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

BOARD MEETING TELECONFERENCE LOCATIONS JUNE 28-29, 2012, 9:30 A.M.

<p>Board for Professional Engineers, Land Surveyors, and Geologists 2535 Capitol Oaks Dr., Ste. 300 Sacramento, CA 95833</p>	<p>GeoDesign, Inc. 15575 S.W. Sequoia Parkway., Suite 100 Portland, OR 97224 (This location will only be available on Thursday, June 28, 2012, between the hours of 9:45 a.m. until 11:00 a.m.)</p>
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BOARD MEMBERS

Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Patrick Tami; Michael Trujillo; and Erik Zinn.

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I. **ROLL CALL TO ESTABLISH A QUORUM**

II. **PUBLIC COMMENT**

NOTE: The Board cannot take action on items not on the agenda. The Board will allow for Public Comment on both days, as well as during the discussion of each item on the agenda.

III. **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)]

IV. **OPEN SESSION TO ANNOUNCE THE RESULTS OF CLOSED SESSION**

V. **NOMINATION AND ELECTION OF PRESIDENT AND VICE PRESIDENT FOR FISCAL
YEAR 2012- 2013**

VI. **TEMPORARY AUTHORIZATION APPLICATIONS**

Request for Temporary Authorization

Stephen Palmer

Mr. Palmer has requested a temporary authorization to practice professional geology in accordance with Business and Professions Code Section 7848 of the Geologist and Geophysicist Act. A fee of \$80.00 has been submitted as required by Business and Professions Code Section 7887(d).

Mr. Palmer is licensed as a Professional Geologist in the state of Oregon and has certification as an Engineering Geologist; his license is current with no disciplinary actions.

Mr. Palmer is requesting a Temporary Authorization for a short term project in southern California scheduled to begin in mid-June and end by September 1, 2012. Mr. Palmer is requesting the maximum time allow for a temporary authorization of 120 days.

Project Name: Proposed Sunset Millennium Project

Location: 8500-8544 Sunset Boulevard at 1235 La Cienega Boulevard, and 8474-8490 Sunset Boulevard at 1234 La Cienega Boulevard in West Hollywood, Los Angeles County.

Client is the CIM group located in Los Angeles (a real estate development firm)

Scope of Work: Fault investigation study review; subsurface investigation; slope stability evaluation

Mr. Palmer will attend the May 15, 2012 Board Meeting. The Board should be prepared to request that the applicant demonstrate knowledge of the application of fault and subsurface investigation, and slope stability evaluation. In addition, the applicant should specify what aspects of this project will be completed under the temporary authorization.

VII. EXECUTIVE OFFICER'S REPORT

- A. Legislation
 - 1. Discussion of Legislation for 2011-2012 (Possible Action)
 - a. Pending Legislation: AB 1588, AB 1750, AB 1904, AB 2570, SB 975, SB 1061, SB 1576 (Possible Action)
- B. Strategic Plan Update
- C. Personnel

Board for Professional Engineers and Land Surveyors

2012 Legislative Session

- AB 1588** Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.
STATUS: Amended 3/5/12. Passed ASM to Senate.
BOARD POSITION: Support
- AB 1750** Solorio. Rainwater Capture Act of 2012. This bill would authorize residential, commercial, and governmental land owners to install, maintain, and operate rain barrel systems and rainwater capture systems, as defined provided that the systems comply with specified requirements:
STATUS: Amended 4/16/12, 4/30/12 and 6/6/12. Passed ASM to be heard in SEN Environmental Quality Committee 7/2/12.
RECOMMENDED POSITION: Watch
BOARD POSITION:
- AB 1904** Block. Professions and vocations: military spouses: expedited licensure. This bill would require a board within DCA to expedite the license process for an applicant who, holds a license in another jurisdiction, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States assigned to duty in California.
STATUS: Amended 6/12/12. Passed ASM - to be heard in SEN BP&ED Committee 7/2/12.
RECOMMENDED POSITION: Watch
BOARD POSITION:
- AB 2570** Hill. Licensees: settlement agreements. This bill would prohibit a licensee who is regulated by DCA, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program.
STATUS: Introduced 2/24/12. Passed ASM – to be heard in SEN BP&ED Committee 6/18/12.
RECOMMENDED POSITION: Support
BOARD POSITION:

Board for Professional Engineers and Land Surveyors

- SB 975** Wright. Professions and vocations: regulatory authority. This bill would provide that all boards, bureaus and commissions of Consumer Affairs have sole authority to license and regulate the practice of the professions they regulate. No licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board, bureau, or commission.
STATUS: Amended 3/27/12, 5/14/12 & 6/14/12. Passed SEN - to be heard in ASM BP&CD Committee 6/26/12.
BOARD POSITION: Watch
- SB 1061** Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed.
STATUS: Introduced 2/13/12. Set for 1st hearing 4/23/12 in SEN Committee on B,P&ED. Hearing canceled at request of author. This bill is dead.
BOARD POSITION: Oppose
- SB 1576** Committee on Business, Professions and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. (Amends sections 8741, 8762 and 8773 of the LS Act.) This bill, among other things, revises the exemption from the taking of the LSIT to civil engineers licensed prior to January 1, 1982. It also expands the definition of "establish" when filing a record of survey to include "location, relocation, reestablishment or retracement."
STATUS: Amended 4/12/12 & 6/11/12. Passed SEN – to be heard in ASM BP&CP Committee 6/19/12.
RECOMMENDED POSITION: Support
BOARD POSITION:

Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session

BILL: AB 1588

AUTHOR: Atkins

TOPIC: Professions and vocations: reservist licensees

DATE OF INTRODUCTION: 2/6/12

MOST RECENT VERSION: 3/5/12

ANALYSIS DATE: 6/18/12

BILL'S LEGISLATIVE HISTORY: Passed Assembly on to Senate.

RECOMMENDED POSITION: Support

BOARD POSITION: Support

SUMMARY:

This bill would require the boards within the Department of Consumer Affairs to waive the renewal fees and continuing education requirements, if either is applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

COMMENT:

This bill would only affect renewal fees for this Board since continuing education is not required for any of our licensees. This bill should not have a significant impact on the Board even though the number of licensees that would benefit from this bill is unknown. (The Board does not track military status of our licensees.)

Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session

BILL: AB 1750

AUTHOR: Solorio

TOPIC: Rainwater Capture Act of 2012

DATE OF INTRODUCTION: 2/17/12

MOST RECENT VERSION: 6/6/12

ANALYSIS DATE: 6/18/12

BILL'S LEGISLATIVE HISTORY: Passed Assembly. Passed Senate Committee on Natural Resources and Water 6/12/12.

RECOMMENDED POSITION: Watch

BOARD POSITION:

SUMMARY:

This bill would enact the Rainwater Capture Act of 2012, which would authorize residential, commercial, and governmental 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. This bill would authorize a landscape contractor working within the classification of his or her license to enter into a prime contract for the construction of 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 states that the Rainwater Capture Act shall not authorize a landscape contractor to engage in or perform activities that require a license pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700)). Since this language is included in this bill I do not think that the Board needs to be involved in or take a position on this issue.

HISTORY: This bill is substantially the same as last year's AB 275 (Solorio, 2011) which was vetoed by the Governor. The Board supported AB 275 once the bill was amended to include language stating that the bill did not authorize a landscape contractor to perform activities that require a professional engineer's license. The Governor's veto message stated that, "This measure seeks to adopt an interim standard for rainwater capture outside the established Building Standards Commission process. Without some urgency or a more compelling reason, I think it is better to stick with the process and follow existing California law."

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

BILL: AB 1904

AUTHOR: Block

TOPIC: Professions and vocations: military spouses: expedited licensure

DATE OF INTRODUCTION: 2/22/12

MOST RECENT VERSION: 6/12/12

ANALYSIS DATE: 6/20/12

BILL'S LEGISLATIVE HISTORY: Passed out of the Assembly. To be heard in Senate Business, Professions & Economic Development Committee 7/2/12.

RECOMMENDED POSITION: Watch

BOARD POSITION:

SUMMARY:

This bill would require a board within the Department of Consumer Affairs to expedite the license process for an applicant who holds a license in the same profession or vocation in another jurisdiction, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States assigned to duty in California under official active military orders.

COMMENT:

A board within the Department shall expedite the licensure process for an applicant who meets both of the following requirements:

- 1.) Supplies evidence satisfactory to the board that the applicant is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state under official active duty military orders.
- 2.) Holds a current license in another state, district, or territory of the United States in the profession or vocation for which he or she seeks a license from the board.

This bill is an effort to support and improve the lives of military families, more specifically, help military spouses, who frequently move across state lines. One of the requirements of this bill is that the person to be issued a license must hold a current license in another state.

The Board can only do so much to expedite our license process. The people to be licensed through comity no longer have to go to the Board for approval so they can be approved in an expeditious manner. Those people in the disciplines of civil, structural and geotechnical would have to wait to sit for the next regularly scheduled California exam. Since they would not be required to take a national exam the final filing could be extended.

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

BILL: AB 2570

AUTHOR: Hill

TOPIC: Licensee Settlement Agreements

DATE OF INTRODUCTION: 2/24/12

MOST RECENT VERSION: 2/24/12

ANALYSIS DATE: 6/20/12

BILL'S LEGISLATIVE HISTORY: Passed out of the Assembly and passed Senate Business, Professions and Economic Development Committee 6/18/12.

RECOMMENDED POSITION: Support

BOARD POSITION:

SUMMARY:

This bill would prohibit a licensee who is regulated by the Department of Consumer Affairs (DCA) from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the Department, board, bureau or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program. This bill also provides that any board, bureau, or program within DCA that takes disciplinary action against a licensee based on a complaint or report that has also been the subject of a civil action and that has been settled for monetary damages providing for full and final satisfaction of the parties may not require its licensee to pay any additional sums to the benefit of any plaintiff in the civil action.

COMMENT:

According to the Author, (also the sponsor), the purpose of the bill is that regulatory gag clauses inhibit the ability of regulatory agencies to perform their oversight function. DCA boards cannot adequately protect consumers from unscrupulous and unqualified individuals if they are unable to communicate with individuals filing complaints or who have been victimized. And furthermore, pressuring aggrieved consumers and injured parties into agreeing to such clauses enables potentially dangerous licensees to continue operating.

Existing law prohibits a physician or surgeon from including, or permitting to be included, a provision within a civil settlement prohibiting another party to the dispute from contacting, cooperating, filing a complaint, or requiring the withdrawal of a complaint with the Medical Board.

There have been numerous bills in previous legislative sessions dealing with this issue. The bills have either not made it out of Committee or have been vetoed by the Governor. The veto message from 2005 stated: "I vetoed a similar bill last year because of the negative effect it would have had on the California economy. This bill further erodes the ability to do business in California by creating more uncertainty regarding litigation by prohibiting any licensee or professional overseen by the Department of Consumer Affairs from including in a civil settlement agreement a provision that prohibits the other party from contacting or filing a complaint with the regulatory agency. When parties who are in dispute agree to settle, there

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

should be some assurances that the dispute has been resolved in a satisfactory and final manner for both parties.”

The Board of Behavioral Sciences has taken a “Support” position. The Contractors State License Board has taken a “Watch” position.

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

BILL: SB 975

AUTHOR: Wright

TOPIC: Professions and vocations: regulatory authority

DATE OF INTRODUCTION: 1/19/12

MOST RECENT VERSION: 6/14/12

ANALYSIS DATE: 6/20/12

BILL'S LEGISLATIVE HISTORY: Passed out of the Senate. Scheduled to be heard in Assembly Business, Professions & Consumer Protection Committee 6/26/12.

RECOMMENDED POSITION: Watch

BOARD POSITION: Watch

SUMMARY:

Existing law provides for the licensure and regulation of various professions and vocations by boards, bureaus, and commissions within the Department of Consumer Affairs. This bill would amend B&P Code section 101.2 to provide that all boards, bureaus, and commissions have the sole and exclusive authority in state government to license and regulate the practice of professions and vocations regulated by those boards pursuant to provisions of the code. And that no licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions other than under that code or by regulation promulgated by the applicable board through its authority granted under that code.

For purposes of this section, "licensing requirements" include, but are not limited to:

- Additional training or certification requirements to practice within the licensed scope of practice.
- Continuing education requirements for renewal or continuation of licensure.
- Any additional requirements beyond those provided in the B&P Code or pursuant to a board's regulations.

SB 975 has been amended to exclude persons licensed by the Contractor's State License Board or employees of those persons.

COMMENT:

This bill is a follow-up to last year's AB 1210 (Garrick), which was vetoed by the Governor. AB 1210 stated that a licensed civil engineer shall not be required to satisfy any additional experience, training, or certification requirements in order to perform activities in the preparation of storm water pollution prevention plans (SWPPP).

This bill, as was AB 1210, is being sponsored by American Council of Engineering Companies (ACEC - CA).

The Governor's veto message –

This bill would exempt license civil engineers from training requirements related to the preparation of Storm Water Pollution Prevention Plans.

Many of these storm plans are found to be deficient and those preparing them need a much better understanding of the necessary elements of a solid plan. It is not feasible to inspect

Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session

every plan or every construction site but it is essential to have some process in place to ensure compliance in preparing complete and sound storm water plans.

The current process depends on a training education program for all professionals who prepare storm plans – engineers, geologists, hydrologists, and land scape architects. This bill, a piecemeal approach, exempts only one profession, the civil engineers. A more comprehensive solution would be better.

I am directing the State Water Board to review the entire program and evaluate compliance alternatives that are more efficient and workable for all professionals.

I can't speak to the impact of this bill to other boards, bureaus and commissions of DCA but I would think that it would cause many different agencies to start making amendments to this Board's B&P Codes.

There are approximately 19 organizations in "Support" of this bill. The Department of Consumer Affairs is "Opposed."

**Board for Professional Engineers and Land Surveyors
Bill Analysis
2012 Legislative Session**

BILL: SB 1576

AUTHOR: B,P&ED Committee

TOPIC: Professions and vocations

DATE OF INTRODUCTION: 3/12/12

MOST RECENT VERSION: 6/11/12

ANALYSIS DATE: 6/20/12

BILL'S LEGISLATIVE HISTORY: Passed out of Senate. Passed Assembly Business, Professions & Consumer Protection Committee 6/19/12. To Assembly Appropriations Committee.

RECOMMENDED POSITION: Support

BOARD POSITION:

SUMMARY: This bill is the "omnibus bill" for the Senate Committee on Business, Professions and Economic Development. Among other things, this bill makes the following changes to the Land Surveyors' Act:

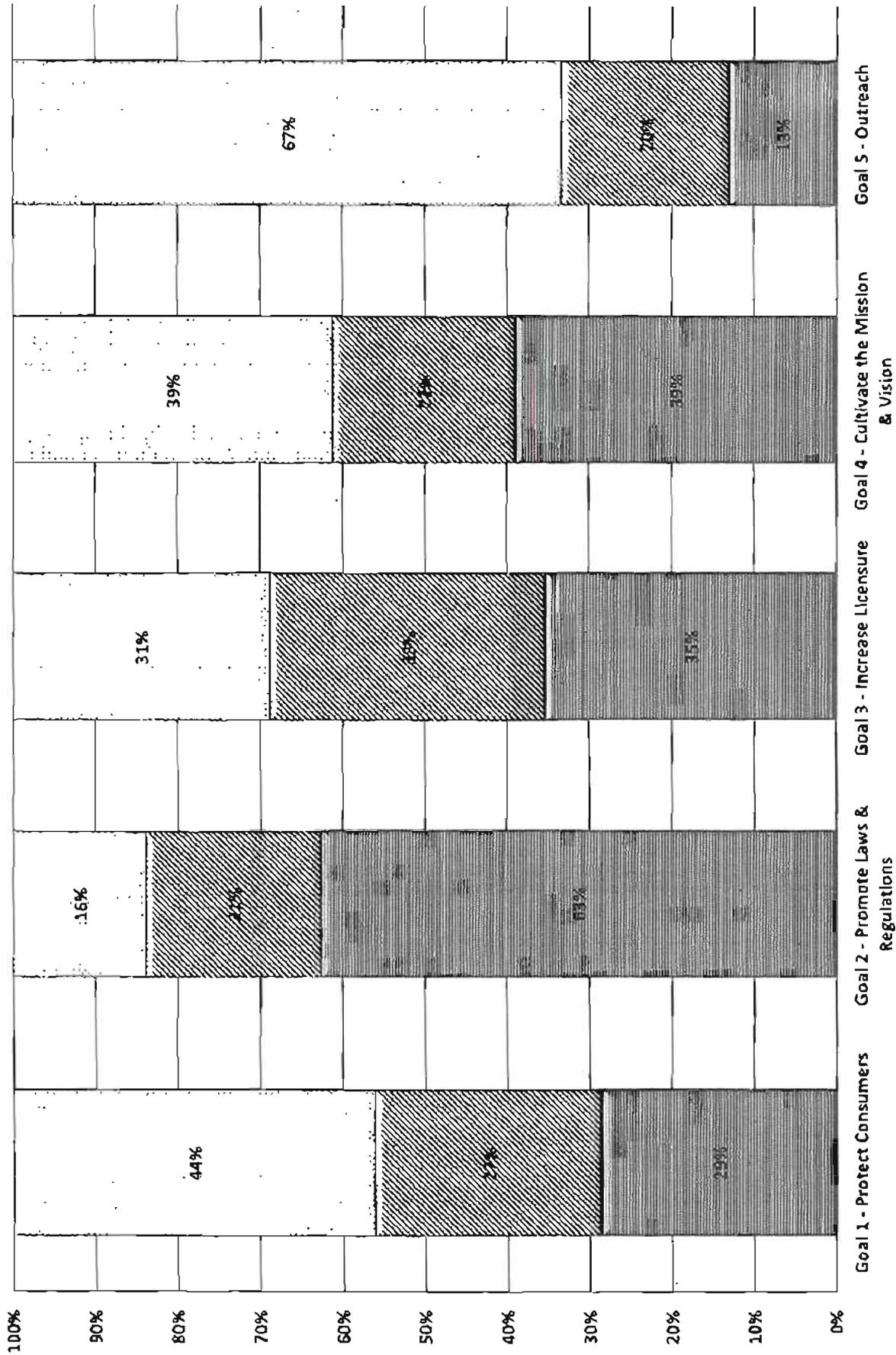
1. Revises the exemption from taking the first part of the land surveyor examination (the land surveyor-in-training examination – LSIT) to only those applicants who were registered by the Board as a California civil engineer prior to January 1, 1982 (section 8741).
2. Corrects outdated references to correctly refer to the "Manual of Surveying Instructions (2009) published by the federal Bureau of Land Management (sections 8741 and 8762).
3. Clarifies the requirement for a land surveyor to file a record of survey by expanding the definition of "establish" to include "location, relocation, reestablishment or retracement" (section 8773).

COMMENT: The above amendments to this bill were submitted by the California Land Surveyors Association (CLSA). CLSA stated that in 1979, when the existing exemptions were placed in the LS Act (section 8741), the education curriculum requirements for engineers generally included courses that taught a fundamental knowledge of surveying, mathematics, and basic science. At that time, it was justified to exclude an engineer with a postsecondary degree from the first division (LSIT) of the land surveyor's examination because it was assumed that they were being adequately taught and tested in those areas. In recent years the courses required and taught to engineers generally do not include courses in surveying.

According to CLSA current law refers to an outdated document published by the Bureau of Land Management (BLM) and that the language in this bill corrects the reference.

CLSA also states that the word "establishment" creates confusion for land surveyors because of multiple interpretations of the word. This bill clarifies the section of law that includes the criteria for the requirement to file a record of survey by expanding the definition of "establishment" to include the terms "location, relocation, reestablishment or retracement."

BPELSG Action Plan Summary FY 2011-12



Completed
 In Progress
 Remaining

**BPELSG Action Plan
FY 2011-12**

Goal	Completed	In Progress	Remaining
Goal 1-Protect Consumers	29%	27%	44%
1.1-Reduce enforcement aging	75%	13%	13%
1.2-Expand enforcement outreach	13%	40%	47%
1.3-Discourage unlicensed activity	0%	33%	67%
1.4-Improve Board web site	89%	11%	0%
1.5-Accessible Web information	10%	25%	65%
1.6-Reduce enforcement case backlogs	50%	25%	25%
1.7-Encourage DCA license lookup on Web	10%	25%	65%
1.8-Participate in Breeze conversion	10%	25%	65%
1.9-Publish enforcement action on Web	0%	50%	50%
Goal 2-Promote practical Laws & Regulations	63%	21%	16%
2.1-Evaluate Laws & Regulations	50%	50%	0%
2.2-Seek fingerprinting authority	50%	13%	38%
2.3-Restructure Exam and Application fees	100%	0%	0%
2.4-Review delinquent reinstatement requirements	25%	50%	25%
2.5-Review penalties for unlicensed activity	100%	0%	0%
2.6-Require Certificates of Authority for Businesses	0%	50%	50%
2.7-Eliminate B&P code 6760	100%	0%	0%
2.8-Amend Appeals of Nat'l Exams	100%	0%	0%
2.9-Review GIT certification	100%	0%	0%
2.1-Review statutes & regulations for consistency	0%	50%	50%
Goal 3-Increase Licensure	35%	33%	31%
3.1-Participate in Nat'l exams	18%	44%	39%
3.2-Convert to CBT testing	75%	20%	5%
3.3-Expedite Application review	0%	38%	63%
3.4-Recruit and develop exams	25%	50%	25%
3.5-Sustain exam security	70%	25%	5%
3.6-Accept Credit Card payments	10%	25%	65%
3.7-Participate in ABET	20%	50%	30%
3.8-Pursue NCEES & ASBOG administration	50%	25%	25%
3.9-Attend NCEES & ASBOG meetings	50%	25%	25%
Goal 4-Cultivate the Board's Mission & Vision	39%	22%	39%
4.1-Retain Executive Officer	100%	0%	0%
4.2-Pursue funding for travel	67%	17%	17%
4.3-Implement Career Succession Plan	0%	50%	50%
4.4-Fill staffing shortages	67%	17%	17%
4.5-Pursue limited-term positions	0%	0%	100%
4.6-Hire a Staff Geologist	0%	50%	50%
Goal 5-Outreach	13%	20%	67%
5.1-Expand enforcement outreach	10%	25%	65%
5.2-Obtain OST travel approval	10%	25%	65%
5.3-Expand licensure outreach	0%	20%	80%
5.4-Develop Board publications	17%	8%	75%
5.5-Attend Nat'l Meetings	33%	33%	34%
5.6-Develop Economic Newsletter	17%	8%	75%
5.7-Research emerging technologies	4%	23%	73%

VIII. **DIVISION OF INVESTIGATION PRESENTATION**

IX. ENFORCEMENT

A. Enforcement Statistical Reports

FY2011/2012 SUMMARY OF ENGINEERING AND LAND SURVEYING ENFORCEMENT CASES
Through May 2012

	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	26	23	323	278/182	98	3	6	19	2	0	110	0	110		
AUG	18	21	320	290/213	97	5	3	21	5	0	115	0	115		
SEPT	40	18	342	277/227	98	3	0	24	3	12	106	0	106		
OCT	24	21	345	284/221	102	0	3	21	1	7	100	0	100		
NOV	34	24	355	280/246	103	5	0	26	2	3	99	0	99		
DEC	36	23	369	279/226	111	2	2	26	4	4	99	0	99		
JAN	23	44	349	305/257	137	7	4	29	4	1	102	0	102		
FEB	39	22	366	299/251	132	3	3	29	3	2	103	0	103		
MARCH	20	29	357	305/250	139	1	2	28	2	1	104	0	104		
APRIL	15	21	351	317/260	132	5	3	30	4	12	96	0	96		
MAY	33	32	352	321/269	134	3	5	28	5	1	100	0	100		
JUNE															
TOTALS	308	277				37	31		35	43					

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 May 2012

	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 Closed	Cases Subm.	Cases Pend.*	SOIs Pend.	ACCs Pend.*		
04/05	276	262	570	586/506	368	31	23	42	24	20	38	3	35		
05/06	452	374	648	504/366	326	74	24	92	29	30	39	2	37		
06/07	559	569	637	513/405	353	50	42	100	28	15	26	3	23		
07/08	457	612	482	446/294	213	54	62	92	9	17	34	3	31		
08/09	458	558	382	405/260	151	34	64	62	12	59	67*	4***	66***		
09/10	456	541	298	321/192	100	28	51	29**	38	88	117	1***	117***		
10/11	418	400	320	269/182	86	32	39	22	61	52	108	0	108		
11/12	308	277	352	321/269	134	37	31	28	43	35	100	0	100		

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.

** In preparing the June 2010 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.

*** 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.)

ENGINEERING AND LAND SURVEYING COMPLAINT CATEGORY STATISTICS
Through May 2012

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	FY04/05	FY05/06	FY06/07	FY07/08	FY08/09	FY09/10	FY10/11	FY11/12
Competence/Negligence	84	110	114	105	159	124	170	122
Contractual*	72	96	87	84	78	60	76	47
Fraud	33	68	56	49	53	41	40	41
Unlicensed Activity	84	105	98	103	108	82	85	77
Other Category	6	7	6	28	22	18	16	11
Record of Survey**	35	52	29	23	74	55	88	62
Delinquents**	1	1	2	0	2	2	1	1
Examination Subversion**	31	106	271	149	94	167	83	27
Code of Professional Conduct	5	16	9	16	10	8	7	1
Reporting of Legal Actions Program**	N/A	N/A	N/A	1	18	38	74	42

* 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.)

AREA OF PRACTICE OF ENGINEERING & LAND SURVEYING COMPLAINT INVESTIGATION CASES OPENED
Through May 2012

This chart provides statistical information regarding the area of practice/discipline of the complaints opened each month. The data is based on the allegations provided with the initial complaint and the branch of licensure of the subject.

Month	Exam Subversion		Unlicensed Activity			Land Surveying			Civil Engineering	Electrical Engineering	Mechanical Engineering	Other Engineering
	w/I	PE	LS	PE	LS	PLS	RCE					
FY04/05	27	4	0	62 {1}	19	41	29	97	6	6	2 - Ch	
FY05/06	101	5	0	78 {1}	26	83	37	130	7	9	3 - FP, Ch, QU	
FY06/07	261	10	0	73 {2}	29	60	27	113	3	2	4 - MF, 3 TR	
FY07/08	138	11	0	84	31	81	31	99	3	2	1 - Ch	
FY08/09	87	7	0	83 {2}	31	109	36	121	0	5	0	
FY09/10	167	0	0	56 {1}	27	77	25	104	3	8	1 - PS/CO	
FY10/11	80	3	0	56 {1}	25	96	33	127	7	4	2 - QU, CR	
July	0	0	0	3	3	1	1	16	0	1	0	
Aug	0	0	0	6	2	2	4	4	1	0	0	
Sept	0	0	0	6	8	13	5	11	0	2	1 - TR	
Oct	0	0	0	5	3	9	0	6	0	0	0	
Nov	0	0	0	1	1	12	3	15	1	1	1 - TR	
Dec	22	2	0	5	1	2	1	5	0	0	0	
Jan	0	0	0	5	5	8	0	7	0	0	0	
Feb	0	0	0	3	0	20	7	10	0	0	0	
March	0	0	0	3 {1}	5	3	2	7	0	0	0	
April	0	0	0	3	2	3	3	6	0	0	0	
May	3	0	0	5	3	12	4	6	0	0	0	
June												
Totals	25	2	0	45 {1}	33	85	30	93	2	4	2	

The data is broken down as follows:

Exam Subversion (involving a non-licensed individual, a PE, or a PLS)

Unlicensed Activity (involving engineering or land surveying, also includes delinquents in curly brackets as a subset)

Land Surveying (involving a PLS or a Pre-82 RCE)

Civil Engineering (which includes structural and soils engineering)

Electrical Engineering

Mechanical Engineering

Other Engineering (Title Act disciplines)

SOURCE OF ENGINEERING AND LAND SURVEYING COMPLAINT INVESTIGATION CASES OPENED
Through May 2012

This chart provides statistical information regarding the source of the complaints opened each month.

Month	Public	Government/Law Enforcement	Profession	Internal/Other
FY04/05 Totals	128	23	52	79
FY05/06 Totals	193	54	50	155
FY06/07 Totals	158	24	62	324
FY07/08 Totals	152	42	64	194
FY08/09 Totals	157	41	90	169
FY09/10 Totals	179	22	81	186
FY10/11 Totals	137	65	70	157
July	10	2	3	11
August	4	1	8	5
September	17	1	7	15
October	14	2	1	7
November	8	0	13	13
December	27	1	1	7
January	5	2	7	9
February	12	11	10	6
March	9	1	4	6
April	6	1	2	6
May	9	1	7	16
June				
Totals	121	23	63	101

The following provides a general definition/description of each of the categories:

Public – Consumers, non-licensees, non-governmental/non-licensee organization (such as consumer groups)

Government/Law Enforcement – Cities, counties, other State of California agencies, other states, federal government, police departments, district attorneys; also includes individuals filing on behalf of an agency (such as the County Surveyor)

Profession – Licensees, professional societies (also includes individuals filing on behalf of a professional society)

Internal/Other – No complainant (such as exam subversion cases), inquiries from individuals/agencies/organizations which lead to the opening of a complaint, anonymous

AGING OF ENGINEERING AND LAND SURVEYING COMPLAINT INVESTIGATION CASES
Through May 2012

AGE (DAYS)	7/11	8/11	9/11	10/11	11/11	12/11	1/12	2/12	3/12	4/12	5/12	6/12
1-30 Days (Under 1 Month)	26	17	39	24	34	36	22	39	20	15	28	
31-60 Days (1-2 Months)	23	23	15	33	24	33	13	21	38	20	17	
61-90 Days (2-3 Months)	16	22	23	15	32	23	32	10	19	37	16	
91-120 Days (3-4 Months)	23	16	20	22	15	31	23	30	10	19	34	
121-180 Days (4-6 Months)	51	61	36	35	35	31	40	52	48	32	21	
181-270 Days (6-9 Months)	54	54	77	61	62	40	46	39	49	54	64	
271-365 Days (9-12 Months)	32	30	34	53	50	64	36	43	34	42	38	
366-730 Days (1-2 Years)	83	82	85	90	88	96	122	111	18	107	107	
731-1095 Days (2-3 Years)	11	10	11	10	14	15	15	21	21	25	26	
1096-1460 Days (3-4 Years)	2	3	0	0	0	0	0	0	0	0	1	
1461-1826 Days (4-5 Years)	2	2	2	2	1	0	0	0	0	0	0	
1827-2192 Days (5-6 Years)	0	0	0	0	0	0	0	0	0	0	0	
2193-2558 Days (6-7 Years)	0	0	0	0	0	0	0	0	0	0	0	
TOTAL	323	320	342	345	355	369	349	366	357	351	352	

ENGINEERING & LAND SURVEYING COMPLAINT INVESTIGATION CASE RESOLUTION STATISTICS
Through May 2012

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	
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	122	71	6	11	51	58	10*	60*	13
11/12	62	60	1	1	43	53	14	36	7

* 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.

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“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.

ENGINEERING AND LAND SURVEYING CITATION ORDER STATISTICS
Through May 2012

Month	Number Issued	Violation Type of Citations Issued*										Informal Conferences and/or Appeal Hearings Requested	Informal Conferences and/or Appeal Hearings Held	Number Modified, Affirmed, or Dismissed	Number Final	Order of Final Citations	
		Unlicensed					Licensed									Abate Only	Abate & Fine (w/amt of fine)
		Title	Rep as able to practice	Offer	Practice	Other	Failure to File	Neg	Misrep	Other							
FY04/05	16	1	0	3	6	3	6	0	0	4	4	23	21	N/A	\$10,850		
FY05/06	9	1	1	5	3	0	0	2	0	3	6	4	5	N/A	\$11,500		
FY06/07	9	1	1	5	6	4	1	3	0	2	2	2	4	N/A	\$11,250		
FY07/08	71	1	3	30	27	7	22	13	3	36	29	21	16	N/A	\$89,600		
FY08/09	60	0	0	21	20	7	7	15	6	29	35	6	27	N/A	\$43,350		
FY09/10	38	5	0	19	15	11	11	10	0	24	13	15	16	N/A	\$38,750		
FY10/11	71	2	3	14	9	12	19	24	2	51	36	33	36	N/A	\$54,250		
July	13	0	0	1	1	0	7	8	1	17	8	3	2	N/A	\$5,050		
August	11	0	1	2	3	1	4	5	0	8	6	7	10	N/A	\$5,750		
September	6	0	0	2	0	2	0	3	0	10	4	3	2	N/A	\$10,900		
October	10	0	0	0	0	0	1	10	0	5	3	3	5	N/A	\$2,000		
November	28	7	3	14	7	20	2	3	2	13	11	2	3	N/A	\$12,500		
December	24	0	0	14	10	18	3	4	1	23	17	4	5	N/A	\$37,500		
January	22	1	1	17	6	15	1	0	0	4	13	3	2	N/A	\$10,500		
February	7	1	0	6	2	3	0	0	0	1	6	5	7	N/A	\$50,250		
March	8	2	1	3	2	7	0	1	0	1	8	9	10	N/A	\$20,750		
April	26	4	2	12	10	12	2	3	1	6	7	11	6	N/A	\$15,000		
May	7	2	2	6	5	6	0	0	0	0	9	13	21	N/A	\$25,250		
June																	
Totals	162	17	10	77	9	153	20	37	5	88	92	63	73	N/A	\$205,450		

*Violation Type of Citations Issued - a single citation may include multiple violations

Unlicensed - Title = Use of any restricted title

Unlicensed - Rep as able to practice = Representing self as able to practice one of the 4 practice acts (CE/SE/GE; EE; ME; & LS) by using any of the titles associated with those practice acts or in any other way representing that one is authorized to practice in those areas

Unlicensed - Offer = Offering to perform any of the 4 practice acts (includes offers in advertisements)

Unlicensed - Practice = Actually practicing any of the 4 practice acts

Unlicensed - Other = Any other violations involving unlicensed activity

Licensed - Failure to File = Failure to file records of survey/corner records in the time and/or manner required by law

Licensed - Neg = Negligence in the professional practice

Licensed - Misrep = Misrepresentation in the professional practice

Licensed - Other = Any other violations in the professional practice

A citation order is final 30 days after it is issued unless a request for an informal conference and/or an appeal hearing is received. Following an informal conference, the citation order may be modified, affirmed, or dismissed. An informal conference may be commenced and continued to provide for the receipt and review of additional information. The cited person may also withdraw his/her request for an informal conference and/or appeal hearing; the citation then becomes final 30 days after the date of issuance.

OUTCOME OF ENGINEERING & LAND SURVEYING CASES SUBMITTED TO THE DISTRICT/CITY ATTORNEY
Through May 2012

The table below indicates the outcome of complaint cases submitted to the District/City Attorney for criminal prosecution, as requested by the Enforcement Committee.

Once a complaint investigation case is submitted to the appropriate District or City Attorney for criminal prosecution, we close our complaint case and notify the complainant. We also request certified court records from the appropriate court in order to monitor the outcome of the criminal action (cases for which we have not yet received the certified records are shown as "Pending"). An article describing the result of the criminal action is printed in the Board's Bulletin.

Fiscal Year	Conviction	Dismissed/Withdrawn*	Statute of Limitations Expired	Bench Warrant Issued	Pending
03/04	5	4	1	0	2
04/05	1	0	0	0	1
05/06	1	6	0	0	0
06/07	4	1	0	0	7
07/08	5	3	0	0	1
08/09	1	0	0	0	2
09/10	1	1	0	0	3
10/11	1	4	0	0	5
11/12	0	0	0	0	14

* A case is listed as "Dismissed/Withdrawn" if the matter is dismissed through the courts ("in the interest of justice") or if the District/City Attorney withdraws the case and does not file criminal charges. Of the 12 cases listed in this category, 7 were withdrawn by the DA due to insufficient evidence to prove beyond a reasonable doubt that a crime had occurred; 2 were dismissed "in the interest of justice" pursuant to Penal Code section 1385; and 3 were dismissed because the suspect was no longer within the jurisdiction of the DA's Office (the subject was out of the state or could not be located).

ENGINEERING AND LAND SURVEYING
ACCUSATION AND PROBATION VIOLATION CASES SUBMITTED TO THE AG'S OFFICE
Through May 2012

	04/05	05/06	06/07	07/08	08/09	09/10	10/11	11/12
LA	8	3	6	7	18	40	19	2
SA	4	11	2	3	16	6	7	6
SD	1	8	3	2	9	22	17	16
SF	5	4	2	4	16	20	9	5
Totals	18	26	13	16	59	88	52	35

Multiple complaint cases against the same individual are combined into one Accusation case. In addition, cases submitted to the AG's Office for probation violation proceedings are also included.

Counties handled by each AG Office:

- LA Inyo, Kern, Los Angeles, San Bernardino, San Luis Obispo, Santa Barbara, Ventura
- SA Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, Yuba
- SD Imperial, Orange, Riverside, San Diego
- SF Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma

AGING OF ENGINEERING AND LAND SURVEYING
 ACCUSATION & PROBATION VIOLATION CASES ASSIGNED TO THE ATTORNEY GENERAL
 Through May 2012

	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	6	3	3	0	1	1
POST-ACCUSATION CASES	6	9	4	2	23	1	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 May 2012

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
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	61	20	24	1	6	0	5	5
11/12	43	7	22	1	4	2	5	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.)

OUTCOME OF ENGINEERING & LAND SURVEYING CASES SUBMITTED TO THE ATTORNEY GENERAL'S OFFICE
BY TYPE OF DECISION

Through May 2012 (Based on the Effective Date of the Board's Decision)

Fiscal Year	Default Decision	Proposed Decision	Stipulation	Decision After Rejection or Reduced Proposed Decision	Decision After Reconsideration (following Proposed Decision or Decision After Rejection)
04/05	Revoked-1	Revoked-1 Rev/Stay-2 Susp/Stay-1 Prob extended-1	Rev/Stay-13 Vol Surr & New CE-2 Vol Surr-1 Susp/Stay-2 Public Repraval w/cond-1 Probation continued-1	0	0
05/06	Revoked-2	Revoked-3 Rev/Stay-2 Dismissed-1	Vol Surr-2 Rev/Stay-8 Susp/Stay-1 Public Repraval w/cond-1 Probation continued-2	0	0
06/07	Revoked-1	Revoked-3 Rev/Stay-1	Public Repraval w/cond-1 Rev/Stay-7 Vol Surr-6 Probation continued-2	0	0
07/08	Revoked-2	Dismissed-1 Prob extended-1 Public Repraval w/costs-1	W/draw ACC & Issue Cite-1 Rev/Stay-1	0	0
08/09	0	Revoked-2 Rev/Stay-1 Susp/Prob extended-1	Rev/Stay-4 Vol Surr-2	0	0
09/10	Revoked-3	Revoked-4 Rev/Stay-1	Rev/Stay-10 Vol Surr-4 Public Repraval w/cond-7 W/draw AC & Issue Cite-1	0	0
10/11	Revoked-9	Revoked-3 Susp/Stay-1	Rev/Stay-24 Vol Surr-8 Vol Surr & New CE-1 Public Repraval w/cond-5	0	0
11/12	Revoked-2	Dismissed-1 Rev/Stay-2 Susp/Stay-1	Rev/Stay-20 Vol Surr-5 Vol Surr & New CE-1 Public Repraval w/cond-3	0	Dismissed-1

ADOPTION vs. REJECTION OF ENGINEERING AND LAND SURVEYING
 PROPOSED DECISIONS PREPARED BY ADMINISTRATIVE LAW JUDGES

Also Includes Reduction of Penalty Ordered Proposed Decision
 Through May 2012 (Based on the Effective Date of the Decision)

YEAR	Number Of Proposed Decisions	Number Adopted	Percent Adopted	Number Rejected	Percent Rejected	CHANGE IN DECISION & ORDER (PD = Proposed Decision; DAR = Decision After Rejection)
04/05	5	5	100%	0	0%	N/A
05/06	6	6	100%	0	0%	1 PD was adopted, but the penalty order was reduced
06/07	4	4	100%	0	0%	1 PD was adopted, but the penalty order was reduced
07/08	3	3	100%	0	0%	
08/09	4	4	100%	0	0%	
09/10	6	6	100%	0	0%	1 PD was adopted, but the penalty order was reduced
10/11	4	4	100%	0	0%	1 PD was adopted as a Precedential Decision
11/12	5	5	100%	0	0%	The adoption of 1 PD was set aside and the Accusation dismissed following a Petition for Reconsideration

**RESTITUTION AND RECOVERY OF BOARD COSTS ORDERED IN ENGINEERING AND LAND SURVEYING BOARD DECISIONS
Through May 2012 (based on the effective date of the Board's decision)**

Fiscal Year	Number of Decisions requiring:		Total Dollar Amount ordered as Restitution with breakdown by type of decision (PD = Proposed Decision; Recon = Decision After Reconsideration; Stip = Stipulation; PV = Probation Violation)	Total Dollar Amount ordered as Recovery of Board Costs with breakdown by type of decision (PD = Proposed Decision; Recon = Decision After Reconsideration; Stip = Stipulation; PV = Probation Violation)
	Restitution	Recovery of Board Costs		
04/05	3	14	\$40,410.00 \$36,280.00 - 2 Stips - \$18,500 Paid; \$20,780 Not paid (PV) \$4,130.00 - 1 PD - Paid in full	\$117,609.53 \$55,892.50 - 4 PDs - \$4,300 Paid; \$7,814 Not yet paid; \$43,778.50 pay if reinstated \$61,717.03 - 17 Stips - \$43,809 Paid; \$17,908.03 Not paid (PV)
05/06	6	15	\$70,972.50 \$34,345.00* - 1 PD - Not paid (PV) \$36,627.50 - 5 Stips - Paid in full	\$88,239.25 \$34,468.50* - 3 PDs - \$11,117.50 re-ordered in FY08/09; \$2,743 Pay if reinstated; \$20,608 Not paid (PV) \$53,770.75 - 12 Stips - \$44,004.25 Paid; \$3,967 Not paid (probationer deceased); \$5,799.50 Not paid (PV)
06/07	1	7	\$16,000.00 \$16,000.00 - 1 Stip - Not yet paid	\$37,306.50 \$2,500.00 - 1 PD - Pay if reinstated \$34,806.50 - 7 Stips - \$25,905 Paid; \$1,660.50 Not paid (PV); \$7,241 Not yet paid
07/08	0	1	0 N/A	\$2,639.25 \$2,639.25 - 1 PD - Paid in full
08/09	0	4	0 N/A	\$27,525.75 \$12,617.25 - 2 PDs - \$7,901.25 Not yet paid; \$4,716 Pay if reinstated \$14,908.50* - 3 Stips - \$2,291 Paid; \$12,617.50 Not yet paid
09/10	0	18	0 N/A	\$85,731.34 \$30,135.69 - 4 PDs - Not yet paid \$55,595.55 - 14 Stips - Not yet paid
10/11	1	32	\$400.00 \$400 - 1 Stip - Not yet paid	\$123,859.59 \$93,858.78 - 28 Stips - Not yet paid \$30,000.81 - 4 PDs - \$9,513.13 Not yet paid; \$20,487.68 Pay if reinstated
11/12	0	21	0 N/A	\$159,904.90 \$127,614.90 - 19 Stips - Not yet paid \$32,290.00 - 3 PDs - Not yet paid

* 1 Stipulation in FY04/05 re-ordered payments ordered in a Reinstatement decision in FY03/04. 1 Proposed Decision in FY05/06 re-ordered Board costs and reduced and re-ordered restitution from FY03/04. 1 Stipulation in FY08/09 re-ordered payments ordered in a Proposed Decision in FY04/05. "Not yet paid" indicates that the respondent still has time to pay the amount owed before violating probation by failing to pay.

COMPARISON BETWEEN CERTAIN ENGINEERING AND LAND SURVEYING
MONTHLY STATISTICS AND ENFORCEMENT PERFORMANCE MEASURES

Category	Standard	Actual*
Mean Age of Complaint Cases	120 days	321 days
Median Age of Complaint Cases	120 days	269 days
Percentage of Cases Over 365 Days Old	≤10%	38%
Percentage of Cases Over 180 Days Old	≤35%	67%
Complaint Cases Opened per Month per Analyst**	6 cases	5.5 cases ***
Complaint Cases Closed per Month per Analyst**	6 cases	5.33 cases ***
Complaint Cases Pending per Month per Analyst**	30 cases	58.66 cases

* "Actual" represents the data for May 2012.

** The "standard" is based on 4 full-time analyst positions. From July through November, we had 4 analysts working cases full-time and 3 analysts working cases part-time; therefore, the "actual" for those five months was based on 5.5 positions. Beginning in December, we have 5 analysts working cases full-time and 2 analysts working cases part-time; therefore, the "actual" is based on 6 positions.

*** Average for July through November for these two categories was 5.163 cases opened and 3,890 cases closed. Average for December through May for these two categories was 4.61 cases opened and 4.75 cases closed.

ENFORCEMENT PERFORMANCE MEASURES

Adopted July 1996

Revised October 1997

Mean and Median Age of Complaint Cases	120 days
Aging of Complaint Cases	
Percentage of Complaint Cases Over 365 Days Old	10%
Percentage of Complaint Cases Over 180 Days Old	35%
Complaint Case Workload per Analyst	
Complaint Cases Opened and Closed per Month	6 cases
Complaint Cases Pending per Month	30 cases
Technical Expert Hours per Complaint Case	15 hours
Division of Investigation Hours per Complaint Case	10 hours
Aging of Division of Investigation Case Investigations	90 days
Attorney General Hours per Accusation Case	25 hours
Aging of Accusation Cases	
From Submittal to the AG's Office to Filing of an Accusation	90 days
From Filing of an Accusation to Request to Set Hearing	75 days
From Filing of an Accusation to Final Resolution	1 year

CASE AGING STATISTICS AS REPORTED TO DCA ENGINEERING & LAND SURVEYING CASES

Average Days to Complete Investigation Portion of Cases

includes time from initiation of complaint investigation case to completion of investigative portion – may include time at DOI if case referred; does not include time for formal disciplinary action or citation

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	270	218	405	435	274	279
10-11	318	167	343	383	309	244	222	362	481	646	266	228
11-12	270	345	464	354	375	358	165	352	403	397	302	

Average Days from Initiation of Complaint Investigation Case to Effective Date of Final Formal Disciplinary Decision

includes time during investigation [may include time at DOI], time preparing file for submittal to the AG's Office, time at the AG's Office, time at OAH [if hearing held], time waiting for Board to take action [at Board meeting or via mail ballot], and time between action by Board and effective day [usually 30 days, but longer if respondent appeals]

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	NDA	1274	NDA	2413	NDA	2096
10-11	NDA	NDA	1815	1739	NDA	1813	2307	1347	2263	1682	2384	1308
11-12	NDA	NDA	2104	1156	1426	1391	2152	NDA	NDA	1477	1459	

Average Days from Initiation of Complaint Investigation Case to Date Citation Becomes Final

includes time during investigation [may include time at DOI]; time preparing citation order, time pending receipt of appeal request [30 days]; time during appeal [may include informal conference, referral to the AG's Office for formal appeal hearing conducted by OAH, or both; time waiting for Board to take action on formal appeal hearing decision if one was held [at Board meeting or via mail ballot]; and time between issuance of final decision [from informal conference or formal appeal hearing] and date citation becomes final [30 days]

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	1589	1475	1116	1317	1066	1307
10-11	1763	1858	1805	1219	NDA	NDA	NDA	NDA	1428	1339	NDA	1862
11-12	1729	1654	1226	1270	1176	1532	1373	1606	1510	1909	1538	

n/a – statistics were not reported to DCA until January 2010

NDA – no data to report (no final decisions or final citations during that month)

0-30 days = 0-1 month

31-60 days = 1-2 months

61-90 days = 2-3 months

91-120 days = 3-4 months

121-150 days = 4-5 months

151-180 days = 5-6 months

181-210 days = 6-7 months

211-240 days = 7-8 months

241-270 days = 8-9 months

271-300 days = 9-10 months

301-330 days = 10-11 months

331-365 days = 11-12 months

0-365 days = 0-1 year

366-730 = 1-2 years

731-1095 = 2-3 years

1096-1461 = 3-4 years

1462-1826 = 4-5 years

1827-2192 = 5-6 years

2193-2557 = 6-7 years

**GEOLOGISTS & GEOPHYSICISTS PROGRAM
ENFORCEMENT STATISTICS**

FOR FISCAL YEAR 2011-2012

	IN HOUSE COMPLAINT INVESTIGATION CASES			DIVISION OF INVESTIGATION (DOI)		CITATIONS		ATTORNEY GENERAL		
	Opened	Closed	Pending	Referred To	Returned From	Pending	Final	Submitted	Closed	Pending
July	1	1	80	0	0	0	0	0	0	0
August	0	0	80	0	0	0	1	0	0	0
September	0	5	75	0	0	0	0	1	0	1
October	2	6	71	1	0	1	1	0	0	0
November	0	10	61	0	1	0	0	0	0	1
December	1	14	48	0	0	0	0	0	0	1
January	0	5	43	0	0	0	0	0	0	1
February	0	2	41	0	0	0	0	0	0	1
March	3	2	42	0	0	0	0	0	0	1
April	3	3	42	0	0	0	0	0	0	1
May	1	4	39	0	0	0	1	0	0	0
June										
Totals	11	52		1	1		3	1	0	

Explanation of Terms:

“In House Complaint Investigation Cases” totals represent the number of complaints opened, closed, and pending in a given month.

“Division Of Investigation (DOI)” totals represent the number of complaints which are referred to, returned from, and still pending with DOI in a given month. These totals are a subset of the “In House Complaint Investigation Cases” totals.

“Citations” totals represent the number of final citations (after all appeal periods have ended) in a given month (informal enforcement action against unlicensed individuals and licensees).

“Attorney General” totals represent the number of cases submitted to, closed, and pending with the Office of the Attorney General in a given month (formal disciplinary action against a licensee).

CASE AGING STATISTICS AS REPORTED TO DCA GEOLOGY & GEOPHYSICS CASES

Average Days to Complete Investigation Portion of Cases

includes time from initiation of complaint investigation case to completion of investigative portion – may include time at DOI if case referred; does not include time for formal disciplinary action or citation

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	996	NDA	NDA	NDA	866	NDA
10-11	NDA	NDA	NDA	700	NDA	417	NDA	677	NDA	1781	954	1512
11-12	522	NDA	821	1906	1230	893	1060	1767	1859	987	727	

Average Days from Initiation of Complaint Investigation Case to Effective Date of Final Formal Disciplinary Decision

includes time during investigation [may include time at DOI], time preparing file for submittal to the AG's Office, time at the AG's Office, time at OAH [if hearing held], time waiting for Board to take action [at Board meeting or via mail ballot], and time between action by Board and effective day [usually 30 days, but longer if respondent appeals]

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	NDA	NDA	NDA	NDA	NDA	NDA
10-11	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA
11-12	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	

Average Days from Initiation of Complaint Investigation Case to Date Citation Becomes Final

includes time during investigation [may include time at DOI]; time preparing citation order, time pending receipt of appeal request [30 days]; time during appeal [may include informal conference, referral to the AG's Office for formal appeal hearing conducted by OAH, or both; time waiting for Board to take action on formal appeal hearing decision if one was held [at Board meeting or via mail ballot]; and time between issuance of final decision [from informal conference or formal appeal hearing] and date citation becomes final [30 days]

FY	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
09-10	n/a	n/a	n/a	n/a	n/a	n/a	NDA	NDA	NDA	904	453	NDA
10-11	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	NDA	1226	613
11-12	NDA	1171	NDA	1258	NDA	NDA	NDA	NDA	NDA	NDA	827	

n/a – statistics were not reported to DCA until January 2010

NDA – no data to report (no final decisions or final citations during that month)

0-30 days = 0-1 month

31-60 days = 1-2 months

61-90 days = 2-3 months

91-120 days = 3-4 months

121-150 days = 4-5 months

151-180 days = 5-6 months

181-210 days = 6-7 months

211-240 days = 7-8 months

241-270 days = 8-9 months

271-300 days = 9-10 months

301-330 days = 10-11 months

331-365 days = 11-12 months

0-365 days = 0-1 year

366-730 = 1-2 years

731-1095 = 2-3 years

1096-1461 = 3-4 years

1462-1826 = 4-5 years

1827-2192 = 5-6 years

2193-2557 = 6-7 years

ENFORCEMENT STATISTICAL REPORTS

At its last meeting, the Board directed staff to provide recommendations regarding the most pertinent enforcement statistics that should be reported at Board meetings. Staff recommends that the following statistics be maintained on a monthly and fiscal year (July 1 through June 30) basis and reported on at each Board meeting. Staff recommends that, in addition to reporting the numbers on a monthly basis through the current year, the last four complete fiscal years be included for comparison.

- ❖ Number of complaint investigation cases opened (“cases opened”)
- ❖ Number of complaint investigations completed/closed (“cases closed”)
- ❖ Average age of complaint investigations at completion/closure
(calculated from date complaint investigation case opened to date complaint investigation completed/closed)

- ❖ Number of cases referred for the issuance of a citation
- ❖ Number of citations issued
- ❖ Number of citations that become final
- ❖ Average age of final citations
(calculated from date complaint investigation case opened to date citation becomes final)

- ❖ Number of cases referred to the Attorney General’s Office (for formal disciplinary action against a licensee)
- ❖ Number of formal disciplinary decisions that become final
- ❖ Average age of final disciplinary decisions
(calculated from date complaint investigation case opened to date disciplinary decision becomes final)

X. **EXAMS/LICENSING**

- A. April/June 2012 Examination Update
 - 1. Update on Office of State Publishing examination book error
- B. October 2012 Examination Update
- C. Cooperative Licensure Agreement with Washington State for Certified Engineering Geologists and Certified Hydrogeologists



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

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Facsimile: (916) 263-2246

www.pels.ca.gov & www.geology.ca.gov



June 20, 2012

Office of State Publishing
344 North 7th Street
Sacramento CA 95811

Attn: Mr. Kevin Hannah, Acting State Printer

Re: OSP Requisition # REQ0007989 – DCA/BPELSG

Mr. Hannah,

Our Board contracted with your office in February 2012 to provide publishing services specifically related to our two Civil Engineer licensing exams, the California Civil – Seismic Principles exam (Requisition #REQ0007984) and the California Civil – Engineering Surveying exam (Requisition #REQ0007989). These exams were each to be administered on April 12, 2012 to over 2300 licensing candidates at 5 separate locations throughout the state. We encountered no issues with the Civil – Seismic Principles exam. However, when the Civil – Engineering Surveying exam books were distributed to the candidates and the seals were broken, it was discovered that nearly three quarters of the exam books were misprinted. The incorrect books had the correct covers, but included the incorrect exam content. Needless to say, we were forced to cancel the examination immediately upon this discovery, which as you can imagine generated a great deal of confusion and anger on the part of the licensing candidates. Furthermore, this pool of licensing candidates included almost four hundred individuals that traveled to California from forty-one states and five foreign countries.

Our analysis in subsequent days revealed that 71% of the Civil – Engineering Surveying exam books contained duplicate content from the Civil – Seismic Principles exam. We were forced to re-administer the exam in early June and absorb costs that were not only far exceeding your original costs to provide the contracted services, but at an amount that has severely hampered our FY2012-13 budget.

I would like to schedule a time to discuss with you the fallout and issues resulting from the publishing error associated with the above requisition. We have the books all cataloged and available at the Board's office for your review and look forward to reaching agreement on due compensation to our Board as a result of your office's publishing error.

Please feel free to contact me at any time by email Ric.moore@dca.ca.gov or by phone at (916) 263-2285.

Respectively,

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

Richard B. Moore, Executive Officer

Cc: Gary Duke, DCA Senior Legal Counsel
Denise D. Brown, DCA Director



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
PO Box 9045 • Olympia, Washington 98507-9045

June 14, 2012

Richard B. Moore, P.L.S, Executive Officer of the Board
Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944

RE: Cooperative Licensure for Washington and California Geology Licensing Applicants

Dear Mr. Moore,

The Washington State Geologist Licensing Board wishes to formalize an agreement between our two states made in 2003, when our respective boards agreed to allow hydrogeologists and engineering geologists licensed in one state to attain licensure in the other without exam (other than the California-specific portion). At that time, a representative from Washington's board met with California's board, and both boards determined each others' engineering geologist and hydrogeologist exams were equivalent to their own.

California's board took formal vote on May 2, 2003 to enter into a cooperative licensure agreement and Washington's board took similar action on May 20, 2003 (see attached minutes). Since then, Washington's board has been granting licensure to California applicants based on their having taken and passed California's examination.

In May 2012, Patty Smith, Program Lead Analyst for the California Board for Professional Engineers, Land Surveyors, and Geologists, Geologists and Geophysicists Program questioned the agreement and asked that Washington discontinue announcing it on our website. Ms. Smith's request prompted a review of past board minutes that revealed the actions by our respective boards and the mutual reciprocity agreement noted above; however a more formal document apparently does not exist.

Washington's board's interest is to maintain the 2003 agreement and formalize it in the enclosed Memorandum of Understanding. We request your board chair sign it, retain a copy and return it to us at the address above. Once we receive it, we will license those reciprocity applicants from California who are currently waiting on this agreement to be reconfirmed. Thank you.

Sincerely,

William D. Ernst, Chair
Geologist Licensing Board

Skip a trip – go online: www.dol.wa.gov

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If you need accommodation, please call 360-664-6597 or TTY 360-664-0116.*



BOARD FOR GEOLOGISTS AND GEOPHYSICISTS
 2535 CAPITOL OAKS DRIVE, SUITE 300A, SACRAMENTO, CA 95833-2926
 TELEPHONE: (916) 263-2113
 FAX: (916) 263-2099
 E-mail: geology@dca.ca.gov
 Website: www.dca.ca.gov/geology



**MINUTES OF THE MEETING OF THE
 BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

September 12, 2003

**2535 Capitol Oaks Drive
 Sacramento, CA 95833-2926**

1. CALL MEETING TO ORDER

Craig Copelan, President, called the meeting to order at 9:00 AM.

2. ROLL CALL TO ESTABLISH QUORUM

Craig A. Copelan, President
 Robert A. Matthews, Ph.D., Vice President
 William E. Black
 Claude D. Fiddler
 Jeffrey T. Schmidt

Others in attendance:

Paul Sweeney, Executive Officer
 Gary Duke, Legal Counsel, Department of Consumer Affairs (DCA)
 George Dunfield, Enforcement Manager
 J. C. Isham, Chair, Legislative Committee
 Elizabeth Mathieson, Chair, Enforcement Oversight Committee
 Tracy Ferrel, DCA's Office of Examination Resources
 Seena Hoose, Technical Advisory Committee (TAC)
 Tom Crosby, TAC
 Brian Hirst, TAC
 Sara Bierl, Center for Public Interest Law
 Ted Cobb, State Water Resources Control Board
 Frank Reichmuth, North Coast Regional Water Quality Control Board
 Dave Parson, North Coast Regional Water Quality Control Board
 Marcia Kiese, CalTrans
 John Parrish, Executive Officer, State Mining and Geology Board
 Steve Reynolds, California Geological Survey
 Bill Short, California Geological Survey
 Kristin Haynie, California Association of Professional Scientists

Howard Spellman

The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California

students for licensure, including the desired amount of field geology, be assigned to the Examination Committee for a recommendation to be made to the Board, Mr. Schmidt seconded it and the motion passed unanimously.

This meeting is the last one for J.C. Isham to serve as Legislative Committee Chair, and the Board thanked him for his long and productive service to the Board and to the public.

12. EXAMINATION COMMITTEE REPORT

Paul Sweeney gave the report on behalf of former Committee Chair Scott Hector, who was termed out in June. The Board's licensing examinations on March 7, 2003, went very well. Attendance was strong and there were no administrative problems. A handout displaying the attendance and passing rates was distributed. In the opinion of the Executive Officer and Tracy Ferrel, Chief of the Department of Consumer Affairs Office of Examination Resources, the results were practically ideal for licensing examinations.

Mr. Sweeney and Ms. Ferrel spoke briefly about cooperative licensure with the States of Washington and Oregon. Ms. Ferrel indicated that both states have met all of California's requirements for cooperative licensure. Therefore, a Certified Engineering Geologist (CEG) and/or a Certified Hydrogeologist (CHG) from Washington who meets all of California's requirements will be allowed to have a CEG and/or CHG license from California. Oregon CEG's (they do not have a CHG license) may qualify for the issuance of a California CEG within the same parameters.

13. TECHNICAL ADVISORY COMMITTEE REPORT

Executive Officer Paul Sweeney gave the report on behalf of Tony Sawyer, Chair, Technical Advisory Committee (TAC).

Paul Sweeney and George Dunfield of Board staff and Trinda Bedrossian of the California Geological Survey attended a meeting with the NCRWQCB staff in Santa Rosa on August 22, 2003 to discuss forest practice issues and the practice of geology.

Ted Cobb, Assistant Chief Counsel for the State Water Resources Control Board (SWRCB) and Frank Reichmuth, Assistant Executive Officer of the North Coast Regional Water Quality Control Board (NCRWQCB) addressed the Board about the proposed letter from the Board to the NCRWQCB dealing with the Forest Practice issue.

Bill Short of the California Geological Survey indicated that a lot of the geologic portion of Timber Harvest Plans that are submitted to his

How to get your license: Geologists

Licensing flowchart

View the [How to become a licensed geologist in Washington State](#) flowchart.

Education requirements

To apply for your geologist license you must meet the following requirements:

- Graduate from an accredited college or university with a degree in geology, engineering geology, or hydrogeology.
or
- Graduate from an accredited college or university with a degree in one of the related geological sciences, or educational equivalents. Transcripts must include **all** of the following:
 - Courses in structural geology, mineralogy, petrology, and sedimentary geology/stratigraphy.
 - A minimum of 24 semester or 36 quarter hours of upper division geology courses or their equivalent.

Documentation of education required

Have your college or university send your official, sealed transcripts directly to us at:

Geologist Licensing Board
Department of Licensing
PO Box 9025
Olympia, WA 98507

If you don't meet the education requirements, you'll need to demonstrate to the board that you've completed the Educational Equivalents for Core classes. [View the list of common topics for educational equivalents.](#)

Experience requirements

To be licensed as a geologist, you must have 5 years of documented and verifiable professional geological practice or, if applying for a specialty, 5 years of specialty practice satisfactory to the board, after receipt of a bachelor's degree. The experience must include:

- At least 3 years of geological experience under the supervision of state-licensed geologists or specialty geologists or others who, in the opinion of the board, are qualified to have responsible charge.
- If applying for 2 specialties, at least 5 years or 8,000 hours of experience in each specialty, for a total of 10 years or 16,000 hours experience.

What qualifies as professional geological practice?

Professional geological practice is work performed at a professional level that requires the application of professional knowledge, principles, and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting, and reporting on the physical phenomena of the earth. Implicit in this definition is the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision.

Professional geological work specifically **doesn't** include:

- Routine activities where the elements of initiative, scientific judgment, and decision making are lacking, such as:
 - Drafting.
 - Sampling.
 - Sample preparation.
 - Routine laboratory work.
 - Core logging.
- Activities that don't use scientific methods to process and interpret geologic data.

Documentation of experience required

Have each of the people who are verifying your experience complete an Employment and Experience Verification form (page 4 of the [Geologist and Specialty License Initial Application](#)), and send it directly to us at the address on the form.

Alternative experience credit

- Each year of graduate study in geology or a qualified related area counts as 1 year of training, up to a maximum of 2 years.
- Geological research or teaching at the university or college level is credited year for year if, in the judgment of the board, it is comparable to experience obtained in the practice of geology or a specialty.

Personal reference requirements

An applicant must be of good moral and ethical character, as attested to by 2 references.

Examination requirements

- You must pass the National Association of State Boards of Geology (ASBOG) examination, **or** a geologist examination acceptable to the board. To apply to take the ASBOG exam, complete the [ASBOG Examination Registration Form](#).
- If you're applying for **specialty licensing**, you must pass the specialty examination.
 - Complete and submit a [Engineering Geologist Exam and Registration](#) form to apply for the Engineering Geologist examination.
 - Complete and submit a [Hydrogeologist Exam and Registration](#) form to apply for the Hydrogeologist examination.

Requirements for reciprocity applicants

Applicants requesting licensure through reciprocity must obtain certified proof from the state where they are licensed.

- The Geologist Licensing Board will recognize your out-of-state geologist and specialty license if your qualifications meet the Washington State requirements listed in [WAC 308-15-060](#).
- If you're applying for a **specialty geologist license**, you must also have passed a specialty geologist exam adopted by, or acceptable to, the board.

Note: The California Board for Geologists and Geophysicists and the Washington State Geologist Licensing Board have agreed to cooperative licensure. That means that hydrogeologist and engineering geologist exams, whether taken in California or Washington, will be accepted by both states.

For candidates with transcripts from schools outside of the United States or Canada

Your transcripts must undergo a course-by-course evaluation by a board-approved evaluation service. A translation of your transcript or a general evaluation is not adequate. An official copy of the evaluation must be sent directly to the board office by the evaluation service. You may choose from the following approved evaluation services:

- [Academic Evaluation Services, Inc.](#)
- [World Education Services](#)

Related laws and rules

- [WAC 308-15-040: What are the minimum requirements to be eligible for a geologist license?](#)
- [WAC 308-15-030: How do I apply for a geologist license?](#)
- [WAC 308-15-060: What are the minimum requirements for obtaining a geologist or specialty license by reciprocity?](#)

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XI. **OUTREACH**

A. Request for Articles for the Summer Bulletin

XII. **APPROVAL OF DELINQUENT REINSTATMENTS**

APPROVAL OF DELINQUENT REINSTATEMENTS

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

CIVIL

CUENCA, FERNANDO A.

Reinstate applicant's civil license once he/she takes and passes the NCEES Principles and Practice of Civil Engineering, the California Seismic Principles and the Engineering Surveying examinations.

TRAFFIC

CAMACHO, MAURICE A.

Reinstate applicant's traffic license once he/she pays all delinquent and renewal fees.

XIII. **CONSIDERATION OF RULEMAKING PROPOSALS**

- A. Status of Rulemaking Proposal to Amend Title 16, California Code of Regulations section 443 (Inspection of Examination)
- B. Request for Regulatory Action pursuant to Government Code section 11340.6 – Request to Amend Title 16, California Code of Regulations section 424 (Experience Requirements – Professional Engineers)

**Request for Regulatory Action Pursuant to
Government Code Section 11340.6 – Request to Amend
Title 16, California Code Of Regulations Section 424
(Experience Requirements – Professional Engineers)**

The Board has received a request, pursuant to Government Code section 11340.6, from William D. Johns that the Board pursue regulatory action to amend Title 16, California Code of Regulations section 424 (also referred to as Board Rule 424) relating to the education and experience requirements that an applicant for licensure as a professional engineer must meet. Specifically, Mr. Johns is requesting that the Board amend a portion of subdivision (b) of Board Rule 424. [Note: Mr. Johns refers to it as 424(b)(5); however, the actual paragraph he addresses is not part of subparagraph (5); it is its own paragraph under subdivision (b). Therefore, it will be referred to as 424(b).]

The current regulation states

The additional actual work experience required to meet the six (6) years of experience requirement shall have been gained after graduation, except for cooperative work study experience and post-graduate education.

Mr. Johns requests that the regulation be amended as follows

The additional actual work experience required to meet the six (6) years of experience requirement shall ~~have been gained after graduation~~ not have been gained concurrently with credit claimed for education, except for cooperative work study experience and post-graduate education.

Mr. Johns explains the reasons for this request in his letter, dated April 26, 2012, which is included with this report. Also included are subsequent correspondence between Board staff and Mr. Johns regarding the procedures the Board must follow in responding to his request. Furthermore, Board Rule 424 in its entirety is included for reference.

Pursuant to Government Code section 11340.6, any member of the public may request that the Board pursue regulatory action to adopt, amend, or appeal a regulation. Upon receipt of such a request, the Board must decide whether it wishes to grant or deny the request. If the Board chooses to grant the request, then Board staff would proceed with the rulemaking process in the same manner as with any other rulemaking/regulatory proposal – the proposed language would be noticed for a public comment period; a public hearing would be held if requested; and any comments received would be considered before the Board adopted the final language and submitted the final proposal to the Department of Consumer Affairs and the Office of Administrative Law for approval.

BOARD OPTIONS:

1. GRANT the request and direct Board staff to begin the rulemaking process to amend Board Rule 424 as requested.
2. DENY the request.

1135 Termino Avenue, #8, Long Beach, CA 90804

April 26, 2012

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED APR 30 2012

Mr. Richard B. Moore, P.L.S., Executive Officer
Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944

Dear Mr. Moore,

Pursuant to Section 11340.6 of the California Government Code, this is to serve as a request for the amendment of a regulation as described below.

SUBSTANCE OR NATURE OF THE AMENDMENT REQUESTED

This request applies to 16 CCR §424(b)(5). The portion of that paragraph to which this request specifically applies currently reads as follows:

"The additional actual work experience required to meet the six (6) years of experience requirement shall have been gained after graduation, except for cooperative work study experience and post-graduate education."

I respectfully request that you consider amending this regulation to use the following statement or wording substantially similar thereto:

"The additional actual work experience required to meet the six (6) years of experience requirement shall ~~have been gained after graduation~~ not have been gained concurrently with credit claimed for education, except for cooperative work study experience and post-graduate education."

REASON FOR THE REQUEST

The subject regulation, together with the exceptions provided, are evidently intended to prevent an applicant from double counting education and work experience gained at the same time. For example, an applicant who works full time for at least two years while pursuing an ABET-accredited undergraduate degree in engineering could otherwise make a claim for two years of work experience and a four year credit for the degree yielding a total of six years claimed, though only four years would have actually been spent.

April 26, 2012

The way the subject regulation is currently phrased, however, makes it possible – and as experience has begun to show, probable – that an applicant who legitimately earns qualifying work experience, following which he or she begins the pursuit an engineering degree for which educational credit is later claimed, could be barred from receiving due credit for the work experience previously completed for no other reason than the fact that it preceded the date on which the qualifying engineering degree was awarded.

The Board's justification for making any such regulation is to serve its own Mission and Vision Statements, namely:

Mission Statement

The Mission of Board for Professional Engineers, Land Surveyors, and Geologists is to diligently protect the life, health, property, and welfare of the public. The Board ensures standards for licensure and actively enforces laws and regulations while educating licensees and consumers.

Vision Statement

The Board will lead the nation in ensuring that consumers can make informed decisions and have a high degree of confidence in, and access to, competent and ethical professional services provided by our licensees.

The desire to prevent an applicant from double counting experience through mathematical manipulation in order to reduce the number of actual years required to meet the minimum qualification to take the PE exam is perfectly consistent with the Board's Mission and Vision Statements. However, and serving as the sum and substance of this request, to exclude otherwise-qualifying work experience simply because it occurred before the time credited for education, in particular when the two did not overlap, does not serve the Mission and Vision Statements, does not serve to protect the public's interest, and only serves to exclude legitimately qualified and competent engineers from taking the PE exam simply because of the order in which their experience was completed, nevermind that their total experience actually accounted for at least six years as required by the Professional Engineers Act. The regulation as currently phrased is unfair and compromises its intended purpose.

AUTHORITY TO TAKE REQUESTED ACTION

The necessary and sufficient authority to take the requested action is granted to the Board in Section 6716(a) of the Business and Professions Code, which states in pertinent part:

"The board may adopt rules and regulations consistent with law and necessary to govern its action."

Respectfully Submitted,



William D. Johns



BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 263-2222 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.pels.ca.gov & www.geology.ca.gov



May 29, 2012

William D. Johns
1135 Termino Avenue, #8
Long Beach, CA 90804

RE: Request for Regulatory Action

Dear Mr. Johns:

The California Board for Professional Engineers, Land Surveyors, and Geologists is in receipt of your letter, dated April 26, 2012, which was received by the Board on April 30, 2012, in which you requested pursuant to Section 11340.6 of the Government Code that the Board amend Title 16, California Code of Regulations section 424.

Your request will be included as an item for discussion at the Board meeting scheduled to be held on June 28 and 29, 2012, in Sacramento. Your letter will be provided to the Board members for consideration. They will then decide whether or not to grant your request and pursue the amendments through the formal rulemaking process. You will be notified in writing following the meeting what action the Board has taken on your request.

You are welcome to attend the meeting as a member of the public and present your proposal in person, as well as respond to any questions the Board members may have. Please note that your attendance is not mandatory, and the Board will consider your request even if you do not attend the meeting.

If you do wish to attend the meeting, please contact me no later than June 8, 2012, so that we may coordinate the date and time to schedule the discussion of this item in light of your need to travel to Sacramento. You may contact me at (916) 263-2241 or Nancy.Eissler@dca.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Nancy A. Eissler".

NANCY A. EISSLER
Enforcement Program Manager

Eissler, Nancy@DCA

From: [REDACTED] on behalf of Bill Johns <[REDACTED]>
Sent: Friday, June 01, 2012 6:58 AM
To: Eissler, Nancy@DCA
Cc: Moore, Ric@DCA
Subject: Request for Regulatory Action

Dear Ms. Eissler,

I am in receipt of your letter dated May 29, 2012, in response to my rule change request dated April 26, 2012.

This rule change request was brought about by the interpretation of the rule in question being currently employed by one of the Engineering Registrars. While I am seeking to modify the rule to encourage an interpretation that I believe makes more sense, my currently pending application to take the PE Exam in October has yet to be reviewed and decided upon. Depending on the order and timing with which my application and this rule change request are evaluated and the results of each, there is a possibility that I may need to make use of the appeals process with respect to my exam application, in which case I intend at that time to make myself available to come to Sacramento on appeal therefor.

Due to a separate trip to Sacramento already being a possibility and in order to minimize any time away from work, I must respectfully decline your invitation to attend the June 28-29th Board meeting in person. I am very happy to make myself available by phone during the meeting should doing so be desired and convenient, but otherwise I believe Mr. Moore is well versed on my position and underlying rationale in the event my letter to be submitted to the Board members does not fully explain the same.

I'm looking forward to hearing what decision is reached as soon as practicable after the Board meeting and welcome any questions you may have.

Sincerely,

Bill Johns

Office: [REDACTED] Work Cell: [REDACTED]
Personal Cell: [REDACTED]

Eissler, Nancy@DCA

From: Eissler, Nancy@DCA
Sent: Friday, June 08, 2012 5:16 PM
To: 'Bill Johns'
Cc: Ric Moore (Ric.Moore@dca.ca.gov)
Subject: RE: Request for Regulatory Action

Dear Mr. Johns:

Thank you for advising us that you will not be attending the meeting of the Board for Professional Engineers, Land Surveyors, and Geologists regarding your request for regulatory action. You will be advised in writing following the meeting of any action taken by the Board on your request. However, based on the statements in your message, it appears that there may be some confusion regarding the regulatory/rulemaking process and the application review and appeal process.

The Board's regulations relating to engineering and surveying are codified in Division 5 of Title 16 of the California Code of Regulations. While the Board does have the authority to adopt, amend, or repeal these regulations, it must do so following the process and procedures described in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of the Government Code. The rulemaking process takes on average one year from when the Board approves a proposal to be noticed to when the regulatory change takes effect. As such, if the Board were to grant your request to amend the regulations, the rulemaking process would then be started; however, the changes to the regulations would not be effective immediately, and the Board would still have to operate and review and evaluate applications under the regulatory provisions currently in effect.

The review of your application is separate from your request to the Board to change the regulations, and your application must be reviewed and evaluated based on the regulations that are currently in effect. If your application is denied, you will have the right to request a hearing to appeal that denial. Such hearings are referred to as Statements of Issues hearings and are conducted in accordance with Chapters 4, 4.5, and 5 (commencing with Section 11370) of Part 1 of Division 3 of the Government Code. Such appeals are handled by the Office of the Attorney General, and the hearings are conducted by the Office of Administrative Hearings, which has offices in Sacramento, Oakland, Los Angeles, and San Diego so that hearings may be held in locations more convenient to the parties involved. You will be notified in writing of the results of the review and evaluation of your application. If your application is denied, you will be provided with information regarding how to appeal the denial.

Sincerely,

Nancy A. Eissler
Enforcement Program Manager
California Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
<http://www.pels.ca.gov>

424. Experience Requirements – Professional Engineers.

(a) The engineering branches and title authorities described in Section 404, herein, overlap and some activities are common to two or more engineering branches and title authorities. The minimum number of years of qualifying experience in such overlapping engineering branches and title authorities may be used in securing licensure in any applicable engineering branch or title authority but cannot be used more than once. The only exception to this is experience credit for education. Qualifying education entitles a candidate to experience credit and this experience credit may be used again even though it has already been used to qualify for another examination.

(b) An applicant for licensure as a professional engineer shall be granted credit towards the experience requirement, as stated in subdivision (a), for the following education curriculum:

(1) Four (4) years experience credit for graduation from an approved engineering curriculum.

(2) Two (2) years experience credit for graduation from a non-approved engineering curriculum or from an approved engineering technology curriculum.

(3) Five (5) years of experience credit for graduation from an approved cooperative work-study engineering curriculum.

(4) Five (5) years of experience credit for graduation from an approved post-graduate engineering curriculum.

(5) One-half (1/2) year of education credit for each year of study completed in an approved engineering curriculum that did not result in the awarding of a baccalaureate degree, except that the maximum of such experience shall be two (2) years.

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

The additional actual work experience required to meet the six (6) years of experience requirement shall have been gained after graduation, except for cooperative work study experience and post-graduate education.

The sum of qualifying experience credit for education and engineering teaching experience shall not exceed five years.

(c) Qualifying experience is that experience satisfactory to the Board which has been gained while performing engineering tasks under the responsible charge of a person legally qualified to practice in an applicant’s branch of engineering.

(1) For the purposes of this section, “legally qualified” means having an appropriate license as a professional engineer; or by being an employee of the Federal Government; or, except for civil engineers, by virtue of being an employee of a manufacturing, mining, public utility, research and development, or other industrial corporation; or by, except for civil engineers, holding an appropriate license as a contractor.

(2) Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week.

(3) Applied engineering research is an engineering task for the purposes of determining qualifying experience.

(d) Computation of qualifying experience for licensure as a professional engineer or for authority to use the title “structural engineer” or “geotechnical engineer” shall be to the date of filing of the application; or it shall be to the final filing date announced for the examination if the application is filed within a period of thirty (30) days preceding the final filing date announced for such examination.

XIV. **INFORMATION TECHNOLOGY UPDATES**

A. Request for Change/Online Renewals

XV.

ADMINISTRATION

A. FY 2011/12 Budget Overview

FY 2011/12 Budget Overview:

The information provided below is a summary of the Engineers and Land Surveyors Board fund and the Geologists & Geophysicists Account. The final FY 2011-12 revenue and expenditure figures will change slightly from the figures below once all year-end revenue and expenditures are realized.

The **Engineers and Land Surveyors (PELS) Fund** as of April 30, 2012:

	FY 11/12	FY 10/11
Expenditures	\$9.9 Million	\$7.7 Million
Revenue	\$9.7 Million	\$9.0 Million
Applications	16,632	16,351
Renewals	35,404	31,033

Budget Allotment	\$10.4 Million
Projection to Year-End	\$10.4 Million
Surplus/Deficit	\$818
Revenue (Year-End)	\$10.3 Million

Applications and renewals have increased based on the cyclical nature of the PELS population. Overall, revenue should increase by \$1.3M as a result.

The **Geologist and Geophysicists (GEO) Fund** as of April 30, 2012:

	FY 11/12	FY 10/11
Expenditures	\$744 Thousand	\$641 Thousand
Revenue	\$927 Thousand	\$822 Thousand
Applications	233	278
Renewals	3,375	3,583

Budget Allotment	\$1.3 Million
Projection to Year-End	\$816 Thousand
Surplus/Deficit	\$457 Thousand
Revenue (Year-End)	\$1 Million

Applications and renewals have decreased slightly versus last year's figures which will impact revenue as a result. Although there is a decrease, revenue should remain consistent for the Geology and Geophysicists Account as a result of fee changes.

XVI. **TECHNICAL ADVISORY COMMITTEES (TACs)**

- A. Board Assignments to TACs
- B. Appointment of TAC Members
- C. Reports from the TACs

**APPOINTMENT TO THE LAND SURVEYING
TECHNICAL ADVISORY COMMITTEE**

MOTION: To recommend approval by the Board the individuals named below for appointment and re-appointment to the Professional Land Surveyor Technical Advisory Committee (PLS TAC) for the terms specified commencing July 1, 2012:

- Mr. Michael B. Emmons, P.L.S. (2 year Re-appointment)
- Mr. Michael S. Butcher, P.L.S. (1 year Re-appointment)
- Mr. Paul J. Enneking, P.L.S. (1 year Re-appointment)
- Mr. William Hofferber Jr., P.L.S. (2 year appointment)
- Mr. Frank Demling, P.L.S. (2 year appointment)

BACKGROUND:

The PLS TAC member appointments for the above individuals have been nominated by Pat Tami. The candidates have applied for, and their applications accepted, for recommendation for appointment as LSTAC members. The appointment of these candidates will help ensure the continuance, and enhancement, of the professional land surveying expertise and advice provided by the LSTAC.

RECOMMENDATION:

Recommend that the Board consider, and approve, the aforementioned individuals to serve as members of the PLS TAC for the terms requested.

Appointment to the Geologists and Geophysicists
Technical Advisory Committee

Recommended Motion:

Re-Appoint Hugh Robertson (PG, CEG) to a second term expiring June 30, 2014.

Background:

The GEO-TAC appointment for Mr. Hugh Robertson has been nominated by Board Member Erik Zinn, PG, CEG. The candidate has been a valuable member of the GEO-TAC for 2 years. Mr. Robertson has been a licensed Professional Geologist since August of 1977 and a Certified Engineering Geologist since August of 1977 (all in good standing). The re-appointment of this candidate will help ensure the continuance and enhancement of the geological and geophysical expertise needed to meet the Board's dedication to protection of the public.

Recommended Motion:

Appoint Gary Simpson (PG, CEG) to a first term expiring June 30, 2014.

Background:

The GEO-TAC appointment for Mr. Gary Cole has been nominated by Board Member Erik Zinn, PG, CEG. The candidate has applied and the application accepted for recommendation for appointment as a GEO-TAC member. Mr. Simpson has been a licensed Professional Geologist since April of 1994 and a Certified Engineering Geologist since July of 1998 (all in good standing). The appointment of this candidate will help ensure the continuance and enhancement of the geological and geophysical expertise needed to meet the Board's dedication to protection of the public.

Recommended Motion:

Appoint William Cole (PG, CEG, CHG) to a first term expiring June 30, 2014.

Background:

The GEO-TAC appointment for Mr. William Cole has been nominated by Board Member Erik Zinn, PG, CEG. The candidate has applied and the application accepted for recommendation for appointment as a GEO-TAC member. Mr. Cole has been a licensed Professional Geologist since March of 1984, a Certified Engineering Geologist since March of 1984 and a Certified Hydrogeologist since June of 1996 (all in good standing). The appointment of this candidate will help ensure the continuance and enhancement of the geological and geophysical expertise needed to meet the Board's dedication to protection of the public.

XVII.

LIAISON REPORTS

- A. ASBOG
- B. ABET
- C. NCEES
- D. Technical and Professional Societies

XVIII. **DATES OF AUGUST BOARD MEETING**

XIX. PRESIDENT'S REPORT/BOARD MEMBER ACTIVITIES

XX. **OTHER ITEMS NOT REQUIRING BOARD ACTION**

XXI.

APPROVAL OF CONSENT ITEMS

- A. Approval of the Minutes of the March 8-9, 2012, May 15, 2012, and June 5, 2012, Board Meetings

DRAFT

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

**2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2222**

March 8-9, 2012

Board Members Present: Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Patrick Tami; Michael Trujillo; and Erik Zinn.

Board Members Absent:

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Linda Brown (Administrative Manager); Susan Christ (Staff Civil Engineer); Patty Smith (Analyst, Geology Program); Larry Kereszt (Enforcement Analyst); Tiffany Criswell (Enforcement Analyst); Joyce Hirano (Staff Civil Engineer); and Gary Duke (Legal Counsel).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Jerry Silva at 9:00 a.m. Roll call was taken, and a quorum was established.

2. Public Comment

Jonathan Tarkowski representing the Center for Public Interest Law, University of San Diego, School of Law. Mr. Tarkowski is aware the Board has been dealing with concerns over Title Acts and currently the subject of Senate Bill 1061 authored by Senator Walters. As noted in the bill analysis, there are over 7,000 licensees under nine different Title Acts and three different Practice Acts. They are unaware of overlapping licensees and recommends that the data be compiled if it is not currently collected.

11. Approval of Delinquent Reinstatements

Mr. Tami and Mr. Wilburn motioned to approve all reinstatements. Mr. Modugno stated he is not aware of a clear policy on what the requirements are to reinstate and would like to hear from licensees as to why they failed to renew.

Mr. Moore indicated that both Mike Donelson and Susan Christ review these individual's files prior to recommending them to be reinstated.

Mr. Donelson indicated that on average he processes about 3-5 reinstatements per board meeting. The average delinquent reinstatement is about 5-10 years and some as old as 20, and added that there is a wide range of rationales as to

why they may not renew. He added that Mr. Wood, one of the reinstatement candidates, will be in attendance the following day to present his request and explain why his license lapsed. As for the policy questions, Mr. Donelson stated that the law discusses the reinstatement but does not provide specific guidelines about the criteria for review and reinstatement or the minimum requirements to retake the examination.

Mr. Duke concurred with Mr. Donelson in that the Board only has the statute that provides the definition and suggested that this discussion be scheduled for the next Board meeting and staff can come up with more detail on why licensees allow their licenses to lapse.

With Mr. Wood addressing the Board on March 9, the motion to approve all reinstatements was withdrawn and a new motion was made.

Motion: Mr. Modugno and Mr. Tami moved to approve all reinstatements except for Mr. Wood's as he will be in the next day.

Vote: 10-1, Motion Carried

18. Approval of Consent Items

A. Approval of the Minutes of the November 18, 2011, Board Meeting

Motion: Mr. Modugno and Mr. Satorre moved to approve minutes

Vote: 10-1, Motion Carried

12. Information Technology Updates

A. BreEZe Implementation Status

Mr. Donelson attended a BreEZe meeting featuring some highlights with the new system. He indicated that the Board will be able to link a company or organization to a licensee, which is not possible with our current system. Another feature is that it is capable to link one individual with multiple licenses. Mr. Donelson reminded the Board that the timeframe for implementation will take place approximately in the years 2013-14. The BreEZe team should be getting feedback from the test boards within the next six to nine months. Mr. Duke added that the primary objective of the BreEZe system is to bring our information technology systems into the twenty first century. Mr. Moore also added that BreEZe will integrate at least three separate systems that currently do not link together.

B. Credit Card Renewal Update

The Board unveiled its credit card renewal system March 1st. The Board has processed at least 30 transactions already. Mr. Donelson provided a handout presentation with screen shots of the online renewal system functions. Currently, on-line renewals are only available for civil, mechanical, electrical, and land surveyor licensees. These licenses were selected because of the high volume of licensees currently in those disciplines. Other license types will be added at a later date. If you are a structural licensee, you will have to renew your license through the

traditional method but the civil license you can renew using the on-line credit card renewal process. A \$1.00 convenience fee is applied for all on-line transactions. Mr. Duke stated that the legal office will be reexamining the convenience fee.

Mr. Donelson stated that currently, licensees still need to update their address changes separately from their renewals but eventually, the licensee will be able to process both requests through BreZE.

Mr. Moore added that each user will become a registered user and create a profile. This profile will automatically populate as other services are added.

Mr. Tami expressed his gratitude to everyone who was involved in launching the online renewal system.

3. Hearing on the Petition for Reinstatement of Revoked License of George Dickey – This hearing was held on Thursday, March 8, 2012,

4. 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 Dimalanta v. Board for Professional Engineers and Land Surveyors, Court of Appeal, First Appellate District, Case. No. A131485 [Superior Court of Alameda County Case No. RG10513640]

B. Michael James O'Malley v. Board for Professional Engineers and Land Surveyors, Superior Court of Riverside County Case No. RIC 1116681

5. Open Session to Announce the Results of Closed Session

Ms. Eissler indicated that in Closed Session the Board discussed pending litigation as noticed on the agenda, took action on eleven stipulations, two default decisions, and one proposed decision and also directed the Judge as to what decision to prepare on the petition for reinstatement that was heard earlier.

Mr. Duke also added that the Board discussed personnel issues.

6. Executive Officer's Report

B. Administration Committee

Mr. Moore proposed to organize an administration committee. Mr. Tami concurred by indicating that this would be a Technical Advisory Committee to work on administrative issues to assist the Executive Officer. Mr. Moore indicated that he could use some assistance with public relations and outreach. The Board is transitioning how business is conducted and operates over the next few years. He believes it would be beneficial to have people with historical knowledge and that understand some of the aspects the Board deals with. These meetings would occur two to three times a year via teleconference.

Mr. Moore recommended Jim Foley and Gregg Brandow to assist with this committee.

Motion: Mr. Tami and Mr. Quartararo moved to form a committee and to recommend members and tasks.

Vote: 10-1, Motion Carried

A. Legislation

1. Discussion of Legislation for 2011-2012

a. Pending Legislation

AB 1588 Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.
RECOMMENDED POSITION: Support

Motion: Mr. Tami and Mr. Quartararo moved to support

Vote: 10-1, Motion Carried

SB 692 Walters. Professional Engineers. This bill would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. Failed passage in Committee – reconsideration granted. Was not scheduled - bill failed passage.
BOARD POSITION: Watch

SB 975 Wright. Professions and vocations: regulatory authority. This bill would provide that all boards, bureaus and commissions of Consumer Affairs have sole authority to license and regulate the practice of the professions they regulate. No licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board, bureau, or commission.

Bob DeWitt representing ACEC indicated that this bill is a follow up on a bill that was vetoed last year, AB 1210. That bill addressed the problem of the Water Resources Board requiring additional certification from civil engineers who are entitled to practice civil engineering in preparation of pollution control plants. That bill, if passed, would have exempted engineers to practice in an area they are already licensed to practice. The bill passed through the legislature and went to the Governor and was vetoed. In the veto, the Governor thought the focus was too narrow and wanted a more comprehensive review of this concept. This bill, if passed, would make the Board the sole authority for defining what licensees do and not allow other agencies to impose other certifications or conditions

on what is already regulated. The Architect's Board supports this bill and believes it warrants a support position.

Ms. Arnold stated that her reason to recommend a watch position is that it will affect every board and bureau of the Department and is not clear on the ramifications. It would affect the education code, building code, and the field act. Mr. DeWitt's intent is not to overturn the Field Act or Education Code and indicated that this legislation has just been introduced and there is plenty of time to research and address concerns.

RECOMMENDED POSITION: Watch

Motion: Mr. Josephson and Mr. Wilburn recommend a watch position.

Vote: 9-1-0, Motion Carried, Mr. Tami opposed

SB 1061

Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed.

RECOMMENDED POSITION: Oppose

Motion: Mr. Josephson and Mr. Zinn moved to oppose

Vote: 9-1-0, Motion Carried, Mr. Tami opposed

b. Temporary Authorization Repeal (Business and Professions Code Section 6760)

Ms. Christ indicated that between 1995-2011 the board authorized forty civil licensees to have temporary authorizations. Of those forty, twenty-one have secured their civil engineering license in California. A survey was completed with all fifty states, 62% do not allow temporary authorization and 38% do. She recommends that the Board delete the statutory language that allows for temporary authorization. Pat Tami suggests the removal of the language.

Motion: Mr. Tami and Mr. Satorre moved to pursue legislation to repeal language.

Vote: 10-0, motion carried

c. Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website.

Ms. Arnold previously voted to try to amend to not provide address of record on internet. It is likely DCA will oppose and will be difficult to find author.

Mr. Duke concurred with Ms. Arnold and stated that the

Board would meet significant opposition from the department. He also added that there would be a lack of transparency in government and part of that transparency is letting the consumers know who our licensees are. The concerns that were raised were based upon privacy due to safety reasons. Under existing law the licensee has the choice to choose their address of record and that it does not have to be address of residence. It may be a post office box or business address.

C. Strategic Plan 2011-2012 Goals Status Report

Mr. Moore presented the BPELSG Action Plan for fiscal year 2011-2012. It denoted whether a goal had been completed, in progress, or is still remaining. Many goals have been completed.

D. Personnel

Mr. Moore introduced new board staff, Erin LaPerle, analyst with the Geology Program, Ray Mathe, managing the Examination Unit, Brooke Phayer, outreach coordinator and legislation assistant, and Amy Pacheco and Kate Tibbitts, licensing evaluators.

7. Enforcement

Ms. Eissler indicated that the Board's citation program is back on track. In this fiscal year, from July 2011 through February 2012, 121 citations have been issued. The informal conferences continue to progress and when formal appeal hearings are requested, those are moved forward to the Attorney General's office for a formal appeal. 85 have already become final this year, indicating they have gone through the appeal process. In addition, when a citation becomes final and is issued to a licensee, if the licensee fails to comply with the citation, the Board has the authority to attach it to their renewal fee preventing the licensee to renew until the fine is paid. The Board can also refer the matter for formal disciplinary action against their license for failing to comply with the citation order. When it comes to an unlicensed person, the Board does not have much authority to enforce compliance with the citations. There is a program through the Franchise Tax Board where any state tax refunds and lottery winnings can be attached. The Board has sent twenty of the Board's unlicensed citations for processing.

8. Examinations /Licensing

C. Future Changes to the Registration Process for Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) Examinees

Mr. Moore made a visual presentation to the Board. He provided background and the process of the Fundamentals of Engineering and the Fundamentals of Surveying examinations. Currently, the applicants register with NCEES online and as a result of that registration, they submit

their application to the Board, the Board processes their payment and reviews the application. He pointed out that the application is one page, in which the applicant self certifies.

He also provided more detailed analysis of the current process for applicants. The Board averages about 8,800 Fundamentals of Engineering and Fundamentals of Surveying examinees annually. He indicated that despite the number of registrants with NCEES, there are many that never submit their application to the Board. This number represents those who go through the registration process and submit an application to the board. Currently, the fee is \$100.00 totaling \$880,000. Staff cost to review the application is \$50 per applicant as a result, operating cost are \$440,000. He specified that 8,800 apply but only about 6,700 appear to sit for the exam. NCEES fees are \$125.00 per Fundamentals of Engineering (FE) examination and \$170.00 per Fundamentals of Surveying (FS) examination for applicants to sit. The Board is negatively impacted by approximately \$580,000.00. Typically, about 3,300 EIT's and LSIT's candidates are certified per year.

With the pending fee structure, the Board will only collect a \$50.00 application fee and anticipates having 8,800 FE/FS applicants. Thus, the Board will receive half the revenue, \$440,000. This new fee structure has been approved by the board and is going through the regulation process. The applicant will pay NCEES directly for books, administration, and scoring. The Board will no longer pay NCEES. This will allow the Board to do away with the \$580,000 loss annually.

Currently, the Board pays \$70.00 for the FE administration, \$10 for the book, \$45 for grading for a total of \$125.00. For the FS the Board pays more for grading. Voted on the NCEES meeting last August that Starting January 2014, when NCEES moves to computer based testing (CBT) for FE/FS examinations, there will be a flat fee of \$250 for each exam.

The impact on board staff is that the board will see many more opportunities to receive applications during the year instead of twice a year. The board is expecting to see the number of applications to decrease because of the cost factor but also expect some increase because the opportunity to sit will occur more often.

NCEES is proposing that for every time the board reviews an application that the applicant is allowed to sit 3 times. For example, if a candidate fails the examination, the requirement will be that the candidate can only sit one time during an open window; they can sit up to three times during that year from the time they were approved by the Board to sit. If the candidate fails all three times, then they must apply back to the Board. With the new fee structure the Board will not receive the \$50.00 fee for the second and third time. There is a revenue impact. Currently, the Board receives the fee each time the candidate fails. The assumption and impact to the Board as a result of this change is that the Board's workload will increase, the Board cannot support the increase because of the multiple attempts individuals can take the examination in one year. The more opportunities

candidates can take the exam, the more examinees the Board foresees taking the exam.

Mr. Moore shared one idea discussed amongst the member board's task force for NCEES, was to allow candidates to register with NCEES pay the fee and allow the candidate to sit for as many times as it takes for the candidate to pass and once the candidate passes, at that point, they would apply with our board, processing only the candidates that met all of the criteria. Our Board would continue to have licensing authority. Our staff would spend our resources on applicants that are passing the examinations.

Mr. Alameida indicated based on the fee that the Board is proposing, it will cover operating expenses. If the numbers of applications increase then the revenue will increase as well. The revenue will still support operating expenses. The Board would then remove themselves from the examination administration that has been a detriment to the Board for a number of years.

Motion: Mr. Josephson and Mr. Wilburn moved to change order of approval of candidates for the FE and FS examination until after they have passed.

Vote: 9-0-1 motion carried. Jerry Silva was not available to vote at the time.

A. September/October 2011 Examination Results Report

Ms. Smith, lead analyst with the Geology program reported that the National Geology examinations had been administered on Friday, March 2, 2012. She indicated that 88 candidates took the Fundamentals of Geology (FG) and 57 took the Practice of Geology (PG). On March 14, 2012, approximately 100 candidates throughout the state took the first Computer Based Test (CBT).

The Fundamentals of Geology (FG) examination administered last fall had 107 candidates with a 57% pass rate. The Practice of Geology (PG) had 90 candidates with a 79% pass rate. The California Specific Examination (CSE), had 123 candidates with a 37% pass rate.

For the specialty examinations, the Certified Engineering Geologists, had 31 candidates with a 65% pass rate, for the Certified Hydrogeologist examination, there were 14 candidates with an 86% pass rate, and 6 Geophysicist candidates with a 50% pass rate.

9. Outreach

A. Newsletter

Mr. Moore shared that the Board's newsletter is coming along and needs editing. All the articles are ready with the exception of one article that is pending. The Board is targeting that it be printed three times per year. Proposed publication would be in the spring, fall, and one in July to allow

the past president to have a sign-off article and the new president to have an introduction article. This will be an electronic copy that will be sent to all those currently on the Board's subscriber e-mail list.

President Silva suggested a flyer or postcard once a year to encourage email sign up.

The Board Recessed at 4:41

Friday, March 9, 2012

Board Members Present: Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Hong Beom Rhee; Patrick Tami; Michael Trujillo; and Erik Zinn.

Board Members Absent: Philip Quartararo, Ray Satorre

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Linda Brown (Administrative Manager); Susan Christ (Staff Civil Engineer); Larry Kereszt (Enforcement Analyst); Tiffany Criswell (Enforcement Analyst); Joyce Hirano (Staff Civil Engineer); and Gary Duke (Legal Counsel).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Jerry Silva at 9:00 a.m. Roll call was taken, and a quorum was established.

2. Public Comment

Kevin Hanley, civil and traffic engineer representing California State University, Chico Civil Engineering Department Advisory Board. He shared with the board that in the process of doing a feasibility study for the development of a master's degree program, they became aware of the existence of the National Council of Examiners for Engineers and Surveyors (NCEES) 2020 Model Law. He indicated that it significantly changes the educational and experience requirements for licensure. The model law requires an additional year to the undergraduate bachelor's degree curriculum or implement a requirement for a master's degree. NCEES recommends the model law be adopted in 2020. This would require additional coursework and additional faculty to comply with the necessary education. They feel a sense of urgency to determine what the future educational requirements will be for the PE so that the Universities have sufficient time to prepare a program to meet these requirements. They encourage the Board to discuss the Model Law and what components the Board might adopt.

Mr. Modugno indicated the Board is well aware of the situation and also of obstacles for the Board to get involved as the Board is unable to attend the national meetings where these rules are being established as they are out of state. He suggests forming a committee to begin dialog at the university level to increase funding.

Mr. Hanley concluded that he believes it is mission critical for the Board to attend the national meetings.

6.c. Executive Officer's Report (continued from March 8)

Ms. Eissler distributed the portion of the July board agenda and minutes pertaining to Business and Professions Code Section 27

Regarding Address of Record Available via the Website. She indicated that section 27 was amended effective January 1, 2012. Mr. Moore stated that at the July meeting the Board made a motion to direct staff to pursue legislation to amend. Ms. Arnold indicated that she was not available to argue against. She would have opposed as she believes that the public should have access to the address of record. Mr. Tami sees no reason to change it. He indicated that he does not want to be responsible in the event that someone is harmed because the address of record is available to the public. Ms. Arnold added that it is consumer friendly to provide this information. It was suggested using post office box or their place a business in lieu of a home address. Mr. Josephson believes it's not advantageous to pursue this legislation if DCA will not support it.

Mr. Josephson indicated that people who are going to look up an address on the website are going to be looking for an individual rather than a business. Companies can be searched using a search engine. Mr. Duke commented that the general trend in government has been towards more transparency and to provide more information to consumers. However, there are situations in which this has been problematic.

Under the information practices act, the Board does not have to release any address information. Under the information practices act, all personal information is deemed personal and private however there is an exception in this act that provides discretion for the Board to provide the address of record to anyone who requests it. The Board needs to have their address for purpose of service but they are allowed to have another address and added that addresses are also available through the Department's Public Sales office in which mailing lists are sold.

Motion: Mr. Josephson and Mr. Wilburn moved to not pursue legislation to remove the address from the website

Vote: 2-6 motion failed.

8. Examinations /Licensing (continued from March 8)

A. September/October 2011 Examination Results Report

Ms. Hirano provided high points of the October examination administration in which the Board provided a computer based geotechnical exam. There were 97 candidates and 94 registered with Prometric to take the examination and 90 who took the examination and of those 38 passed. There were 4 no-shows.

In addition, it was the last administration of the structural engineering seismic exam, the California component. There were 132 tested, 36 passed, 31 candidates who were eligible to appeal and of those 16

appealed.

This was also the third administration of the NCEES 16-hour Structural Examination. There were 197 candidates with 58 passing and 56 required to take the California Structural Laws and Rules exam.

B. Spring 2012 Examination Update

Mr. Moore indicated approvals were completed as of Monday, March 5 for all April 2012 examinations. He also pointed out that 12,000-13,000 approvals were processed and thanked staff for their hard work.

7. Enforcement (continued from March 8)

A. Request by the California Architects Board to Co-Author a Letter Informing Planning Departments of Unlicensed Practice Issues Regarding Non-Exempt Projects.

Ms. Eissler spoke with regard to a request relating to the California Architect's Board. The Architect's Board is asking the Board to co-author a letter to planning departments that relates to unlicensed practice issues on non-exempt projects.

Bob Carter, representing the Architect's Board presented the Board with a draft copy of the letter. He indicated that there was a minor edit on page 2, line 3.

He explained that one of his duties with the Architect's Board is act as a liaison with the California Building Officials as they enforce the Practice Act. He would like to ensure the documents that come in have been prepared by responsible control of a qualified design professional, including architects and engineers. Mr. Carter expressed how prudent it is for the building official of a planning department to enforce this criteria very early on and not accept documents if the criteria is not met. Mr. Carter is seeking that the Board co-author this letter.

VOTE: Mr. Zinn and Mr. Trujillo moved to co-sign letter

MOTION: Motion Carried

11. Approval of Delinquent Reinstatements (continued from March 8)

Mr. Modugno expressed concern as to why Mr. Wood had gone so long without realizing his license had become delinquent. Mr. Wood indicated he was embarrassed and claimed he never received a renewal notice and that it had possibly become lost in the mail. It was not until he was called upon to serve as a reference that he realized it had lapsed and removed the title Professional Engineer from all correspondence. He added he will comply to pay any back fines to be reinstated.

Mr. Wood will make a conscious effort to remember his expiration date in the future.

VOTE: Mr. Modugno and Mr. Tami moved to reinstate Mr. Wood's license.

MOTION: Motion Carried

10. Consideration of Rulemaking Proposals, as follows:

Ms. Eissler indicated that as of January 1, 2012 the Board is now on the list of boards required to collect fingerprints from applicants in order to check their criminal history. She stated that the board needs to adopt regulations in order to implement the program to specify how and when the applicants must submit their fingerprint information and the consequences of not submitting it and to specify how it will be used. She is asking the board to move forward and to direct staff with the formal rulemaking process.

The purpose of collecting the fingerprints through the Department of Justice is so that the Board is notified of criminal action against the applicant. The Board would review and investigate to determine if it would warrant denying a license or certificate to the candidate. Mr. Duke added that if a crime is committed, it does not automatically disqualify the candidate. The crime would have to be substantially related to the occupation. Images would be collected at any Live Scan facility located throughout California. This procedure would apply to any applicant for the purpose of being notified of criminal actions against them.

Mr. Duke would like the Board to be aware of items C, D, and F may not be part of the final language as the board cannot compel or demand what the Department of Justice does.

VOTE: Mr. Tami and Mr. Trujillo motioned to move forward with rulemaking.

MOTION: Motion Carried

B. Proposed Amendments to Divisions 5 and 29 of Title 16 of the California Code of Regulations, as follows:

i. Sections 411 and 3008 – Seal and Signature

Ms. Eissler indicated proposing a minor modification to 411 to remove opaque regarding the permanent impression to be left as it is vague and unnecessary.

Amend 3008 to match 411 to provide more specific information about what must be contained in the seal for geologists and geophysicists and to add clarifying language as to when and how it would be used.

ii. Sections 412 and 3009 – Address Change

Clarifying language indicating that requests need to be made in writing. For engineers and surveyors, the time frame in which the Board must receive their change of address is 30 days and for geologists and geophysicists it is 60 days and believes that it should be modified to 30 days as well to match engineers and surveyors.

iii. Sections 442 and 3035 – Examination Subversion

442 has an extensive list of actions that may constitute examination subversion and what actions may be taken in response. Ms. Eissler indicated that language was included that stated, if a person was

taking a multiple part examination, over the same weekend, there is a provision if found to have committed examination subversion during one examination, all examinations were required to be voided, should be changed to permissive and the Board would have the discretion or not to void all examinations.

In addition change 3035 to match 442 so it specifically outlines the actions of a candidate that constitutes examination subversion.

iv. Section 3060 – Substantial Relationship Criteria

This regulatory section is similar to the engineers and surveyors criteria. The Board must have a regulation that defines what the substantial relationship is in considering a criminal conviction and whether to deny issuing a license or to take disciplinary action against a license. Ms. Eissler believes the Board needs to update terminology for the geologists and geophysicists relating to aiding and abetting violations and convictions of crime so that it will match what is in the regulations for engineers and surveyors.

v. Section 3061 – Criteria for Rehabilitation

The criteria for geologists and geophysicists should be amended to match certain terminology in section 418 that was updated for the engineers and surveyors but also to specify if a person is petitioning for reinstatement for a revoked license, what type of rehabilitation the Board would have to consider.

vii. Sections 419 and 3064 – Disciplinary Orders

419 and 3064 are the disciplinary orders sections that outline what the Board can order as disciplinary action against a licensee. It is recommended that the geologist and geophysicists regulation be modified to match engineers and surveyors and update language in 419, that in reviewing, it was discovered that it also needed to be updated.

vi. Sections 472-473.4 and 3062-3063.4

These sections pertain to the Board's Citation Program and outline the whole program such as procedures for issuing citations, serving citations, appealing citations and what would happen if a person failed to comply with citations. Amendments are made to make them all consistent so there is one citation program, one process, regardless of profession, licensed or unlicensed.

viii. Sections 475, 476, and 3065 – Code of Professional Conduct

Ms. Eissler provided replacement pages in which she indicated that more was edited out than necessary.

VOTE: Mr. Tami and Mr. Josephson move to approve proposed amendments with the addition of 419

MOTION: Motion carried

13. Administration

A. 2011/12 Fund Condition

Mr. Alameida distributed an updated fund condition overview which provided a summary of the Engineers and Land Surveyors fund as of January 31, 2012 and the Geologist and Geophysicists fund as of January 1, 2012.

He indicated that applications received have decreased slightly versus last year's figures.

- B. FY 2011/12 Budgets
No report given

14. Technical Advisory Committees (TACs)

- A. Board Assignments to TACs
No report given

- B. Appointment of TAC Members
No report given

- C. Reports from the TACs – Mr. Zinn reported that a letter was read into record at the November Board meeting on behalf of Ms. Waldbaum in which she believed our enforcement experts were not using proper standards when reviewing complaints. Ms. Waldbaum attended the Geology TAC meeting as well as the executive officer of the Mining and Geology Board. He explained their role as the board that issues policies and standards for geology investigations and other items that surround geology.

Mr. Zinn indicated that it was a productive meeting and there was indication from the Mining and Geology Board executive officer that they would be updating some notes and would assist the experts in the future. Mr. Moore added that the land surveyor TAC meeting is scheduled for March 16, 2012.

15. Liaison Reports

- A. ASBOG
No report given

- B. ABET
Mr. Donelson indicated that we will be doing more ABET visits in the fall.

- C. NCEES - Mr. Moore indicated that the Board currently has an Out of State Travel request to attend the Western Zone meeting in Jackson Hole, WY

- D. Technical and Professional Societies
Ms. Eissler and Mr. Moore attended the California Building Officials (CALBO) Conference meeting in Southern California where they made presentations with the Contractor's and Architects Boards and assisted with the booth in the exhibit hall. In addition, during this time, they attended the San Bernardino CLSA meeting and discussed changes in the examinations.

16. President's Report/Board Member Activities

Mr. Silva would like to find a solution to reduce handouts.

He added that he appreciates outreach efforts and would like to extend invitations to DCA representatives to attend meetings.

Mr. Moore indicated that all recommendations for appointments for the Board are on the Governor's desk.

17. Other Items Not Requiring Board Action

Mr. Tami suggested having a correspondence section where any letters that are sent out by staff or received by societies that was of importance be included in the agenda.

Mr. Moore indicated that several letters of support of the Board's request for out-of-state travel have come from various professional societies and Senator Canella's office addressed to the Governor to help justify the Board's out-of-state travel requests. Mr. Alameida added that the Board received word from the budget office that the request is going up for denial. There is still an opportunity to resubmit the request. However, if approved to move forward, the approval would be for one individual to attend at no cost to the state as there is one funded delegate.

Mr. Silva requested a meeting with DCA to further discuss.

19. Adjourn

The meeting adjourned at 11:47 a.m.

PUBLIC PRESENT

Jonathan Tarkowski, Center for Public Interest Law, University of San Diego,
School of Law

Bob DeWitt, ACEC

Steven Sagan

Craig Copelan, PECG

Art Taggart

George R. Dickey

Roger K. Hanlin, CLSA

Annette Lockhart

Kevin Hanley, CSU, Chico, Civil Engineer Dept.

Daniel Wood

DRAFT

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

**2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2222**

May 15, 2012

Board Members Present: Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Hong Beom Rhee; Patrick Tami; Michael Trujillo; and Erik Zinn.

Board Members Absent: Jerry Silva, President; Ray Satorre; Philip Quartararo

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Budget Analyst), Linda Brown (Administrative Manager); Susan Christ (Staff Civil Engineer); Tiffany Criswell (Enforcement Analyst); and Gary Duke (Legal Counsel).

I. Roll Call to Establish a Quorum

Roll call was taken and a quorum was not established.

II. Public Comment

Mr. Mathe, senior registrar land surveyor, read into record a letter from Mr. David E. Woolley offering recommendations to the Land Surveyor Technical Advisory Committee.

Mr. Modugno thanked Craig Murray with the Carpinteria Sanitary District allowing the Board to utilize their conference room for the teleconference.

Mr. Copeland representing PEEG, commented on the Board's response to the Engineering Surveying examination were exemplary and a good example of how a board should react in these situations and complimented Mr. Moore and Board Staff. He added that their members are very pleased with Computer Based Testing (CBT) as it provides many more opportunities, dates, and locations to take the examinations.

VI. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2011-2012

- a. Pending Legislation – Ms. Arnold provided a status report on the various assembly and senate bills.**

AB 1588 Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable, of any licensee who is a reservist called to

active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

Ms. Arnold indicated that the bill is in assembly appropriations and on suspense file and may not make it out of appropriations.

BOARD POSITION: Support

SB 975 Wright. Professions and vocations: regulatory authority. This bill would provide that all boards, bureaus and commissions of Consumer Affairs have sole authority to license and regulate the practice of the professions they regulate. No licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board, bureau, or commission.

Ms. Arnold indicated that this bill is being sponsored by ACEC. Currently, the Department of Consumer Affairs has an approved/opposed position which indicates that it has gone through the Governor's office and will be vetoed.

BOARD POSITION: Watch

SB 1061 Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed.

Ms. Arnold indicated this bill was set for its first hearing but then pulled by the author and was not going to reintroduce the bill. This bill is dead.

BOARD POSITION: Oppose

Ms. Arnold added that a quorum would need to be established in order to take action on the remaining bills; AB 1750, AB 1904, AB 2570, and SB 1576

B. Regulation Update

1. Regulations relating to Geologists and Geophysicists section 3005

Mr. Moore conveyed that the regulations were approved April 23, 2012 and goes into effect May 23, 2012 and will affect the next applicants applying for the October examinations. These fees were approved and have gone through the regulation process and were approved by the Secretary of State.

2. Regulations relating to Engineers and Land Surveyors section 407 and 428

April 27, 2012 the new fee structure was approved by the Secretary of State and became effective immediately. The new fees are now in place and have been noticed on the Board's website.

Mr. Duke added that the Board was able to use the emergency rulemaking process in order to expedite the date and added that it is very unusual that this was carried out so quickly.

C. Personnel

Mr. Moore pointed out that on June 15, 2012 due to budgetary constraints the Board will lose its Board van.

With the cancellation of the April 12, 2012 examination, he indicated that staff handled the situation very well and professionally and commended them for their efforts. Vice-president Wilburn also expressed his appreciation.

VII. Enforcement

Ms. Eissler reported that she will be including an item in the June agenda to determine what enforcement statistics the Board would like to see is included and items of little to no interest are removed. This request is done on a fiscal year basis. She is taking suggestions.

The statistics she provided are through April 2012. She indicated cases have been aging and had to implement a new process in contracting with the Board's technical experts in which slowed down the process to send cases to the experts. However they are moving along in closing them now.

This fiscal year, 155 citations were issued, last fiscal year, 71 were issued. In the 10 months of this fiscal year, 50 informal conferences were conducted which a method of appealing a citation. They are typically done via the telephone so the cited person does not have to travel. In addition, 104 citations have become final this fiscal year.

Mr. Moore noted that 33 informal conferences were held last year and are currently up to 50. He added that Ms. Arnold, while in the interim role as executive officer, recognized that one way for the board to make an impact and close cases sooner was to act on the informal conferences as soon as possible. The enforcement unit has tried to maintain that same pace and is seeing an impact.

Ms. Eissler continued that for final disciplinary decisions, they are starting to see more proposed decisions which are prepared by an Administrative Law judge following an administrative hearing. Usually, the majority of the cases are settled through stipulation but are still seeing more proceed through a hearing. So far, through the beginning of May, 43 have become effective. The Attorney General's office is working well on processing them in a timely manner. Currently, the biggest delay the enforcement unit is experiencing is with the Office of Administrative Hearings for the administrative hearings to be conducted. Not only are matters heard of the licensing boards and bureaus within DCA, but additionally other state agencies as well as the teacher lay-off hearings. For most of April and May, teacher layoff hearings are the only hearings being carried out which causes delays for the Board. Mr. Duke concurred.

As for the geologist/geophysicist statistics, when the board took over the program there were many older cases that the board needed to start anew with the investigation. The enforcement unit is now on track with processing the cases in a timely manner.

Mr. Modugno asked for a diagram on the enforcement process in which Mr. Duke will provide a flowchart that shows the process. Ms. Eissler also added that the Board has a flowchart that is more tailored to the Board's process that she will provide as well.

VIII. Exams/Licensing

A. April 2012 Examination Update

Erin LaPerle, analyst with the board, reported the following examination summary for the March 2012 Geologists and Geophysicists examinations. She indicated that the results were mailed Wednesday, May 9, 2012.

Geologist-In-Training candidates - 39 took the examination, 27 passed, 12 failed with a 69% pass rate.

ASBOG Fundamentals of Geology - 49 took the examination, 33 passed, 16 failed with a 67% pass rate.

ASBOG Practice of Geology - 57 took the examination, 46 passed, 11 failed with a 81% pass rate.

California Specific examination - 100 took the examination, 39 passed, 61 failed with a 39% pass rate.

ASBOG Fundamentals of Geology including Geologist in training - 88 took the examination, 60 passed, 28 failed with a 69% pass rate.

Ms. LaPerle also included National results:

ASBOG Fundamentals of Geology - 479 took the examination and 275 passed for a 57% pass rate.

ASBOG Practice of Geology - 311 took the examination and 227 passed for a 73% pass rate.

Mr. Mathe reported for the April 23, 2012 Land Surveyors examination was administered for the first time utilizing Computer Based Testing, (CBT). He reported that there were 404 approved candidates, 384 were scheduled and sat for the examination. Mr. Mathe reported that the results provided by the candidates exiting the CBT examination were favorable. He indicated that the examination went from the examination essay format to an all multiple choice examination.

NCEES has submitted the results for the Fundamentals of Surveying and Professional Surveyor examinations. The results have yet to be compiled with the State Specific examination. He is optimistic that results may be released by the end of the month of May which is significantly faster than in the past:

As for the Seismic Principles examination, it was the last paper and pencil examination. There were 2,312 candidates approved, 1,862 actually sat for the examination compared to six months earlier when 1,893 sat for the examination which is a slight decrease but a continuing trend the Board is seeing across all examinations.

Once the examination was distributed, it was noted there was an error in the booklets, the materials were collected and the examination cancelled. Of the examination books that were printed, 20% of the books were correct. The remaining 80% had the correct engineering surveying cover but contained the engineering seismic examination that had already been administered that morning.

Quality control indicated that the examinations inspected prior to the examination were all accurate. Mr. Mathe confirmed that the board reviewed the proof prior to printing and once they were printed, randomly broke the seals on several examination booklets to review the content and they were correct as well. Office of State Printing, (OSP) was responsible for the printing of the examination as they have the first right of refusal prior to contracting with outside vendors that the Board normally employs. The process involved the Board providing OSP with the content for the seismic principles and the engineering surveying. The seismic was printed first followed by the engineering surveying five days later, allowing enough separation between examinations as to not cross-over. There is still no clear reason why this happened, but hopes to have some answers at the next board meeting.

To solve this problem, the board consulted with the CBT contractor and established that this would be the most expeditious manner to reschedule the examination and offset some of the trouble the examinees went through to take

the examination. Mr. Moore added that staff contacted the five examination sites Thursday afternoon, the same day of the examination to try and secure dates for another exam day, possibly that Friday or Saturday. The board's priority was to schedule a Saturday to lessen the applicants having to take time off work to attend. Examination sites are booked at least a year in advance. Unfortunately, the Board was not able to secure one date that would have been satisfactory. Mr. Mathe continued that the CBT contractor, Prometric, was able to provide an 8 day period including Saturdays and some sites made themselves available on Sundays as well to accommodate the candidates. Mr. Mathe pointed out that once the online registration with Prometric was open; there were approximately 800 candidates that registered within the first hour to take the CBT. There was a two week period in which the registration for the CBT was open. When scheduling had closed, it was determined that approximately 100 candidates had yet to be scheduled. Staff divided the list of those candidates that had not registered and called each individual and left a voice-mail message or spoke to them directly. By close of scheduling, staff was able to confirm 1,800 of 1,825 actually scheduled to re-take the examination. Staff is currently working with those individuals to get them registered to take the examination.

Mr. Moore indicated that many candidates taking the examination represent every state in the country and several countries represented as well. Most of those people requested a refund because of travel constraints and some elected to travel somewhere closer to their location. Some were concerned that the examination is not being offered overseas. It has not been discussed to open up CBT centers outside of the country and that the board will have to research this option more in depth. Mr. Tami added that he is very hesitant at this time to be in favor of overseas testing because the standards here in the United States far outweigh those in other countries.

Mr. Duke pointed out that it may not be cost effective to host examinations in other countries as candidates would have to have a social security number.

Mr. Mathe concluded that he expects the results from the April examinations to be released sometime near the end of June including those CBT examinations that will be administered June 2-9, 2012.

B. October 2012 Examination Update

Mr. Mathe indicated the May 1 deadline has passed, refile deadline closes on July 30, 2012 and added that from this point on, all examinations will be conducted by computer based testing (CBT).

C. Refund Policy for Overpayment Application Fee – No report given

IX. Outreach

A. Certificates for years of licensure

Mr. Donelson indicated that last year the board did a recognition campaign for those engineers and land surveyors with 50+ years of service. The board mailed out 1,324 certificates to engineers and 40 to land surveyors. This year the board would like to include the geologists and geophysicists licensees that have 35+ years of active licensure. There are 53 Geophysicists and 367 Geologists that qualify for this certificate. The reason behind recognizing the geologists and geophysicists for 35+ years instead of the 40+ years is because the 40 did not

represent the geophysicists.

XI. Administration

A. FY 2011/12 Budget Overview

Mr. Alameida provided a summary of the Engineers and Land Surveyor fund. He indicated that as of March 31, 2012, the expenditures have increased for examination administration, an increase of renewals, and applications are holding steady. Applications received have decreased slightly versus last year's figures. Renewals have increased based on the cyclical nature of the Professional Engineers and Land Surveyor population. Overall, revenue should increase by \$1.2 M as a result.

As for the Geologist and Geophysicists, expenditures have increased approximately \$100,000 based on this time last year which is a result of increased staff. Revenue is consistent with a minor increase in applications. Renewals have decreased slightly versus last year's figures which will impact revenue as a result. Revenue should remain consistent for the Geology and geophysicists account.

XII. Technical Advisory Committees (TACs)

- A. Board Assignments to TACs - No report given
- B. Appointment of TAC Members - No report given
- C. Reports from the TACs

Mr. Mathe reported the LS TAC met on March 16, 2012, no reportable action was taken. General discussion pertaining to the definition of land surveying and related code took place and ongoing duties of the LS TAC.

Mr. Zinn indicated that the Geology TAC met on May 1, 2012, they covered changing language to CCR 3003(e), Practice of Geophysics. This has been an ongoing discussion with the Geo TAC and they believe they are ready to add the language to the agenda for Board review. They discussed the consistency for geologic of science degrees, options for outreach with the state mining and geology board and plan on working with their executive officer to update notes to assist technical experts. They are continuing work on the occupational analysis and are developing an online survey for university geology departments regarding coursework to qualify for the geology examinations.

Mr. Moore recommended Brooke Phayer, Board Staff for outreach for the Geology TAC.

Mr. Zinn indicated that the TAC discussed developing figures for the CBT for the geology and geophysics examinations. Geological work is very graphical and the geologic community is concerned about the CBT. Mr. Moore added that the Board has worked with Prometric to produce an artwork pamphlet with diagrams and figures that the candidate can write on.

For the next board meeting Mr. Zinn would like to add several items to the agenda. First, he would like to discuss the TAC revision of the definition "engineering geologist", discuss retired license status for geologists, definition of geophysics as part of a proposed change CCR 3003 section e, and would like to propose replacements for TAC members whose terms will expire.

XIII. Liaison Reports

- A. ASBOG - Mr. Moore reported that the Board is requesting out-of-state travel to

- attend the ASBOG annual meeting.
- B. ABET - Mr. Donelson reported that ABET visits will be held between September through November.
- C. NCEES - Mr. Moore indicated that a request was submitted to travel to Wyoming. The Board was provided with an approval up to the executive level but the approval was rescinded less than a week prior to the meeting.
Mr. Tami indicated that the 2013 Western Zone meeting will be held in San Francisco, CA
- D. Technical and Professional Societies – No report given

II. Public Comment (re-opened)

Mr. Steven Palmer, representing Geo Design from Portland Oregon presented his request for Temporary Authorization application to practice as a certified engineering geologist on a project in West Hollywood, California. The reason for his request is Geo Design has a small office operating in Anaheim, CA. This project was authorized by the client at the same time their CEG from the Anaheim office left the company. The work involved review of previous fault investigation studies as well as recommendations on the investigation of the site and potential concerns. He was asked to go through the temporary authorization process. His scope of works includes 30 years' experience as a professional geologist, he has worked in the Pacific Northwest as an engineering geologist since the late 1980's, and he provided his resume that listed his past experience. He added that he worked for the Washington geologic survey where he worked for 16 years mainly in the realm of seismic and landslide hazard and mapping providing technical advice to various agencies. Since 2005 he has worked in Portland, OR with Geo Design where he has conducted a number of projects such as subsurface investigations, instrumentation land slide evaluations, and mitigation. In addition, fault investigation for a proposed pump storage project in South Central Oregon. He submitted three sample reports that document work he has done in the Cascade Foothills on landslides that impacted a public road and a report that was submitted for the Swan lake Dam Project. He plans on taking the next CEG examination.

- III. 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)] - No discussion**

- IV. Open Session to Announce the Results of Closed Session – No report given**

- V. Temporary Authorization Applications - No report given**

- X. Approval of Delinquent Reinstatements - No report given**

XIV. President's Report/Board Member Activities

Mr. Moore indicated that the executive officers and bureau chiefs have been asked to attend a meet and greet with the agency secretary at the Governor's appointments office the following day. The next Board meeting is scheduled for June 28-29, 2012 in Sacramento.

XV. Other Items Not Requiring Board Action

Mr. Modugno suggested using on-line meeting software instead of the current teleconference equipment.

XVI. Approval of Consent Items

(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 March 8-9, 2012, Board Meeting – The minutes will be approved at the June 28-29, 2012 board meeting.

XVII. Adjourned at 12:00 PM

PUBLIC PRESENT

Roger K. Hanlin, CLSA

Stephen Palmer, Geo Design, Inc.

Craig Copelan, PECG

Yeaphana LaMarr, DCA

DRAFT

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

**2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2222**

June 5, 2012

Board Members Present: Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Patrick Tami; Michael Trujillo; and Erik Zinn.

Board Members Absent: Jerry Silva, President; Ray Satorre

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Linda Brown (Administrative Manager); and Gary Duke (Legal Counsel).

- I. **Roll Call to Establish a Quorum** – Roll call was taken and a quorum was established.
- II. **Public Comment**
There was no comment from the public.
- III. **Exams/Licensing**
 - A. **Refund Policy for Overpayment of Application Fee**

Mr. Moore indicated that regulations changed with regards to the new fees, referencing board rule 407 and 428. They were signed by the Secretary of State and were made effective Friday, April 27, 2012. These regulations revised and clarified the application and examination fees. Board staff became aware of these new regulations Monday, April 30 and had concerns with how it conflicted with the final filing date of Tuesday, May 1 that was published for the October 2012 examinations. The Board received approximately 1,200 new or comity applications between March 1 and May 1, 2012 all under the old fee schedule. He added that beginning with the October 2012 examinations in accordance with national administration of exams, all applicants are required to pay NCEES directly if a national exam is required for licensure in California.

In consideration of the timing of this new implementation, board staff consulted with legal counsel and NCEES, looked at system constraints, considered the budget and the fairness to the applicant population. The Board came up with a proposal on how to handle those applicants that submitted their applications prior to the new effective date. The Board is proposing to issue a refund of a portion of the former application fee. The former application fee was \$275.00 and the Board is now proposing to refund certain applicants \$150.00 of the \$275.00 fee. The retained portion of \$125.00 is equivalent to the Board's new application fee. It will

affect applicants in the following manner, if the candidate is a traffic or geotechnical applicant, there will not be a refund as they will be paying a total of \$275.00 under the new fee schedule. For civil engineer applicants, the board will not offer a refund but will have an opportunity to sit for seismic principles and engineering surveying examinations rather than requiring additional fees. Structural engineers will receive a refund of \$150.00. All other professional engineers will receive \$150.00 refund as well as the land surveyor candidates. Candidates that register with NCEES will have to pay NCEES their fees.

Mr. Moore asked the Board to consider the issuing of these refunds.

He added that the national examination registration for October 2012 opens June 15. May 1 is when the new applications had to be in to the Board office but NCEES registration does not open until June 15. Refile applications are due July 30, 2012.

Motion: Mr. Zinn and Mr. Trujillo moved to adopt proposal

Vote: 8-0, motion carried

B. October 2012 Examination Administration (Possible Action)

Mr. Moore indicated that up until this time the Computer Based Test (CBT) examinations have concentrated on one date because of the populations of the geotechnical engineer, professional geologist and the professional land surveyor candidates. The civil engineer population is much larger. The board would have to coordinate for an open window of time. At the same time the board has the geotechnical and traffic engineering examination with smaller populations. Staff worked with Prometric, the CBT vendor, to plan on the best possible dates, the length of the open window and coordinate the development accordingly. This would be a nation-wide offering through all the Prometric centers. Therefore, Mr. Moore proposed a three week timeframe that starts October 17 through November 7, 2012. It overlaps with the National examinations that will be administered October 26-27, 2012. Due to the population of the geotechnical and traffic examinations, it is proposed that one day is selected for each examination. For the civil engineer examinations, the board is developing more items and having more examinations available. As a result, the odds of those sitting next to each other, taking the exact same examination is very rare.

Motion: Mr. Modugno and Mr. Quartararo moved to adopt October examination schedule

Vote: 8-0, motion carried

Mr. Moore discussed the examination expenses from the rescheduled April 2012 engineering surveying examination. Total costs were \$154,259.00. The original contract with the Office of State Publishing, OSP to print the two examinations was \$9,488.00. Mr. Duke is assisting the Board in coordinating open discussions with OSP and what the Board can do to mitigate the costs the Board did not foresee.

Mr. Almeida indicated the Board's budget is tight and is working on extending several invoice payments until the next fiscal year for examination development services with Prometric. Because this narrows the board's budget towards the

end of the fiscal year, the board is cutting back on purchases and general day-to-day operating expenses.

IV. Other Items Not Requiring Board Action

Mr. Moore reminded all in attendance the next board meeting to be held on June 28 & 29, 2012, in Sacramento.

V. Adjourned at 9:41 a.m.

PUBLIC PRESENT

None available

XXII.

ADJOURN
