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 PECG, 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 oversees. 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