, California Society of Professional Engineers

Paul Riches, Department of Consumer Affairs

**MOTIONS – JANUARY 28, 2011 BOARD MEETING**

**MOTION:** Mr. Tami/Mr. Luzuriaga moved to go forward with the rulemaking proposal as presented.

Ms. Bruning took the vote by roll call.

**VOTE:** 8-0-1, motion carried. Mr. Foley abstained.

**MOTION:** Mr. Tami/Mr. Foley moved to approve the Delinquent Reinstatements in the agenda as follows:

**CIVIL**

**MCMURTRY, RICHARD KEITH**

Reinstate applicant's Civil license once he/she takes and passes the seismic principles examination, the engineering surveying examination, and the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**ELECTRICAL**

**AUMAN, HARRY JAMES**

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**MECHANICAL**

**BROWN, JACKSON ARNOLD**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**FARAMARZI, RAMIN T**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

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Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**LANDON, FRANK LAWSON**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

**WELCH, PATRICK MICHAEL**

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

Ms. Bruning took the vote by roll call.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Tami/Mr. Satorre moved to appoint Williston Warren to the Structural Engineering Technical Advisory Committee.

Ms. Bruning took the vote by roll call.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Satorre /Mr. Tami moved to approve the Board minutes on the consent agenda.

Ms. Bruning took the vote by roll call.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Tami/Mr. Silva moved to approve the amended minutes of the August 11 & 12, 2010 Board Meeting.

Ms. Bruning took the vote by roll call.

**VOTE:** 9-0, motion carried.

## **ACTION ITEMS – JANUARY 28, 2011 BOARD MEETING**

### **Public Comment**

The Board directed staff to look into the requirements of the new California Green Building Standards Code and report back at a future Board meeting.

### **DCA Director Update**

Mr. Riches indicated that Debbie Balaam is the Chief Information Officer overseeing this process. DCA encourages the Board to have Ms. Balaam provide a presentation about BreEZe at one of its meetings.

### **Recruitment/Appointment of a New Executive Officer**

President Modugno indicated he will confirm through staff that Mr. Wilburn and Mr. Blackseth will serve on the committee. He stated that he will serve as a back-up in case one of the members cannot participate. Ms. Willis indicated Margo Cooper of her office will be working with the selection committee.

Mr. Foley suggested that OHR advertise the position immediately for the minimum required amount of time, and if necessary, extend the final filing date. Ms. Willis indicated she would be glad to work with staff and the committee to initiate the process.



XXII. Adjourn

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