



Board for Geologists and Geophysicists
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Minutes of the Board for Geologists and Geophysicists
February 8, 2008 Board Meeting
1625 North Market Boulevard, Room N-322
Sacramento, CA 95834

1. Roll Call to Establish a Quorum

The meeting was called to order at 10:00 a.m. and a quorum established. Present: Richard Blake, Vice-President; James Ashby; Shirley Husar; and Cecilia Yu. The following Board Members were absent: President William Black and Shayan Samii.

2. Public Forum

No one from the public addressed the Board.

3. Minutes

The Board unanimously approved the November 16, 2007 meeting minutes as amended.

4. Executive Officer Report

Mr. Rempel presented mid-year budget status through December 31, 2007; discussed administrative and logistical preparations for the Board's upcoming move to DCA Headquarters on or about February 26th-27th; and explained increased data processing expenses incurred by the recently completed migration of Board information technology (IT) services into the capable, responsive and ongoing care of the DCA Office of Information Services. The Board was also introduced to new staff members in the Administrative and Logistical Support Unit: Patty Smith (Executive Administrator) and Gina Gunter (Executive Assistant); and in the Professional Standards Unit: Doina Brownell, Compliance Investigation Evaluator. Mr. Rempel reported that an applicant for professional geologic licensure, Mr. Wayne Worthington, had repeatedly demanded special treatment promised by the previous Executive Officer, William "Paul" Sweeney.

Board Action: The Board directed staff to continue to hold applicants accountable to the laws and regulations.

Mr. Dunfield reported Professional Standards Unit accomplishments with respect to the Board's licensing, regulatory and disciplinary functions. With respect to the Board's disciplinary function, statistics show approximately 70% of current compliance investigations involve practice of geology in environmental applications, including underground storage tank (UST) corrective actions directed by the State Water Resources Control Board, Regional Water Quality Control Boards, and local agencies, and other hydrogeological investigations of hazardous materials releases directed by Department of Toxic Substances Control (DTSC). Mr. Dunfield reported on continuing strengthening of inter-agency relationships with DTSC as well as the Board's efforts to effectively weigh a respondents good (or bad) faith participation during the Board's licensed and unlicensed disciplinary efforts, and minimizing the Board's exposure to adverse litigation. Pursuant to implementing Business and Professions Code (BPC) §101.6 as directed by the Board, Mr. Dunfield reported warning letters of non-compliance had been issued to 46 licensed Professional Geologists who provided substandard references about applicants for Fall 2007 examinations. All but one of these licensees received verbal follow-up and their warnings satisfactorily resolved without need for

Protection of the public shall be the highest priority of the Board for Geologists and Geophysicists in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. (Business and Professions Code §7810.1)

further action by the Board.

Along with five Citations and Fines for unlicensed practice issued by the Board since its last meeting in November 2007, Mr. Dunfield further reported a three-fold increase in Board expenditures (compared to first-half of Fiscal Year 2006-07) for Attorney General support reflecting increased enforcement activity with increasing focus on licensed, as well as unlicensed, practice. The Board discussed the need to add additional staff to bolster and sustain this rising trend pursuant to its public protection mandate by utilizing its current enforcement budget to support a budget change proposal (BCP) in the fast-approaching FY 2009-10 budget cycle. The Board discussed aspects of adopting regulations to establish an "inactive/retired" license status. DCA Attorney Gary Duke reported that he had reviewed the regulation rulemaking file for the new Code of Professional Standards (CCR, Tit. 16, §3065) that it is awaiting approval by Finance and should be coming back soon for forwarding to the Office of Administrative Law for final approval. A draft "(Draft) Renewal Questionnaire" for ongoing licensed professional accountability to accompany biennial courtesy license renewal notifications was distributed for discussion.

Board Action: The Board directed staff to work with Legal Affairs representatives to revise the draft questionnaire for presentation and approval at the next Board meeting.

Mr. Dunfield reported on the upcoming GeoSymposium scheduled for May 29-30 and the Board's continuing partnership with DTSC, Department of Water Resources, the State Water Resources Control Board and others. After distributing the November 2, 2007 "Red Flag Update Report" for review, Board Member Husar led an ongoing discussion regarding a proposed ad hoc emergency response task force of volunteers, including licensed professional geologists, to assist local government officials in the wake of future natural disasters.

5. Committee Reports

Examination Committee (EC)

Mr. Rempel reported for EC Chair Rebecca Sterbentz. The EC remains focused on offering examinations twice a year. The EC recommended that the Board consider statutory/regulatory changes to require that an applicant pass both the ASBOG Fundamentals and Practice prior to accepting results of that applicant's California Supplemental Component (CSC) of the written examination.

Board Action: The Board directed staff to evaluate EC recommendations, including review of past CSC results, and to present their findings to the Board.

Board Action: The Board directed the EC to consider how long a CSC passing score should be valid for an applicant without passing both of the ASBOB components.

The Board discussed a proposal from California State University Long Beach Department of Geological Sciences to host future written examinations per EC recommendation.

Board Action: The Board directed staff to consider that option.

Enforcement Oversight Committee (EOC)

Mr. Dunfield reported for EOC Chair Scott Magorien that the next EOC meeting was scheduled for February 22, 2008.

Technical Advisory Committee (TAC)

TAC Chair Joe Mello reported that draft reports on the occupational analysis requested by the Board should be completed prior to the next Board meeting.

6. Legal Report

Don Chang, Supervising Legal Counsel for the Department of Consumer Affairs Legal Affairs Office, introduced the Board's newly assigned attorney, Michael Santiago. Mr. Chang stated that it was Legal Affairs Office policy for all DCA attorneys to confer with each other internally to resolve legal issues.

7. Closed Session

Pursuant to Government Code §11126(a) and (b), §11126(c)(1), and §11126(e)(1), the Board went into Closed Session to discuss personnel matters, examination procedures and results, administrative adjudication and pending litigation.

8. Open Session to announce results of Closed Session

Vice-President Blake announced the Board had discussed personnel matters, an update on settlement agreement in Superior Court Case No. 02CC17018; examination procedures and results, and had reviewed and approved Spring 2008 written examinations.

9. Board Member Reports

Board Member Yu reported on the progress of AB1284 authored by Assemblyman Mike Eng (Chair of the Assembly Business and Professions Committee) who delivered a strong statement of support for the bill in his January 24th testimony before the Assembly Appropriations Committee, which sent AB 1284 to the floor with a "do pass" recommendation. The bill passed the Assembly by a vote of 67-7 and is awaiting action by the Senate.

Board Action: After discussion of the current Public Member vacancy, the Board directed staff to inquire about filling the position.

10. Adjourn

The meeting was adjourned at 3:35 p.m.

William Black, Board President

Date Approved: May 9, 2008