



State of California Board for Professional Engineers, Land Surveyors, and Geologists

2014 Sunset Review Report
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Development Committee and Assembly Business, Professions,
and Consumer Protection Committee



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BACKGROUND AND DESCRIPTION OF THE BOARD AND REGULATED PROFESSIONS

SECTION 1



SECTION 1

Background and Description of the Board and Regulated Profession

History of the Board

Civil Engineers Board (1929 – Present)

The Board of Registration for Civil Engineers was created in 1929 due to the failure of the Saint Francis Dam (Chapter 766, Statutes of 1929). A law was then enacted requiring the registration of civil engineers. When Committee hearings on the bill were held, a difference of opinion developed between proponents of registration by branch and those who favored registration in the category of professional engineer only. Opposition also developed from those engineers who were against the philosophy of licensing in general. The mining engineers strongly objected to any regulation of their activities as did some representatives of the mechanical and electrical engineering groups. Because the principle opposition came from groups who practiced in branches other than civil engineering, the bill was amended to exclude them and require registration of civil engineers only. It was in this form that Assembly Bill 174 was signed by the Governor (Chapter 801, Statutes of 1929). Initially the area of overlap between architecture and engineering was considered relatively unimportant, but as taller and taller buildings were being designed and constructed, it became a source of increasing controversy. To resolve the disputed area of overlap between architecture and structural engineering, a solution was offered creating the title authority of structural engineer. Registered civil engineers who were found to be qualified in structural engineering could use the title structural engineer. Civil engineers then sponsored legislation creating the structural engineer title authority (Chapter 254, Statutes of 1931).

Land Surveyors Board (1891 – 1933)

Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act. The Act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and furthered the best interests of the state and California consumers.

Growth of the Professional Engineers Board (1933 – 2009)

The technical advances made during the forties, possibly due to World War II, resulted in the registration, by title, of engineers in the branches of chemical, electrical, mechanical, and petroleum engineering. This was done through legislation in 1947. Because of the more specialized use of electrical and mechanical engineering, the law was amended in 1967 to change electrical and mechanical engineering from title act registrations to practice act registrations. Also in 1967, the legislature created the title disciplines of metallurgical and industrial engineering – that the Board

opposed. A bill was then passed by the Legislature (Chapter 895, Statutes of 1968) which gave the authority to create new title acts to the Board.

Several years passed, and the composition of the Board changed. During the early seventies, the Board received petitions from persons representing the branches of aerospace, agriculture, air pollution, communication, control system, corrosion, environmental, fire protection, manufacturing, nuclear, quality, safety, and traffic engineering. Hearings were held, and all petitions were approved except for the petitions of air pollution, aerospace, communication, and environmental engineers. In 1976 and 1977, the Board finally adopted formal regulations to implement the engineering disciplines which it had recognized during the preceding years.

In 1982, the title authority of geotechnical engineer was added to the practice of civil engineering by the Legislature (Chapter 646, Statutes of 1982).

In 1985, Senate Bill 1030 (Chapter 732, Statutes of 1985) was passed by the Legislature with support from this Board. The bill amended Section 6732 of the Business and Professions (B&P) Code to codify the existing engineering disciplines into the Professional Engineers Act, thereby recognizing them by statute rather than by regulation. It also repealed Section 6700.1 of the B&P Code that had allowed for the establishment of new engineering disciplines by petition to the Board.

In 1999, examinations in three title acts (corrosion, quality, and safety) were eliminated. In 2004, legislation (Chapter 789, Statute of 2003) was enacted to discontinue the examination for manufacturing engineering. Currently, there are nine remaining title acts: agricultural, chemical, control systems, fire protection, industrial, metallurgical, nuclear, petroleum and traffic engineering.

Geologists and Geophysicists Board (1969 – 2009)

The former Board for Geologists and Geophysicists (BGG) was created in 1969 by legislation under the Geologist Act and was provided authority to regulate the practice of geology. The Board was comprised of seven members (four public members and three professional licensees). In 1972, legislation was adopted to include the practice of geophysics, resulting in the renaming of the enabling act to the Geologist and Geophysicist Act. Professional Geologists had been licensed by the Board since 1970, as had the title authority license of Certified Engineering Geologist for Professional Geologists. Licensing of professional Geophysicists began in 1973. Regulations were adopted in 1995 to include the title authority license of Certified Hydrogeologist for Professional Geologists.

Consumer demand for regulation of geological practices and concern for public safety and protection of landslide damage was a driving factor in the establishment of a Board for Geologists. Housing tracts built on hillsides were developed without the benefit of regulated and licensed geologists. In 1962, Southern California experienced a geologic disaster due to rainfall-induced landslides that impacted hillside development. The landslides resulted in significant financial losses that eventually led to the adoption of professional licensure for geologists in California.

In an attempt to prevent future geologic accidents, the City of Los Angeles adopted grading ordinances that required geologic reports for hillside development. Soon thereafter, other Southern California cities and counties enacted their own geological ordinances and qualifications for geologists. A need was

recognized to establish both uniform statewide standards and a mechanism for statewide licensure. The Board for Geologists and Geophysicists functioned as a separate board for 40 years.

Legislation enacted during the 4th Extraordinary Session of 2009 (ABX4 20) eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. The transfer of authority became effective October 23, 2009. The Geologist and Geophysicist Act (Business and Professions Code section 7800, et seq.) and the Rules and Regulations pertaining to the practices of geology and geophysics (Title 16, California Code of Regulations section 3000, et seq.) remain in effect.

Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The licenses or certifications currently regulated by the Board are comprised of three primary categories: Practice Acts; Title Acts; and Title Authorities. Practice Act licenses indicate that both the actual practice and the use of the title are regulated. Title Act licenses indicate that only the use of the title is regulated and the actual practice is not. Title Authorities represent additional authorities obtained by an individual that is subsequent to the foundation license. For example, Geotechnical and Structural Engineers must be licensed as a Civil Engineer first as a prerequisite for the title authority, while Certified Engineering Geologists and Certified Hydrogeologists must be licensed as a Professional Geologist first. The following chart illustrates these primary categories.

Practice Acts	Title Acts	Title Authorities
Civil Engineer Electrical Engineer Land Surveyor Mechanical Engineer Professional Geologist Professional Geophysicist	Agricultural Engineer Chemical Engineer Control System Engineer Fire Protection Engineer Industrial Engineer Metallurgical Engineer Nuclear Engineer Petroleum Engineer Traffic Engineer	Geotechnical Engineer Structural Engineer Certified Engineering Geologist Certified Hydrogeologist

In addition, the Board issues certifications for Engineer-In-Training (EIT), Geologist-In-Training (GIT), and Land Surveyor-In-Training (LSIT) which recognizes individuals who have obtained a specific level of engineering, geology, or land surveying education and/or work experience as the entry-level step towards eventual licensure as a professional engineer, geologist, or land surveyor.

Function of the Board

The Board is charged with safeguarding the life, health, property, and public welfare by regulating the practices of professional engineering, land surveying, geology, and geophysics. The Board provides this public service by qualifying and licensing individuals, establishing regulations, enforcing laws and regulations, and providing information so that consumers can make informed decisions.

The regulation of engineers, land surveyors, geologists, and geophysicists protects the public from incompetent, negligent, and/or unscrupulous individuals who would offer such services without having to demonstrate they are properly qualified. The public is assured that licensed engineers, licensed land surveyors, licensed geologists, and licensed geophysicists have met state-approved education, experience, and examination standards established by the Board.

Engineers, land surveyors, geologists, and geophysicists make professional judgments, which have major financial, health, safety, and other significant consequences on a daily basis. The highways, bridges, dams, waterways, buildings, and electrical and mechanical systems in buildings are all products of engineering. Consequences of poorly designed bridges or buildings include deaths and injuries as well as financial hardship to the property owner ultimately responsible for damages and reconstruction. Land surveyors help to define property boundaries. A miscalculation in a residential or commercial neighborhood could cause a property owner financial loss if the property is sold with an incorrect boundary. A structure could be located on another individual's property, with concomitant major financial losses and inability to convey title. Geologists and geophysicists analyze the soil and groundwater resources in California and help to determine if active landslides, earthquake faults, or underground water supplies impact orderly and safe development or if they impact the health, safety or welfare of the public.

The complexity of engineering, land surveying, geology, and geophysics projects necessitates a very high degree of technical knowledge and skill which is typically only acquired after many years of experience. The vast majority of licensed engineers hold a college degree in engineering. Land surveyors make decisions and form opinions based upon interpretation of legal documents, field evidence, and the use of technically advanced instrumentation. Licensed geologists and geophysicists often obtain post-secondary degrees in earth sciences and devote many years of experience studying and interpreting historical data related to soils, earth dynamics, groundwater, and the effect those have on public improvements.

Current Composition of the Board

There are fifteen Board member positions on the Board. All appointments to the Board are for a term of four years, with vacancies filled by appointment for the unexpired term. Each appointment (or re-appointment) after the initial appointment, if the initial appointment fills an unexpired term, is for a four year term expiring on June 1 of the fourth year following the year in which the previous term expired. Each member may remain on the Board until the appointment of his or her successor or until one year has elapsed after the expiration of the term for which he or she was appointed, whichever occurs first;

this is known as the “grace year.” No person is allowed to serve as a member of the Board for more than two consecutive full four-year terms. (Business and Professions [B&P] Code section 6712).

There are eight public member positions, appointed as follows (B&P Code §§6711 & 6712):

- Six public members by the Governor
- One public member by the Senate Rules Committee
- One public member by the Speaker of the Assembly

There are seven professional member positions, all appointed by the Governor. The seven professional member positions represent the branches or disciplines of engineering, land surveying, geology, or geophysics listed below. In addition, one professional member must be from a local public agency and another professional member must be from a State agency. (B&P §§6711 & 6712):

- Civil Engineer
- Electrical Engineer
- Mechanical Engineer
- Structural Engineer
- Other Professional Engineer (representing one of the other branches or disciplines not specifically represented)
- Land Surveyor
- Professional Geologist or Geophysicist

As of October 1, 2014, there are no vacancies.

The current Board members, the position they are in, their appointment dates, and the expiration dates of the terms (as of October 1, 2014) are listed below.

Table 1b. Board Member Roster					
Member Name (Include Vacancies)	Date First Appointed	Date Re-appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Nejla Natalie Bamshad-Alavi	12/17/13		6/30/16	Governor	Professional
Asha Malikh Brooks	12/17/13		6/30/16	Governor	Public
Diane Hamwi	5/29/13		6/30/15	Governor	Public
Eric Johnson	12/3/13		6/30/17	Governor	Professional
Kathy Jones Irish	7/6/12	6/5/14	6/30/18	Governor	Public
Coby King	5/29/13		6/30/16	Governor	Public
Philip Quartararo	2/10/10	1/2/11	6/30/14	Governor	Public
Mohammad Qureshi	3/6/14	6/5/14	6/30/18	Governor	Professional
Hong Beom Rhee	3/17/11	5/3/12	6/30/15	Speaker of the Assembly	Public
Karen Roberts	3/6/14		6/30/17	Governor	Professional
Renato Ray Satorre	7/13/07	8/24/11	6/30/15	Senate Rules	Public
William Jerry Silva	2/13/08	1/2/11	6/30/14	Governor	Public
Robert Stockton	7/6/12		6/30/15	Governor	Professional
Patrick Tami	6/9/06	6/4/08 & 7/6/12	6/30/15	Governor	Professional
Erik Zinn	1/2/11		6/30/14	Governor	Professional

Committees of the Board

Prior to 2005, there were four active standing committees of the Board: Administration, Examination, Enforcement, and Legislation. Each committee was comprised of Board members. The Board eliminated the standing committees as a cost saving measure in 2004; currently, all issues are reviewed and discussed at the Board meetings. The Board has no plans to reinstate the standing committees at this time.

The Board also has the authority to appoint Technical Advisory Committees (TACs) under the provisions of Sections 6728, 7826, and 8715 of the B&P Code. The TACs each consist of five technical members, all of whom are licensees of the Board, but none of whom are Board members¹. These committees are appointed as needed to advise Board members and staff on matters pertaining to civil engineering, electrical engineering, geotechnical engineering, mechanical engineering, structural engineering, land surveying, and geology and geophysics. Currently, there are active TACs for civil engineering, structural engineering, land surveying, and geology and geophysics. If the Board has

¹ Two Board members – one professional and one public – are assigned as liaisons to each TAC.

other technical engineering issues that require review, a TAC in the appropriate branch of engineering could be appointed.

In addition to the above-noted standing committees, the President of the Board, with the concurrence of the other Board members, occasionally appoints special committees or workgroups to serve specific purposes. The life, charge, and operating procedures of such committees are determined by the establishing authority.

Quorum Issues

As a result of having five Board member vacancies and only ten appointed members during the period of November 2011 through June 2012, the Board experienced challenges attaining quorum.

The Board had scheduled a November 9-10, 2011, meeting, but because a Board member had to cancel at the last minute, this resulted in a lack of a quorum. The meeting was postponed a week later to November 18, 2011; however, since a hearing was scheduled concurrently with this meeting, the Board incurred costs from the Office of Administrative Hearings due to the need to reschedule. The January 19-20, 2012, was scheduled but then postponed to February 2, 2012, due to a last-minute cancellation that caused a lack of a quorum. However, the February meeting was also cancelled because of repeated problems with making quorum. The Board did not have another meeting until March 8, 2012. The Board attempted to conduct its May 15, 2012, meeting via teleconference; however, at the last minute, one of the members was unable to travel to one of the noticed meeting locations, and the laws would not permit him to call in from an alternate location. As such, the Board was unable to take action on any items at that meeting was forced to schedule an additional meeting via teleconference on June 5, 2012, to take action on certain urgent items.

Throughout this time, because the Board was unable to act on proposed disciplinary decisions and regulations, the Executive Officer was in constant communication with the Governor's Appointment's Secretary to stress the importance of new or re-appointments in order to establish quorum.

The Board establishes its meeting calendar for the following full year at its fall meeting. This allows the members to review their calendars and determine if the proposed dates work for them in the following year.

Currently, the Board is at capacity with 15 members and is able to carry out its obligations.

National Associations

National Council of Examiners for Engineering and Surveying (NCEES)

The Board is an active voting member of NCEES, which is a national non-profit organization comprised of membership representing 69 member licensing boards from all 50 states, District of Columbia, Puerto Rico, U.S. Virgin Islands, Guam, and the Northern Mariana Islands. NCEES is dedicated to advancing professional licensure for engineers and surveyors. It develops, administers, and scores the examinations used for engineering and surveying licensure in the United States.

Membership with NCEES is categorized into four separate regional zones: Northeast; Southern; Central; and Western Zones. California is one of 15 states or territories that comprise the Western Zone. Currently, and by vote of the Western Zone member boards, Patrick Tami (Land Surveyor Board Member) is serving as the 2014-16 Western Zone Vice President and Richard Moore (Executive Officer) is serving as the 2014-15 Western Zone Secretary/Treasurer.

NCEES regularly schedules two primary member meetings on an annual basis, an Interim Zone meeting for each zone and the Annual Meeting. Each member board of NCEES is allowed one vote during the Interim Zone meeting and the Annual Meeting for actions associated with changes to the established policies or procedures related to exam development, exam administration, fees charged to applicants and to the Board, model licensing criteria, and overall NCEES organizational goals. Fifteen of the Board's twenty-two licenses/certifications require passage of the national engineering and land surveying examinations that are developed, scored, and administered by NCEES. Often, the actions will result in changes to the criteria that are considered acceptable for licensure and to the content of the exams. As such, in-person attendance by California Board representatives at these meetings is critical towards ensuring that these actions are not discriminatory for California applicants and licensees and that the content of the exams are appropriate for licensure in California with due regard to protecting the public health, safety, welfare, and property.

Travel expenses to the meetings are funded through the member fees that the Board already pays and do not require an additional expenditure of Board funds. Overall, California represents one-quarter of all applicants for engineering and land surveying nationwide (rather than one-fiftieth). Nevertheless, in recent years, requests for approval to travel to meetings held out of state are usually denied by the Business, Consumer Services, and Housing Agency or the Governor's Office as being an "unnecessary" expenditure of state funds and not "mission critical." When absent from these meetings, California is unable to be involved in the discussion and decision-making regarding any issues that may have an impact on the licensees and consumers in our state.

Since the Board's last Sunset Report, representatives from the Board were granted approval to attend the spring 2013 Western Zone Interim Meeting since the meeting was held in San Francisco, and the Board had been chosen by Zone representatives as being responsible as the Host Board. More recently, the Board received approval from the Business, Consumer Services, and Housing Agency and the Governor's Office to attend the 2014 Annual Meeting which was held in Seattle, Washington, last August.

In the past, representatives from the Board provided a great deal of influence and leadership at NCEES with much involvement from Board Members and staff while serving on many of the committees that are appointed each year. In more recent years, approval to continue this involvement was severely limited due to restrictions associated with out-of-state (OST) travel by state representatives.

National Association of State Boards of Geology (ASBOG)

The Board is an active voting member of ASBOG, a national non-profit organization comprised of thirty member licensing boards from across the nation. ASBOG is dedicated to advancing professional

licensure for geologists. It develops, administers, and scores the national examinations predominately used to license geologists in the United States.

ASBOG regularly schedules Council of Examiner Workshops twice a year and an Annual Meeting usually held in the fall concurrent with the fall workshop. These meetings are generally held to evaluate examination content and determine exam policy and/or fees, and participation is critical at these meetings to ensure California's interests are expressed and that we are given consideration in decisions that will affect the Board and its licensees. Travel expenses to attend these meetings are the responsibility of the Board, and while this travel may involve the expenditure of Board funds, it is a minimal and necessary expense to ensure that California's interests are represented on a national scale. California represents one-quarter of all applicants for geologist licensing nationwide. Since the elimination of the former Board for Geologists and Geophysicists in 2009 and the subsequent merger with the Board, requests for approval to travel to meetings held out of state have been denied by the Business, Consumer Services, and Housing Agency or the Governor's Office as being an "unnecessary" expenditure of state funds and not "mission critical." Therefore, California is unable to be involved in the discussion and decision-making regarding any issues that may have an impact on the licensees and consumers in our state.

Recently, the Board was granted approval for our Geologist Board Member to attend an Exam Workshop in New York during June 2014 and the upcoming Annual Meeting in November 2014 in Indianapolis, Indiana.

Table 1a. Attendance and Table 1b. Board/Committee Member Roster are combined

NAME OF BOARD MEMBER	FY 10/11				FY 11/12				FY 12/13				FY 13/14														
	8/11/10-8/12/10, L.A.	11/17/2010, Sacto.	12/14/2010, Sacto.	1/28/2011, Sacto.	3/24/11-3/25/11, Sacto.	5/12/11-5/13/11, Sacto.	7/28/2011, Sacto.	9/8/2011, Teleconf.	11/18/2011, Sacto.	3/8/12-3/9/12, Sacto.	5/15/2012, Teleconf.	6/5/2012, Teleconf.	6/28/2012, Teleconf.	8/30/2012, Sacto.	10/11-10/12/12, Norwalk	12/7/2012, Sacto.	1/31/2013, Sacto.	3/7/2013, Sacto.	4/18/2013, San Francisco	6/13/2013, Sacto.	8/28-8/29/13, Riverside	10/10/13 Sacto.	12/5/13, Sacto.	2/12-2/13/14, San Diego	4/24/14-4/25/14, Sacto.	6/5/14-6/16/14, Sacto.	
TERMED OUT BOARD MEMBERS																											
Kim Blackseth Appt. 6/5/2007; Term Exp. 6/30/12	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Carl Josephson Appt.1/2/11; Term Exp. 12/18/13	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
David Luzuriaga Appt.7/15/08; Term Exp. 6/30/11	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Mike Modugno Appt.12/21/06; Term Exp. 12/3/13	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Michael Trujillo Appt.11/13/07; Term Exp. 6/30/13	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
William Paul Wilburn Appt.10/9/09; Term Exp. 6/30/12	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
CURRENT BOARD MEMBERS																											
Nejla Natalie Bamshad- Alavi Appt.12/17/13	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Asha Malikh Brooks Appt.12/17/13	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Diane Hamwi Appt.5/29/13	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Eric Johnson Appt.12/3/13	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Kathy Jones Irish Appt.7/6/12; Re-appt. 6/5/14	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Coby King Appt.5/29/13	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Philip Quartararo Appt.2/10/10; Re-appt. 1/2/11	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Mohammad Qureshi Appt.3/6/14; Re-appt. 6/5/14	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Hong Beom Rhee, Ph.D. Appt.3/17/11; Re-appt. 5/3/12	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Karen Roberts Appt.3/6/14	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Renato Ray Satorre Appt.7/13/07; Re-appt. 8/24/11	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
William "Jerry" Silva Appt.2/13/08; Re-appt. 1/2/11	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Robert Stockton Appt.7/6/12	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Patrick Tami Appt.6/9/06; Re-appt. 6/4/08; 7/6/12	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█
Erik Zinn Appt.1/2/11	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█

- █ Indicates Attendance
- █ Indicates absence. ½ Indicates Board member was only present the first day and absent the second day of the Board meeting.
- █ Was not a member of the Board during this time

All Legislation Sponsored by the Board and Affecting the Board Since the Last Sunset Review

2010

- AB 1431 Hill. (Chapter 696, Statutes of 2010) – Renamed the Board for Professional Engineers and Land Surveyors to the Board for Professional Engineers, Land Surveyors, and Geologists. It also changed the membership of the Board from 13 to 15 to include a professional member licensed under the Geologist and Geophysicist Act and an additional public member.
- SB 1491 Committee on Business, Professions & Economic Development. (Chapter 415, Statutes of 2010) – Among other things, this Committee Omnibus bill made minor changes regarding the Board's application fees and allowed applicants qualifying for the EIT examination to use education or experience or a combination of education and experience totaling three years.

2011

- AB 1424 Perea. (Chapter 455, Statutes of 2011) – Authorized a state agency that issues professional licenses, to suspend, revoke, or refuse to issue a license if the licensee's name is included on the list of the 500 largest tax delinquencies of the State Board of Equalization and the Franchise Tax Board.
- SB 541 Price. (Chapter 339, Statutes of 2011) – Authorized the boards of the Department of Consumer Affairs to continue to utilize expert consultants, as done in the past, without going through the formal contracting process.
- SB 543 Price (Chapter 448, Statutes of 2011) – Among other things, this bill extended the Sunset date for the Board for Professional Engineers, Land Surveyors, and Geologists to January 1, 2016; added this Board to the list of boards authorized to collect fingerprints from applicants for the purpose of a criminal history record check; deleted the requirement for a state-specific structural engineering examination; created the Geology and Geophysics Account within the Professional Engineer's and Land Surveyor's Fund; and deleted the provision that stated that the fee charged for a geology exam is limited to \$450.

2012

- AB 1588 Atkins. (Chapter 742, Statutes of 2012) – Required the boards within the Department of 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.
- AB 1904 Block. (Chapter 399, Statutes of 2012) – Required the boards within the Department of Consumer Affairs 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.
- AB 2570 Hill. (Chapter 561, Statutes of 2012) – Prohibited a licensee who is regulated by the Department of Consumer Affairs 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, except as specified.

- SB 1576 Committee on Business, Professions & Economic Development. (Chapter 661, Statutes of 2012) – Among other things, this Committee Omnibus bill revised the exemption relating to the Fundamentals of Surveying exam clarified the definition of “establish” when filing a record of survey.

2013

- AB 1057 Medina. (Chapter 693, Statutes of 2013) – Required each board within the Department of Consumer Affairs to inquire beginning January 1, 2015, in every application for licensure if the applicant is serving in, or has previously served in, the military.
- SB 152 Roth. (Chapter 178, Statutes of 2013) – Required geologists and geophysicists to use a written contract when contracting to provide geological or geophysical services and repealed temporary authorizations for engineers, geologists, and geophysicists. The Board sponsored this legislation.
- SB 679 Berryhill. (Chapter 471, Statutes of 2013) – Revised the circumstances under which a licensed engineer or land surveyor is required to report a civil action judgment, settlement, arbitration award, or administrative action to the Board.
- SB 822 Committee on Business, Professions and Economic Development (Chapter 319, Statutes of 2013) – Among other things, this Committee Omnibus bill created a “retired license” for geologists and geophysicists.

The Following Regulatory Changes became Effective from Fiscal Year 2010/11 through Fiscal Year 2013/14.

- **Enactment of Assembly Bill X4 20 and Assembly Bill 1431 (effective 7/9/10 and 2/23/11)**
These regulatory packages amended numerous sections of Divisions 5 and 29 of Title 16 of the California Code of Regulations (16 CCR) to make non-substantive clarifying changes as a result of passage of ABX4 20 (Chapter 18, Statutes of 2009-10 Fourth Extraordinary Session) and AB 1431 (Chapter 696, Statutes of 2010). ABX4 20 abolished the Board for Geologists and Geophysicists on October 23, 2009, and transferred its mandated responsibilities/workload to the Board. AB 1431 renamed the Board.
- **Reference Forms and Log Book Form for Professional Engineer and Land Surveyor Applicants (effective 9/24/10)**
This regulatory package amended 16 CCR §§ 427.10 and 427.30 to adopt new Engagement Record and Reference Forms to be used by applicants for licensure as professional engineers, professional land surveyors, and structural engineers, as well as an optional Log Book Form that could be used by applicants for licensure as a professional land surveyor.
- **Definitions of Approved and Non-Approved Engineering and Land Surveying Curricula; Education Credit; and Waiver of Fundamentals Examination (effective 4/11/11)**
This regulatory package amended 16 CCR §§ 404, 424, 425, and 438 and repealed 16 CCR § 460 to update and clarify terminology used regarding board-approved engineering and land surveying curricula; to clarify the number of years of education credit that may be granted; and

to expand the situations in which an applicant could qualify for the waiver of the fundamentals examination.

- **Restructured Engineering & Land Surveying Fees (regulations 4/27/12)**

This regulatory package amended 16 CCR §§ 407 and 428 to adjust fee structures for engineering and land surveying fees to properly cover expenditures. The fee change introduced separate application, exam, and licensing fees. In addition, the regulation change also amended technical language for abandon applications.

- **Geology Examination Fees (regulations 5/23/12)**

This regulatory package amended 16 CCR § 3005 to adjust the geology and geophysics exam fees to be equal to the Board's actual cost to administer the exam.

- **Inspection of Examinations (regulations 6/18/12)**

This regulatory package repealed 16 CCR § 443 (c) (1) so that applicants would no longer be able to appeal a national examination prepared by the National Council of Examiners for Engineering and Surveying.

- **Examination Subversion (regulations 1/1/14)**

This regulatory package amended 16 CCR §§ 442 and 3035 to update and clarify what actions constitute exam subversion and what actions the Board can take based on evidence of exam subversion.

- **Applicant Fingerprinting (regulations 1/1/14)**

This regulatory package added 16 CCR §§ 420.1 and 3021.1 requiring applicant fingerprints as a result of legislation. In 2011, Senate Bill (SB) 543 (Steinberg & Price, Chapter 448, Statutes of 2011) was passed amending B&P Code Section 144 requiring the Board to verify all applicants' fingerprints for criminal history prior to approval.

- **Seal, Signature, and Address Change (regulations 1/1/14)**

This regulatory package amended 16 CCR §§ 411, 412, 3008, and 3009 to clarify the design of the professional seal to be used by licensees; to clarify the signing requirements for professional documents; and to clarify the requirements to notify the Board of any change of the licensee's address of record.

- **Codes of Professional Conduct (regulations 1/1/14)**

This regulatory package amended 16 CCR §§ 475, 476, and 3065 to clarify and update the Codes of Professional Conduct for professional engineers, land surveyors, geologists, and geophysicists.





PERFORMANCE MEASURES AND CUSTOMER SATISFACTION SURVEYS

SECTION 2



SECTION 2

Performance Measures and Customer Satisfaction Surveys

Quarterly and Annual Performance Measures Reports

The quarterly and annual enforcement performance measures reports for Fiscal Years (FY) 2010/11 through FY 2013/14, as published on the DCA website, are included as Attachment F. The enforcement statistics and performance data are fully discussed in Section 5 – Enforcement Program of this report.

Results of Complainant Satisfaction Survey

Since 1993, the Board has sent a Complainant Satisfaction Survey to the complainant whenever a complaint investigation case is closed, along with a self-addressed, prepaid postage envelope. The survey is sent with the letter notifying the complainant of the results of the investigation and that the case has been closed. A survey is not sent if there is no named complainant (such as anonymous complaints). If the survey response includes questions or negative comments, the complainant is contacted to clarify concerns and/or answer any questions. However, there will always be some consumers who do not understand the limits of the Board's jurisdiction and authority and are not satisfied with the responses they receive from the Board when the outcome of the investigation is not what they wanted.

For the FY 2010/11 through FY 2013/14, the Board mailed 1,035 surveys but received only 82 responses, an 8% response rate. As has been noted by the Committee and the Board during prior reviews, the Board receives very few completed surveys in comparison to the number mailed. The Board is currently evaluating other methods for obtaining a higher response rate.

The majority of the responses received are typically from people who are dissatisfied with the outcome of the investigation of their complaints. That dissatisfaction usually arises from a lack of understanding of the Board's jurisdictional authority and legislative mandate to protect all of the public of California, rather than to provide satisfaction to one individual consumer. This is illustrated by the decrease in the percentage of positive responses for Questions 4, 6, and 7 in the table that follows.

It should be noted that the satisfaction with the time it took to resolve the matter increased over the course of the four fiscal years represented (Question 5). This is an indication of outside acknowledgment that the Board is succeeding in reducing the time it takes to investigate its complaints since the Board itself initiated process improvement during FY 2013/14, an issue which is addressed more fully in Section 5 – Enforcement Program of this report.



FY 2010/11 – FY 2013/14 COMPLAINANT SATISFACTION SURVEY RESULTS				
QUESTIONS	Percentage of Positive Responses			
	2010/11	2011/12	2012/13	2013/14
1 Was our representative courteous?	87%	85%	85%	91%
2 Did you feel that the representative who handled your complaint understood your problem?	87%	74%	85%	82%
3 Were you made aware that your complaint was closed?	81%	85%	100%	91%
4 Did our representative deal with your problem in a fair and reasonable manner?	84%	78%	85%	64%
5 How satisfied were you with the time it took for us to resolve your complaint?	42%	48%	69%	64%
6 How satisfied were you with the explanation you were provided regarding the outcome of your complaint?	81%	74%	85%	64%
7 Overall, how satisfied were you with the way in which we handled your complaint?	74%	67%	77%	64%
8 Would you contact us again in a similar situation?	71%	81%	69%	82%
9 Would you recommend us to a friend or family member experiencing a similar situation?	71%	78%	69%	82%
TOTAL NUMBER OF RESPONSES RECEIVED	31	27	13	11

The following is a sampling of the comments, both negative and positive, received on the Complainant Satisfaction Surveys:

“I appreciate the process, but the \$3,500 fine seems very light in lieu of his fee for services which was 5 times that amount.”

“The unlicensed person I complained about got off way too easy! His fine was just a fraction of the money he made doing these nonexempt projects illegally. So it was worth it to him, to break the law.”

“I’m very satisfied with the attention you give to my claim. Thanks a lot.”

“Thank you very much for your assistance and responsiveness with regards to this matter. Your help was very much appreciated.”

“The Board provides no rebuttal after their decision? What recourse does this leave?”

“The complaint was handled professionally but took too long to resolve.”

“[The Board’s Enforcement Analyst] was very professional and easy to work with in resolving this matter.”

“The resolution is how I expected, and is satisfactory. Hopefully someday there will be sufficient budget to allow publication of information bulletins to address these sorts of issues.”

“Thank you very much. [The Board’s Enforcement Analyst] was very professional and kind.”

“Your process took too long and many more people may be adversely affected. You have to shorten the processing time.”

“[The Board’s Enforcement Analyst] has handled my complaint in a very professional and efficient manner. I have filed several complaints, and he has been very prompt and precise in all aspects of his job.”

“[The subject’s] license should be revoked permanently.”

“I very much appreciate the work being completed by the Board staff. The staffing level increase in recent years, adding a full time land surveyor is pay off dividends.”

“The Board is very deliberate in gathering the facts and conducts a fair and balanced investigation for all parties involved in a case.”





FISCAL AND STAFF

SECTION 3



SECTION 3 Fiscal and Staff

Fiscal Issues and Fund Conditions

The Board's budget authority is comprised of the Professional Engineer's and Land Surveyor's Fund (PELS - 0770) and the Geology and Geophysics Account (G&G - 0205). As of July 31, 2014, (CalStars FM 13), the Reserve for the PELS Fund was at 7.3 months, equating to a \$5.8 million fund balance reserve for economic uncertainties. Revenues exceeded expenditures by \$977,000 by the end of Fiscal Year (FY) 2013/14. The Reserve for the G&G Account was at 8.5 months, equating to a \$991,000 reserve for economic uncertainties. By the end of FY 2013/14, expenditures outpaced revenues by \$169,000.

The Reserve level for both programs is defined in Business and Professions (B&P) Code Section 128.5(a) as "an amount that equals or is more than the agency's operating budget for the next two fiscal years." This law also requires a fee change to reduce surplus funds if the reserve exceeds 24 months.

In Section 11 – New Issues of this report, the Board addresses recommended fiscal structure changes associated with a proposed merger of the PELS Fund and G&G Account with the intent to create one program in name and funding. The Board is closely monitoring both the PELS Fund and the G&G Account and does not expect the PELS Fund Reserve levels to decrease in the interim or the near future. However, it is anticipated that the G&G Account may become insolvent during FY 2016/17 if the Board maintains its current fiscal structure and revenue and expenditures follow historical trends.

If the fiscal structure remains unchanged, the Board will be compelled to propose a regulatory fee increase in FY 2015/16. In anticipation of approval for the Board's recommendations for a fund merger, the Board is researching a regulatory fee change, based on an evaluation of actual costs that restructures all fees under one fund, providing a more structurally sound and consistent fee structure, while maintaining conventional Reserve levels. The Board closely monitors reserve, revenue, and expenditures presented in financial statements which are standing agenda items for all Board meetings.



Table 2. Fund Condition - 0770 Engineers & Land Surveyors						
(Dollars in Thousands)	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14 [1]	FY 2014/15 [2]	FY 2015/16 [3]
Beginning Balance	\$5,638	\$5,707	\$697	\$1,923	\$5,832	\$4,492
Prior Year Adjustment	\$11	\$271	-\$39	\$165	\$0	\$0
General Revenues	\$9,026	\$10,087	\$8,137	\$8,728	\$7,778	\$7,933
Total Revenue	\$14,675	\$16,065	\$8,795	\$10,816	\$13,610	\$12,395
Loans to General Fund	\$0	-\$5,000	\$0	\$0	\$0	\$0
Loans Repaid From General Fund	\$0	\$0	\$0	\$2,500	\$500	\$1,000
Accrued Interest, Loans to General Fund	\$0	\$0	\$0	\$310	\$0	\$0
Total Resources	\$14,675	\$11,065	\$8,795	\$13,626	\$14,110	\$13,395
Budget Authority	\$9,095	\$10,474	\$9,230	\$9,739	\$9,640	\$9,833
Expenditures	\$8,947	\$10,336	\$6,819	\$7,751	\$9,640	\$9,833
Other Adjustments (SCO, Fi\$Cal)	\$21	\$32	\$53	\$43	\$8	\$0
Total Expenditures	\$8,968	\$10,368	\$6,872	\$7,794	\$9,648	\$9,833
Fund Balance	\$5,707	\$697	\$1,923	\$5,832	\$4,462	\$3,562
Months in Reserve	6.6	1.2	3.0	7.3	5.4	4.3

Notes:

- 1] Based on CalStars FM 13 Reports
- 2] Based on Governor's Budget 2014/15
- 3] Proposed - Assumes appropriation growth of 2% per year beginning in BY+1

Table 2. Fund Condition - 0205 Geology & Geophysics						
(Dollars in Thousands)	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14 [1]	FY 2014/15 [2]	FY 2015/16 [3]
Beginning Balance	\$737	\$1,012	\$1,041	\$1,066	\$991	\$619
Prior Year Adjustment	\$110	\$49	\$19	\$100	\$0	\$0
General Revenues	\$1,017	\$987	\$1,055	\$967	\$1,023	\$1,023
Total Resources	\$1,864	\$2,048	\$2,115	\$2,133	\$2,014	\$1,642
Budget Authority	\$1,330	\$1,338	\$1,358	\$1,379	\$1,394	\$1,422
Expenditures	\$849	\$1,006	\$1,042	\$1,136	\$1,394	\$1,422
Other Adjustments (SCO, Fi\$Cal)	\$3	\$1	\$7	\$6	\$1	\$0
Total Expenditures	\$852	\$1,007	\$1,049	\$1,142	\$1,395	\$1,422
Fund Balance	\$1,012	\$1,041	\$1,066	\$991	\$619	\$220
Months in Reserve	12.1	11.9	11.2	8.5	5.2	1.8

Notes:

- 1] Based on CalStars FM 13 Reports
- 2] Based on Governor's Budget 2014/15
- 3] Assumes appropriation growth of 2% per year beginning in BY+1

General Fund Loans

The Board has one outstanding loan made to the General Fund (GF) in FY 2011/12 totaling \$4,500,000. The initial loan amount was \$5,000,000, by Executive Order 127, \$500,000 was repaid to the PELS Fund in FY 2013/14. Scheduled repayments are expected to continue annually until the entire loan is repaid. Another GF loan was made in FY 2007/08 totaling \$2,000,000, and the entire amount was repaid by Executive Order 126 in FY 2013/14. The loans and interest amounts are as follows:

- FY 2007-08 - \$2,000,000 – 2.686% (\$304,952.99)
- FY 2011-12 - \$5,000,000 – .379% (\$5,255.12)
- Total Interest Income - \$310,208.11

Budget bill repayment language that is included on every Board loan made to the General Fund reads:

“Director of Finance shall order the repayment of all or a portion of this loan if he or she determines that either of the following circumstances exists: (a) the fund or account from which the loan was made has a need for the moneys, or (b) there is no longer a need for the moneys in the fund or account that received the loan. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of transfer.”

The interest rate to be repaid for each loan is determined at the time of its transfer to the General Fund. The rate is computed as simple interest and is added to the original loan amount at the time the loan is repaid by the State Controller’s Office.

Expenditures By Program

The Board is comprised of three units – Enforcement, Licensing, and Administration/Executive Services – that support and enforce statute and regulation. Currently, the Geology and Geophysics Program is reported separately into the three units identified above.

The Enforcement Unit receives and investigates all complaints and pursues disciplinary action, if warranted. This unit accounts for approximately 29%, or \$2.3 million, of total expenses in FY 2013/14 for the PELS Fund and 12%, or \$137 thousand, of total expenses in FY 2013/14 for the G&G Account.

The Licensing Unit processes applications, develops examinations, determines examinations results, and licenses qualified candidates. This unit accounts for approximately 29%, or \$2.2 million, of total expenses in FY 2013/14 for the PELS Fund and 62%, or \$703 thousand of total expenses in FY 2013/14 for the G&G Account.

The Administrative/Executive Services Unit supports the Enforcement and Licensing Units and maintains the day-to-day operations at the Board. This unit for approximately 19%, or \$1.4 million, of total expenses in FY 2013/14 for the PELS Fund and 12%, or \$137 thousand, of total expenses in FY 2013/14 for the G&G Account.

DCA Pro Rata accounted for 23%, or \$1.8 million, in the PELS Fund and 14%, or \$159 thousand, in the G&G Account in FY 2013/14.



Table 3. Expenditures by Program Component - 0770 Engineers & Land Surveyors
(list dollars in thousands)

	FY 2010/11		FY 2011/12		FY 2012/13		FY 2013/14	
	Personnel Services	OE&E						
Enforcement	\$780	\$1,356	\$919	\$1,453	\$918	\$1,591	\$977	\$1,307
Examination ¹	\$1,071	\$2,989	\$677	\$4,309	\$458	\$665	\$0	\$0
Licensing	\$276	\$62	\$345	\$63	\$422	\$88	\$914	\$1,308
Administration ²	\$516	\$96	\$570	\$81	\$905	\$195	\$951	\$193
Executive ³	\$207	\$31	\$244	\$29	\$244	\$31	\$259	\$37
IT Services ⁴	\$226	\$47	\$254	\$53	\$0	\$0	\$0	\$0
DCA Pro Rata	\$0	\$1,290	\$0	\$1,428	\$0	\$1,266	\$0	\$1,805
TOTALS	\$3,076	\$5,871	\$3,009	\$7,416	\$2,947	\$3,836	\$3,101	\$4,650

¹ Unit was combined with Licensing at the end of FY 2012/13

² Administration expenditures include costs for staff, support, and fiscal services. Reimbursements also included.

³ Executive expenditures include cost for executive staff and Board members.

⁴ Unit was combined with Administration at the end of FY 2011/12.

Table 3. Expenditures by Program Component - 0205 Geology & Geophysics
(list dollars in thousands)

	FY 2010/11		FY 2011/12		FY 2012/13		FY 2013/14	
	Personnel Services	OE&E						
Enforcement	\$74	\$55	\$63	\$44	\$72	\$51	\$82	\$55
Licensing	\$94	\$406	\$133	\$731	\$162	\$511	\$185	\$518
Administration ¹	\$60	\$57	\$83	\$15	\$105	\$13	\$129	\$8
DCA Pro Rata	\$0	\$105	\$0	\$116	\$0	\$127	\$0	\$159
TOTALS	\$228	\$623	\$279	\$906	\$339	\$702	\$396	\$740

¹ Administration expenditures include costs for administrative staff, administrative support, and fiscal services.

License Renewal Cycles

PELS licensees renew on a biennial cycle from the original assigned date of renewal. Renewals are staggered on a quarterly basis throughout the calendar year. G&G licensees renew on a biennial cycle based on birth month and year the original license was issued.

History of Fee Changes

During the last 10 years, fee changes have affected both the PELS Fund and the G&G Account. All fee changes were based on determining the appropriate fee to support operations and provide a prudent Reserve to maintain statutory and regulatory requirements. The fee changes, as well as the implementation years are identified below.

PELS Fund

- FY 2005/2006 – Reduced biennial renewal fee from \$150 to \$125. The fee reduction was necessary to ensure sufficient revenue was received to support the operations and to ensure a prudent Reserve was available as recommended by Department of Finance
- FY 2012/13 – Restructured application, exam, and renewal fees. The purpose of this regulation change was to re-align regulatory fees to account for policy modifications which required applicants to pay their national exam fees directly to the national exam administrator. The Board's fees decreased to reflect the cost of application, exam, and renewal evaluation and staff time. A complete restructuring reduced fees related to application fees (\$275 to \$125); application fees for the in-training certifications (\$100 to \$50); professional license renewal fees (\$125 to \$115); one-time retired license fees (\$87.50 to \$62.50). It also added a state-specific exam administration fee of \$150.

G&G Account

- FY 2005/2006 – Two separate regulatory fee changes occurred in this Fiscal Year. The first increased fees by \$25 for the national exam to coincide with the increased fees set by the National Association of State Boards of Geology (ASBOG). The second one increased license renewal fees to maintain fund reserves which were precipitously low, as follows: Geologists and Geophysicists (\$200 to \$270) and Specialty Geologists and Geophysicists (\$50 to \$67.50).
- FY 2011/12 – Restructured fees to bring the G&G Program into compliance with the B&P Code § 7887 relating to examination fees fixed by the Board at an amount equal to the actual cost to the Board. The fees increased for the national examinations. To offset this increase the Board, had to adjust its fee structure to account for the additional cost.



0770 - Engineers & Land Surveyors		
Fee Authority	Business and Professions Code & Spubdivision	California Code of Regulations Title 16, Division 5, Article 1, Section 407 (subdivision listed below)
Application	6799(a)(1), 8805(a)	(b)(1-5)
Examination	6799(a)(2), 8805(b)	(c)(1-5)
Biennial Renewal	6799(a)(3), 8805(c)	(d)
Retired License	6799(a)(4), 8805(d)	(f)
Delinquency Biennial Renewal	6799(a)(5), 8805(e)	N/A

Table 4. Fee Schedule and Revenue - 0770 Engineers & Land Surveyors (dollars in thousands)							
Fee	Current Fee Amount	Statutory Limit	FY 2010/11 Revenue	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	% of Total Revenue
Application	\$125	\$400	\$1,016	\$1,039	\$1,158	\$1,179	13.7%
Certification	\$50	\$100	\$452	\$464	\$180	\$144	1.7%
Examination	\$150	≤ actual cost	\$2,044	\$1,849	\$1,196	\$1,225	14.3%
Biennial Renewal	\$115	≤ application	\$5,356	\$6,504	\$5,415	\$5,962	69.4%
Retired License	\$62.50	50% of application	\$23	\$34	\$26	\$24	0.3%
Delinquency Biennial Renewal	\$62.50	50% of renewal	\$72	\$78	\$57	\$57	0.7%

Note: Percentage of total revenue based on FY 2013/14 revenue only

0205 - Geology & Geophysics		
Fee Authority	Business and Professions Code 7887 (subdivision listed below)	California Code of Regulations Title 16, Division 29, Article 1, Section 3005 (subdivision listed below)
Application	(a)	(b)(1-3)
Examination	(g), (h)	(c)(1-5)
Biennial Renewal	(d), (e)	(e)(1-2)
Retired License	(i)	(i)
Delinquency Biennial Renewal	(f)	N/A



Table 4. Fee Schedule and Revenue - 0205 Geology & Geophysics

(dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2010/11 Revenue	FY 2011/12 Revenue	FY 2012/13 Revenue	FY 2013/14 Revenue	% of Total Revenue
Application	\$250	\$250	\$72	\$101	\$95	\$81	8.5%
Examination ¹	\$250/\$150/ \$100	\$250	\$77	\$78	\$100	\$78	8.2%
License	\$270/\$135/ \$67.50/\$33.75	Equal to Renewal Fee	\$30	\$21	\$26	\$23	2.4%
Biennial Renewal ²	\$270/\$67.50	\$400/\$100	\$815	\$753	\$815	\$760	79.6%
Retired License	\$62.50	50% of application	N/A	N/A	N/A	N/A	
Delinquency Biennial Renewal ³	\$135/\$33.75	50% of renewal	\$14	\$26	\$13	\$13	1.4%

Notes:

- 1 - Exam fees are for Practice of Geology/CA specific geologist & Fundamentals of Geology/Geophysicist & Specialty Geologist or Specialty Geophysicist. (Relative to Current Fee Amount Column)
 - 2 - Renewal fees are for Geologist & Geophysicist/Specialty Geologist & Specialty Geophysicist. Statutory limits correspond to the same groups. (Relative to Current Fee Amount Column)
 - 3 - Delinquency fees are for Geologist & Geophysicist/Specialty Geologist & Specialty Geophysicist. (Relative to Current Fee Amount Column)
- Percentage of total revenue based on FY 2013/14 revenue only

Budget Change Proposal History

FY 2010/11

Engineers & Land Surveyors

BCP # 1110 - 30

The PELS Fund received a special fund augmentation of \$94,000 to fund 1.0 Staff Services Analyst (SSA) position in the Enforcement Unit and \$86,000 ongoing to address the backlog of citations for unlicensed activity. Pursuant to B&P Code §§ 125.9, 148, and 149, the Department of Consumer Affairs (DCA) boards/bureaus were granted the authority to issue citations and fines. From FY 2003/04 to FY 2008-09, the number of citations issued by the Board increased from 18 to 112, or a 500% increase.

BCP #1110-02 Spring Finance Letter (SFL)

ABX4 20 abolished the Board for Geologists & Geophysics (BGG) on October 23, 2009, and transferred its mandated responsibilities/workload and two (2.0) SSA positions (Licensing/Administration and Enforcement) to the Board. The PELS Fund redirected 1.0 Associate Governmental Program Analyst (AGPA) and \$88,000 ongoing to the G&G Account to provide administrative support. The SFL also redirected 0.4 Senior Registrar (SR) to act as a program manager and direct the G&G Program staff. An internal cost recovery of \$43,000 from the G&G Account was approved to reimburse the PELS Fund for the 0.4 SR.

Geology & Geophysics

BCP #1110 – 07L

This BCP implemented changes imposed by ABX4 20 by authorizing the Board to use the existing G&G Account and authorized the augmentation of the Board's personal services budget by 2.0 SSA positions that were previously authorized to BGG for this purpose.

BCP #1110-02 SFL

The G&G Account received a permanent special fund augmentation of \$559,000 initially and \$544,000 ongoing to fund the transfer of the former BGG mandated responsibilities and workload to the Board. Those funds were needed to pay for permanent positions and exam development for geology and geophysics. The BCP authorized 1.0 AGPA and 2.0 Office Technicians (OT) to provide analytical and clerical support.

FY 2011/12

Engineers & Land Surveyors

BCP # 1110-05 SFL

The PELS Fund received a one-time special fund augmentation of \$1,124,000 to fund the additional fees required by the National Council of Examiners for Engineering and Surveying (NCEES) to administer the national examination to applicants in California beginning with the October 2011 exam. This request eliminated financial liability associated with examination security concerns and made certain that the examinations are administered in strict accordance with NCEES and Board policies.

FY 2012/13

Engineers & Land Surveyors

BCP # 1110-01L

The PELS Fund received approval to redirect \$219,000 from existing budget funds to establish 1.0 OT position and increase budget line items for enforcement. The position and redirected funding were necessary to support the fingerprint requirements authorized by Chapter 448, Statutes of 2011.

FY 2013/14

Geology & Geophysics

BCP #1110-13

The Board received a redirection of \$144,000 initially and \$136,000 ongoing from the program's existing budget line items to establish a 1.0 SR (Geologist) position. The net amount of this proposal is -\$15,000 reduction in budget authority because the program will no longer be contracting with Technical Expert Consultants to serve as the professional on staff.



Table 5. Budget Change Proposals (BCPs) - 0770 Engineers & Land Surveyors								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1110 - 30	2010/11	Enforcement - Citations backlog	1.0 AGPA	1.0 AGPA	80,000	80,000	14,000	14,000
1110-02 SFL	2010/11	ABX4 20 Implementation - Redirected Staff Support	-0.4 SR -1.0 AGPA	-0.4 SR -1.0 AGPA	-81,000	-81,000	-50,000	-50,000
1110-05	2011/12	National Exam Administration Contract	N/A	N/A	0	0	1,124,000	1,124,000
1110-01L	2012/13	Enforcement - SB 543 Fingerprint program	N/A	N/A	0	0	0	0
	2013/14	None						

Table 5. Budget Change Proposals (BCPs) - 0205 Geology & Geophysics								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1110 - 07L	2010/11	Transfer authority for Geology and Geophysicists Act to Engineers	2.0 SSA	2.0 SSA	173,000	173,000	725,000	725,000
1110-02 SFL	2010/11	ABX4 20 Implementation - Administrative Support Staff Request	0.4 SR 1.0 AGPA 2.0 OT	0.4 SR 1.0 AGPA 2.0 OT	188,000	188,000	371,000	371,000
	2011/12	None						
	2012/13	None						
1110-13	2013/14	Workload request Senior Registrar	1.0 SR	1.0 SR	0	0	-15,000	-15,000

Staffing Issues and Challenges

During the past several years, the Board has faced staffing issues due to legislation, statewide personnel services reductions, and hiring freezes. As a result of ABX4 20, the PELS Fund redirected 1.0 AGPA and 0.4 SR to assist the G&G Program. In addition, the G&G Account also received another 2.0 positions, adding to the 2.0 positions the program brought over in the merger.

In July 2010, the Governor's Workforce Cap Plan (EO S-01-10, BL 10-38) ordered all agencies and departments to achieve a 5% salary savings. The PELS Fund achieved salary savings by reducing exam proctors that were hired to facilitate licensing examinations. The G&G Account achieved salary savings through vacancies.

Historically, the Board has a very low turnover rate. Careful processes are undertaken to hire the most appropriate candidate for the job. All staff are provided appropriate training, mentorship, and career advancement opportunities are properly advertised when available.

Vacancy Rates and Efforts to Reclassify Positions

The overall vacancy rates for the Board are as follows:

- FY 2010/2011: 11.9%
- FY 2011/2012: 2.4%
- FY 2012/2013: 4.7%
- FY 2013/2014: 7.4%

Currently, the Board is requesting changes to the SR classification. The changes add qualifications, skills, and abilities in the classification specification for a California Licensed Geologist and remove supervision of staff as a required duty. By adding geologist qualifications to the SR class specification, the Board will have the discretion to hire a licensed geologist to assist with application review, exam development, and enforcement case review relative to the G&G Program. By removing supervision from the SR class specification, the Board will be more efficient and responsive to stakeholder needs by fully utilizing the technical expertise of the licensees in the SR positions throughout the entire operation.

Training and Development

Staff training is necessary to enhance and improve skills, performance and customer service. The Board's mission is principally focused on consumer protection. Purposeful staff training and development support the Board's service delivery and support the achievement of its mission.

DCA administers a wide of classes through their Strategic Organization, Leadership and Individual Development (SOLID) program. Courses that SOLID provides are free to the Board staff. With a vast selection of courses to choose from, the Board staff has the ability to learn and enhance their skills at any time in any class or way that they choose.

Additionally, the Board can arrange more specific training for any staff whose duties require more specialized knowledge than those offered by SOLID. In these instances, the Board has the ability to contract with outside organizations as budgetary limitations allow.

The following are the annual expenditures by fiscal year for this “outside” training:

PELS Fund

- FY 2010/11 \$4,971.00
- FY 2011/12 \$ 130.00
- FY 2012/13 \$ 655.00
- FY 2013/14 \$2,400.00

G&G Account

- FY 2010/11 \$ 900.00
- FY 2011/12 \$ 0.00
- FY 2012/13 \$ 250.00
- FY 2013/14 \$ 0.00





LICENSING PROGRAM

SECTION 4



SECTION 4 Licensing Program

Performance Expectations

The Board develops a Strategic Plan to identify targets and expectations for a covered period of four years. The former Strategic Plan, covering 2011-2014, ended recently, and the 2015-2018 Strategic Plan has already been completed and approved by the Board.

It was an objective of the former Strategic Plan to convert all state-specific examinations to a computer-based testing (CBT) administration format in an effort to provide flexibility to the applicant in scheduling their examination and to encourage certification and licensure in each of the Board's disciplines. The integration of CBT also allows for improved and more efficient performance-tracking methods of each individual examination question to ensure that all questions are consistently relevant and appropriate to the licensing profession, as well as being focused on the continued awareness and best interest of the public's safety and well-being. We achieved this objective when all state-specific examinations were successfully converted as of October 1, 2012. The next phases of the CBT examination efforts are focusing on the development of higher volume item banks so the Board can offer additional testing opportunities for its applicants throughout the year.

The National Council of Examiners for Engineering and Surveying (NCEES) is the entity which administers the national examinations for professional engineering and land surveying, while the National Association of State Boards of Geology (ASBOG) develops and provides the national examinations for professional geology. Prometric, Inc. administers the Board's state-specific examinations through the CBT format. Beginning in January 2014, NCEES began a multi-year phased transition to CBT administered examinations by administering its Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) examinations on a continuous basis (year-round), rather than administering the examination on specific dates in paper and pencil format. It is anticipated that NCEES will continue to transition the various national engineering and surveying examinations to CBT over the next five to seven years.

The first of the Board's state-specific examinations to be given as continuous (year-round) testing is the Geotechnical Engineer state-specific examination which will begin on January 1, 2015. The other examinations will be implemented in the same manner as soon as they are feasibly able to convert to that method. It is anticipated that those state-specific examinations that have a minimum level of applicant populations will be given as continuous testing by 2017.

Another objective of the Board's 2011-2014 Strategic Plan was to maintain and expand the pool of licensees (expert consultants) utilized to assist with state-specific examination development. We are meeting this objective by utilizing social media sites (Facebook, Twitter, and LinkedIn) and other outreach methods, such as contact with licensing organizations and recruiting during speaking engagements arranged by licensing organizations.

In the Board's 2015-2018 Strategic Plan, an increase in the Board's social media presence is an established objective. This will allow the Board to reach out and contact an additional and increasing flow of expert consultants to further support examination development. This will help to ensure consistently relevant and appropriate content for our licensing examinations.

The need and maintenance of a strong pool of expert consultants is an ongoing process that is essential to ensure that the quality of questions developed and constructed remains consistent and applicable to the ever-changing specifications of the industry and the continued safety of the public.

Application Processing

There are several reasons preventing the Board from efficiently tracking specific processing times for the applications it receives. The Board's application guidelines are governed by different statutory requirements. There are several different filing dates for the examinations which are primarily dictated by separate deadline dates negotiated between the Board and the exam administration vendors.

The process involved in application review makes it difficult to accurately assess whether pending applications have grown at a rate that exceeds completed applications. Since the Board is just beginning its implementation toward continuous testing, most licensure exams are still scheduled on a bi-annual basis, especially national examinations which are scheduled by the national examination vendor to occur on the same date nationwide. This results in a significant increase in applications immediately preceding and immediately following the announced filing deadline date. At that time, pending applications are greater than completed applications. This has historically been the standard for application processing. However, this stabilizes within two months of each application deadline date. Until all of the examinations are implemented as continuous testing, this will continue to be the pattern. The Board continues to evaluate its internal processes to identify where improvement may be needed and implements those necessary changes.

Recently, the Board implemented an internal reorganization of staff into three specific units to better address the administrative, examination, licensing, and enforcement functions of the office. The unit formally associated with examination functions was combined with the application processing unit to form a single licensing unit. It is anticipated that the integration of these units will help to increase communication, training, and direction to improve the processing time of applications and the efficient issuing of new licenses. Part-time staff and seasonal employees are utilized to assist at times when the number of applications being received and processed is at its highest.

The Board completed its required processes in 2013 to hire a licensed Geologist Registrar, but the Board continues to wait for final approval of the revised classification from CalHR and the State Personnel Board. In the meantime, the Board has relied heavily on contracted experts for review of the technical aspects of geologist and geophysicist applications, which includes education and experience requirements to sit for the required examinations. The addition of the new staff position will allow for technical review on a flow basis, thus improving the application review and approval processing time and providing consistency throughout all application review. The Geologist Registrar will also be utilized as a technical resource for all geological matters relating to the Board and will provide outreach on behalf of the Board.

Based on information received from boards/bureaus involved in Release 1 and 2, it is anticipated that the arrival of BreZE will significantly affect the processing of applications which may delay the scheduling and licensing of applicants.



Table 6. License / Certificate Population

		FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
AGRICULTURAL ENGINEER	Active	147	147	147	148
	Out-of-State	39	39	39	40
	Out-of-Country	0	0	0	0
	Delinquent	38	37	35	29
CERTIFIED ENGINEERING GEOLOGIST	Active	1507	1527	1549	1559
	Out-of-State	193	196	198	199
	Out-of-Country	7	7	7	7
	Delinquent	48	76	101	133
CERTIFIED HYDROGEOLOGIST	Active	879	892	901	912
	Out-of-State	114	116	117	119
	Out-of-Country	6	6	6	6
	Delinquent	5	13	19	31
CHEMICAL ENGINEER	Active	1793	1833	1879	1933
	Out-of-State	450	459	473	482
	Out-of-Country	9	9	9	9
	Delinquent	174	170	182	207
CIVIL ENGINEER	Active	49667	51151	52476	53899
	Out-of-State	11333	11673	11987	12326
	Out-of-Country	580	591	602	608
	Delinquent	2553	2647	2820	3074
CONTROL SYSTEMS ENGINEER	Active	1034	1053	1066	1084
	Out-of-State	343	351	355	363
	Out-of-Country	5	5	5	6
	Delinquent	339	312	284	269
ELECTRICAL ENGINEER	Active	8495	8856	9264	9663
	Out-of-State	2761	2916	3107	3299
	Out-of-Country	53	54	56	56
	Delinquent	766	806	837	916
ENGINEER-IN-TRAINING	Active	26759	29103	30655	34309
	Out-of-State	1433	1512	1583	1769
	Out-of-Country	87	88	83	85
	Delinquent	N/A	N/A	N/A	N/A
FIRE PROTECTION ENGINEER	Active	661	691	716	746
	Out-of-State	335	351	368	384
	Out-of-Country	6	7	7	7
	Delinquent	107	101	86	81
GEOLOGIST-IN-TRAINING	Active	118	147	189	277
	Out-of-State	N/A	N/A	N/A	N/A
	Out-of-Country	N/A	N/A	N/A	N/A
	Delinquent	N/A	N/A	N/A	N/A
GEOTECHNICAL ENGINEER	Active	1328	1364	1379	1442
	Out-of-State	186	193	199	205
	Out-of-Country	7	7	7	7
	Delinquent	76	76	88	86



Table 6. License / Certificate Population					
		FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
INDUSTRIAL ENGINEER	Active	358	360	363	364
	Out-of-State	113	114	114	114
	Out-of-Country	2	2	2	2
	Delinquent	116	119	98	95
LAND SURVEYOR-IN-TRAINING	Active	2351	2444	2520	2590
	Out-of-State	320	348	354	364
	Out-of-Country	4	4	4	4
	Delinquent	N/A	N/A	N/A	N/A
LAND SURVEYOR	Active	3856	4028	4100	4190
	Out-of-State	589	607	614	624
	Out-of-Country	8	9	9	9
	Delinquent	237	287	297	339
MECHANICAL ENGINEER	Active	13449	13898	14363	14860
	Out-of-State	4099	4254	4414	4562
	Out-of-Country	111	117	122	125
	Delinquent	1331	1268	1413	1454
METALLURGICAL ENGINEER	Active	210	213	217	220
	Out-of-State	60	60	61	62
	Out-of-Country	3	3	3	3
	Delinquent	45	41	41	43
NUCLEAR ENGINEER	Active	424	427	432	432
	Out-of-State	182	182	186	186
	Out-of-Country	1	1	1	1
	Delinquent	110	121	127	120
PETROLEUM ENGINEER	Active	328	333	337	340
	Out-of-State	157	160	160	161
	Out-of-Country	5	5	5	5
	Delinquent	32	26	29	31
PROFESSIONAL GEOLOGIST	Active	4828	4923	5034	5136
	Out-of-State	1018	1029	1035	1047
	Out-of-Country	39	39	39	39
	Delinquent	158	236	326	435
PROFESSIONAL GEOPHYSICIST	Active	157	160	163	168
	Out-of-State	60	61	64	66
	Out-of-Country	5	5	5	5
	Delinquent	15	25	35	47
STRUCTURAL ENGINEER	Active	3527	3724	3867	4010
	Out-of-State	741	804	831	868
	Out-of-Country	31	33	35	35
	Delinquent	178	185	208	230
TRAFFIC ENGINEER	Active	1381	1400	1436	1467
	Out-of-State	153	155	157	157
	Out-of-Country	8	8	8	8
	Delinquent	115	111	111	111

Table 7a. Licensing Data by Type

The Board has two examination cycles per year: one in the Spring, one in the Fall. The Board does not track pending applications because, historically, there has been no need to. All applications received by the deadline date are processed before the examination cycle ends (usually a span of 2-3 months), so there are no pending applications by the time the examinations are administered. This is reflected in the following charts by having no information in the 'pending application' and 'cycle times' columns.

Renewal data identifies renewals by license type and include Revenue in Advance (RIA) for the past two Fiscal Years (FY); it does not include RIA data for FY 2011/12 as that data had not yet been tracked.

Agricultural Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	3	2	0	
	(License)				0
	(Renewal)				92
FY 2012/13	(Exam)	4	3	0	4
	(License)	1	*	*	0
	(Renewal)				61
FY 2013/14	(Exam)	2	2	0	2
	(License)				1
	(Renewal)				87

* Optional. Not tracked by the board.

Certified Engineering Geologist					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	43	36	0	
	(License)	20	20	0	20
	(Renewal)				761
FY 2012/13	(Exam)	45	38	0	
	(License)	22	22		22
	(Renewal)				803
FY 2013/14	(Exam)	38	37	0	
	(License)	10	10	0	10
	(Renewal)				758

* Optional. Not tracked by the board.

Certified Hydrogeologist					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	21	17	0	
	(License)	13	13	0	13
	(Renewal)				414
FY 2012/13	(Exam)	24	22	0	
	(License)	9	9	0	9
	(Renewal)				487
FY 2013/14	(Exam)	22	22	0	
	(License)	11	11	0	11
	(Renewal)				430
* Optional. Not tracked by the board.					

Chemical Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	101	96	0	
	(License)		*	*	41
	(Renewal)				768
FY 2012/13	(Exam)	98	101	0	
	(License)	16	*	*	47
	(Renewal)				921
FY 2013/14	(Exam)	102	100	0	
	(License)				55
	(Renewal)	387	387	n/a	1049
* Optional. Not tracked by the board.					



Civil Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	6301	4745		
	(License)	319	*	*	1497
	(Renewal)				21214
FY 2012/13	(Exam)	6001	3384		
	(License)	297	*	*	1328
	(Renewal)				25052
FY 2013/14	(Exam)	5644	3424		
	(License)	269	*	*	1425
	(Renewal)				29059
<p>* Optional. Not tracked by the board. The number of applications received, approved and closed reflects the two required state specific exams only; the number of exams issued combines two required state exams and one required national exam taken.</p>					

Control System Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	30	30	0	
	(License)	6	*	*	21
	(Renewal)				340
FY 2012/13	(Exam)	30	21	0	
	(License)				13
	(Renewal)				691
FY 2013/14	(Exam)	29	24	0	
	(License)	8	*	*	18
	(Renewal)				409
<p>* Optional. Not tracked by the board.</p>					



Electrical Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	820	919	0	
	(License)	156	*	*	370
	(Renewal)				2944
FY 2012/13	(Exam)	710	800	0	
	(License)	173	*	*	408
	(Renewal)				4758
FY 2013/14	(Exam)	728	806	0	
	(License)	170	*	*	408
	(Renewal)				4878
* Optional. Not tracked by the board.					

Engineer-In-Training					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	7561	8448	0	6682
	(License)				3718
	(Renewal)				
FY 2012/13	(Exam)				
	(License)	3417	*	*	2828
	(Renewal)				
FY 2013/14	(Exam)				
	(License)	2884	*	*	3388
	(Renewal)				
* Optional. Not tracked by the board. Beginning in Fiscal Year 2012/13, this exam could be taken directly through NCEES without prior Board approval. After passing the exam, they could apply with the Board for an EIT certificate. Exams were implemented as a continuous, year-round testing format beginning January 1, 2014. These certificates are not renewable and expire upon licensure as an engineer.					

Fire Protection Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	50	50	0	
	(License)	11	*	*	31
	(Renewal)				237
FY 2012/13	(Exam)	44	41	0	30
	(License)	7	*	*	25
	(Renewal)				364
FY 2013/14	(Exam)	44	41	0	
	(License)	17	*	*	30
	(Renewal)				391
* Optional. Not tracked by the board.					

Geologist-In-Training					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	101	93	0	
	(License)				49
	(Renewal)				
FY 2012/13	(Exam)	91	88	1	
	(License)				45
	(Renewal)				
FY 2013/14	(Exam)	119	118		
	(License)				75
	(Renewal)				
* Optional. Not tracked by the board.					

Geotechnical Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	69	95	0	
	(License)				33
	(Renewal)				613
FY 2012/13	(Exam)	104	76	0	
	(License)				33
	(Renewal)				595
FY 2013/14	(Exam)	141	98	0	
	(License)				45
	(Renewal)				787
* Optional. Not tracked by the board.					

Industrial Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	11	6	0	
	(License)	1	*	*	3
	(Renewal)				77
FY 2012/13	(Exam)	4	8	0	
	(License)				3
	(Renewal)				263
FY 2013/14	(Exam)	7	4	0	
	(License)				1
	(Renewal)				104
* Optional. Not tracked by the board.					



Land Surveyor-In-Training					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	269	309	0	227
	(License)				93
	(Renewal)				
FY 2012/13	(Exam)				
	(License)	106			76
	(Renewal)				
FY 2013/14	(Exam)				
	(License)	46			70
	(Renewal)				

* Optional. Not tracked by the board.

Beginning in Fiscal Year 2012/13, this exam could be taken directly through NCEES without prior Board approval. After passing the exam, they could apply with the Board for an LSIT certificate. Exams were implemented as a continuous, year-round testing format beginning January 1, 2014. These certificates are not renewable and expire upon licensure as a Land Surveyor.

Land Surveyor					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	466	609	0	
	(License)	16	*	*	173
	(Renewal)				1706
FY 2012/13	(Exam)	432	474	0	
	(License)	16	*	*	72
	(Renewal)				2296
FY 2013/14	(Exam)	540	595	0	
	(License)	21	*	*	90
	(Renewal)				1930

* Optional. Not tracked by the board. Includes one national and one state specific exam. Number of applications received reflects only the state specific exam; the number of exams issued includes both required state and national exams.



Mechanical Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	822	841	0	
	(License)	142	*	*	461
	(Renewal)				6041
FY 2012/13	(Exam)	839	766	0	
	(License)	142	*	*	466
	(Renewal)				6267
FY 2013/14	(Exam)	816	820	0	
	(License)	141	*	*	361
	(Renewal)				8703
* Optional. Not tracked by the board.					

Metallurgical Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	12	6	0	
	(License)				3
	(Renewal)				137
FY 2012/13	(Exam)	10	7	0	
	(License)				4
	(Renewal)				78
FY 2013/14	(Exam)	8	8	0	
	(License)				3
	(Renewal)				146
* Optional. Not tracked by the board.					



Nuclear Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	4	5	0	
	(License)				3
	(Renewal)				321
FY 2012/13	(Exam)	47	4	0	
	(License)	3	*	*	5
	(Renewal)				112
FY 2013/14	(Exam)	1	2	0	2
	(License)	1	*	*	0
	(Renewal)				327
* Optional. Not tracked by the board.					

Petroleum Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	10	9	0	
	(License)	1	*	*	5
	(Renewal)				159
FY 2012/13	(Exam)	6	7	0	
	(License)				4
	(Renewal)				149
FY 2013/14	(Exam)	10	7	0	
	(License)	1	*	*	3
	(Renewal)				201
* Optional. Not tracked by the board.					



Professional Geologist					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	240	238	3	
	(License)	96	96	0	96
	(Renewal)				2419
FY 2012/13	(Exam)	273	264	1	
	(License)	114	114	0	114
	(Renewal)				2608
FY 2013/14	(Exam)	249	243	2	
	(License)	102	102	0	102
	(Renewal)				2448
* Optional. Not tracked by the board. Number of applications received reflects only the state specific exam; the number of exams issued includes both required state and national exams.					

Professional Geophysicist					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	9	6	0	
	(License)	3	3	0	3
	(Renewal)				78
FY 2012/13	(Exam)	4	4	0	4
	(License)	3	3	0	3
	(Renewal)				89
FY 2013/14	(Exam)	8	8	0	8
	(License)	5	5	0	5
	(Renewal)				69
* Optional. Not tracked by the board.					



Structural Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	605	508	0	
	(License)	21	*	*	202
	(Renewal)				1502
FY 2012/13	(Exam)	441	362	0	
	(License)	27	*	*	144
	(Renewal)				1790
FY 2013/14	(Exam)	409	345	0	
	(License)	41	*	*	146
	(Renewal)				2036

* Optional. Not tracked by the board. FY 11/12 includes a national and state specific exam for the Fall 2011 exam cycle; beginning Spring 2012 only the 16-hour national exam was administered.

Traffic Engineer					
Application Type		Received	Approved	Closed	Issued
FY 2011/12	(Exam)	123	106	0	
	(License)				19
	(Renewal)				461
FY 2012/13	(Exam)	100	87	0	
	(License)				36
	(Renewal)				626
FY 2013/14	(Exam)	115	81	0	
	(License)				33
	(Renewal)				848

* Optional. Not tracked by the board.



Consulting Engineer				
		Received	Approved	Issued
FY 2011/12	(Renewal)			0
FY 2012/13	(Renewal)			4
FY 2013/14	(Renewal)			0
Corrosion Engineer				
		Received	Approved	Issued
FY 2011/12	(Renewal)			0
FY 2012/13	(Renewal)			18
FY 2013/14	(Renewal)			39
Manufacturing Engineer				
		Received	Approved	Issued
FY 2011/12	(Renewal)			115
FY 2012/13	(Renewal)			48
FY 2013/14	(Renewal)			73
Quality Engineer				
		Received	Approved	Issued
FY 2011/12	(Renewal)			194
FY 2012/13	(Renewal)			66
FY 2013/14	(Renewal)			68
Safety Engineer				
		Received	Approved	Issued
FY 2011/12	(Renewal)			207
FY 2012/13	(Renewal)			63
FY 2013/14	(Renewal)			80
Photogrammetric Surveyor				
		Received	Approved	Issued
FY 2011/12	(Renewal)			0
FY 2012/13	(Renewal)			2
FY 2013/14	(Renewal)			0
Exams no longer being administered, no new licenses being issued				

Table 7b. Total Licensing Data			
	FY 2011/12	FY 2012/13	FY 2013/14
Initial Licensing Data: FY 12/13 & 13/14 approved numbers lower than 11/12 due to change in EIT/LSIT processing by NCEES			
Initial License/Initial Exam Applications Received	17450	9369	9030
Initial License/Initial Exam Applications Approved	17165	15550	12141
License Issued	6866	5685	6298
License Renewal Data:			
License Renewed	55540	47369	55704
* Optional. Not tracked by the board.			

Application Information

During the application process, the Board checks prior unlawful acts of the applicant. The application form contains a question requiring the applicant to notify the Board of any criminal history and to provide the Board with any related court documents. This question requires the applicant to answer under penalty of perjury (acknowledged when they sign the application).

The Board does not currently fingerprint its applicants since the requirement of applicants to be fingerprinted was not effective until 2014. Regulations have recently been added, and the Board is developing a process to implement fingerprinting for all new applicants. The Board is working with the Department of Justice and the Department of Consumer Affairs' technical support staff to put in place all the components necessary to begin the implementation of the fingerprinting requirement during the first part of 2015. When SB 543 (Ch. 448, Stats. of 2011) was first introduced, the original intention was to fingerprint all applicants and licensees. The actual language as enrolled only required applicants to be fingerprinted as additional criteria for licensure.

NCEES maintains an enforcement database that can be used by member boards to communicate disciplinary actions for engineering and surveying licensees. It is the Board's experience that use of this database is not consistently applied by all member boards nationwide and the Board is currently evaluating the usefulness of this system.

All educational transcripts, submitted by applicants desiring equivalent credit, must be sealed and issued by the institution. In addition, all reference and engagement forms must be original documents with the signature and seal of the reference completing the form. The completed reference and engagement form must also be sealed by the reference in a separate sealed envelope. In addition, all court documents we receive must be certified by the court.

All out-of-state and out-of-country applicants must meet the same requirements as in-state applicants. All foreign language documents must be accompanied by a notarized English translation. The Board does not accept credentialed evaluations of educational transcripts. All work experience claimed by an out-of-state or out-of-country applicant must be accompanied by an engagement record and reference form completed by an individual who is licensed or otherwise lawfully authorized in the jurisdiction in which the work experience was gained and who was in responsible charge of the stated work at the time of the engagement.

Beginning January 1, 2015, the Board will include on every application for licensure a question asking if the applicant is serving in, or has previously served in, the military. Statistical data regarding this information will be maintained for future reference as needed. Education and experience gained while serving in the military is currently, and has always been considered when determining eligibility for examination as long as the military work is applicable to the license the applicant is applying for. The Board is currently revising all of its application forms to comply with the requirements of Business and Professions Code §114.5.

Pursuant to B&P Code §6753.5, the Board has always accepted military education, training, and experience as it related to the discipline of engineering license of the applicant. The actual number of applicants claiming military experience on their application is unknown as this information has not historically been tracked. The Board has not made any regulatory changes regarding B&P Code §35, which dictates the requirements for evaluating education, training, and experience acquired while serving in the armed services. As previously stated, the Board has always considered credit to applicants for any education and experience gained while in the military toward the necessary requirements for engineering licensure.

To date, the Board has received approximately six license renewals relevant to B&P Code §114.3. In every instance, the Board has waived the licensee's delinquency fees, not the renewal fees. Licensees are always responsible to keep their licenses current. If military service prevents them from doing so, the Board will waive any delinquency fees that may accumulate during their active military service. There has been only a minor, negligible effect on the Board's revenues since so few licensees were affected. Regarding B&P Code §115.5, the Board has not received any applications that fit the criteria for expedited processing.

Examinations Required for Licensure

The Board utilizes, and is required in statutes for some disciplines, both national and state developed examinations as part of the criteria to measure competency for licensure. Prior to 2011, all exams, national and state, were administered by the Board in paper and pencil format. Table 8 lists all licenses and certifications issued by the Board.

National Examinations

Beginning in late 2010, NCEES assumed national exam administration responsibilities for California approved examinees related to the engineering and land surveying disciplines, thereby alleviating the Board of its concerns related to the liability of handling the large volume of national examination booklets on a biannual basis. NCEES began a phased conversion to CBT administration by offering the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) examinations on a continuous year round effort beginning in January 2014. It is anticipated that NCEES will continue with this conversion process over the next five to seven years for the Professional Engineer (PE) and Principles of Surveying (PS) examinations.

All national exams for geologists are developed and scored by ASBOG. These exams are administered by the Board as pencil and paper exams.

State Specific Examinations

The Board began the conversion to administer all its state specific exams by CBT with the Geotechnical Engineer exam in the fall of 2011. The state specific Land Surveyor and Professional Geologist exams followed soon after in the spring of 2012 with the remaining state specific Civil Engineer, Traffic Engineer, Professional Geophysicist, Certified Engineering Geologist, and Hydrogeologist exams following in the fall of 2012. Board staff sends a list of approved examinees to Prometric, Inc. (vendor) to upload onto their system so that applicants can schedule appointments to take the exam. Once the vendor confirms that scheduling can begin, Board staff sends out via email and mail Authorization to Test (ATT) notices to the approved candidates. Candidates use either the online website or call a toll free number to contact the vendor to select the time, date, and location for their examination within the confines of the dates determined by the Board. Candidates can take the exam at any of the Prometric, Inc. CBT testing centers located throughout North America.

In an effort to provide better access to licensure for the Board's applicants, the Board initiated the next phase in its conversion to CBT administration of state specific exams by informing Geotechnical Engineer candidates that the Geotechnical Engineer Examination will be administered in a continuous testing format throughout the year, beginning in 2015. This new continuous testing format will allow eligible candidates the opportunity to become licensed Geotechnical Engineers as they become qualified on a year-round basis. Due to this change, there is no longer a final filing date to submit an application for this license. Candidates can apply year-round and, once approved, can schedule their examination on any available date within the calendar year in which they are approved. Once tested, unsuccessful candidates can reapply for the next examination window. However, at this time, candidates must wait until the next calendar year for their reexamination. Through the efforts of the Board's Examination Unit staff and Prometric, Inc., the state specific Land Surveyor exam began a biannual administration for the first time in spring 2013.



The Board's two state specific Civil Engineer exams are scheduled to begin year round, continuous testing sometime in 2017. The remaining state specific exams are currently being evaluated to determine if and when it would be appropriate to expand administration opportunities.



Table 8. Examination Statistical Data

NOTE: The Board’s legacy Applicant Tracking System (ATS) does not allow for tracking passage rates for first time versus repeat exam candidates.

California Examinations						
License Type		Professional Geologist	Professional Geophysicist	Certified Engineering Geologist	Certified Hydrogeologist	Structural Engineer
Exam Title		CSE	PGp	CEG	CHG	CA Structural
Admin. Method		CBT	CBT	CBT	CBT	Paper / Pencil
Admin. By Whom / How Often Annually		Board / Twice	Board / Once	Board / Once	Board / Once	Board / Once
FY 2010/11	Pass %	51.4%	50%	51.1%	82%	29%
FY 2011/12	Pass %	38%	50%	65%	86%	27%
FY 2012/13	Pass %	55%	75%	61%	50%	*
FY 2013/14	Pass %	48.5%	63%	27%	45%	*
Date of Last OA		2013	2014	2013	2013	*
OA Developer		OPES	OPES	OPES	OPES	*
Target OA Date		2018	2019	2018	2018	*
California Examinations						
License Type		Civil Engineer	Civil Engineer	Traffic Engineer	Land Surveyor	Geotechnical Engineer
Exam Title		Seismic Principles	Engineering Surveying	Traffic Engineering	Land Surveying	Geotechnical Engineering
Admin. Method		CBT	CBT	CBT	CBT	CBT
Admin. By Whom / How Often Annually		Board / Twice	Board / Twice	Board / Once	Board / Once **	Board / Once
FY 2010/12	Pass %	41%	41.5%	35%	21.6%	60%
FY 2011/12	Pass %	38%	36.5%	19%	24%	42%
FY 2012/13	Pass %	44%	47.5%	48%	23%	46%
FY 2013/14	Pass %	46.5%	45.5%	43%	47% **	47%
Date of Last OA		2012	2012	2010	2014	2011
OA Developer		PROMETRIC	PROMETRIC	OPES	PROMETRIC	PROMETRIC
Target OA Date		2017	2017	2015	2019	2016



National Examinations					
License Type		Geologist-in-Training	Professional Geologist	Engineer-in-Training	
Exam Title		FG	PG	Fundamentals of Engineering	
Admin. Method		Paper / Pencil	Paper / Pencil	CBT	
Admin. By Whom / How Often Annually		Board / Twice	Board / Twice	NCEES / Continuous	
FY 2010/11	Pass %	59.7%	70.3%	51%	
FY 2011/12	Pass %	62.0%	80%	55%	
FY 2012/13	Pass %	59.1%	69.5%	56%	
FY 2013/14	Pass %	70.7%	77%	61.7%	
Date of Last OA		2010	2010	2013	
OA Developer		ASBOG	ASBOG	NCEES	
Target OA Date		2015	2015	2023	
License Type		Structural Engineer	Structural Engineer	Civil Engineer	Structural Engineer
Exam Title		Structural Engineering Lateral	Structural Engineering Vertical	PE Civil	16-hour Structural Engineering
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil
Admin. By Whom / How Often Annually		NCEES / Twice	NCEES / Twice	NCEES / Twice	NCEES / Twice
FY 2010/11	Pass %	N/A	38.5%	38.5%	36.1%
FY 2011/12	Pass %	41.3%	35%	37%	29%
FY 2012/13	Pass %	43.5%	47.5%	41.5%	N/A
FY 2013/14	Pass %	42%	39.5%	47.5%	N/A
Date of Last OA		2011	2011	2008	2011
OA Developer		NCEES	NCEES	NCEES	NCEES
Target OA Date		2016	2016	2018	2016



National Examinations						
License Type		Electrical Engineer	Mechanical Engineer	Agricultural Engineer	Chemical Engineer	
Exam Title		PE Electrical	PE Mechanical	PE Agricultural	PE Chemical	
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil	
Admin. By Whom / How Often Annually		NCEES / Twice	NCEES / Twice	NCEES / Once	NCEES / Twice	
FY 2010/11	Pass %	35.5%	55.5%	50%	58%	
FY 2011/12	Pass %	32%	53%	0%	43.5%	
FY 2012/13	Pass %	40.5%	57.5%	0%	44%	
FY 2013/14	Pass %	38.5%	58.5%	0%	59.5%	
Date of Last OA		2009	2007	2014	2013	
OA Developer		NCEES	NCEES	NCEES	NCEES	
Target OA Date		2017	2015	2019	2021	
National Examinations						
License Type		Control System Engineer	Fire Protection Engineer	Industrial Engineer	Metallurgical Engineer	
Exam Title		PE Control System	PE Fire Protection	PE Industrial	PE Metallurgical	
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil	
Admin. By Whom / How Often Annually		NCEES / Once	NCEES / Once	NCEES / Once	NCEES / Once	
FY 2010/11	Pass %	70%	28%	80%	80%	
FY 2011/12	Pass %	71%	62%	50%	40%	
FY 2012/13	Pass %	53%	53%	46%	50%	
FY 2013/14	Pass %	65%	57%	25%	38%	
Date of Last OA		2011	2012	2013	2009	
OA Developer		NCEES	NCEES	NCEES	NCEES	
Target OA Date		2021	2022	2022	2016	

National Examinations					
License Type		Nuclear Engineer	Petroleum Engineer	Land Surveyor-in-Training	Professional Land Surveyor
Exam Title		PE Nuclear	PE Petroleum	Fundamentals of Surveying	PS
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil
Admin. By Whom / How Often Annually		NCEES / Once	NCEES / Once	NCEES / Continuous	NCEES / Twice
FY 2010/11	Pass %	0%	80%	50%	50.3%
FY 2011/12	Pass %	100%	67%	41%	46%
FY 2012/13	Pass %	100%	57%	42%	45.5%
FY 2013/14	Pass %	0%	40%	31%	51.5%
Date of Last OA		2012	2014	2013	2012
OA Developer		NCEES	NCEES	NCEES	NCEES
Target OA Date		2021	2022	2023	2019

NOTE:

*The State Specific Structural Engineering Examination was discontinued after the fall 2011 exam cycle. Beginning spring 2012, the NCEES Structural II Examination was discontinued and replaced with the NCEES 16-hour Structural Engineering Examination. Current reporting separates the pass rates into two distinct components (vertical and lateral).

** The Board began administering the State Specific Land Surveyor Examination twice annually beginning spring 2014.

Existing Statutes Hindering the Processing of Applications

Business and Professions Code section 7841(b) states that an applicant for licensure as a Professional Geologist shall have graduated "...with a major in geological sciences from a college or university." By requiring that the applicant have a degree, it eliminates from possible registration any applicant who has not completed their studies or any applicant who does not have the time or financial resources to go through many years of schooling. This inhibits the number of licensees who otherwise may choose to obtain licensure. The Professional Engineers Act and the Professional Land Surveyors' Act both allow applicants to qualify through work experience as an alternative to obtaining a degree. The Geologist and Geophysicist Act does not allow applicants to qualify without a degree.

From an application processing standpoint, the statutory language requiring a degree is confusing which causes that portion of the application review process to be time-consuming. The Board has had to deny applicants because their degree did not qualify them for the examination, as specified by statute. This is disappointing and frustrating to applicants and may keep other potential applicants from applying. This could potentially lead to a decrease in the number of applicants for licensure as a professional geologist in California. This is further exacerbated by the lack of a Geologist Registrar on staff.

ENFORCEMENT PROGRAM

SECTION 5



SECTION 5 Enforcement Program

The Enforcement Unit of the Board is comprised of one program manager, ten full-time and one part-time Retired Annuitant analysts, and one full-time clerical. In addition, there are four staff licensees (two engineers, one land surveyor, and one geologist/geophysicist) whose duties include providing assistance to the Enforcement Unit with its various responsibilities. The Enforcement Unit is primarily responsible for the investigation of complaints related to professional engineering, land surveying, geology, and geophysics.

Complaints are investigated against both licensed and unlicensed individuals and are typically submitted by consumers, other licensees, and public agencies. Complaints range from unlicensed practice of professional services to failure by licensees to meet the standard of care. The Board does not operate within a statute of limitations; therefore, complaints regarding projects that occurred many years ago can be investigated. With the professions regulated by the Board, it can often be years before issues with the work come to light. For example, a land surveyor may perform a survey and fail to comply with the laws by not filing the appropriate maps with the proper jurisdiction, but this failure is not discovered until many years later when a neighboring property owner has a survey done. As such, it would not serve to protect the public if the Board were required to operate under a statute of limitations.

Complaints investigated by the Enforcement Unit are often complex due to the technical nature of the engineering, land surveying, geological, and geophysical professions. The majority of cases against licensees involve allegations of negligence and/or incompetence in their professional practice. [See statistics regarding Category of Initial Alleged Violations added to Table 9a for PELS cases.] The Enforcement Unit must obtain evidence from all of the parties involved and then retain the services of an independent Technical Expert Consultant to review all of the evidence and opine as to whether or not the subject failed to perform his or her services in accordance with the standards of the practices or has violated other laws in his or her professional practice. The Enforcement Unit maintains a pool of licensees, who are independently employed in their own private practices, to serve as experts. The most appropriate expert is selected to review a case based on the nature of the work involved as well as the location of the project as they relate to the expert's areas of expertise.

The Enforcement Unit also utilizes the Department of Consumer Affairs' Division of Investigation (DOI) as a resource to assist in collecting evidence for its investigations, particularly those involving allegations of unlicensed practice or when there is a lack of response from parties involved. DOI also assists the Board with prosecutorial actions against unlicensed practitioners in cases where violations of the Board's laws are classified as criminal violations. In addition, there are related Penal Code violations tied to unlicensed activity that are considered felony violations. In these cases, DOI will assist the Board by referring the cases to local District Attorneys' Offices for consideration of the filing of criminal charges.

Since the Board does not have a statute of limitations for investigating complaints, cases are typically investigated on a first-in basis, with the exception of cases that involve allegations that may present potential imminent threats to public safety.

As a result of its investigations, the Board may issue administrative citations to both licensed and unlicensed individuals. The citations may contain an order of abatement, an order to pay an administrative fine to the Board in the maximum amount of \$5,000 per violation, or both. Although unlicensed activity may be charged as a criminal misdemeanor by a District Attorney, most District Attorneys are unwilling to expend their limited resources on crimes that they view as minor and can be handled administratively. By issuing a citation, the Board can put the unlicensed individual on notice regarding their actions that constitute a violation of the laws, as well as provide public notice to consumers and other individuals. Citations are also issued to licensees who have violated the laws but are not deemed to be a threat to the health and safety of the general public. The issuance of a citation gives the Board the authority to enforce compliance from the licensee, since the failure to comply with a citation order can lead to further – and more serious – disciplinary action against the licensee. The Board’s issuance of the citation serves as a reminder to the licensee and other licensees that he or she must follow the laws and regulations that govern licensure and that there are professional and monetary consequences if those laws are ignored or violated.

Another outcome of the Board’s investigations, particularly in cases where the investigation reveals that licensees have failed to meet the standard of care or have demonstrated incompetency in the professional practice, is to seek formal disciplinary action, which includes referring cases to the Office of the Attorney General to serve as the Board’s attorneys in the prosecution of these matters. Disciplinary action sought against a licensee is conducted under procedures prescribed by the Administrative Procedures Act, which includes the filing of an Accusation outlining the alleged violations and describing what action the Board is seeking, such as the suspension or revocation of a license. Accusations can be settled through a stipulated settlement process or the matter can be heard before an Administrative Law Judge, who then issues a proposed decision for the Board’s consideration.

In addition to the investigation of complaints, the Enforcement Unit responds to all inquiries (telephone, email, facsimile, and letter) related to the complaint process; the status of licenses, including previous complaint or disciplinary history; and the laws and regulations related to the practices of professional engineering, land surveying, geology, and geophysics. The Enforcement Unit staff is responsible for responding to inquiries submitted by sources such as consumers/clients, licensees, professional associations, and public agencies, or forwarding them to staff or legal counsel, particularly if inquiries are specific to technical areas of professional practice or interpretation of the Board’s laws.

Furthermore, the Enforcement Unit is responsible for implementing all enforcement-related legislation, such as the Reporting of Legal Actions Program (Business and Professions Code sections 6770, et seq., and 8776, et seq.), and for coordinating all enforcement-related regulatory proposals.

Beginning in 2008, staffing shortages, state mandated furloughs, and other budgetary constraints heavily impacted the Enforcement Unit’s processing times of its investigation of cases. In addition, the Reporting of Legal Actions Program, which became operative in 2008, increased the number of complaint investigations. This program requires all licensees, insurance companies, and courts to report criminal convictions and civil action judgments, settlements, and arbitration awards. Initially, there were difficulties in receiving the appropriate documentation from these sources or determining the appropriate licensee(s) involved, which severely affected the efficiency of investigating those cases.

Although the Enforcement Unit was initially able to handle the investigative portion of its complaint cases, there was insufficient staff time to handle the cases referred for the issuance of an administrative citation or for formal disciplinary action against the licensee, creating large backlogs of cases in those program areas. By 2010, it was apparent that the organization and workflow of the Enforcement Unit needed to change in order to ensure that resolution of the completed investigations occurred promptly and to reduce the backlog of cases awaiting informal or formal action.

Analysis revealed that by dedicating the duties of one analyst position to issue citations and conduct informal conferences, one analyst position to prepare and send citations to the Office of the Attorney General for processing formal appeals, and one analyst position to prepare and send cases to the Office of the Attorney General to pursue disciplinary action against licensees, significant progress was made in reducing the backlog of these processes for the oldest cases.

In FY 2009/10, 88 cases were referred to the Office of the Attorney General for formal disciplinary action against licensees, compared to only 17 in FY 2007/08 and 59 in FY 2008/09; these efforts to reduce the backlog are reflected in the large number of Accusations (70) that were filed in FY 2010/11. From FY 2010/11 through FY 2013/14, 423 citations were issued to both licensed and unlicensed individuals, compared to slightly less than 200 in the prior four fiscal years. [See Table 9a for PELS Accusations and Table 9c for PELS Citations.]

The initial efforts associated with reducing the immediate backlog of the oldest cases slated for informal or formal action are reflected in the Average Days to Filing of Accusations (1150 for FY 2010/11) and Average Days to Final Citation (1636 for FY 2010/11) versus the numbers for the most recent FY 2013/14 (847 and 1094, respectively). The significant age of the cases at the time the citation becomes final or the formal disciplinary decision becomes effective is an indication that the oldest, backlogged cases are being processed and completed, and this aging is decreasing as those old cases are completed. [See statistics regarding Average Days to Complete Formal Discipline in Table 9b and Average Days to Final Citation in Table 9c for PELS.]

Upon reassessment, the heavy focus directed to eliminating the backlog of cases awaiting issuance of a citation or referral to the Office of the Attorney General, while successful in virtually eliminating those backlogs, led to an increase in the aging of the Board's investigations. Beginning in FY 2012/13, the Board initiated further analysis to identify innovative process improvements that would help to reduce and maintain the aging of cases during the investigative process and satisfy the needs of our stakeholders. The Board focused primarily on the investigative process, the phase that the Board has the most control over. After the investigation phase is completed, a case may be referred to the Office of the Attorney General for formal disciplinary action. Such cases involve at least one, if not two, separate State agencies over which the Board has no control.

Through these efforts to focus on the investigative portion, the Enforcement Unit has been able to implement more effective investigation monitoring to reduce the average age of its pending investigation cases from a high of 335 days at the end of FY 2011/12 to 179 days at the end of FY 2013/14, and the number of pending cases over one year (365 days) old was reduced from 137 at the end of FY 2011/12 to 9 at the end of FY 2013/14. The age of cases at closure reflects that the

oldest cases are being completed. [See statistics for Average Age of Pending and Pending Over 365 Days added to Table 9c for PELS, as well as Average Days to Close in Table 9c for PELS. Additionally, bar graphs are provided that show the reduction in the number of pending investigation cases in each aging category over the course of FY 2013/14.]

The Board realizes it has not yet achieved its goals in reducing the aging to what it determines are acceptable levels; however, more effective procedures have been created that should allow it to further decrease and maintain acceptable investigation times. The Board and its staff have been developing ideas for improvements with its own internal process as well as protocols for working collaboratively with other divisions and agencies to achieve these goals. Some of these ideas are discussed in more detail following the statistical charts and graphs.

While the Enforcement Unit has fully integrated the workload of the Board's two programs – Professional Engineers & Land Surveyors (PELS) and Geologists & Geophysicists (G&G) – so that the Enforcement Analysts handle case investigations and inquiries involving all of the professions, the statistics are still maintained separately since the two programs still have separate funding sources. The former Board for Geologists and Geophysicists did not maintain the wide range of statistics for its cases that this Board maintained for the PELS cases, and we are awaiting the implementation of BreZE to fully transition the statistical tracking. As such, some statistics that are included for PELS cases are not available for G&G cases.

The Year-End Enforcement Statistical Report for FY 2013/14 is included as Attachment G. These statistical reports are prepared monthly and are presented to the Board at each meeting.



Table 9a. Enforcement Statistics – Professional Engineers & Land Surveyors

	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
COMPLAINT				
Intake				
Received	418	344	300	319
Closed Without Referral to Investigation	0	0	0	0
Referred to Investigation	418	344	300	319
Average Time to Close or Refer	10	10	10	10
Pending (close of FY)	0	0	0	0
Source of Complaint				
Public	137	142	76	100
Licensee/Professional Groups	70	63	80	115
Governmental Agencies	65	23	11	21
Reporting of Legal Actions Program	74	42	28	20
Other	72	74	105	63
Conviction / Arrest	N/A	N/A	N/A	N/A
Category of Initial Alleged Violations *				
Competence/Negligence	170	125	120	143
Contract	76	49	30	41
Fraud	40	42	42	75
Record of Survey	88	65	54	55
Unlicensed Activity	85	81	83	89
Delinquents	1	1	1	0
Exam Subversion	83	43	41	16
Code of Professional Conduct	7	1	10	4
Other	16	11	9	28
LICENSE DENIAL				
License Applications Denied	1	1	2	3
SOIs Filed	0	0	1	1
SOIs Withdrawn	0	0	0	1
SOIs Dismissed	0	0	0	0
SOIs Declined	0	0	0	0
Average Days to Filing of SOI	0	0	28	67
ACCUSATION				
Accusations Filed	70	30	35	29
Accusations Withdrawn	5	5	1	3
Accusations Dismissed	0	2	1	0
Accusations Declined	5	3	6	6
Average Days to Filing of Accusations	1150	928	804	847
Accusations (Filed) Pending (close of FY)	68	46	53	41

* SEE EXPLANATORY NOTE ON NEXT PAGE

*** NOTE: The data may total more than the total number of complaint investigation cases opened since a case may involve allegations that fall into more than one category**

- Competence/Negligence = Failure to meet standard of care/practice
- Contract = Contractual Issues (breach of contract, failure to execute written contract, failure to include all required elements in written contract)
- Fraud = Fraud/Deceit/Misrepresentation; Aiding and abetting; Criminal conviction
- Record of Survey = Failure to file or Failure to resubmit a Record of Survey or Corner Record; Monumentation
- Unlicensed Activity = Actions done by a person who is not licensed or otherwise exempt from licensure which require a license or exemption
- Delinquents = Delinquent Reinstatement applicants who appear to have been practicing while the license was expired/delinquent
- Exam subversion = Any actions which subvert or may subvert the integrity of a licensing examination
- Code of Professional Conduct = Failure to comply with 16 CCR §§ 475 & 476
- Other = Anything not covered above (i.e., failure to sign/seal; failure to file OR)
- Competence/Negligence, Fraud, Record of Survey, and Code of Professional Conduct only involve subjects who are licensed



Table 9b. Enforcement Statistics– Professional Engineers & Land Surveyors

	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
FORMAL DISCIPLINE				
Disciplinary Actions				
Proposed/Default Decisions	13	10	12	12
Stipulations	38	31	14	21
Average Days to Complete *	1795	1550	1576	1482
AG Cases Initiated	52	43	41	34
AG Cases Pending (close of FY)	108	102	111	69
Disciplinary Outcomes				
Revocation	11	4	4	6
Voluntary Surrender	8	8	5	5
Suspension	0	0	0	0
Probation with Suspension	1	1	0	0
Probation	25	22	11	18
Public Repeval	5	4	1	4
Other	1	0	0	0
PROBATION				
New Probationers	26	23	11	18
Probations Successfully Completed	4	6	10	11
Probationers (close of FY)	40	57	58	65
Petitions to Revoke Probation Filed	6	3	2	2
Probations Revoked	0	1	3	1
Probations Modified	0	0	0	1
Probations Extended	1	0	2	0
Petition for Reinstatement Granted	2	0	0	0
Petition for Reinstatement Denied	0	1	0	1

*From initiation of complaint investigation to final decision becoming effective



Table 9c. Enforcement Statistics– Professional Engineers & Land Surveyors

	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
INVESTIGATION				
All Investigations				
First Assigned	418	344	300	319
Closed	400	317	340	394
Average days to close	296	319	360	376
Pending (close of FY)	320	318	297	217
Average Age of Pending (in days)	269	335	317	179
Pending Over 365 Days	86	137	110	9
Desk Investigations				
Closed	400	317	340	394
Average days to close	296	319	360	376
Pending (close of FY)	320	318	297	217
Non-Sworn Investigations – Not Applicable to Program				
Sworn Investigations – Division of Investigation (subset of All/Desk Investigations)				
Submitted	32	42	40	40
Closed	39	41	33	45
Average days to close	367	278	269	289
Pending (close of FY)	22	23	35	44
COMPLIANCE ACTION (Separate from Formal Discipline or Citation and Fine)				
ISO & TRO Issued	0	0	0	0
PC 23 Orders Requested	0	0	0	0
Other Suspension Orders	0	0	0	0
CITATION AND FINE				
Citations Issued	71	177	102	74
Citations Final	32	135	102	103
Average Days to Final Citation*	1636	1585	1217	1094
Amount of Fines Assessed	\$54,250	\$211,450	\$167,200	\$194,450
Reduced, Withdrawn, Dismissed	7	38	27	9
Amount Collected	\$12,150	\$83,684	\$85,019	\$71,100
CRIMINAL ACTION				
Referred for Criminal Prosecution	10	15	11	7

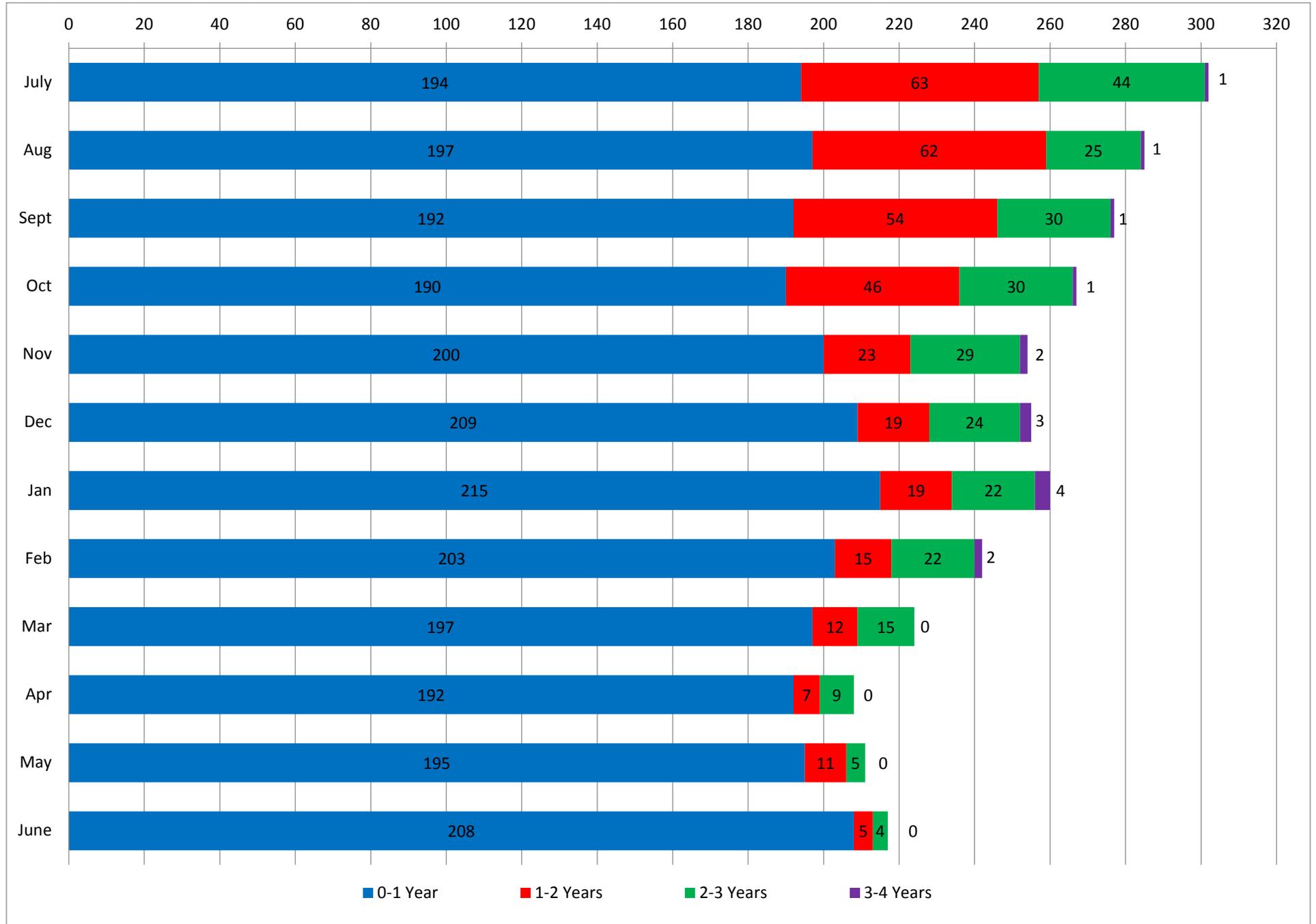
* From initiation of investigation to citation becoming final



Table 10. Enforcement Aging – Professional Engineers & Land Surveyors

	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Cases Closed	Average %
Attorney General Cases (Average %) – From Initiation of Investigation to Final Decision Effective						
Closed Within:						
1 Year	2	3	0	2	7	4%
2 Years	5	5	3	5	18	11%
3 Years	2	7	4	3	16	10%
4 Years	9	11	4	8	32	20%
Over 4 Years	35	23	14	16	88	55%
Total Cases Closed	53	49	25	34	161	
Investigations (Average %) – From Initiation to Completion of Investigation						
Closed Within:						
90 Days	178	74	74	67	393	27%
180 Days	74	63	51	62	250	17%
1 Year	41	76	66	114	297	21%
2 Years	48	67	104	77	296	20%
3 Years	41	32	38	68	179	12%
Over 3 Years	18	5	7	6	36	3%
Total Cases Closed	400	317	340	394	1451	

Aging of Open (Pending) Complaint Investigation Cases – Professional Engineers & Land Surveyors – FY 13/14



Aging of Open (Pending) Complaint Investigation Cases – Professional Engineers & Land Surveyors – FY 13/14

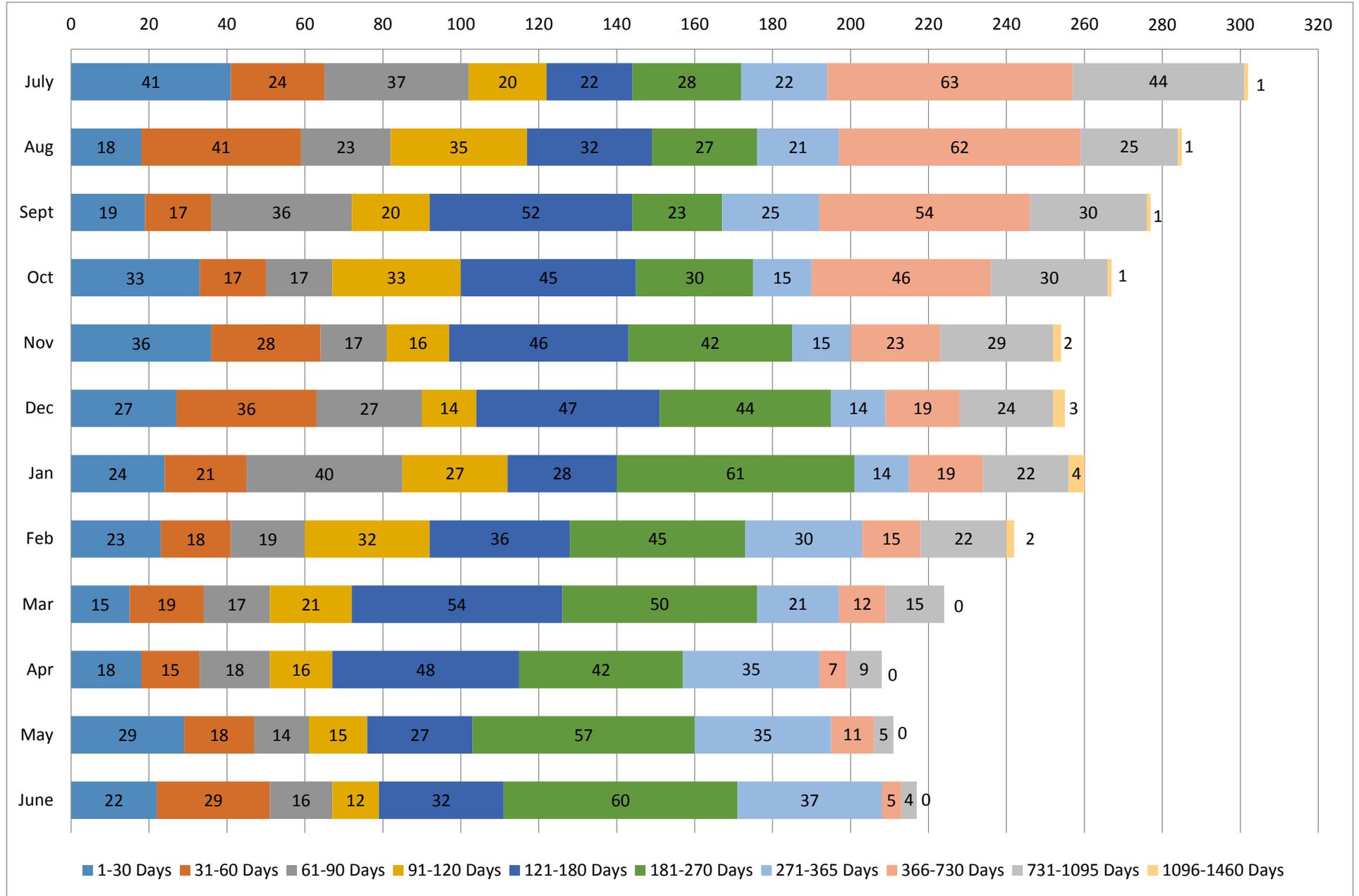




Table 9a. Enforcement Statistics – Geologists and Geophysicists				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
COMPLAINT				
Intake				
Received	25	14	18	26
Closed Without Referral to Investigation	0	0	0	0
Referred to Investigation	25	14	18	26
Average Time to Close or Refer	10	10	10	10
Pending (close of FY)	0	0	0	0
Source of Complaint				
Public	11	2	5	10
Licensee/Professional Groups	9	6	8	10
Governmental Agencies	1	2	1	3
Other	4	4	4	3
Conviction / Arrest	N/A	N/A	N/A	N/A
LICENSE DENIAL				
License Applications Denied	0	0	3	2
SOIs Filed	0	0	0	0
SOIs Withdrawn	0	0	0	0
SOIs Dismissed	0	0	0	0
SOIs Declined	0	0	0	0
Average Days to Filing of SOI	0	0	0	0
ACCUSATION				
Accusations Filed	0	0	1	4
Accusations Withdrawn	0	0	0	0
Accusations Dismissed	0	0	0	0
Accusations Declined	0	0	0	0
Average Days to Filing of Accusations	0	0	3425	1129
Accusations (Filed) Pending (close of FY)	0	0	1	3



Table 9b. Enforcement Statistics– Geologists and Geophysicists				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
FORMAL DISCIPLINE				
Disciplinary Actions				
Proposed/Default Decisions	0	0	0	0
Stipulations	0	0	0	2
Average Days to Complete *	0	0	0	2047
AG Cases Initiated	0	1	4	3
AG Cases Pending (close of FY)	0	1	5	6
Disciplinary Outcomes				
Revocation	0	0	0	1
Voluntary Surrender	0	0	0	0
Suspension	0	0	0	0
Probation with Suspension	0	0	0	0
Probation	0	0	0	1
Public Repeval	0	0	0	0
Other	0	0	0	0
PROBATION				
New Probationers	0	0	0	1
Probations Successfully Completed	0	0	0	0
Probationers (close of FY)	0	0	0	1
Petitions to Revoke Probation	0	0	0	0
Probations Revoked	0	0	0	0
Probations Modified	0	0	0	0
Probations Extended	0	0	0	0
Petition for Reinstatement Granted	0	0	0	0
Petition for Reinstatement Denied	0	0	0	0

*From initiation of complaint investigation to final decision becoming effective



Table 9c. Enforcement Statistics– Geologists and Geophysicists				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
INVESTIGATION				
All Investigations				
First Assigned	25	14	18	26
Closed	42	50	28	34
Average days to close	1007	1177	1239	899
Pending (close of FY)	80	42	32	28
Desk Investigations				
Closed	42	50	28	34
Average days to close	1007	1177	1239	899
Pending (close of FY)	80	42	32	28
Non-Sworn Investigations – Not Applicable to Program				
Sworn Investigation – Division of Investigation (subset of All/Desk Investigations)				
Submitted	2	1	0	10
Closed	3	1	1	10
Average days to close	654	62	3076	186
Pending (close of FY)	1	1	0	0
COMPLIANCE ACTION (Separate from Formal Discipline or Citation and Fine)				
ISO & TRO Issued	0	0	0	0
PC 23 Orders Requested	0	0	0	0
Other Suspension Orders	0	0	0	0
CITATION AND FINE				
Citations Issued	4	4	1	10
Citations Final	2	3	1	2
Average Days to Final Citation*	1395	1042	1002	577
Amount of Fines Assessed	\$11,500	\$9,000	\$5,000	\$7,000
Reduced, Withdrawn, Dismissed	1	3	0	0
Amount Collected	\$2,500	\$1,500	0	\$7,000
CRIMINAL ACTION				
Referred for Criminal Prosecution	0	0	0	0

* From initiation of investigation to citation becoming final



Table 10. Enforcement Aging – Geologists and Geophysicists						
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14	Cases Closed	Average %
Attorney General Cases (Average %) – From Initiation of Investigation to Final Decision Effective						
Closed Within:						
1 Year	0	0	0	1	1	50%
2 Years	0	0	0	0	0	0
3 Years	0	0	0	0	0	0
4 Years	0	0	0	0	0	0
Over 4 Years	0	0	0	1	1	50%
Total Cases Closed	0	0	0	2	2	
Investigations (Average %) – From Initiation to Completion of Investigation						
Closed Within:						
90 Days	1	1	4	2	8	5%
180 Days	0	2	2	1	5	3%
1 Year	3	6	1	5	15	10%
2 Years	10	7	3	11	31	20%
3 Years	10	8	3	5	26	17%
Over 3 Years	18	26	15	10	69	45%
Total Cases Closed	42	50	28	34	154	



As set by the Board in its 2015-2018 Strategic Plan, the current target for staff-level completion of complaint investigations is an average of 180 days, with the overall goal of no cases reaching one year old during the investigative phase. Staff intends to accomplish this with improvements to the efficiency of review by the analysts, staff licensees, DOI, and Technical Expert Consultants. However, there are factors that may adversely affect reaching that target and which are important to consider.

For instance, the Board currently has no authority to require its licensees to respond to the Board or to provide documents related to a project which staff may request during the course of a complaint investigation. One of the reasons for delays in the processing of investigations has been that staff gives the subject of the investigation ample time and opportunities to respond and provide documents during the investigation. We believe it is important that all available evidence be obtained during an investigation, as that is the only way to fully evaluate all facts and determine whether or not violations were committed by the subject. As such, it is important to obtain as much pertinent information from the subject of the investigation as possible. However, what typically transpires is that the licensed subjects often think that if they do not respond, the complaint will simply be closed. This circumstance does happen; however, in most cases, the Board must either proceed based on the information on file, which could lead to action being pursued against the licensee that would not have been pursued if we had received information from him or her initially or must expend additional time and resources (such as referring the case to DOI) to obtain the information. To improve management of these occurrences, the Board has included objectives in its Strategic Plan to research what actions would be necessary to create a legal requirement for its licensees to respond to investigative inquiries and/or provide documents within a specified period of time.

The Board would also like to accomplish its targets by proactively reducing complaint investigation cases against licensees by educating them about changes to the Board's laws and reducing complaints submitted simply because of their lack of knowledge of such changes. This could be accomplished by requiring licensees, at the time of renewal, to take a short, multiple-choice examination that would include questions regarding laws most commonly violated which are not specifically practice-related. For instance, for many years after written contracts became required for licensees (Chapter 976, Statutes of 2000), numerous complaints were received alleging that a written contract was not executed; in other cases, it became apparent during the Board's investigation that compliance with the written contract statute was not fulfilled. The response from many licensees was that they were unaware of the new law, even though the Board had publicized it several times in its newsletter, on its website, and many times through in-person outreach opportunities. A review of records from this past fiscal year indicates that almost 40% of our active investigations involve some aspect of non-compliance with laws that have become effective within the last 10 to 14 years. If licensees were required to demonstrate their knowledge of the laws at the time of renewal, they would have an incentive to ensure they stay current on those laws and any changes to them.

Another factor that may affect staff processing targets for completing complaint investigations is the review of cases by independent Technical Expert Consultants. Independent Technical Expert Consultants are licensees with whom the Board contracts to provide a review of the technical issues



involved in the complaint investigations cases. These professionals provide an opinion related to the standard of care in the professional practice or other laws related to the practices of professional engineering, land surveying, geology, and geophysics and whether or not the subject of the investigation complied with the laws and standards. The Board compensates its experts at the rate of \$75.00 per hour for the time spent reviewing the investigation case and preparing the written report. Compensation may also cover time spent reviewing the case with the Office of the Attorney General and attending the administrative hearing, if the matter proceeds through those stages. The experts are usually employed full-time in their own practice; as such, this often causes some reviews to extend beyond the normally-requested 30 days. Furthermore, choosing experts based on their knowledge of particular areas of expertise or geographic areas can be a challenge based on the choice of experts populating the current list of experts. The Board intends to improve the expert selection process, training, and compensation to enhance the quality of expert services and expand the selection of experts based on their areas of expertise.

The Board is also heavily impacted by DOI's delays in processing cases. Because DOI also investigates cases on behalf of other boards and bureaus with the Department of Consumer Affairs (DCA), it must set priorities for its investigations. Those cases that present evidence of an immediate threat to the public health, safety, and welfare receive the highest priority. Since there is rarely the same level of "immediate threat" relating to the practices of professional engineering, land surveying, geology, and geophysics as there might be with cases involving nursing or other healing arts professions, DOI does not give this Board's cases the highest priority. The inability of DOI to timely investigate its cases contributes to the overall aging of the Board's complaint investigation cases and, on occasion, causes statutes of limitations to expire on cases that could potentially be prosecuted in criminal court. It would be beneficial to all boards and bureaus if DOI were able to increase the number of investigators it employs and to also create specific units within DOI to handle specific types of cases or to work with specific boards, such as the new unit of investigators that focuses on cases from the Medical Board of California. This operational change would allow DOI to better distribute workload and prioritize cases so that cases such as ours are not set aside when other cases that seem to demonstrate a more immediate threat to the public are submitted by other boards and bureaus.

Another factor affecting the time frames for review of complaint investigations specifically related to the practices of geology and geophysics is the lack of a staff geologist. Staff licensees employed by the Board are critical resources in assisting the Enforcement Unit with practice-related issues. Currently, the Enforcement Unit must refer most cases involving geology and geophysics to an independent Technical Expert Consultant without the benefit of a preliminary review at the staff level. The Board is currently working with CalHR and DCA to update the State civil service class specification for the Senior Registrar class so that it can begin recruitment for a staff geologist.

Despite the Board's aggressive efforts to reduce the internal backlog and aging of its complaint investigations, significantly protracted processing times remain a challenge, specifically for cases that are referred to the Office of the Attorney General and Office of Administrative Hearings that involve citation appeals and formal disciplinary action cases. The Office of the Attorney General handles cases



for all of the boards and bureaus within DCA, and they are heavily inundated with them. The Office of Administrative Hearings hears matters for multiple agencies in addition to DCA. The Board would like to see a reduction in the overall processing time for formal disciplinary cases, including the investigation time and the time to pursue the action, to an average of 540 days. However, the Board has no control over the processing times for the Office of the Attorney General and Office of Administrative Hearings. The Board believes a more collaborative effort is needed to explore how the Board and its staff, as well as DCA and the Legislature, can assist the Office of the Attorney General and the Office of Administrative Hearings in reducing their processing times as well.

The Board would like to pursue other means to improve the effectiveness of the Enforcement Unit's processing of its complaint investigations, particularly those related to ever-increasing unlicensed practice. While issuing an administrative citation is an effective means of disclosing unlicensed activity to the public and emphasizing the severity and gravity of such violations, it is not always effective in motivating violators to cease and desist. Many choose to pay the fines and continue to offer and practice, while others choose to ignore the administrative citation altogether. Therefore, the Enforcement Unit would like to research additional means of effectively inhibiting solicitation of illegal activities. For instance, current law provides the Board, through the issuance of an administrative citation, authority to order individuals advertising professional services in telephone directories to disconnect telephone services regulated by the Public Utilities Commission (PUC). Recent legislation (Chapter 395, Statutes of 2014) broadens this to include any advertising, not just a listing in a telephone directory. However, many unlicensed individuals operate through cellular telephone services, which are not regulated by the PUC. In addition, there is currently no authority to require violators to shut down websites illegally advertising professional services. The Board would like to research the feasibility of requiring violators to disconnect cellular telephone services and to close down websites in order to be more effective in reducing unlicensed activity.

Another serious, and ever-increasing, problem regarding unlicensed activity is unlicensed individuals operating engineering and land surveying businesses without having an appropriately licensed individual as an owner, partner, or officer in responsible charge. Currently, companies offering professional engineering and land surveying services are required to provide an Organization Record (OR) form, filed free of charge, which lists the licensed professional(s) in responsible charge of professional services offered and performed. Currently, there is not a requirement for geological and geophysical companies to file an OR form. The Board does not currently license companies and, therefore, cannot issue administrative citations to them or revoke permission to operate. The Board would like to research options for licensing companies, such as Certificates of Authorization which are issued in many other states, in order to provide the Board the opportunity to exercise more authority over companies not operating in compliance with the Board's law. The Board would also like to enact the same requirements for geological and geophysical companies as may be enacted for engineering and land surveying companies.

Another issue severely impacting the Board's ability to effectively protect consumers is the current restrictions on travel. Restrictions on non-essential travel have hampered the Board's opportunities to



attend consumer fairs, trade shows, and conferences where staff and Board members could provide outreach to consumers, licensees, local agencies, and other regulatory agencies. To fulfill one of its critical objectives, the Board needs to travel to these and similar venues to educate and inform consumers about the Board and its regulated professions. Licensees need information about issues impacting consumers and the professions. Local agencies require updates regarding the standard of practice and unlicensed activity and how they can assist the Board in ensuring compliance with the laws to protect the public. Other regulatory agencies, such as, DOI, District Attorneys' Offices, Office of the Attorney General, Office of Administrative Hearings, and other consumer protection agencies, should likewise be targets for Board outreach to discuss their impact on our processes. The Board believes such travel is critical to its mission to protect the public by educating its stakeholders in order to prevent violations before they occur.

Cite and Fine

The Board may issue administrative citations to both licensed and unlicensed individuals. The citations may contain an order of abatement or an order to pay an administrative fine to the Board in the maximum amount of \$5,000 per violation or both. Citations may be issued to unlicensed individuals when the investigation reveals that the unlicensed person violated the Board's laws by committing acts which require licensure. Although unlicensed activity may be charged as a criminal misdemeanor through the District Attorney's Office, most District Attorneys are unwilling to expend their limited resources on crimes that they view as minor and can be handled administratively.

By issuing a citation, the Board puts the unlicensed individual on notice regarding his or her actions that constitute a violation of the laws, as well as providing public notice to potential concerned or affected individuals. Citations are also issued to licensees who have violated the laws but are not deemed to be a threat to the health and safety of the general public. For example, many of the land surveying complaints investigated by the Enforcement Unit involve the failure of the licensee to file a Record of Survey or a Corner Record with the County Surveyor's Office in the time and manner required by law. A citation can be issued to the licensee containing an order of abatement ordering him or her to file the required record; by issuing the citation ordering the licensee to comply with the law, the Board is ensuring that the public is protected by the maintenance of the public records of lands. The majority of citations issued to unlicensed individuals are for violations involving offering to practice, which includes executing the written contract with the client, and operating a business as the sole owner through which the professional services are offered. The most common violations for which citations are issued to licensed individuals involve failing to file or resubmit survey maps to the County Surveyors' Offices in the time and manner required by law and failing to execute a written contract that includes all of the elements required by law. The issuance of a citation also gives the Board the authority to enforce compliance from the licensee, because a failure to comply with a citation order can lead to further – and more serious – disciplinary action against the licensee. The Board's issuance of the citation serves as a reminder to the licensee and other licensees that he or she must follow the laws and regulations under which he or she is granted licensure and that there are professional and monetary consequences if he or she does not.



Citations become final 30 days after issuance unless they are appealed. The cited person may appeal the citation by requesting an informal conference with the Board's Executive Officer or a formal administrative hearing before an Administrative Law Judge or both. On average, 54% of the citations issued are appealed. Typically, the cited person requests both an informal conference and a formal appeal hearing.

Following the informal conference, the Executive Officer may dismiss, modify, or affirm the citation. If the citation is dismissed, it is considered final immediately upon issuance of the dismissal. If the citation is modified or affirmed, then it becomes final 30 days after issuance of the modification or affirmation, unless the cited person has already requested a formal administrative hearing or does so upon receipt of the modification or affirmation. A fine is not considered assessed until the citation becomes final. If a fine is assessed, it becomes due and payable 30 days after the citation becomes final. The Board will extend the time in which the payment must be made and allow the cited person to make payments if so requested.

Currently, there is a high outstanding balance of fines owed to the Board. This circumstance exists when a fine is assessed against an unlicensed person, and the Board has limited recourse to collect the fines. In many cases, the Board is unable to locate the unlicensed person to pursue collection, and the Board is only able to collect funds through the use of the Franchise Tax Board refund intercept program through tax refunds, lottery winnings, and unclaimed property. However, the occurrences when the Board receives funds are rare. Most licensees pay the fines because failure to do so could result in their not being able to renew their licenses or in formal disciplinary action being taken against their licenses for failure to comply with the citation orders.

The Board would like to explore additional resources to recover administrative fines. It is not cost effective for the Board to seek recovery through the civil courts or a collection agency. If the Department of Consumer Affairs were given the authority to contract with a collection agency on behalf of all boards and bureaus, then the Board would be very interested in participating in such a program.



Citation Program Statistics – Professional Engineers and Land Surveyors				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Citations Issued	71	177	102	74
Informal Conferences/Appeal Hearings Requested	36	94	55	46
Informal Conferences/Appeal Hearings	33	68	74	56
Citations Reduced, Withdrawn, Dismissed	7	38	27	9
Citations Final	32	135	102	103
Average Days to Final – from initiation of investigation to final citation	1636	1585	1217	1094
Amount of Fines Assessed	\$54,250	\$211,450	\$167,200	\$194,450
Amount Collected (does not include funds received through FTB intercept)	\$12,150	\$83,684	\$85,019	\$71,100
Citations Referred to FTB	0	41	34	11
Amount of Fines Referred to FTB	0	\$143,650	\$91,500	\$56,750
Amount of Refunds Collected by FTB	0	0	\$7,385	\$4,176
Total Final Appealed Citations	NDA	26	39	61
Average Pre-Appeal Fine Amount	NDA	\$1,867	\$3,249	\$2,748
Average Post-Appeal Fine Amount	NDA	\$1,102	\$1,978	\$1,270

Citation Program Statistics – Geologists and Geophysicists				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
CITATION AND FINE				
Citations Issued	4	4	1	10
Citations Final	2	3	1	2
Average Days to Final	1395	1042	1002	577
Amount of Fines Assessed	\$11,500	\$9,000	\$5,000	\$7,000
Reduced, Withdrawn, Dismissed	1	3	0	0
Amount Collected	\$2,500	\$1,500	0	\$7,000



Cost Recovery and Restitution

Cost Recovery Efforts

The Enforcement Expenditures include the Office of the Attorney General (AG), the Office of Administrative Hearings (OAH) and Court Reporters (for hearings conducted by OAH), Evidence/Witness (Technical Expert Consultants on all cases, not just those that are referred to the AG's Office) (E/W), and Division of Investigation (DOI) line items.

Resolution of the formal disciplinary process can result in either the revocation or surrender of a license or a revocation which is stayed with probationary terms. Cost recovery of the Board's expenditures is often ordered as part of a disciplinary decision issued by the Board, either through adoption of a proposed decision prepared by an Administrative Law Judge or a stipulated settlement as agreed to by the respondent and the Executive Officer. However, cost recovery is seldom sought as part of a surrender or complete revocation, as these results eliminate the respondent's authority to practice and, likely, his or her primary source of income.

The Board has found that it is much more successful in obtaining full recovery of the costs ordered if the respondents/probationers are allowed to make payments to the Board during the period of probation, rather than requiring them to make one payment shortly after the decision becomes effective. If the reimbursement of the costs is ordered as a condition of probation, which it is in the majority of cases, the only recourse the Board has if the respondent/probationer fails to pay is to terminate the probation and either suspend or revoke the license. If the Board does that, then it cannot collect any of the costs. Therefore, while it may take longer for the Board to receive reimbursement of its costs by allowing the respondents/probationers to make payments, the Board is ultimately more successful in obtaining the cost recovery as ordered.

Table 11. Cost Recovery – Professional Engineers & Land Surveyors				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Total Enforcement Expenditures	\$1,185,049	\$1,202,200	\$1,414,087	\$1,104,795
Potential Cases for Recovery *	42	38	23	29
Cases Recovery Ordered	32	24	14	21
Amount of Cost Recovery Ordered	\$123,860	\$177,689	\$98,601	\$137,005
Amount Collected	\$32,411	\$17,517	\$44,870	\$6,857
Table 11. Cost Recovery – Geologists and Geophysicists				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Total Enforcement Expenditures	\$26,716	\$36,727	\$35,367	\$50,955
Potential Cases for Recovery *	0	0	0	2
Cases Recovery Ordered	0	0	0	1
Amount of Cost Recovery Ordered	0	0	0	\$11,008
Amount Collected	0	0	0	0
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violations of the license practice act.				



Restitution Provided To Consumers

Pursuant to Government Code Section 11519(d), the Board may order a licensee to pay restitution as a condition of probation. Restitution may not be ordered in a disciplinary decision that does not include probation, unless it is agreed to in a stipulated settlement. Additionally, restitution cannot be ordered through an administrative citation. Typically, the restitution ordered is the amount the consumer paid to the licensee for the services, or the amount the consumer paid to another licensee to re-do the work, and may also include fees the consumer had to pay to a governmental agency, such as plan or map checking fees or permit fees. However, it does not include punitive damages, which are appropriately left within the purview of the civil courts.

Table 12. Restitution – Professional Engineers & Land Surveyors				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Amount Ordered	\$400	\$5,000	\$1,932	\$17,000
Amount Collected	\$400	\$5,000	\$1,932	\$17,000

Table 12. Restitution – Geologists and Geophysicists				
	FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
Amount Ordered	0	0	0	0
Amount Collected	0	0	0	0





PUBLIC INFORMATION POLICIES

SECTION 6





SECTION 6 Public Information Policies

Public Information

The Board maintains its own website at <http://www.bpelsg.ca.gov>. The website contains information for its stakeholders: consumers, licensees, and applicants, including the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, the Board Rules, the Board *Bulletin* (newsletter), notices of Board and Committee meetings, Board meeting minutes, and notices of rulemaking proposals. The Board's on-line presence is intended to expand the reach and quality of its external communications, improve service delivery, connect and interact with stakeholders, and enhance public access to Board policies and programs.

Meeting Materials

Meeting materials for Board and Technical Advisory Committee (TAC) Meetings are made available within a week following the posting of the meeting's Official Notice and Agenda. The Official Notice and Agenda is posted at least 10 days in advance of any meeting. The notices for Board and TAC meetings remains on the homepage only until the date of the meeting but can still be accessed through the Board Meetings page.

Minutes

It is the Board's policy to maintain the agenda, meeting materials, and minutes for five years on the Board's website. Draft minutes are never posted online. Once approved by the Board, Board meeting minutes are generally posted the next business day following the Board meeting at which they were approved.

Webcasting and Meeting Calendar

The Board has considered webcasting its meetings several times in the past but believes that interaction between the Board and audience participants is very important. Since current webcasting facilities available through the Department of Consumer Affairs (DCA) do not allow for interaction with the audience participants, the Board does not have plans to webcast its meetings.

The Board establishes an annual calendar for Board meetings that is approved by the Board at the end of the prior year. Following approval, the meeting calendar is posted on the Board's website. In addition, the Board posts information on TAC meetings on the its website throughout the year as they are scheduled.

Website and Outreach Information

One of the main links on the Board's homepage is dedicated to the consumer and includes such information as how to use the License Lookup, how to file a complaint, and the Consumer Guides to engineering, land surveying, geology, and geophysics. The public can check on the license status of the person(s) they are considering hiring using the online License Lookup feature. This feature provides information on the Board's licensees including their license numbers, expiration dates, and addresses



of record. The license lookup feature also provides links to any disciplinary actions taken against the licensee. Consumers can also find out how to file a complaint with the Board regarding engineering, land surveying, geology, and geophysics issues, and can obtain a complaint form to file such a complaint.

The Board has two primary printed documents available to its stakeholders: *A Guide To Engineering and Land Surveying for City and County Officials* and *A Guide for Consumers* describing what a person should know before hiring a Professional Engineer or a Professional Land Surveyor. Both documents are currently being updated to include the disciplines of geology and geophysics.

The Board has a Social Media program, which includes the notification and distribution of any information that the Board wishes to distribute to its stakeholders. This active Social Media Program, supported by Facebook and Twitter, provides dynamic platforms to channel the Board's distribution of pertinent information and related content as well as expands its reach to the consumer population.

In addition, the Board maintains a database of all professional engineering, land surveying, geological, and geophysical professional organizations active in California. The database contains all contact information for the organizations, and we regularly reach out to them in our effort to keep them engaged in their respective disciplines in our state. Also, at the request of professional societies and local governmental agencies, Board staff will attend meetings to discuss any legislative or regulatory changes in the Professional Engineers, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act; enforcement issue; and other topics related to the Board. These outreach meetings also serve to keep the lines of communication open between the Board and local governmental agencies, licensees, and professional associations.

The Board also maintains a database of more than 500 city and county building officials in California. This database furthers the reach of the Board, and allows it to engage those on the "front line" of enforcement questions before they become enforcement actions.

Additionally, the Board provides extensive information on its website for applicants and licensees. All application forms are available on the Board's website, as well as information explaining the required qualifications for licensure. The Board has recently released a few prior questions from some of its state-specific exams so that candidates can use these questions as samples of what to expect when they take the exams. The Board has also allowed exam review course providers to use these questions as well. Information for licensees includes specific pages addressing the written contract laws, the Codes of Professional Conduct, and the Reporting of Legal Actions Program. Licensees can also access the secure website that allows them to pay their renewal fees online via credit card, which expedites the renewal process.

The Board also has a College Outreach program to encourage college students and professors to seek licensure. This program is discussed in more depth in Section 8 – Workforce Development and Job Creation.

Complaint Disclosure Policy

The Board's Policy on Disclosure of Complaints and Disciplinary Actions was formally adopted by the Board in July 1994. Prior to formally adopting a disclosure policy, the Board observed an informal policy that followed the same guidelines and principles that were then expressed in the formal policy adopted in 1994. The Board reviews its disclosure policy and updates it as needed. The Board last updated its disclosure policy in March 2011.

It is the policy of the Board to provide information to the public regarding complaints and disciplinary actions resulting from violations of the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the Regulations of the Board. The Board keeps records of complaint investigation cases that do not result in citations or formal disciplinary actions for five years. The Board discloses the following information upon request after the completion of an investigation:

- Number of complaints against the individual
- Date the complaint was received
- Disposition of the complaint, such as compliance obtained, mediated/resolved, referred for formal legal and/or disciplinary action, or any other action taken against the subject.

If the complaint is still in the investigation stage or if the investigation reveals that there was no violation of the law, no information is disclosed.

The Board keeps records of citations and formal disciplinary actions (accusations and decisions) and discloses the information as required by law. The information provided includes the:

- Action taken
- Reason(s) for the action
- Date of the action.

If the matter is final, information regarding compliance with the order is also provided. If the citation or decision on the accusation is not yet final, its procedural status is provided.

The Board also publicizes its enforcement actions by publishing articles in the Board's newsletter, posting the information on the Board's website as required by Business and Professions Code section 27, and providing information to other states' regulatory boards.

The Board's disclosure policy is included as an attachment to this report (see Attachment H).





ONLINE PRACTICE ISSUES

SECTION 7





SECTION 7 Online Practice Issues

In recent years, the Board's Enforcement Unit has been called upon to investigate the way in which professional engineers, land surveyors, geologists, and geophysicists are advertising their services via the Internet. In general, under the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the Regulations of the Board, internet advertising is no different than advertising in paper publications, such as magazines or telephone directories. If a professional engineering, land surveying, geological, or geophysical company has a website through which they are offering their professional services, then they must meet all of the same requirements as any other professional engineering, land surveying, geological, or geophysical company that offers services in California. The Board has required companies to make modifications to their websites to ensure that they are in compliance with California's laws, such as clarifying what services they are allowed to perform in California.

One of the issues that the Board's Enforcement Unit is faced with pertaining to the advertising of these services involves online broker/referral websites. Since most consumers are interested in services related to their personal homes and property, the Board more often encounters issues that involve the procurement of land surveying services and, to a lesser degree, engineering services. Online sites such as www.constructiondeal.com or www.angieslist.com provide a one-stop location where consumers can research individuals (or companies) in their regional area who perform the services that they need. Many times, these sites include ratings from past customers on how well the services were performed. These online sites allow anyone to list themselves as offering, providing, and performing these services without any verification of licensure. The proliferation of these online sites leads consumers into unknowingly thinking that if the individual or company is listed on this site and has a good rating, then they must be appropriately licensed. The Board's Enforcement Unit has encountered situations where this is not always the case, and the consumer may be harmed by the services for which they contracted.

There are other instances involving online sites such as www.craigslist.org where anyone can advertise services without any sort of standardized manner that a consumer can use to compare one advertisement to another or to have the option of knowing past performances. It is recognized that sites such as this are not as sophisticated as the previously mentioned broker/referral sites, and the consumer is choosing to research these sites at their own risk.

While there are laws that allow the Board to issue citations to unlicensed individuals who are illegally advertising professional services and include an order to disconnect the telephone number listed in the advertisement, there is no authority to require violators to shut down websites from which they are illegally advertising professional services or to require the online broker/referral websites to remove the listings. The Board would like to research the feasibility of requiring violators to shut down websites in order to be more effective in reducing unlicensed activity.





WORKFORCE DEVELOPMENT AND JOB CREATION

SECTION 8





SECTION 8 Workforce Development and Job Creation

It is not the role of the Board to create jobs or provide job training in the professions it regulates; the Board's duty is to ensure that individuals who are seeking licensure are qualified to practice with due regard to the health, safety, welfare, and property of the public. However, the Board does have impact on the workforce in the length of time it takes for individuals to obtain licensure. To ensure that qualified individuals obtain licensure as timely as possible, the Board has established targeted timeframes for processing applications and an effective outreach plan. The Board has identified the need for targeted timeframes for processing applications for examination and initial licensure to quickly allow for qualified individuals to enter the profession. By 2013, the Board had transitioned all of its state examinations to be administered through the computer based testing (CBT) method, using a nationally recognized organization that has testing centers throughout North America. This allows individuals to take the examinations in locations most convenient to them. It also allows the Board to issue the examination results in a shorter period of time (generally reducing the period from three months to one month after the examination is administered). Additionally, the Board has established targeted timeframes to ensure that individuals renewing a license do not experience lapses in practice rights. In addition, as part of its quadrennial newsletter, the Board provides current information regarding requirements for licensure, examination information, and public interest pieces that impact the licensee and the consumer.

The College Outreach Program provides information regarding career development, initial licensing, and examination requirements to college students and professors. The purpose of this program is to provide information and education to professionals, students, and consumers in the application of the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the engineering, land surveying, geology, and geophysics professions. Board members and staff make it a priority to attend all college ABET visits. ABET is the national accreditation organization for engineering and land surveying programs. Attendance at college outreach activities, such as "Engineering Day," at California campuses is also a high priority of the Board.

In addition, the Board maintains a database of all college engineering, land surveying, and geology programs in California. The database contains all contact information for the deans and department chairs of the disciplines which it oversees. In the spring and fall, the Board sends updates to all stakeholders to notify them of changes or updates to Board practices, as well as to give the schools a contact point should they have questions about Board practices.





CURRENT ISSUES

SECTION 9



SECTION 9 Current Issues

Following the failed passage of Senate Bill 1111 (Negrete McLeod) in 2010, the Department of Consumer Affairs (DCA) recommended that the boards consider adopting regulations to implement some of the provisions proposed in the legislation as a way to implement the Consumer Protection Enforcement Initiative (CPEI). The Board reviewed the recommendations and determined that the vast majority of them applied only to the professions regulated by the healing arts boards, which were the real focus of the CPEI. The Board did discuss the recommendation that the authority to adopt default decisions and stipulations that involve the surrender or revocation of the license be delegated to the Executive Officer. However, at its November 2010 meeting, the Board declined to delegate that authority.

At the time of preparing this report, the Board is one of seventeen boards/bureaus scheduled for Release 3 implementation of BreEZe. Staff at the Board has primarily participated at a peripheral level in an effort to gain a clear understanding of the potential impact that testing, design, and implementation phases will have on the Board's resources and its ability to properly provide services to our stakeholders during those events. The staff participation to date has included attendance at Release 1 testing events and regularly attending DCA's Change Control Board (CCB) meetings. In addition, the Executive Officer is currently serving on the CCB.

Many of the goals and objectives remaining from the Board's 2010-14 Strategic Plan were not able to be completed primarily due to the delay in providing the BreEZe system and the inability to add new services to the legacy systems. The Board's ability to successfully achieve goals and objectives within the new 2015-18 Strategic Plan will be impacted by continuing delays with the implementation of BreEZe.

The Board currently depends upon DCA's legacy systems, the Applicant Tracking System (ATS) and the Consumer Affairs System (CAS) for the day-to-day operations of processing applications, licensure, and enforcement efforts. The delays associated with implementing BreEZe coupled with the lack of additional resources to simultaneously support the BreEZe system and the legacy systems has caused the Board to handle improvements in our processing practices using manual methods more often than is customary in today's world. The Board is constantly evaluating critical services and moving forward with process improvements that, if designed correctly, will positively impact the timeframes for, among other things, processing applications and investigating complaints.

Any further delays in implementing BreEZe for the Board carries with it an increased risk of having to delay plans for the Board to improve the manner in which services are provided to stakeholders.





BOARD ACTION AND RESPONSE TO PRIOR SUNSET ISSUES

SECTION 10



SECTION 10

Board Action and Response to Prior Sunset Issues

There were two issues remaining from the Board’s last Sunset Review. There are “Issue #4 – Is the Licensing of Geophysicists Still Necessary in the State of California?” and “Issue #6 – Provide Authority to the Board to Fingerprint Licensees.” The current status of these two issues is discussed in further detail in this section.

ISSUE #4: IS THE LICENSING OF GEOPHYSICISTS STILL NECESSARY IN THE STATE OF CALIFORNIA?

The 2010 Sunset Review noted several concerns the Board had with the development and administration of the geophysicist examination. Some concerns, at the time, included the difficulty in the recruitment of in-state experts to assist with developing and constructing the examination, the cost of developing the examination, and the level of protection of the public that licensure actually provides.

The Committee instructed the Board to conduct a public hearing in an effort to receive input regarding the continued regulation of the practice of geophysics and the continued licensure of geophysicists in California. A hearing was held by the Board on May 12, 2011, in conjunction with a regularly-scheduled Board Meeting. Based on the testimony received at the hearing, the Board’s recommendation was to continue to license geophysicists but to closely monitor the long term trends associated with the geophysics profession and how it related to licensing protection for the general public. This included tracking the number of individuals entering and leaving the profession (through license renewals, examination applications, and license cancellations) and the overall costs to the Board, the licensees, and the applicants. This recommendation was, in part, due to the Board’s recent merger with the former Board for Geologists and Geophysicists (BGG). Since the Board knew little of the profession, more time was needed to make an educated and appropriate decision before making any recommendations regarding the continued licensure of geophysicists and the continue regulation of the practice of geophysics in California. The report as submitted to the Legislature on June 30, 2011, is included as Attachment C.

Since that time, the Board has monitored the application and licensee populations, as well as the interest in the profession to assist in exam development for future license examinations. The chart below lists the application and examination totals for the last four years.

Professional Geophysicist Applicant Population				
Examination Cycle	Number of New Examinees	Number of Refile Examinees	Number of Examinees Passed	Pass Rate
2010	1	1	1	50%
2011	4	2	3	50%
2012	1	3	3	75%
2013	7	1	5	63%

Below is a list of the total population of the Professional Geophysicists (PGp) in California as of the end of FY 2013/14.

Licensee Population		FY 2010/11	FY 2011/12	FY 2012/13	FY 2013/14
PROFESSIONAL GEOPHYSICIST LICENSE	Active	157	160	163	168
	Out-of-State	60	61	64	66
	Out-of-Country	5	5	5	5
	Delinquent	51	51	51	51

The PGp examination is currently administered once a year in the fall. So that the examinations can be kept relevant to the profession and provide for the safety and well-being of the consumers of California, the PGp must be developed every year within the Test Plan of the most recent Occupational Analysis available. In accordance with the Board's regular schedule, a new Occupational Analysis was conducted during FY 2012/13, and a resulting Test Plan was completed in 2014. The PGp exam workshops are currently conducted at the Department of Consumer Affairs's Office of Professional Examination Services (OPES). The Board is responsible for the overall content of the examination and for recruiting subject matter experts for the workshops. The Board contracts with OPES to facilitate the workshops and construct the examination. The examination is then reviewed by the Board staff before being delivered for administration at Prometric, Inc., computer based testing (CBT) centers nationwide.

Since the last Sunset Review, the Board has encountered significant difficulty in obtaining the services of the minimum number of subject matter experts required to properly support examination efforts since there appears to be little interest from the licensed population to serve as experts. As noted in the Licensee Population chart above, a significant portion of the licensee base resides outside of California, and the Board can only contract with licensees who reside within the state. In fact, the trend shows that while the licensee base increased over the last several years, the minimal increase is more attributable to the amount of licensees who reside outside of the state. The Board believes this increase is more reflective of out-of-state individuals seeking to comply with a law that is unique to California than an indication that the geophysicist profession is becoming more popular or necessary within the state. It is important to note that California is one of only two states that regulate the practice of geophysics and license individuals as geophysicists.

The Board has openly and publically discussed the need for adequate licensee participation for examination development purposes on several occasions during Geologists and Geophysicists Technical Advisory Committee (TAC) meetings and at Board Meetings. The Board regularly sends out recruitment letters to all of its eligible licensees (those who reside in California) on an annual basis. In addition, a recruitment flyer is included when the license certificate is mailed to new licensees.

The Board's psychometric vendors normally require a minimum number of licensed subject matter experts to participate in the necessary exam development workshops for the production of a legally defensible exam appropriately designed to measure the competence of licensing candidates. In many cases, it is preferable that different experts attend each meeting so as to provide an independent review



of the exam content, to reduce or eliminate any regional or personal bias, and to provide for diversification amongst the experts. The PGp exam development normally requires three meetings per year to properly develop an examination and determine a recommended passing score. Under preferable conditions, this would require 15 to 18 licensed subject matter experts on an annual basis to support adequate exam development efforts. Over the last four years, the Board has been able to secure a total attendance of only 6 to 8 subject matter experts on an annual basis, and typically 3 to 4 the same experts attend each meeting. This is less than half of the required number.

As a result, scheduled workshops have had to be postponed due to an inadequate number of subject matter experts available to assist at the level required to produce a legally-defensible examination and to ensure that the public is adequately protected. This results in significant staff time spent in recruitment and development of the examination, as well as delays in releasing exam results and issuing new licenses.

Normally, the costs for the Board to develop, administer, and score the PGp examination averages \$10,000 to \$13,000 a year. In FY 2013/14, the Board incurred costs totaling about \$18,000 (about a 50% increase) as a result of having to postpone several workshops at which the exam passing score would have been developed due to a lack of subject matter experts willing and available to participate in the workshops. Due to this delay, candidates who had taken the October 2013 PGp exam had to wait over three months longer than normal to receive notice of their results, which in turn delayed licensure for the individuals who had passed the exam. In addition, the Board's policies require a new Occupational Analysis and Test Plan every five to seven years in accordance with normal licensing exam development standards. The Board incurred additional costs of approximately \$40,000 distributed between FY 2012/13 and FY 2013/14 to accomplish this.

Based on the Applicant Population chart shown above and an average of five geophysicist applicants annually, the Board incurs a net line item loss of \$8,250 to \$11,250 annually (based on the required application/exam fees of \$350 each, which accounts for \$1,750 total revenue each year). Factoring in the requirement for producing a new Occupational Analysis and Test Plan every five years, the Board incurs a net line item loss of \$16,250 to \$19,250 on an average annual basis to produce the PGp examination.

Additionally, the majority of the complaints the Board receives relating to the practice of geophysics are from PGps against unlicensed individuals who appear to be offering geophysical services through websites or other advertisements. The cases rarely involve evidence that the unlicensed individuals have actually performed work for consumers in California or that they performed work in a manner that poses a threat to the health, safety, welfare, and property of the public. Many of the firms advertising these services are located outside of California. As mentioned previously, the practice of geophysics is regulated in only two states; many of these unlicensed individuals are not aware that the services they are offering nationwide are regulated in California.

ISSUE #6: PROVIDE AUTHORITY TO BPELSG TO FINGERPRINT LICENSEES

It was noted in the 2010-2011 Sunset Review that the Board had been trying to obtain the authority to collect fingerprints from applicants and licensees since the 2003-2004 Sunset Review. Because of the Department of Finance's concerns related to the cost of implementing the fingerprint program, the proposal was dropped in 2004. Another attempt was made in 2008 but was opposed by professional associations. The 2010-2011 Sunset Review finally provided the legal authority for the Board to collect fingerprints from its applicants by amending Business and Professions (B&P) Code section 144 to include the Board as an approved entity to obtain fingerprints and criminal histories of its applicants.

The Board also had to request an additional position to accommodate the work that will result for the new requirement. We were granted one Office Technician (OT) position, although additional positions may be needed if it is warranted by the amount of work generated by the new program.

In order to implement this program, the Board had to establish regulations to provide specific authority to collect fingerprints from its applicants and to obtain the state and federal criminal history information of the applicants. The new sections would also describe the requirements and responsibilities of the applicants as a part of their application for licensure.

Through the regulation process, the Board enacted Sections 420.1 and 3021.1 of Title 16 of the California Code of Regulations, which requires that all applicants for licensure or certification in all disciplines be fingerprinted prior to being licensed in California. This regulation became effective on January 1, 2014. The Board is currently working on preparing procedures for the fingerprinting of its applicants and intends to have the requirement in place by the second half of FY 2013/14.

The Board experienced delays implementing the fingerprinting requirement because resources that are necessary for timely integration have been limited because of the priority of the BreEZe implementation within the Department of Consumer Affairs (DCA). The main databases used by the Board for applications the Applicant Tracking System (ATS) and the Consumer Affairs System (CAS) were required to be updated to accommodate the fingerprint data that the Board would be receiving. Changes to ATS and CAS are made through DCA, whose primary resources have been directed to BreEZe implementation.

The Board will be publicizing this new requirement to current and prospective applicants through our website and social media.



NEW ISSUES

SECTION 11



SECTION 11 New Issues

The Board has identified ten new issues to address with the Committees. These issues are described below, along with any action needed to address them.

FIRST NEW ISSUE – MERGE THE GEOLOGY AND GEOPHYSICS ACCOUNT INTO THE PROFESSIONAL ENGINEER’S AND LAND SURVEYOR’S FUND

Legislation enacted during the 4th Extraordinary Session of 2009 (ABX4 20) eliminated the Board for Geologists and Geophysicists (BGG) and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to this Board. The transfer of authority became effective October 23, 2009. At the time, the former BGG’s Geology and Geophysics (G&G) Fund was not merged into the Professional Engineer’s and Land Surveyor’s (PELS) Fund.

When the BGG was eliminated, this Board established the G&G Program within its overall operations. The G&G Program was initially operated as a parallel program to that for engineers and land surveyors. The budget, staff, and computer systems were maintained as separate programs, and all monies to support the program were directed to the appropriate account.

During the Board’s 2010-2011 Sunset Review, there was discussion about merging the two separate funds. However, since this Board had only recently assumed the responsibilities of the G&G Program and had not had the opportunity to fully analyze the impact such a merger would have on the Board’s overall operations and budget as well as on the fees charged to applicants and licensees, the determination was made to instead change the G&G Fund into the G&G Account within the PELS Fund (Chapter 415, Statutes of 2010) and to still maintain the monies separately.

Since that time, the Board has begun making changes to its organizational structure to further integrate the necessary operational functions of all licensing and enforcement programs for all its licensees. The newly formed Licensing Unit, for example, consists of application review/processing, examination development, and licensing processes for all license types under the Board’s authority. The Enforcement Unit, in a similar manner, has been cross training its analysts to handle all cases rather than having a specific analyst assigned to work on only those cases regarding the practices of geology and geophysics. In addition, an internal committee has been formed to track legislation that impacts all the Board’s laws and regulations. This committee reviews and recommends changes to statutory and regulatory issues across all license types.

With the integration of the staff and functions of the G&G Program into the overall operations of the Board, it now appears to be the appropriate time to merge the G&G Account into the PELS Fund so that there will be one single funding source for the Board. Once the merger is completed, the Board will undertake an overall review of the fees charged to all of its licensees and applicants in order to ensure that the fees are standardized and appropriate for the services provided.



ACTION NEEDED: Legislative action is needed to amend Business and Professions Code section 7886 to remove the reference to the Geology and Geophysics Account and to mirror the language in Business and Professions Code sections 6797 and 8800.

SECOND NEW ISSUE – OUT-OF-STATE TRAVEL AND OTHER TRAVEL RESTRICTION ISSUES

Over the last several years, the Board has been severely impacted in its ability to appropriately protect the health, safety, welfare, and property of the public due to restrictions on travel. The Board has been unable to travel to out-of-state meetings with the national organizations that develop, administer, and score the examinations California uses to ensure that applicants for licensure are qualified to practice in California. In addition, the Board has been unable to attend conferences held within California where its members and staff could meet with various licensee and consumer groups to discuss the laws and regulations and the services the Board offers to assist consumers and licensees in preventing violations before they occur and investigating allegations of violations once they may have occurred.

Examinations used by the Board for licensure of engineers and land surveyors are developed, administered, and scored by the National Council of Examiners for Engineering and Surveying (NCEES). The examinations used by the Board for licensure of geologists are developed and scored by the National Association of State Boards of Geology (ASBOG) and administered by the Board. These organizations have meetings throughout the year to determine exam policies and fees, and participation is critical at these meetings to ensure California's interests are expressed and that we are given consideration in decisions that will affect the Board and its licensees. Since these are national organizations, the majority of the meetings are held outside of California. Most travel expenses to the meetings are funded through the member fees that the Board already pays and do not require an additional expenditure of Board funds. While some travel may involve the additional expenditure of Board funds, it is a necessary expense to ensure that California's interests are represented on a national scale.

NCEES regularly schedules two primary member meetings on an annual basis, an Interim Zone meeting for each zone and the Annual Meeting. Each member board of NCEES is allowed one vote during the Interim Zone meeting and the Annual Meeting for actions associated with changes to the established policies or procedures related to exam development, exam administration, fees charged to applicants and to the Board, model licensing criteria, and overall NCEES organizational goals. Fifteen of the Board's twenty-two licenses/certifications require passage of the national engineering and land surveying examinations that are developed, scored, and administered by NCEES. Often, the actions will result in changes to the criteria that are considered acceptable for licensure and to the content of the exams. As such, in-person attendance by California Board representatives at these meetings is critical towards ensuring that these actions are not discriminatory for California applicants and licensees and that the content of the exams are appropriate for licensure in California with due regard to protecting the public health, safety, welfare, and property.

In the past, representatives from the Board provided a great deal of influence and leadership at NCEES with much involvement from Board Members and staff while serving on many of the committees that



are determined each year. In more recent years, approval to continue this involvement was severely limited due to restrictions associated with out-of-state (OST) travel by state representatives.

The Board is also an active voting member of the ASBOG, a national non-profit organization comprised of 30 member licensing boards from across the nation. ASBOG is dedicated to advancing professional licensure for geologists. It develops, administers, and scores the national examinations predominately used to license geologists in the United States.

ASBOG regularly schedules Council of Examiner Workshops twice a year and an Annual Meeting usually held in the fall concurrent with the fall workshop. These meetings are generally held to evaluate examination content and determine exam policy and/or fees, and participation is critical at these meetings to ensure California's interests are expressed and that we are given consideration in decisions that will affect the Board and its licensees. Travel expenses to attend these meetings are the responsibility of the Board, and while this travel may involve the expenditure of Board funds, it is a minimal and necessary expense to ensure that California's interests are represented on a national scale. Overall, California represents one-quarter of all applicants for geologist licensing nationwide. Since the elimination of the former BGG in 2009 and the subsequent merger with the Board, requests for approval to travel to meetings held out of state are usually denied by the Business, Consumer Services, and Housing Agency or the Governor's Office as being an "unnecessary" expenditure of state funds and not "mission critical." Therefore, California is unable to be involved in the discussion and decision-making on any issues that may have an impact on the licensees and consumers in our state.

Overall, California represents one-third of all applicants for engineering, land surveying, and geology licenses nationwide (rather than one-fiftieth). Nevertheless, all requests for approval to travel to meetings held out of state are historically denied by the State and Consumer Services Agency, the Department of Finance, or the Governor's Office as being an "unnecessary" expenditure of state funds. Therefore, California is unable to be involved in the discussion and decision-making on any issues that may have an impact on the licensees and consumers in our state.

Since the Board's last Sunset Report, representatives from the Board were granted approval to attend the spring 2013 NCEES Western Zone Interim Meeting since the meeting was held in San Francisco, and the Board was chosen by Zone representatives as being responsible as the Host Board. More recently, the Board received approval from the Business, Consumer Services, and Housing Agency and the Governor's Office to attend the 2014 NCEES Annual Meeting which was held in Seattle, Washington, last August. However, the Board's request to attend the 2014 NCEES Western Zone Interim Meeting was denied as not being "mission critical," even though important issues regarding examinations and licensure were discussed and decided upon at that meeting. The Board was also granted approval for our Geologist Board Member to attend an ASBOG Exam Workshop in New York during June 2014 and the upcoming ASBOG Annual Meeting in November 2014 in Indianapolis, Indiana.

Attendance at the NCEES and ASBOG meetings, whether in or out of state, is critical to the Board's mission to protect the public health, safety, welfare, and property. The Board must be allowed to attend



these meetings in order to ensure that the examinations it uses to license individuals in California are appropriate and non-discriminatory to California applicants and licensees.

The Board's ability to effectively protect consumers is also hindered by the current restrictions on travel. Restrictions on non-essential travel have hampered the Board's opportunities to attend consumer fairs, trade shows, and conferences where staff and Board members could provide outreach to consumers, licensees, local agencies, and other regulatory agencies. To fulfill one of its critical objectives, the Board needs to travel to these and similar venues to educate and inform consumers about the Board and its regulated professions. Licensees need information about issues impacting consumers and the professions. Local agencies require updates regarding issues related to the standard of practice and unlicensed activity and how they can assist the Board in ensuring compliance with the laws to protect the public. Other regulatory agencies, such as the Division of Investigation (DOI), District Attorneys' Offices, Office of the Attorney General, Office of Administrative Hearings, and other consumer protection agencies, should likewise be targets for Board outreach to discuss their impact on our processes. The Board believes such travel is critical to its mission to protect the public by educating its stakeholders in order to prevent violations before they occur.

ACTION NEEDED: Consideration should be given to amending Business and Professions Code section 139 to indicate that it is the intent of the Legislature that travel, whether within the State of California or outside the state, to any meetings at which licensing examinations are discussed, voted upon, developed, scored, and/or administered are deemed "mission critical" and such travel shall be approved in order to ensure that the licensing examinations are appropriate for the protection of the public of California. Furthermore, consideration should be given to a determination that travel within the State of California to any type of meeting or conference with consumers, licensees, and other affected stakeholders at which licensing and enforcement of the licensing laws will be discussed is "mission critical" and shall be approved in order to enhance proactive enforcement for the protection of the public of California.

THIRD NEW ISSUE – STANDARDIZATION OF LAWS BETWEEN THE THREE ACTS AND NON-SUBSTANTIVE, CLEAN-UP LEGISLATION

Since the Board assumed the responsibility for administering and enforcing the Geologist and Geophysicist Act [G&G Act], and its associated regulations, staff has been conducting a comprehensive review of the three Acts (Professional Engineers Act [PE Act], Professional Land Surveyors' Act [PLS Act], and G&G Act) under the Board's jurisdiction to determine what laws need to be changed to provide standardization across the Acts. In addition, staff continuously reviews the laws to determine if any non-substantive, clean-up changes need to be made. The following are the sections that have been identified as needing amendment. The Board has specific language ready to provide to the Legislature to accomplish these changes.

- Section 6704.1 – This section relates to the review of the engineering branch titles to determine whether certain title acts should be eliminated, retained, or converted to practice acts (the so-called "Title Act Study"). The law required the Title Act Study report to be submitted to the

Legislature in 2002. The report was submitted as required. As such, this section is now obsolete and should be repealed.

- Sections 6738 and 8729 – Amendments need to be made to these sections to correct minor grammatical errors to ensure clarity.
- Sections 6799 and 8805 – Amendments need to be made to standardize the language in these sections with the language in Section 7887 so that the amount of the fees to renew the professional engineers' and land surveyors' licensees are not tied to the licensure application fee in effect at the time of renewal and are simply established in regulation with a not-to-exceed maximum listed in statute, as is the case for the renewal fees for professional geologists' and geophysicists' licensees. The application fee, which is established in regulation with a not-to-exceed maximum listed in statute, is based on the costs incurred by the Board solely for the review and processing of applications for licensure and certification. The renewal fees support all of the other operations of the Board, including enforcement. Tying the renewal fee to the application fee could result in the Board having to reduce the renewal fee to an amount that would no longer generate sufficient revenue to appropriately continue its operations at the level necessary to provide mission critical functions for the protection of the public health, safety, welfare, and property.
- Sections 7835 and 7835.1 – Amendments need to be made to these sections to require professional geologists and professional geophysicists to both sign and seal (or stamp) their professional geological and geophysical documents. Currently, the laws require that the documents be either signed or sealed. However, the laws relating to professional engineering and land surveying documents require both the signature and the seal of the licensee in responsible charge of the preparation of the documents. Requiring both the signature and the seal provides for better assurance to the public that the documents reflect the final professional opinion of the licensee, rather than a preliminary opinion.
- Section 7844 – Amendments need to be made to this section so that it will match Sections 6754 and 8740 so that the Board has the authority to make arrangements with public or private organizations for materials or services related to the examinations for geologists and geophysicists, just as the Board already has the authority to do for the examinations relating to professional engineering and land surveying.
- Section 8771 – This section was amended by Senate Bill 1467 (Chapter 400, Statutes of 2014), which was the Senate BP&ED Committee's Omnibus Bill. Although the Board was supportive of the concept behind the amendments, there were concerns that the actual language proposed did not clearly articulate the requirements and responsibilities for the preservation of land surveying monuments and did not provide sufficient authority for the Board to enforce the provisions of this section. However, there was not sufficient time remaining in the legislative session for the Board to fully develop alternate language. Such language has now been

developed and is ready to be presented for inclusion in legislation during the 2015-2016 Legislative Session.

ACTION NEEDED: The Board can provide language for these proposals to be included in legislation during the 2015-2016 Legislative Session.

FOURTH NEW ISSUE – ENHANCED ENFORCEMENT PROGRAM OPPORTUNITIES

The Board has identified several areas of concern that are impacting its ability to protect the health, safety, welfare, and property of the public through its Enforcement Program. These areas are described in more detail below.

- **Impact on the Board’s Enforcement Processing Timelines Created by the Workload of the Office of the Attorney General, Office of Administrative Hearings, and Division of Investigation**

Despite the Board's aggressive efforts to reduce the internal backlog and aging of its complaint investigations, including the informal (citation) and formal disciplinary actions phases, significantly protracted processing times remain a challenge, specifically for cases that are referred to the Office of the Attorney General and Office of Administrative Hearings that involve citation appeals and formal disciplinary action cases. The Office of the Attorney General handles cases for all of the boards and bureaus within the Department of Consumer Affairs (DCA), and they are heavily inundated with them. The Office of Administrative Hearings hears matters for multiple agencies in addition to DCA.

In its 2015-2018 Strategic Plan, the Board identified these concerns. The Board would like to see a reduction in the overall processing time for formal disciplinary cases, including the investigation time and the time to pursue the action, to an average of 540 days. However, the Board has no control over the processing times for the Office of the Attorney General and Office of Administrative Hearings. The Board believes a more collaborative effort is needed to explore how the Board and its staff, as well as DCA and the Legislature, can assist the Office of the Attorney General and the Office of Administrative Hearings in reducing their processing times as well.

The Board is also heavily impacted by DOI’s delays in processing cases. Because DOI also investigates cases on behalf of other boards and bureaus within DCA, it must set priorities for its investigations. Those cases that present evidence of an immediate threat to the public health, safety, and welfare receive the highest priority. Since there is rarely the same level of “immediate threat” relating to the practices of professional engineering, land surveying, geology, and geophysics as there might be with cases involving nursing or other healing arts professions, DOI does not give this Board’s cases the highest priority. The inability of DOI to timely investigate its cases contributes to the overall aging of the Board’s complaint investigation cases and, on occasion, causes statutes of limitations to expire on cases that could potentially be prosecuted in criminal court. It would be beneficial to all boards and bureaus if DOI were able to increase

the number of investigators it employs and to also create specific units within DOI to handle specific types of cases or to work with specific boards, such as with the new unit of investigators that focuses on cases from the Medical Board of California. This operational change would allow DOI to better distribute workload and prioritize cases so that cases such as ours are not set aside when other cases that seem to demonstrate a more immediate threat to the public are submitted by other boards and bureaus.

- **Citation and Fine Recovery Options**

As described in Section 5 – Enforcement of this report, the Board may issue administrative citations to both licensed and unlicensed individuals. The citations may contain an order of abatement, an order to pay an administrative fine to the Board in the maximum amount of \$5,000 per violation, or both.

If a licensee fails to comply with the citation order, the Board has the authority to prevent renewal of a license for failure to pay the administrative fine or to pursue formal disciplinary action against the licensee. However, there is little authority for the Board to recover fines issued to unlicensed individuals who fail to pay. The Board currently utilizes the services of the Franchise Tax Board refund intercept program to assist in collecting fines from individuals who receive state tax refunds, lottery winnings, and have unclaimed property. However, those occurrences are rare. It is not cost effective for the Board to seek recovery through the civil courts or a collection agency. If the Department of Consumer Affairs were given the authority to contract with a collection agency on behalf of all boards and bureaus, then the Board would be very interested in participating in this program.

- **Licensee Response Requirement**

The Board currently has no authority to require its licensees to respond to the Board or to provide documents related to a project which staff may request during the course of a complaint investigation. One of the reasons for delays in the processing of investigations has been that staff gives the subject of the investigation ample time and opportunities to respond and provide documents during the investigation. We believe it is important that all available evidence be obtained during an investigation, as that is the only way to fully evaluate all facts and determine whether or not violations were committed by the subject. As such, it is important to obtain as much relevant information from the subject of the investigation as possible. However, what typically transpires is that the licensed subjects often think that if they do not respond, the complaint will simply be closed. This circumstance does happen; however, in most cases, the Board must either proceed based on the information on file, which could lead to action being pursued against the licensee that would not have been pursued if we had received information from him or her initially, or must expend additional time and resources (such as referring the case to DOI) to obtain the information. To improve management of these occurrences, the Board has included objectives in its Strategic Plan to research what actions would be necessary to



create a legal requirement for its licensees to respond to investigative inquiries and/or provide documents within a specified period of time.



- **Unlicensed Activity – Online Advertising and Cellular Telephones**

The Board would like to pursue other means to improve the effectiveness of the Enforcement Unit's processing of its complaint investigations, particularly those related to ever-increasing unlicensed practice. While issuing an administrative citation is an effective means of disclosing unlicensed activity to the public and in emphasizing the severity and gravity of such violations, it is not always effective in motivating violators to cease and desist. Many choose to pay the fines and continue to offer and practice, while others choose to ignore the administrative citation altogether. Therefore, the Enforcement Unit would like to research additional means of effectively inhibiting solicitation of illegal activities. For instance, current law provides the Board, through the issuance of an administrative citation, authority to order individuals advertising professional services in telephone directories to disconnect telephone services regulated by the Public Utilities Commission (PUC). Recent legislation (Chapter 395, Statutes of 2014) broadens this to include any advertising, not just a listing in a telephone directory. However, many unlicensed individuals operate through cellular telephone services, which are not regulated by the PUC. In addition, there is currently no authority to require violators to shut down websites illegally advertising professional services. The Board would like to research the feasibility of requiring violators to disconnect cellular telephone services and to close down websites in order to be more effective in reducing unlicensed activity.

ACTION NEEDED: The Board would like to work collaboratively with the Legislature on how best to accomplish these goals, whether through legislation or proactively working with other affected divisions and departments to achieve more timely processing of cases.

FIFTH NEW ISSUE – EXAMINATION ON CALIFORNIA LAWS AND RULES

The Board has recently researched common violations committed by licensees discovered during complaint investigations that are not necessarily standard of practice issues. The laws and regulations of the Board are readily available to its licensees on the Board's website, and amendments to the laws and regulations are posted in plain view on the website's main page. While it is expected that licensees will familiarize themselves of the laws governing their practice, it is apparent that many licensees do not review them on a regular basis, particularly when significant changes are made. For instance, for many years after written contracts became required for licensees (Chapter 976, Statutes of 2000), numerous complaints were received alleging that a written contract was not executed; in other cases, it became apparent during the Board's investigation that compliance with the written contract statute was not fulfilled. The response from many licensees was that they were unaware of the new law, even though the Board had publicized it several times in its newsletter, on its website, and through in-person outreach opportunities.

Over a three-year period, of the cases against licensees in which violations were found which did not rise to the level of warranting formal disciplinary action, approximately 45% involved violations of non-practice related laws, such as failing to include all of the required elements in a written contract, failing to execute a written contract, failing to sign and seal professional documents in the manner required

by law, failing to submit reports of civil judgments or settlements, and failing to file Organization Record forms.

To ensure adequate public protection, the Board believes licensees should be required to periodically demonstrate their knowledge of the state laws and the Board's rules regulating their areas of practice. The most effective way to accomplish this would be to require licensees, at the time of renewal, to take a short, multiple-choice examination that would include questions regarding state laws and the Board's rules and regulations regulating their practices, similar to the examination currently required for professional engineers and land surveyors at the time of initial licensure. If licensees were required to demonstrate their knowledge of the laws at the time of renewal, they would have an incentive to ensure they stay current on those laws and changes to them.

Additionally, the Board believes that applicants for licensure as a professional geologist or geophysicist should be required to demonstrate their understanding of the state laws and the Board's rules and regulations regulating their practices, just as applicants for licensure as a professional engineer or land surveyor are already required to do (Business and Professions Code sections 6755.1 and 8741.1). This will ensure that, prior to obtaining licensure, the applicant is aware of the laws and regulations of the profession. This will benefit consumers since there will be expressed acknowledgement of the laws by the applicant in successfully completing the required examination.

ACTION NEEDED: Legislation will be needed to implement these new requirements. The Board can provide language for these proposals for inclusion in legislation during the 2015-2016 Legislative Session.

SIXTH NEW ISSUE – BUSINESS AND PROFESSIONS CODE SECTION 27

In 2013, the Board sponsored legislation to amend Business and Professions Code section 27 due its concern with including its licensees' addresses of record in the License Lookup database available through the Board's and DCA's websites. Senate Bill 207 (Canella) was introduced on February 8, 2013, and proposed to amend Section 27 so that the Board would not have to disclose a licensee's address of record online. The bill was scheduled for hearing in the Senate Business, Professions and Economic Development Committee. However, Committee staff raised concerns with the lack of consistency within the existing language in Section 27, which does not include all of the boards and bureaus within DCA and places different requirements on the boards and bureaus that are included. Since it appeared that there were broader issues covering all boards and bureaus that would need to be addressed before any amendments to Section 27 should be made, the hearing on SB 207 was cancelled by the author, and the bill died.

The Board still believes it should not include its licensees' addresses of record in the License Lookup database, although it would be acceptable and appropriate to include the city and/or county.

ACTION NEEDED: Legislative action is needed to amend Business and Professions Code section 27.



SEVENTH NEW ISSUE – BUSINESS ENTITY REQUIREMENTS

The Board has been researching ways in which it can ensure that civil, electrical, or mechanical engineering and land surveying businesses are in compliance with Business and Professions Code sections 6738 and 8729, which govern the manner in which these businesses must be structured. A business offering civil, electrical, or mechanical engineering or land surveying services must have an appropriately licensed individual as an owner, partner, or corporate officer in responsible charge of the respective engineering and land surveying services it offers. The business is currently required to provide the Board with an Organization Record (OR) form, which lists pertinent information about the business, including the identity of the licensees who are owners, partners, or corporate officers, as well as those individuals who are in responsible charge of services conducted by that business. There is no fee to file the form, and the forms are currently maintained in a hard-copy format within the Board's files.

The Board's current authority allows administrative or disciplinary action to be taken against a licensee for failing to comply with the Board's laws. In certain cases, particularly those that involve practice-related violations, it would be the individual licensee the Board would hold accountable on a project. However, there are certain cases in which the authority to investigate a business as a whole would be helpful, such as contractual or financial issues or cases where the business as an entity was involved in a civil settlement, judgment, or arbitration award.

Another serious, and ever-increasing, problem regarding unlicensed activity is unlicensed individuals operating businesses without having an appropriately licensed individual as an owner, partner, or officer in responsible charge of the professional services offered. Typically when a consumer engages with a business that provides professional services, the consumer interacts with several representatives of that business. Initial consultation to ascertain the consumer's needs, negotiation of the anticipated costs, and the actual scope of services are examples of the tasks where interaction between the consumer and the licensed individual normally does and should occur, due to importance associated with client communication and expectations. In situations where unlicensed individuals are operating businesses without the legally-required licensee, the consumer is typically not receiving the same standard of care and attention that is required to protect their interests, and many times they do not even realize that a licensee should be involved.

The Board has begun to research the feasibility of implementing a structured system of issuing licenses to businesses, which would allow the Board to manage oversight of businesses more effectively. For instance, there is currently no authority to pursue administrative action against businesses or revoke permission to practice. The licensing of businesses would provide the Board the opportunity to exercise more authority over companies not operating in compliance with the Board's law.

In 2012, the Board directed staff to research how other states regulate engineering and land surveying businesses. Research indicated that of the 56 United States/Territories, 41 require some type of business license, commonly referred to as a Certificate of Authorization (COA). Many of the states



require a COA on file, fees for submitting the application for the COA, and renewals with associated fees, and enforce violations of those requirements.

Additionally, the Board would also like to enact the same requirements for geological and geophysical companies as may be enacted for engineering and land surveying companies; currently, there is not a requirement for geological and geophysical companies to file an OR form.

The Board intends to continue to research the feasibility of implementing the issuance of some type of license or authorization to businesses that offer and provide the professional services that the Board regulates. It is likely that additional statutory language would be necessary to increase the Board's authority to enforce compliance with licensing requirements, and to provide for the addition of related fees to cover the costs of the increased workload.

ACTION NEEDED: None at this time. The Board will continue to research this issue and provide recommendations and proposals to the Legislature in the future as needed to enact such a requirement.

EIGHTH NEW ISSUE – DELINQUENT REINSTATEMENTS AND INACTIVE STATUS

Over the last few years, the Board has become increasingly concerned with the process outlined by the laws and regulations for the reinstatement of professional engineers' and land surveyors' licenses that have been expired/delinquent for more than three years and professional geologists' and geophysicists' licenses that have been expired/delinquent for more than five years. Under the current laws, if an engineer's or surveyor's license has been expired for more than three years, he or she may apply for reinstatement of that license. If the applicant is able to demonstrate to the Board that he or she is currently competent to practice through descriptions of the work they have performed during the period of delinquency, then the license is reinstated without further examination. Geologists and geophysicists are required to take the licensing examinations and be issued new licenses; however, they are not required to provide any evidence of recent work experience in the professions. The Board is concerned with the disparity in the requirements between the professions, as well as whether a person should be allowed to reinstate a delinquent license without examination or be issued a new license without demonstrating recent work experience. Additionally, the Board believes that many licensees allow their licenses to become delinquent when they are working in an industry that is exempt from licensure or if they are working out of state. When they seek work where a license is required or return to California, they must then go through the process to reinstate the delinquent license. The Board believes that if it had the authority to allow licensees to place their license in an "inactive status," such as is allowed for attorneys, licensees would choose to do that rather than simply allowing their licenses to become delinquent.

The Board intends to research these matters more fully in order to determine the feasibility of enacting an inactive status and to determine the appropriate requirements for reinstating a delinquent license. Depending on the outcome of this review, the Board may need to seek legislative authority in the future to enact changes.

ACTION NEEDED: None at this time. The Board will continue to research this issue and provide recommendations and proposals to the Legislature in the future as needed to address these issues.

NINTH NEW ISSUE – REVIEW OF EXPERIENCE REQUIREMENTS TO QUALIFY FOR LICENSURE

In recent years, the Board has become more concerned that the experience requirements to qualify for licensure in all of the professions it regulates may not be sufficient or appropriate to ensure that individuals have received the proper training in order to practice on their own with due regard to the public health, safety, welfare, and property. The Board has included an objective in its 2015-1018 Strategic Plan to examine the appropriateness of current education and experience requirements for licensure. Depending on the outcome of this review, the Board may need to seek legislation in the future to enact changes.

ACTION NEEDED: None at this time. The Board will continue to research this issue and provide recommendations and proposals to the Legislature in the future as needed to enact such changes.

TENTH NEW ISSUE – PROPOSAL BY THE STRUCTURAL ENGINEERS ASSOCIATION OF CALIFORNIA (SEAOC) REGARDING WHO MAY DESIGN SIGNIFICANT STRUCTURES

The Board has been made aware of a proposal by SEAOC to amend the Professional Engineers Act to require licensure as a structural engineer, rather than as solely a civil engineer, for the design of “significant structures” in California. It is the Board’s understanding from the information provided to it by representatives of SEAOC that such a change has been successfully proposed in other states, such as Washington, in recent years. The Board looks forward to working with SEAOC on this issue.

ACTION NEEDED: If SEAOC wishes to move forward with this proposal, SEAOC should be requested to provide its proposed language for consideration by the Board and the Legislature.





ATTACHMENTS

SECTION 12



SECTION 12 Attachments

- A. Board Member Manual
- B. Current Organizational Chart Showing Relationship of Committees to the Board and Membership of Each Committee
- C. Report to the Senate Business, Professions and Economic Development Committee regarding the Continued Licensure of Geophysicists in California, June 30, 2011
- D. Year-End Organization Charts for Fiscal Year 2010/11 through Fiscal Year 2013/14
- E. 2015-2018 Strategic Plan
- F. Quarterly and Annual Enforcement Performance Measures Reports for Fiscal Year 2010/11 through Fiscal Year 2013/14
- G. Year-End Enforcement Statistical Report for Fiscal Year 2013/14
- H. Policy on Disclosure of Complaints and Disciplinary Actions



**Board for Professional
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Public Member
President, 2014/2015

Robert Stockton, P.E.
Civil Engineer Member
Vice President, 2014/2015

Natalie Alavi, P.E.
Mechanical Engineer Member

Asha Malikh Brooks
Public Member

Diane Hamwi
Public Member

Eric Johnson, P.E.
Electrical Engineer Member

Coby King
Public Member

Philip Quartararo
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Mohammad Qureshi, P.E., Ph.D.
Traffic Engineer Member

Hong Beom Rhee, Ph.D.
Public Member
(Assembly Appointee)

Karen E. Roberts, S.E.
Structural Engineer Member

Ray Satorre
Public Member
(Senate Appointee)

William "Jerry" Silva
Public Member

Patrick J. Tami, P.L.S.
Professional Land Surveyor Member

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Governor

Anna M. Caballero
Secretary, Business, Consumer Services, and Housing Agency

Awet Kidane
Director, Department of Consumer Affairs

Richard B. Moore, PLS
Executive Officer, Board for Professional Engineers, Land Surveyors, and Geologists

Attachment A



Governor Edmund G. Brown

Board for Professional Engineers, Land Surveyors, and Geologists

Board Member Manual



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1. **THE BOARD – GENERAL INFORMATION**

- 2015 – 2018 Strategic Plan
- Brief History of Engineering Registration
- Classes of Regulation
- Board Member Roster
- Disciplines of Licensure with Abbreviations



2015-2018

**Board for
Professional Engineers,
Land Surveyors, and
Geologists**

Strategic Plan

Adopted: July 31, 2014

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Message from the Board President

We are very pleased to present to you with our new strategic plan for 2015-2018. This plan represents the culmination of a huge effort and input by our stakeholders, staff, Board members, and Department of Consumer Affairs (DCA), and represents our revised priorities, goals and the actions essential to achieve those goals.

The timing of the plan couldn't have been better, given the addition of ten new Board members during the last two years. The one-day DCA-facilitated planning workshop, attended by the Board members and staff, was a watershed moment for the Board. We collectively offered experience-based insights and constructively discussed ideas and recommendations for revisions to the plan. Changes, modifications, or new additions were developed by consensus. The collaborative process encouraged each participant to both support and engage in the strategic planning process, and to embrace the plan as a "living document" and support its implementation going forward.

We encourage everyone to reference the strategic plan as we perform our day-to-day duties, as it is an established agreement undergirded by clearly articulated and measurable outcomes and results. And because it is a "living" document, we now have carefully structured a framework to help us assess and adjust our approach and direction as we respond to future changes, both within the Board organization and externally. Further, we have the benefit of our collective understanding and agreement as to the Board's mission, vision, and goals that should support our continued commitment to be public-focused and to implement responsible decision-making, which remains our foremost concern.



Erik Zinn, P.G., C.E.G.
2013-14 Board President



Kathy Jones Irish
2014-15 Board President

About the California Board

The California Legislature created the Board of Registration for Civil Engineers in 1929, following the failure of the St. Francis Dam in northern Los Angeles County. On March 12, 1928, the dam, which was located northeast of Castaic, suddenly gave way. A huge wall of water cascaded down the narrow valley of the Santa Clara River and when the water hit the town of Santa Paula, almost 50 miles downstream, the crest was still 25 feet high. The dam failure unleashed 12 billion gallons of water through the towns of Piru, Fillmore, Santa Paula, and Ventura before it reached the ocean. Lives lost numbered approximately 450; property damage was in the millions of dollars; 1,200 houses were demolished; and 10 bridges washed out. After the flood, inspection revealed that the dam was built on, and anchored to, a weak and faulted rock formation. The Legislature determined that the unregulated design of construction projects constituted a hazard to the public and passed laws to regulate civil engineering and to create the Board.

Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act. The Act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and is in the best interests of the state and California consumers.

Over the years, the Board has experienced some major changes under the provisions of the Professional Engineers Act. The number of branches of engineering regulated by the Board has increased, and the status of some of the older branches has changed. When electrical and mechanical engineering were first covered by the registration law in 1947, the law only affected the use of the titles. In 1967, the Act was amended to regulate the practice of those branches, as

well as the titles. In the late 1960s and early 1970s, the Act was also amended to give the Board the right to accept additional branches of engineering into the registration program. The additional categories were for the purpose of regulating the use of the titles of those engineering branches. Between 1972 and 1975, the Board expanded the registration program to include nine additional branches of engineering under its jurisdiction. In 1986, at the Board's request, the authority to create new title registration branches was removed from the Act. In the late 1990s and early 2000s, four of the title registration branches were deregulated.

In 2009, legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The Board consists of 15 members (seven licensed members and eight public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two terms. The seven licensed members and six of the public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly.

2011-2014 Strategic Plan Accomplishments

- 1** The Board significantly reduced the aging of open investigations over 1 year old from 108 cases to 9 cases during Fiscal Year 2013-14.

- 2** The Board restructured engineering, land surveying, and geology examination and application fees to provide cost savings to our applicants and licensees.

- 3** All State-specific examinations were converted to computer-based testing (CBT), and the Board now offers flexible testing dates for these exams.

- 4** The Board eliminated the 12-14 month backlog of cases awaiting the issuance of Administrative Citations and awaiting referral for formal disciplinary action during Fiscal Year 2012-13.

- 5** The Board improved the validity of the content and security of examinations by transferring the administration responsibilities for national engineering and surveying examinations to NCEES and converting state examinations to computer-based-testing delivery methods.

- 6** The Board received legislative authority to fingerprint applicants and obtain criminal history reports with the overall goal of safeguarding the public.

- 7** The Board continuously identified emerging technologies and established an online presence on multiple social media platforms, including Facebook, Twitter, and LinkedIn, to enhance communication with consumers and licensees.

- 8** The Board amended regulations to remove appeals of national examinations, thus promoting enhanced exam security.

Mission

We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions.

Vision

A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.

Values

Integrity
Consumer protection
Fairness
Quality
Customer service

Strategic Goal Areas

1 LICENSING

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

2 APPLICATIONS/EXAMINATIONS

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

3 LAWS AND REGULATIONS

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

4 ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

5 OUTREACH

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

6 CUSTOMER SERVICE

The Board strives to enhance organizational effectiveness and improve the quality of its services.

Goal 1: Licensing

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

- 1.1 Identify the minimum curriculum required for a qualifying geological sciences degree.
- 1.2 Develop fact sheets that describe the legal authority, functions, and benefits for the public for each of the license types regulated by the Board.
- 1.3 Improve the existing credit card process with the implementation of BreEZe¹.
- 1.4 Expand credit card transactions to all license types with the implementation of BreEZe.
- 1.5 Recommend potential methods for enacting continuing education requirements.
- 1.6 Educate university administrators and students about the importance of licensure.

¹ BreEZe is the new online licensing and enforcement system scheduled to be implemented 2015-16 by Department of Consumer Affairs'.

Goal 2: Applications/Examinations

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

- 2.1 Work with DCA to increase Board involvement in all aspects of the national exams.
- 2.2 Increase exam opportunities for candidates.
- 2.3 Advocate for national exams to include content that measures competency that meets California's needs.
- 2.4 Evaluate and identify ways to reduce the application process timeframes.
- 2.5 Explore costs and benefits of considering, if appropriate, withdrawing from national exams and developing California exams.
- 2.6 Examine the appropriateness of current education / experience requirements for licensure.

Goal 3: Laws and Regulations

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

- 3.1 Establish a legislative and regulatory work group of two Board members and staff and provide a written report at Board meetings.
- 3.2 Determine if changes to legislation or regulations are needed due to emerging technologies and industry practices.
- 3.3 Pro-actively clarify conflicting laws and regulations.
- 3.4 Seek legislation to merge the Geology/Geophysics fund with Engineers/Land Surveyors fund.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

- 4.1 Leverage collaborative relationships to encourage a reduction in cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General's Office.
- 4.2 Analyze and determine reasonable time frames and develop a benchmark/expectation for each step in the investigation.
- 4.3 Reduce complaint investigation cycle times to under 180 calendar days.
- 4.4 Research the feasibility of adding a legal requirement that licensees respond to Board investigative inquiries within a specified period of time.
- 4.5 Reduce formal disciplinary action process to a target of 540 calendar days.
- 4.6 Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.

Goal 5: Outreach

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

- 5.1 Develop a multi-phase stakeholder outreach plan.
- 5.2 Communicate enforcement actions on an ongoing basis on the website as soon as feasible.
- 5.3 Produce a newsletter on a quarterly basis that includes enforcement actions.
- 5.4 Encourage DCA and Agency to approve speaking and/or participating in conferences and other public and/or licensee outreach events.
- 5.5 Expand the Board's social media presence.
- 5.6 Proactively educate stakeholders to prevent violations.

Goal 6: Customer Service

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

- 6.1 Provide Board-specific training for new Board members in addition to DCA's Board Member Orientation Training.
- 6.2 Enhance customer service by providing training for staff.
- 6.3 Implement a plan to improve internal collaboration.
- 6.4 Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.
- 6.5 Educate the public about the steps and timing in the enforcement process.

Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of engineers, land surveyors, geologists, and geophysicists; professional associations; California colleges; and others who expressed interest in the strategic direction of the Board. The online survey received 1,202 responses.
- Telephone interviews with Board members in April 2014.
- Two focus group discussions with Board staff in April 2014.
- A manager focus group in April 2014.
- An interview with the Executive Officer and Assistant Executive Officer in May 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on June 5, 2014. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in this 2015 – 2018 strategic plan.

**CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS**
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833-2944
(916) 263-2222
www.bpelsg.ca.gov

Prepared by:



Department of Consumer Affairs
1747 N. Market Blvd., Suite 270
Sacramento, CA 95834

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for BPELSG in April and May 2014. Subsequent amendments may have been made after Board adoption of this plan.



A BRIEF HISTORY OF THE BOARD

- 1929 Board created by Legislature. Registration was for civil engineers only.
- 1931 Structural Engineer licensing added by Legislature.
- 1933 Land Surveyor licensing authority transferred to the Board by the legislature.
- 1947 Legislature added restrictions on use of engineering titles (this began the creation of the so called "title acts") for the branches of professional engineering in the fields of chemical, electrical, mechanical, and petroleum engineering.
- 1965/67 Legislature added restrictions on use of engineering titles for the branch of metallurgical and industrial engineering, respectively.
- 1967 Legislature added restrictions on the practice of electrical and mechanical engineering (change in status from "title act" to "practice act").
- 1968 Legislature delegated authority to Board to create new title acts.
- 1972/75 Board held hearings and created 9 additional title act branches: agricultural, control systems, corrosion, fire protection, manufacturing, nuclear, quality, safety and traffic engineering.
- 1982 Geotechnical engineer license added by the legislature.
- 1986 Board's authority to create new title act registrations eliminated by legislature.
- 1985/87 Requirement for testing of all civil engineering applicants on engineering surveying principles and seismic principles added by the legislature.
- 1996 The Board was part of the Sunset review.
- 1999 The Board was again part of the Sunset review.
- 2000 Legislature added written contract for professional services.
- 2001 The Board contracted for review of all title acts.
- 2009 Legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors.
- 2011 Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

Classes of Regulation

- A. Title Authorities (Geotechnical and Structural Engineers):
1. Require previous registration as a civil engineer, and
 2. Require additional experience beyond what is necessary to qualify for the civil engineer registration, and
 3. Require the passing of an additional examination beyond that required to obtain registration as a civil engineer.
 4. Use of titles is all that is restricted by the P.E. Act, but other laws limit certain activities to persons holding these authorities.
- B. "Practice Act" professional engineers (Civil, Electrical, and Mechanical):
1. With certain exceptions, a person must be registered *in one* of these branches of professional engineering in order to practice in that field of engineering.
 2. Exceptions (exemptions) from the requirement to be registered in order to practice in these identified branches are available under certain conditions to architects, civil engineers, contractors, federal employees, and employees of public utilities and industrial corporations.
 3. In spite of the above exceptions, use of the title of each such branch of engineering is restricted to persons who are properly registered.
- C. "Title Act" professional engineers (Agricultural, Chemical, Control System, Fire Protection, Industrial, Manufacturing, Metallurgical, Nuclear, Petroleum, and Traffic Engineers):
1. Except where it falls within an area covered by a practice act, the practice of engineering covered by each of these branches of engineering is not regulated and may be performed by anyone.
 2. In spite of the fact that the practice of each of the above named branches of engineering is essentially unregulated, the use of the title of each such branch is restricted to persons who are properly registered.
 3. Even though not regulated by state law, the practice in some of the above branches is limited by local authorities to persons appropriately registered.

Please direct all Board Member correspondence to:
 Board for Professional Engineers, Land Surveyors, and Geologists
 2535 Capitol Oaks Drive, Suite 300 • Sacramento, CA 95833
 (916) 263-2230 • FAX (916) 263-2246

NAME	TITLE/TERM
 JONES IRISH, KATHY, PRESIDENT	Public Member 1 st Term Began 07/06/12 Term Exp's 06/30/14
 STOCKTON, ROBERT, VICE-PRESIDENT	Civil Engineer 1 st Term Began 07/06/12 Term Exp's 06/30/15
 ALAVI, NATALIE	Mechanical Engineer 1 st Term Began 12/17/13 Term Exp's 6/30/16
 BROOKS, ASHA	Public Member 1 st Term Began 12/17/13 Term Exp's 6/30/16
 HAMWI, DIANE	Public Member 1 st Term Began 05/29/13 Term Exp's 06/30/15
 JOHNSON, ERIC	Electrical Engineer 1 st Term Began 12/3/13 Expires: 6/30/2017
 KING, COBY	Public Member 1 st Term Began 05/29/13 Term Exp's 06/30/16
 QUARTARARO, PHILIP	Public Member 1 st Term Began 02/10/10 2 nd Term Exp's 06/30/14
 QURESHI, MOHAMMAD	Traffic Engineer Term Began 03/5/14 1 st Term Exp's 06/30/14
 RHEE, HONG BEOM PH.D.	Public (Assembly) Term Began 03/17/11 2 nd Term Exp's 06/30/15
 ROBERTS, KAREN E.	Structural Engineer Term Began 03/5/14 1 st Term Exp's 06/30/17
 SATORRE, RAY	Public Member (Senate) 1 st Term Began 07/13/07 2 nd Term Exp's 06/30/15
 SILVA, WILLIAM	Public Member 1 st Term Began 02/13/08 2 nd Term Exp's 06/30/14
 TAMI, PATRICK J.	Land Surveyor 1 st Term Began 06/09/06 3 rd Term Exp's 06/30/15
 ZINN, ERIK	Geologist 1 st Term Began 01/02/11 1 st Term Exp's 06/30/14

DISCIPLINES OF LICENSURE WITH ABBREVIATIONS

License Types

AG	Agricultural Engineer
C	Civil Engineer
CH	Chemical Engineer
CO	Consulting Engineer
CR	Corrosion Engineer
CS	Control System Engineer
E	Electrical Engineer
EG	Certified Engineering Geologist
FP	Fire Protection Engineer
GE	Geotechnical Engineer (Soil or Soils Engineer)
GEO	Geologist
GP	Geophysicist
HG	Certified Hydrogeologist
I	Industrial Engineer
L	Land Surveyor
M	Mechanical Engineer
MF	Manufacturing Engineer
MT	Metallurgical Engineer
NU	Nuclear Engineer
P	Petroleum Engineer
PS	Photogrammetrist (Photogrammetric Surveyor)
Q	Quality Engineer
S	Structural Engineer
SF	Safety Engineer
TR	Traffic Engineer

2. OPERATING PROCEDURES

- The Boards Operating Procedures
- Bagley-Keene Open Meeting Act



**Board for Professional Engineers,
Land Surveyors, and Geologists**

Operating Procedures

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ARTICLE I: PARLIAMENTARY PROCEDURE

1.0 RULE PRIORITY

- 1.0.1 The Board Operating Procedures will govern the actions to be taken by the Board and the Committees. If a situation is not covered by the Board Operating Procedures, Robert's Rules of Order as set forth in the Bantam Books paperback edition will govern the actions to be taken by the Board and the Committees.
- 1.0.2 All votes for an action to be taken at board meetings shall be carried by a majority vote of no less than five members as set forth in Section 6716 of the Business and Professions Code.

1.1 TIME AND PLACE OF MEETINGS

- 1.1.1 Board meetings shall occur at times and places determined by the Board and the Board shall hold at least two regular meetings each year.
- 1.1.2 Any meeting or session may be recessed or adjourned for cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act, to any time or from time-to-time, when determined necessary by a majority of the Board or Committee for the expeditious transaction of business.
- 1.1.3 Standing Committee and Special Committee meetings shall be scheduled by the Committee Chairperson with notification and approval of the Board President.

1.2 SELECTION OF PRESIDENT, VICE PRESIDENT, TEMPORARY PRESIDENT, AND COMMITTEE CHAIRPERSONS

- 1.2.1 The nomination for and selection of the President and Vice President shall be accomplished by the last scheduled meeting of each fiscal year.
- 1.2.2 The method of selection for the President shall be by nomination from the members of the Board. The President may appoint a nominating committee to recommend to the Board a proposed President and Vice President. Members of the Board may suggest names to the Nominating Committee. Nominations from the floor shall also be accepted.
- 1.2.3 The method of selection for the four (4) Standing Committee Chairpersons shall be by appointment by the President from among the members of the Board.
- 1.2.4 The terms for the President, Vice President, and Chairpersons shall be for a period of one year commencing July 1.
- 1.2.5 During the absence of the Board President or Chairperson, the Vice President or Vice Chairperson shall preside, and, in the event that both the President and Vice President or Chairperson and Vice Chairperson are absent, the Board or Committee members present shall select a member as temporary President or Chairperson.

- 1.2.6 The President may appoint Special Committees and work groups as deemed necessary for the conduct of the Board affairs.
- 1.2.7 The ex officio member of a committee shall not serve as committee chairperson of a Standing Committee, shall not count toward a quorum, and does not have a right to vote. An alternate committee member, appointed pursuant to 1.3.2.g., may serve as chairperson of a Standing Committee, may count toward a quorum, and has a right to vote.
- 1.2.8 In the event that the office of the President and/or Vice President becomes vacant, the Board members present shall elect from its members to complete the term(s) of office.
- 1.2.9 In the event that the office of a committee Chairperson and/or Vice Chairperson becomes vacant, the President shall select a Board member to complete the term(s) of office.

1.3 ROLE OF BOARD PRESIDENT

1.3.1 The President is considered to be an active participant in all Board matters.

1.3.2 The duties of the President are as follows:

- a) Presiding over Board meetings as Chairperson and facilitating the process whereby the Board accomplishes its business.
- b) Fostering Board cooperation and teamwork including expeditious and frequent communication with all Board members.
- c) Publicly representing the Board on policies made and actions taken by the Board, and other factors affecting the Board.
- d) Appointing the Chairperson and members of the Standing Committees, Special Committees, work groups, and alternates to NCEES meetings.
- e) Approving public notices.
- f) Setting the agenda items in the Order of Business for scheduled Board meetings. The Order of Business may include but is not limited to the following items:

Roll Call	President’s Report
Public Comment on Open and Closed Agenda Items	Executive Officer’s Report
Closed Session	Committee Reports
Open Session	Action Items
Approval of Consent Agenda	New Business for future consideration
Approval of the Minutes of a Previous Meeting	Information Items
	Adjournment

- 1.3.2 g) The President is either an ex-officio or an alternate member of all standing committees. When a committee does not have a quorum, the President may designate himself/herself as an alternate member of the committee; and/or the President may designate a Board member as an alternate. The voting right is extended only to alternates.

The President shall give note to the Committee Chairperson informing him/her which Board member has been designated as an alternate for that Committee meeting prior to the commencement of the Committee's meeting.

- h) The President shall schedule at least one annual performance appraisal of the Executive Officer at a Board meeting.
- 1.3.3 The Vice President of the Board assumes the duties of the President in the full or temporary absence, or temporary incapacitation of the President.

1.4 SUSPENSION OF AN OPERATING PROCEDURE

- 1.4.1 Any operating procedure of the Board may be suspended temporarily by a majority of the members present (but not less than five), provided that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond adjournment.

1.5 AMENDMENT TO OPERATING PROCEDURES

- 1.5.1 Board operating procedures may be amended at a scheduled meeting of the Board by a majority of the members present (but not less than five), provided that the proposed amendment has been placed on the agenda.

ARTICLE II: MEETINGS OF THE BOARD AND COMMITTEES

2.0 QUORUM

- 2.0.1 Seven members of the Board shall constitute a quorum. Except as otherwise provided by law, the vote required for any action of the Board is a majority of the members present (but not less than five). No business shall proceed when the number of voting members is reduced below a quorum with the exception of information items.
- 2.0.2 A majority of members of the Committee shall constitute a quorum. The vote required for a recommendation of the committee to the Board is a majority of those present. No business shall proceed when the number of voting members is reduced below a quorum with the exception of information items.

2.1 ROLL CALL

- 2.1.1 A roll call shall be made at each Board and Committee meeting.

2.2 APPROVAL OF MINUTES

- 2.2.1 The Executive Officer (or Designee) shall ensure that the Minutes of each scheduled meeting are included in the agenda of the next scheduled meeting. The Minutes of the preceding meeting shall not be read at any Board or Committee meeting unless a member shall request it, but the Board or Committee chairperson shall inquire whether there are corrections to the Minutes and shall order them approved, without objection, after any corrections ordered have been made.

2.3 PRESERVATION OF MINUTES

- 2.3.1 The Minutes of the Board and the Committees including corrections, shall be kept by the Executive Officer, typewritten and maintained with pages numbered consecutively. All resolutions and actions taken by the Board shall be excerpted from the minutes and placed into a log. The Executive Officer is charged with the custody of all papers, books, documents, and materials of the Board and shall make these available to the public during normal business hours. Closed session minutes will not be made available to the public.
- 2.3.2 Resolutions established by the board, such as policy resolutions, shall remain in effect until changed or modified by the Board. A record of these resolutions shall be maintained separate and apart from the Board minutes.

2.4 RECORDING OF THE MEETINGS

- 2.4.1 The Executive Officer shall ensure that recordings of Board and Committee meetings are made and retained, as permitted by law, for the required legal retention period.

2.5 BOARD MEETING AGENDA

- 2.5.1 The Executive Officer shall prepare and issue an agenda for each scheduled meeting.
- 2.5.2 Matters not contained on the agenda for a scheduled meeting shall not be considered by the Board or Committee at that meeting except as an information item.
- 2.5.3 Matters on the agenda for scheduled meetings which have not been considered and acted upon, or continued to a subsequent meeting, shall be deemed continued to the next scheduled meeting as an agenda item.
- 2.5.4 The agenda shall specifically designate items thereon that are scheduled for reconsideration.
- 2.5.5 The agenda shall be approved by the Board President.
- 2.5.6 Any member of the Board or the Executive Officer shall be authorized to place items on the Board agenda. The Executive Officer shall have the authority to consider requests from a member of the public to place items on the Board or Committee agenda.

2.6 PROCEDURES GOVERNING MOTIONS

- 2.6.1 To make a motion, resolution, or any other call to action by the Board or Committee, a member must be recognized by the Board or Committee Chairperson. The member shall then state the motion, resolution or call to action. Any other member may second the motion. If there is no second, the motion, resolution or call for action dies and shall be declared so by the Board or Committee Chairperson. If a second is declared, the matter is open for discussion, or a call for a vote.
- 2.6.2 A motion, resolution, or any other call to action by the Board or Committee open for discussion may be amended any time prior to adoption or rejection by an amendatory motion made by any member. An amendatory motion may be in the form of a substitute motion so that it replaces the original motion and can be adopted with a majority vote or may be phrased as to amend the original motion. If the substitute motion fails to carry, the original motion shall be voted upon. If an amendment to the original motion is separately voted upon and is not adopted, the original motion shall then be voted upon. If the amendment is adopted, the original motion as amended shall then be voted upon.
- 2.6.3 A motion may be withdrawn by the maker at any time before adopted or rejection with the consent of the second. The second to a motion may be withdrawn by the seconding member at any time before adoption or rejection of the motion, and the motion shall then be deemed dead for lack of a second unless seconded by another member.
- 2.6.4 After a motion has been seconded, any member may discuss or comment on the motion. When no member wishes to add further comment, the Board or Committee Chairperson shall call for a vote. In the event of a prolonged discussion, a motion to end debate shall take precedence over further debate.
- 2.6.5 A motion to reconsider the vote may be made by any member who voted with the prevailing side. No question can be reconsidered twice unless it was amended after its first consideration. Such a motion may be made at the meeting at which it was acted upon, or at the continued session of the same meeting.

2.7 VOTING

- 2.7.1 The President or Chairperson may vote on any call for a vote.
- 2.7.2 Members must be present to vote and shall cast only one vote at each call for a vote.
- 2.7.3 Votes cast by voice or show of hands, shall be counted, tallied and announced by the Board or Committee Chairperson. The results shall appear in the minutes, with the total votes on each side of the issue or abstaining.
- 2.7.4 Any member may ask for a roll call vote. The Board or Committee Chairperson shall call for votes in favor, opposing or abstaining. The results shall be announced by the Board or Committee Chairperson and shall appear in the minutes, with the names of the members voting on each side of the issue or abstaining.

2.8 PUBLIC COMMUNICATION WITH THE BOARD

- 2.8.1 The PUBLIC COMMENT items on Board and Committee meeting agendas are provided to allow members of the public to speak on any item(s) related to Board business.
- 2.8.2 During deliberation of an agenda item, public comment may be solicited and always entertained.
- 2.8.3 The Board or Committee Chairperson may establish a reasonable time limit for public comment, consistent with the conduct of its business.
- 2.8.4 The Board or Committee Chairperson may limit the time available for the public comments on an item before the Board or Committee. Insofar as possible, the agenda will identify when public comment will be limited.

2.9 DISRUPTION OF BOARD MEETINGS

- 2.9.1 In the event that a meeting of the Board or Committee is deliberately interrupted so as to prevent the conducting of business in a timely or orderly manner, the President or Chairperson may, unless there is an objection by a majority of voting members, order the offending person or persons to remove themselves or be removed from the meeting.

2.10 MEMBER ATTENDANCE AT BOARD AND STANDING COMMITTEE MEETINGS

- 2.10.1 Each Board member will agree to commit to make their best effort to attend three-quarters of the scheduled Board and their assigned Standing Committee meetings. In the event that a member cannot attend a scheduled meeting, he or she will advise either the Board President, or the Committee chairperson, or the Executive Officer with as much advance notice as possible.
- 2.10.2 If a Board member cannot meet the Board’s policy for attendance at meetings within a fiscal year, the member shall advise the appropriate appointing authority.
- 2.10.3 If a Board member cannot meet the Board’s policy for attendance at meetings within a fiscal year, and cannot or will not advise the appointing authority, the Board President shall make a written report, with the approval of two-thirds of the Board, to the appointing authority of the absentee member.

ARTICLE III: STANDING, SPECIAL, AND TECHNICAL ADVISORY COMMITTEES

3.0 STANDING COMMITTEES

- 3.0.1 The Administrative Committee shall consider all matters affecting the administrative operations of the Board and report its recommendations to the Board for appropriate action.

- 3.0.2 The Enforcement Committee shall consider all matters related to the enforcement of the Board's statutes, regulations, and rules and report its recommendations to the Board for appropriate action.
- 3.0.3 The Examination/Qualification Committee shall consider all matters related to the administration of examinations given under the authority of the Board and related to the qualifications of the applicants seeking licensure as professional engineers or land surveyors, and report its recommendations to the Board for appropriate action.
- 3.0.4 The Legislative Committee shall consider all legislative matters that affect the Board and its operations, and report its recommendations to the Board for appropriate action.

3.1 SPECIAL COMMITTEES AND WORK GROUPS

- 3.1.1 A Board member shall be the Chairperson of Special Committees. Special and Ad Hoc committees are one and the same kind of committee as used by this Board.
- 3.1.2 A work group is an informal body assembled at the discretion of the Board President to perform designated tasks. Work groups can be comprised of Board members, Board staff, consumers, professionals or any combination thereof.

3.2 TECHNICAL ADVISORY COMMITTEES

- 3.2.1 The Board president shall designate two Board members to serve as liaison to the TAC, one of whom shall be the corresponding professional member and one who is a public member. The professional member will be the senior representative and will make reports to the Board and recommendations on matters calling for Board action. The public member will report to the Board in the professional member's absence. All transactions between the TAC and the Board, and the Board and the TAC shall be through a Board liaison member.
- 3.2.2 The Board may have Technical Advisory Committees in any discipline as needed.
- 3.2.3 The Technical Advisory Committees shall advise and assist the Board with respect to the following:
 - a) Application review and verification for any level of registration, licensure, authority, or title.
 - b) Evaluation and investigation of potential violations of the Acts.
 - c) Amendment, repeal, adoption, or revision of Board rules, regulations and procedures.
- 3.2.4 Procedures for Technical Advisory Committees (TAC) will be in accordance with the document "Organization and Procedure: Technical Advisory Committees". (Appendix A)
- 3.2.5 The "Organization and Procedure: Technical Advisory Committees" and changes thereto will be approved by the Board.

3.3 APPOINTMENT, NATURE AND TERM OF COMMITTEES

- 3.3.1 The President shall appoint the Chairs and members of the Standing and Special Committees from among the membership of the Board.
- 3.3.2 For the purpose of this rule, Special Committees appointed by the President as prescribed herein shall be deemed temporary in nature and shall cease to exist when the function or mission for which they were created is achieved or abandoned.
- 3.3.3 The President of the Board shall report the appointment of any Special committee and specify its purpose and objectives at a regularly scheduled Board meeting.
- 3.3.4 The Board shall review all Special Committees annually to determine their effectiveness and rationale for continuance. Following these reviews, the Board shall determine whether to continue or discontinue these committees.

3.4 DUTIES OF COMMITTEE CHAIRPERSONS

- 3.4.1
- a) Calling and cancellation of meetings;
 - b) Setting the committee agenda;
 - c) Presiding over committee meetings;
 - d) Presenting the recommendations of the committee to the Board in an appropriate and timely manner;
 - e) Facilitating adherence to the purposes and objectives of the committee in its deliberations and actions;
 - f) Ensuring that the minutes of all committee meetings are recorded and are accessible.

3.5 COMMITTEE NOTICES AND AGENDA

- 3.5.1 The schedule of the committee meetings, and changes thereto, shall be approved by the Chairperson.
- 3.5.2 Each notice of a committee meeting and its agenda shall be approved by the Chairperson and distributed according to these rules and applicable law.
- 3.5.3 Items may be placed on committee agendas by the Board President, Board members, Committee members, or the Board's Executive Officer. The Executive Officer shall have the authority to consider requests from a member of the public to place items on the Committee agenda.

3.6 NCEES REPRESENTATION

- 3.6.1 The Board President shall appoint representatives from the Board membership to attend the Annual and Western Zone meetings. The Board's NCEES liaison shall be a registered member.
- 3.6.2 The Board President, the Vice President, the NCEES liaison, and the Executive Officer will attend the NCEES annual and western zone meetings.
- 3.6.3 Alternates will be appointed by the Board President.
- 3.6.4 First alternates to attend NCEES meetings will be the immediate Past President and/or Standing Committee Chairperson(s). The second alternates will be the remaining Board members.
- 3.6.5 As many members should be appointed by the Board President to represent the Board at NCEES meetings as are authorized by the Governor to attend. Appointments will be made in accordance with Section 3.6.4.
- 3.6.6 All Board members may apply for membership on any of the NCEES standing committees.
- 3.6.7 Each Board member shall notify the Board President of application and acceptance of membership on NCEES committee(s).

ARTICLE IV: POLICIES FOR EXECUTIVE OFFICER

4.0 TRAVEL, TIME SHEETS AND COMPENSATION

- 4.0.1 The Board President shall review and authorize the travel claims of the Executive Officer.
- 4.0.2 The Board President shall review and authorize the time sheets of the Executive Officer.
- 4.0.3 The Executive Officer may accrue compensated time off only by Board Authority or the discretion of the President.



MEMORANDUM

DATE: January 15, 2014

TO: Executive Officers
Executive Directors
Registrar
Bureau Chiefs
Interested Parties

FROM: DOREATHEA JOHNSON
Deputy Director
Legal Affairs

A handwritten signature in blue ink that reads "Doreatha Johnson".

Subject: Public Meetings (Bagley-Keene Open Meeting Act)

The attached guide includes all statutory amendments through January 1, 2014. Please disregard all of our previous memoranda on the subject, and our Guide to the Bagley-Keene Open Meeting Act, issued January 14, 2013. We have made minor changes to the guide and have updated the law to reflect a change made to Government Code § 11126. The change does not impact our agencies.

We hope you find this document helpful in answering questions you may have about the requirements of the Open Meeting Act. If you have any suggestions for ways to improve the guide in the future, please let us know.

GUIDE TO THE
BAGLEY-KEENE OPEN MEETING ACT
(Includes Amendments through January 1, 2014)

Prepared by:

DIVISION OF LEGAL AFFAIRS
Department of Consumer Affairs
1625 N. Market Blvd., Suite S 309
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BAGLEY-KEENE OPEN MEETING ACT

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GUIDE TO THE BAGLEY-KEENE OPEN MEETING ACT

(Includes Amendments through January 1, 2014)

This guide is an update on the provisions of the public meetings law governing state agencies, officially called the Bagley-Keene Open Meeting Act. (Article 9 (commencing with Section 11120), Chapter 1, Part 1, Division 3, Title 2 of the Government Code). The Open Meeting Act closely parallels the Ralph M. Brown Act, which governs meetings of local government agencies. This guide includes all statutory changes through January 1, 2014. Please disregard all earlier memoranda and the previous Guide to the Bagley-Keene Open Meeting Act (distributed January 14, 2013) on this subject.

All statutory references are to the Government Code.

I. PUBLIC POLICY TO CONDUCT PEOPLE'S BUSINESS OPENLY

Section 11120 sets forth the purpose of the law:

"It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act."

Each board has essentially three duties under the Open Meeting Act. First, to give adequate notice of meetings to be held. Second, to provide an opportunity for public comment. Third, to conduct such meetings in open session, except where a closed session is specifically authorized. We use the terms "agency" and "board" to mean not only boards, but also commissions and any examining committees or boards within the jurisdiction of the Medical Board of California.

II. BOARD, COMMITTEE, SUBCOMMITTEE, TASK FORCE MEETINGS

A. Definition of a “Meeting”

“Meeting” is defined in the Act as including “any congregation of a majority of the members of a state body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.” (§11122.5(a)) The law now prohibits use by a majority of the members of a state body of direct communications or a series of communications of any kind, directly or through personal intermediaries, or technological devices (such as e-mails) to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body. (§11122.5(b))

B. Exemptions from Definition of Meeting

The law recognizes that not all gatherings of a majority of members of a state body at a single location constitute a meeting. Current law provides that the provisions of the Act do not apply to the following situations, **provided that** “a majority of the members do not discuss among themselves, other than as part of a scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.” (§11122.5(c))

- Individual contacts or conversations between a member of a state body and any other person. (§11122.5(c)(1))
- Attendance by a majority of members at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the state body. (§11122.5(c)(2))
- Attendance by a majority of members at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body. (§11122.5(c)(3))
- Attendance by a majority of members at an open and noticed meeting of another state body or of a legislative body of a local agency. (§11122.5(c)(4))
- Attendance by a majority of members at a purely social or ceremonial occasion. (§11122.5(c)(5))
- Attendance by a majority of members at an open and noticed meeting of a standing committee of that body, provided the members of the body who are not members of the committee attend only as observers. (§11122.5(c)(6))

The law does not, however, prevent an employee or official from engaging in separate communications outside of a noticed meeting with members of the legislature to answer questions or provide information about a matter within the agency’s subject

matter jurisdiction – with the limitation that the person cannot communicate the comments or position of any other member.

C. Board and Committee Meetings

There are two basic types of meetings held by agencies in the Department of Consumer Affairs. The first type is a board meeting, where a quorum of the members of the board is present. The second type is a committee meeting consisting of less than a quorum of the members of the full board. Subcommittee and task force meetings are variations of committee meetings.

Board meetings have historically been required to be noticed and open to the public, except where a closed session is authorized. Committee and subcommittee meetings, where less than a quorum of the board is present, are also required to be noticed and open to the public. The only exception is for a committee that consists of fewer than three persons and does not exercise any authority of a state body delegated to it by that state body. (NOTE – it is the number of persons on the committee [not the number of board members] that is determinative.)

Where a committee of fewer than three persons is to meet, and the meeting is not noticed, other members of the board should not attend the meeting, as such attendance would clearly be perceived as an Open Meeting Act violation. Board staff is not precluded from attending such a meeting.

[Restriction on Attendance at Committee Meetings] The law allows attendance by a majority of members at an open and noticed meeting of a standing committee of the board, provided the members of the board who are not members of the committee attend only as observers. (§11122.5(c)(6)) The Office of the Attorney General has addressed in a formal opinion a provision in the Brown Act relating to the attendance of "observers" at a committee meeting. The Attorney General concluded that "[m]embers of the legislative body of a local public agency may not ask questions or make statements while attending a meeting of a standing committee of the legislative body 'as observers.'" The opinion further concluded that such members of the legislative body may not sit in special chairs on the dais with the committee. (81 Ops.Cal.Atty.Gen. 156)

Thus, under the provisions of section 11122.5(c)(6), and the opinion of the California Attorney General, if a majority of members of the full board are present at a committee meeting, members who are not members of the committee that is meeting may attend that meeting only as observers. The board members who are not committee members may not sit on the dais with the committee, and may not participate in the meeting by making statements or asking questions.

If a board schedules its committee meetings seriatim, and other board members are typically present to ultimately be available for their own committee meeting, your notice of the committee meeting should contain a statement to the effect that "Members

of the board who are not members of this committee may be attending the meeting only as observers.”

Subcommittees may be appointed to study and report back to a committee or the board on a particular issue or issues. If the subcommittee consists of three or more persons, the same provisions apply to its meetings as apply to meetings of committees.

Board chairpersons may occasionally appoint a task force to study and report on a particular issue. One or two board members typically serve as task force members, along with a number of other non-board members. When this is the case, the same Open Meeting Act rules that apply to committee meetings apply to task force meetings. Such a formally appointed task force falls under the definition of “state body in Section 11121(c).”

III. TYPES OF MEETINGS; PURPOSE; NOTICE; OTHER REQUIREMENTS

Boards and committees may hold several types of meetings, including a regularly scheduled meeting, a “special” meeting, or an “emergency” meeting under the provisions of section 11125.5. This section of the memorandum addresses who can hold certain types of meetings, the purposes for which the meetings can be held, notice requirements, and any other special requirements or prohibitions.

A. Regularly Scheduled Meetings

1. Who May Hold a Regularly Scheduled Meeting

A board, committee, subcommittee, or task force may hold a regularly scheduled meeting. These are the business meetings that are scheduled throughout the year to conduct the usual and customary business of the board. Such meetings may generally be called by the chairperson, or by a majority of the body. However, you must refer to your particular licensing act, which may contain different provisions as to who may call a meeting.

2. Purposes for Which the Meeting May be Held

These meetings are to conduct the usual and customary business of the board, or the business of a committee, subcommittee or task force as directed by the board. The subject matter of the meetings is essentially dictated by the jurisdiction of the board as found in the board’s licensing act. There are no statutory restrictions in the Open Meeting Act on the purposes for which a regularly scheduled meeting may be held.

3. Notice Requirements for a Regularly Scheduled Meeting

a. Board Meetings

An agency is required to give at least 10 calendar days written notice of each board meeting to be held. (§11125(a).) The notice must include the name, address, and telephone number of a person who can provide further information prior to the meeting and must contain the website address where the notice can be accessed. The notice must also be posted on the Internet at least 10 calendar days before the meeting.

In addition to the website posting, effective January 1, 2003, the notice is required to be made available in appropriate alternate formats upon request by any person with a disability.

The notice of each board meeting must include an agenda that is prepared for the meeting. The agenda must include all items of business to be transacted or discussed at the meeting. " ... A brief general description of an item generally need not exceed 20 words. ... No item shall be added to the agenda subsequent to the provision of this notice." (§11125(b)) This provision does not, however, preclude amending an agenda provided the amended notice is distributed and posted on the Internet at least 10 calendar days prior to the meeting. Effective January 1, 2003, the notice must include information that would enable a person with a disability to know how, to whom, and by when a request may be made for any disability-related modification or accommodation, including auxiliary aids or services. We suggest the following as standard language:

The meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting _____ at (916) _____ or sending a written request to that person at the Board [Address], Sacramento, California, [zip code]. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

The definition of "action taken" in Section 11122 is of some aid in determining what the Legislature intended by use of the words "items of business to be transacted."

"11122. As used in this article 'action taken' means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action."

General agenda items such as "New Business," "Old Business," "Executive Officer's Report," "Committee Reports," "President's Report," "Miscellaneous," etc., without specifying the particular matters thereunder, cannot be used to circumvent this requirement. The Office of the Attorney General has opined that:

"... the purpose of subdivision (b) [of Government Code Section 11125] is to provide advance information to interested members of the public concerning the state body's anticipated business in order that they may attend the meeting or take whatever other action they deem appropriate under the circumstances.

* * *

"We believe that Section 11125 was and is intended to nullify the need for . . . guesswork or further inquiry on the part of the interested public." (67 Ops.Cal.Atty.Gen. 85, 87)

Items not included on the agenda may not be discussed, even if no action is to be taken by the agency. However, we offer two suggestions so members of the public and board members may raise issues that are not on the agenda.

We strongly encourage boards to include an item on their agendas for "Public Comment on Matters Not on the Agenda." This gives persons who are attending a meeting an opportunity to raise any issues they may have, which may not be on the agenda, but which may be appropriate for future board discussion. Matters raised under this agenda item should be discussed only to the extent necessary to determine whether they should be made an agenda item at a future meeting. (§11125.7(a))

We also strongly encourage boards to include an item on their agenda for "Agenda Items for Future Meetings." This allows all board members an opportunity to request specific agenda items for a meeting. Again, these items should be discussed only to the extent necessary to determine whether they should be included as agenda items for a future meeting.

[CAVEAT: If the regularly scheduled meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

The notice and the agenda must be provided to any person who requests it. A member of the public may request notice for a specific meeting, for all meetings at which a particular subject will be discussed or action taken thereon, or for all meetings of the agency. Mailing lists of persons who desire to be notified of more than one meeting must be maintained pursuant to Section 14911, which provides:

"14911. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and

verify its accuracy at least once each year. This shall be done by addressing an appropriate postcard or letter to each person on the mailing list. The name of any person who does not respond to such letter or postcard, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The response of those desiring to be on the mailing list shall be retained by these agencies for one year."

Effective 1/1/98, a sentence was added to subdivision (c) of Section 11125.1 to state that "Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication." (Stats. 1997, Chapt. 949; SB 95) The Legal Office interprets this provision to supersede any provisions in particular practice acts which require newspaper publication of board or committee meetings. Boards and committees, of course, retain the discretion to publish notices in newspapers if they so chose.

b. Committee, Subcommittee or Task Force Meetings

Each agency is required to give notice of committee, subcommittee or task force ("committee") meetings to be held. However, this requirement does not apply if the committee consists of less than three persons. It is the number of persons on the committee that is determinative, not how many of the persons are board members. Thus, if a committee consisted of two board members and two other interested persons, its meetings would have to meet all the requirements of the Open Meeting Act.

Notice of committee meetings must be provided and posted on the Internet at least 10 calendar days in advance of the meeting. (§11125(a)) The notice "shall include a brief, general description of the business to be transacted or discussed, and no item shall be added subsequent to the provision of the notice." (§11125(c)) The notice must also include the Website address where the notice can be accessed on the Internet. Although the law does not so specify, we would suggest also including in the notice the name, address, and telephone number of a contact person who can provide further information prior to the meeting. As with board meetings, there is no requirement that the notice be published in any newspaper or other periodical. However, the notice must be provided to any person or persons who have requested to be notified of the particular committee's meetings. You may elect to send such notice to those persons on your regular mailing list.

Remember you must post your notice on the Internet at least 10 calendar days in advance of the meeting and must make the notice available in appropriate alternate formats upon request by any person with a disability.

Provision is made for certain non-emergency, but sometimes necessary, committee meetings. Where, during the course of a regularly scheduled and properly noticed board meeting, the board desires that a committee presently discuss an item of business on the agenda, the committee may do so provided (a) the specific time and place of the committee meeting is announced during the public meeting of the board,

and (b) the committee meeting is conducted within a reasonable time of, and nearby, the meeting of the board. (§11125(c))

4. Specific Requirements for Regularly-Scheduled Meetings

There are no specific requirements, other than those set forth above, for regularly scheduled board, committee, subcommittee or task force meetings.

5. Specific Prohibitions on Holding a Regularly-Scheduled Meeting

There are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a regularly scheduled meeting.

We again remind you that, with respect to committee meetings, members of the board who are not members of the committee that is meeting may only attend the committee meeting as observers. This means these members may not sit on the dais with the committee, make any statements, or ask any questions during the committee meeting. (81 Ops.Cal.Atty.Gen. 156)

B. "Special" Meetings

SB 95 of 1997 created a new category of meeting, that being a "special" meeting.

1. Who May Hold a Special Meeting

A board, committee, subcommittee or task force may hold a special meeting.

2. Purposes for Which a Special Meeting May be Held

The only purposes for which a special meeting may be held are set forth in section 11125.4, and are drawn from the purposes for which an emergency meeting could be held under the prior law. In essence, the Legislature recharacterized those purposes as constituting "special" circumstances rather than "emergency" circumstances. Section 11125.4 provides in part that:

"(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body.

A special meeting may only be called for one of the following purposes where compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider 'pending litigation' as that term is defined in subdivision (e) of Section 11126.

- (2) To consider proposed legislation.
- (3) To consider issuance of a legal opinion.
- (4) To consider disciplinary action involving a state officer or employee.
- (5) To consider the purchase, sale, exchange, or lease of real property.
- (6) To consider license examinations and applications.
- (7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.
- (8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.
- (9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

* * *

Department of Consumer Affairs licensing boards would most likely hold a special meeting for the purposes set forth in subdivisions (1), (2), (3), (4), and (6).

3. Notice Requirements for a Special Meeting

A special meeting can be called at any time by the presiding officer or a majority of the members of the state body, provided the 10-day notice requirements of section 11125 “would impose a substantial hardship on the state body or where immediate action is required to protect the public interest.” (§11125.4(a)) The only purposes for which the meeting can be held are those set forth above.

The normal 10-day advance notice is not required for special meetings. However, notice of the special meeting is required to be provided to each member of the state agency and to persons who have requested notice of the agency’s meetings as soon as practicable after the decision to hold the meeting is made. Notice to members, newspapers of general circulation, and radio or television stations must be received at least 48 hours in advance of the meeting. Notice to newspapers, radio and television stations is satisfied by providing notice to all national press wire services. Notices to the general public may be given via appropriate electronic bulletin boards or other appropriate mechanisms. (§11125.4(b)) The notice must also be posted on the Internet at least 48 hours in advance of the meeting.

The notice must specify the time and place of the special meeting and the business to be transacted. In essence, an agenda would be prepared. No business

other than that noticed may be transacted. Notice is required even if no action is subsequently taken at the meeting. (§11125.4(b)) The notice must contain the Website address where the notice may be accessed on the Internet.

[CAVEAT: If the special meeting will have a closed session agenda item or items, or be held by teleconference, please refer to the discussion of additional requirements under those headings, below.]

4. Specific Requirements During Special Meetings

At the commencement of a special meeting, the agency must make a finding in open session that providing a 10-day notice of the meeting would pose a substantial hardship on the agency, or that immediate action is required to protect the public interest. The specific facts constituting the hardship or need for immediate action must be articulated. This finding must be adopted by a two-thirds (2/3) vote of the agency members present, or if less than two thirds of the members are present, by a unanimous vote of the members present. Failure to adopt the finding terminates the meeting. The agency's finding must be made available on the Internet. (§11125.4(c))

5. Specific Prohibitions on Holding a Special Meeting

As discussed above, a special meeting may only be held for the purposes set forth in section 11125.4(b). Other than the limitation on the purposes of the meeting, there are no statutory prohibitions in the Open Meeting Act on a board, committee, subcommittee or task force conducting a special meeting.

C. "Emergency" Meetings

1. Who May Hold an Emergency Meeting

A board, committee, subcommittee or task force may hold an emergency meeting.

2. Purposes for Which an Emergency Meeting May be Held

As noted above, S.B. 95 of 1997 recharacterized a number of "emergency" situations as "special" situations. This resulted in the narrowing of situations for which an emergency meeting may be held. Section 11125.5 provides an emergency meeting may be held only in the case of an "emergency situation," defined as:

"(1) Work stoppage or other activity that severely impairs public health or safety, or both.

"(2) Crippling disaster that severely impairs public health or safety, or both." (§11125.5(b))

3. Notice Requirements for an Emergency Meeting

An emergency meeting may be held without complying with the 10-day notice requirement in Section 11125 or the 48-hour notice requirement in Section 11125.4. However, newspapers of general circulation, television and radio stations that have requested notice of meetings shall be notified of the emergency by telephone at least one hour before the meeting. If telephone services are not functioning, notice is deemed waived. The notice must be posted on the Internet as soon as practicable after the decision to call an emergency meeting has been made. However, newspapers, television and radio must be notified as soon as possible after the meeting of the fact of the meeting, its purpose, and any action taken. (§11125.5(c))

4. Specific Requirements for an Emergency Meeting

The following are required to be posted in a public place and on the Internet for a minimum of 10 days, as soon as possible after the emergency meeting:

- * Minutes of the meeting
- * A list of persons notified, or attempted to be notified, of the meeting
- * Any action taken at the meeting
- * The rollcall vote on action taken (§11125.5(d))

5. Specific Prohibitions on Holding an Emergency Meeting

As discussed above, an emergency meeting may only be held for the purposes set forth in section 11125.5(b).

IV. CLOSED SESSIONS

A. Purposes for Which Closed Session Can be Held

"Closed" sessions were formerly called "executive" sessions. Since all references in the Open Meeting Act have been changed from "executive" session to "closed" session, throughout this memorandum we will refer to such sessions as "closed" sessions.

Section 11123 states that "All meetings of a state body shall be open and public and all persons shall be permitted to attend any meeting of a state body except as otherwise provided in this article."

Section 11126 sets forth those specific items of business which may be transacted in closed session. Only those enumerated items of business may be conducted in closed session. An agency in the Department may convene a closed session pursuant to Section 11126 for the following purposes.

1. Personnel Matters

A board may meet in closed session to ". . . consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person unless the employee requests a public hearing." In order to consider such disciplinary action or dismissal the "employee shall be given written notice of his or her right to have a public hearing . . . which notice shall be delivered to the employee personally or by mail at least 24 hours before the meeting." (§11126(a)) If such a notice is not given any action taken during a closed session for the above reason is null and void. Once the public hearing has been held, the agency may convene into closed session to deliberate on the decision to be reached. (§11126(a)(4))

Prior to January 1, 1995, section 11126(a) did not apply to employees who were appointed to their positions, such as executive officers, executive directors, and registrars (referred to as "executive officer" for convenience). For example, any decision or deliberations made in the selection or dismissal of an executive officer previously had to be conducted in open session. (68 Ops.Cal.Atty.Gen. 34.) However, with the enactment of SB 1316 (Stats. 1994, Chapt. 845) and SB 95 (Stats. 1997, Chapt. 949), a board can now meet in closed session to consider the appointment, employment, evaluation of, or dismissal of its executive officer, unless the executive officer requests a public hearing. (§11126(a)(1), (2)) SB 1316 supersedes the conclusion reached in 68 Ops.Cal.Atty.Gen. 34. As noted above, once the public hearing has been held, the state body may convene in closed session to deliberate on the decision to be reached. (§11126(a)(4))

If the executive officer does not request a public hearing, he or she must be given the opportunity for a hearing in closed session. After the hearing, the executive officer should be excused from the closed session, and the board may then continue in closed session to deliberate on the decision to be reached. (§11126(a)(4))

Section 11126(a) is not to be interpreted to mean that a board is required to handle civil service personnel matters itself. Normally, this function of an agency is administered by its executive officer in conjunction with the Director of Consumer Affairs, who shares authority with respect to civil service personnel.

2. Examination Matters

A board may meet in closed session to "prepare, approve, grade or administer examinations." (§11126(c)(1)) Essentially, this includes any discussion regarding the actual content of examinations, and their reliability and validity. If an agency is perusing examination samples in order to choose one over the others, this may be done in closed session. On the other hand, if an agency is discussing, for example, the general logistics of administering an examination, then this would not be proper subject matter for a closed session. A basic rule is that if a meeting concerns the grading, specific content, validity of an examination, or examination security, then it can and should be conducted in closed session.

Also, an agency may hear appeals from examinees or re-review examinations in closed session as this would be included in the "grading" of the examination.

3. Matters Affecting Individual Privacy

A committee, consisting of less than a quorum of the full board, may meet in closed session to:

" . . . discuss matters which the [committee] has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, . . . Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body." (§11126(c)(2))

Thus, review by a committee (or subcommittee of an examining committee) of an applicant's qualifications for licensure could properly be done in a closed session. Also, for example, an enforcement committee could convene in closed session to discuss an inquiry related to a particular licensee or licensees prior to any action being filed.

CAVEAT: This closed session provision does not authorize such a review by the full board. Nor does it generally authorize a committee of a board to review complaints, investigation reports, or other information to determine whether disciplinary or other action should be filed against a licensee.

To ensure that board members render an impartial and fair decision in considering an Administrative Law Judge's proposed decision, board members are precluded from involving themselves in the investigation or prosecution phase of an action. (§11430.10 *et seq.*) The board's role is that of judge in the case. If a particular board member has any significant involvement in the investigative or prosecution phases, he or she must disqualify himself/herself from participation in the board's action relative to the proposed decision, and not attempt to influence any other board member regarding the decision. Legal counsel should be consulted before any enforcement actions are discussed with individual licensees, as such discussions may impact participation by the member in a final decision on a case (§11430.60), and may require disclosures under the provisions of the state's Administrative Procedure Act. (§11430.50)

Even though these committee meetings may consist entirely of subject matter proper for closed session they are required to be noticed as discussed above.

4. Administrative Disciplinary Matters

A board may meet in closed session to deliberate on a decision in an administrative disciplinary proceeding under the Administrative Procedure Act. (§11400, *et seq.*; §11126(c)(3)) In the closed session, the board may decide whether to adopt a Proposed Decision, review a transcript of a hearing and render a decision of its own, deliberate upon evidence heard by the agency itself, or consider a stipulation.

This section does not authorize an agency to convene into closed session for the purpose of assigning cases, *i.e.* deciding whether a case should be heard by a hearing officer alone or by the agency itself with a hearing officer. This section does not authorize an agency to convene into closed session to review investigation files or complaints. Members of boards that have the discretion to hear cases should not review pending complaints or investigation files for the reasons given above.

5. Board of Accountancy Matters

The enforcement advisory committee established by the State Board of Accountancy pursuant to Business and Professions Code Section 5020 may convene in a closed session to "consider disciplinary action against an individual accountant prior to the filing of an accusation." (§11126(f)(3)) And the qualifications examining committee established by that board pursuant to Business and Professions Code Section 5023 may convene in closed session to "interview an individual applicant or accountant regarding the applicant's qualifications."

As noted above, such administrative and examining committee meetings are required to be noticed as previously discussed in this memorandum.

6. Pending Litigation

A board may meet in closed session to confer with or receive advice from its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body in the litigation. (§11126(e)(1)) Again, please note the very specific notice requirements discussed below when a closed session is to be held to discuss "pending litigation". Litigation means an adjudicatory proceeding before a court, administrative body, hearing officer or arbitrator. Litigation is considered to be pending if, (1) it has been initiated formally (e.g. a complaint, claim or petition has been filed) or (2) based on existing facts and circumstances and on the advice of its legal counsel, the state body believes there is significant exposure to litigation against it, or it is meeting to decide whether a closed session is authorized because of significant exposure to litigation or (3) based on existing facts and circumstances, the state body has decided or is deciding whether to initiate litigation. (§11126(e)(2))

The agency's legal counsel must submit a memorandum which complies with the requirements of Section 11126(e)(2)(C)(ii) prior to the closed session if possible, but no

later than one week after the closed session. This document is confidential until the pending litigation has been finally adjudicated or otherwise settled. (§6254.25)

7. Response to Confidential Final Draft Audit Report

Section 11126.2 (added effective January 1, 2005) permits an agency to meet in closed session to discuss its response to a confidential final draft audit report from the Bureau of State Audits. However, once that audit report becomes final and is released to the public, the agency may only discuss it in open session.

8. Threat of Criminal or Terrorist Activity

Effective January 1, 2006, AB 277 (Chap. 288, Stats. 2005) authorizes an agency at a regular or special meeting to meet in closed session to consider “matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body,” where disclosure of those considerations could compromise or impede the safety or security of the described subjects. The law (Section 11126(c)(18)) requires the agency to authorize the closed session by a two-thirds vote of the members present at the meeting.

9. Advisory Bodies/Committees May Meet in Closed Session

To the extent a licensing board, which is defined as a “state body” in the Open Meeting Act, is authorized to meet in closed session, then committees, subcommittees, or other bodies advisory to the licensing board, which are also defined as “state bodies,” may meet in closed session for the same purposes as the licensing board. (§11126(f), (4)-(6))

10. Open Session Otherwise Required

Any other business transacted by an agency must be in open session. Only for the above-mentioned reasons may a board within the Department of Consumer Affairs meet in closed session. (§11132) A board may not meet in closed session for the purpose of electing officers or to discuss the proposal or adoption of rules and regulations. Further, a board may not convene in closed session to discuss testimony received during a hearing on proposed rules and regulations. Finally, an agency may not meet in closed session because it wants to have a frank and open discussion among only members on a matter of controversy. In order for an agency to meet in closed session, the closed session must be specifically authorized by statute.

B. Notice and Reporting Requirements for Closed Sessions

1. Notice of Closed Session

When a closed session will constitute part or all of a meeting, it is important to note Government Code Section 11126.3, which requires that:

"(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. [A provision applicable to the Public Utilities Commission is not included herein.] If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126 [litigation has already commenced], the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage."

Thus, if the meeting will consist in part or in its entirety of a closed session, you must include on the notice of the meeting the above-described information. Pay particular attention to these very specific requirements if the closed session is to discuss pending litigation. Please note that to obtain legal advice in closed session concerning pending litigation, the notice must cite subdivision (e) of Section 11126 and your attorney must prepare a memorandum stating the specific reasons and legal authority for the closed session. Subdivisions of Government Code Section 11126, discussed under "Closed Sessions" above, will generally be the statutory authority cited.

If a closed session agenda to discuss pending litigation has been properly published, and an additional pending litigation issue subsequently arises, the state agency may discuss the new matter in closed session provided that postponement of the discussion would prevent the state agency from complying with any statutory, court-ordered, or other legally-imposed deadline. The state agency must publicly announce the title of, or otherwise identify, the litigation unless to do so would jeopardize the ability to effectuate service of process, or to do so would jeopardize the agency's ability to conclude existing settlement negotiations to its advantage. (§11126.3(d))

If you intend to have a closed session during your meeting, you should first contact your Legal Division attorney to ensure that a closed session is authorized and properly noticed.

2. Reporting After a Closed Session

Section 11126.3(f), requires a state body to convene in open session after a closed session and to report as required in Section 11125.2, which states that:

"Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss a public employee arising out of any closed session of the state body."

C. Other Procedural Requirements for Closed Sessions

There are certain additional requirements that must be met when closed sessions are to be held.

1. All closed sessions must be held during a regular or special meeting (§11128); they may not be scheduled independently of a noticed meeting of the board or committee. Where, for example, a board or committee meeting is scheduled to discuss only matters appropriate for a closed session, the meeting should be opened as a public meeting with an announcement immediately following that the agency will convene into closed session.

2. As discussed under "Notice Required," above, prior to holding the closed session the agency must announce the general reason(s) for the closed session and the specific statutory or other legal authority under which the session is held. (§11126.3 (a)) With respect to litigation that has already been initiated, it must announce the title of or otherwise identify the litigation. (§11126.3(a)) Other specific notice requirements, discussed above, also apply to notices regarding pending litigation. In the closed session, only matters covered in the statement may be discussed. (§11126.3(b))

3. The agency is required to designate a staff person to attend the closed session and to record in a minute book a record of topics discussed and decisions made. (§11126.1)

4. The minute book referenced in (3) is available only to members of the agency, or if a violation of the Open Meeting Act is alleged, to a court of general jurisdiction. (§11126.1)

5. Information received and discussions held in closed session are **confidential** and must not be disclosed to outside parties by members or staff who attended the closed session. A recent opinion of the Office of the California Attorney General concluded that:

“A local school board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed.” (80 Ops.Cal.Atty.Gen. 231)

That opinion also cited a previous opinion, in which the Attorney General stated that “We have ... routinely observed that it would be *improper* for information received during a closed session to be publicly disclosed.” (76 Ops.Cal.Atty.Gen. 289, 290-291; Emphasis in the original.)

V. MEETING BY TELECONFERENCING

Prior to January 1, 1995, the Bagley-Keene Open Meeting Act contained no provision for conducting meetings where the participating members were not physically present in one location.

Effective 1/1/95, subdivision (b) was added to Government Code section 11123 to authorize meetings by teleconference. (Stats. 1994, Chapt. 1153; AB 3467) That subdivision has been amended several times, most recently by AB 192 of 2001, and it currently provides:

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

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

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

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

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

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

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

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

A method is thus available whereby meetings may be conducted by audio or video teleconferencing provided the criteria set forth in the statute have been met. Note the restriction in subdivision (b)(1)(E) that prohibits a closed session emergency meeting. Emergency meetings in open session may be conducted by teleconference.

We emphasize that the law now requires every teleconference meeting location to be identified in the notice and agenda and to be open to the public. Most importantly, the members of the agency must attend the meeting at a public location. Members are no longer able to attend the meeting via teleconference from their offices, homes, or other convenient location unless those locations are identified in the notice and agenda, and the public is permitted to attend at those locations. Nothing prohibits additional locations, where only the public is connected to the teleconference meeting. (§11123(b)(2))

VI. DELIBERATIONS AND VOTING

Keep in mind the Open Meeting Act declaration of legislative intent that actions of state agencies be taken openly and that their deliberation be conducted openly. (§11120) In this regard, there are a number of provisions in the Open Meeting Act which address deliberations and voting.

A. Seriatim Calls to Individual Agency Members Prohibited

Except as authorized by the above-discussed teleconferencing statutes, telephone conference calls may not be used to avoid the requirements of the Open Meeting Act. A conference call including members of a board, committee, subcommittee or task force sufficient to constitute a majority of that state body is prohibited, except pursuant to an authorized teleconference meeting.

In a case involving the Ralph M. Brown Act, the court concluded that a series of one-to-one telephone calls between members of a local body, where the purpose of the calls was to obtain a collective commitment on an issue, constituted a violation of the Act. (*Stockton Newspapers, Inc. v. Members of the Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95) The Brown Act is the local agency counterpart to the Bagley-Keene Open Meeting Act, and decisions rendered on its provisions are frequently followed in Open Meeting Act cases.

Citing the *Stockton Newspapers, Inc.* case, the court in *Sutter Bay Associates v. County of Sutter* held that to prevent evasion of the Brown Act, a series of private meetings (known as serial meetings) by which a majority of the members of the legislative body commit themselves to a decision concerning public business or engage in collective deliberation on public business would violate the open meeting requirement. ((1997) 58 Cal.App.4th 860, 877, 68 Cal.Rptr.2d 492, 502)

Effective January 1, 2010, the Act now specifically prohibits serial communications between a majority of members “to discuss, deliberate, or take action on any item of business that is within the subject matter of the state agency.” (Emphasis added.)

B. E-Mail Prohibition

AB 192 of 2001 added subdivision (b) to section 11122.5 to provide:

"Except as authorized pursuant to Section 11123, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the state body to develop a collective concurrence as to action to be taken on an item by the members of the state body is prohibited."

The enactment of subdivision (b) of section 11122.5, expands upon and confirms a recent opinion of the Attorney General prohibiting the use of e-mail to reach a collective decision outside a regularly scheduled meeting. In 84 Ops.Cal.Atty.Gen. 30, the Attorney General concluded that:

"A majority of the board members of a local public agency may not e-mail each other to develop a collective concurrence as to action to be taken by the board without violating the Ralph M. Brown Act even if the e-mails are also sent to the secretary and chairperson of the agency, the e-mails are posted on the agency's Internet website, and a printed version of each e-mail is reported at the next public meeting of the board."

As noted above, interpretations of the Brown Act, which governs local public agencies, are often cited as authority in interpreting similar provisions of the Bagley-Keene Open Meeting Act.

Members of a board must refrain from calling or otherwise contacting other members on a one-to-one basis, or conducting serial meetings, in order to discuss, deliberate, or take action outside the meeting on a matter within the subject matter of the board.

C. Secret Ballot Prohibited

An agency may not vote by secret ballot in a public meeting nor vote in closed session on any matter where discussion, deliberations, or action taken is required to be in an open meeting. (68 Ops.Cal.Atty.Gen. 65, 69)

For example, the election of board officers may not be conducted by secret ballot or in closed session.

D. Voting by Proxy Prohibited

Voting by proxy is not authorized. (68 Ops.Cal.Atty.Gen. 65, 70)

E. Use of Electronic Devices During Meeting

Board members should not text or email each other during an open meeting on any matter within the board's jurisdiction. Using electronic devices to communicate secretly on such a matter would violate the law. Where laptops are used by board members at the meeting because the board provides board materials electronically, the board president should make an announcement at the beginning of the meeting as to the reason for the laptops. We suggest the following (or something similar):

“You may notice board members accessing their laptops during the meeting. They are using the laptops solely to access the board meeting materials which are in electronic format.”

F. Voting by Mail on Administrative Disciplinary Matters

As a general rule, all voting on items of business to be transacted must be done at a public meeting. However, the Administrative Procedure Act authorizes mail voting on all questions arising under that act. (Govt. Code §11526.) Thus, board members may vote by mail on proposed decisions, stipulated decisions, and other matters in connection with a formal disciplinary case. No other votes may be cast by mail. (68 Ops.Cal.Atty.Gen. 65, 69)

VII. MISCELLANEOUS PROVISIONS

There are several provisions governing public meetings which do not fit under any of the above headings, but of which you should be aware.

A. Conforming Board Member's Conduct

Any person who has been appointed as a member of a state body, who has not yet assumed the duties of the office, must conform his or her conduct to the provisions of the Open Meeting Act. (§11125.95)

B. Providing Open Meeting Act to New Board Members

A copy of the Bagley-Keene Open Meeting Act must be provided to each agency member upon his or her appointment to office. Each agency should insure that a copy is given to each new member. (§11121.9.)

C. Prohibition on Placing Conditions on Public's Attendance

1. Sign-in

No person can be required to register or sign-in or fulfill any other condition in order to attend a public meeting of an agency. While a person who wishes to make public comment may be asked to identify himself or herself for the board's record or minutes, a commenter cannot be compelled to do so or prevented from speaking because the commenter refuses to identify himself or herself.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, "it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document." (§11124)

2. Discrimination in Admittance to Meeting Facility

A meeting may not be held in any facility that prohibits the admittance of any persons on the basis of race, religious creed, color, national origin, ancestry, or sex. (§11131)

3. Access for the Disabled

All meetings must be accessible to the disabled. (§11131)

4. Charging a Fee or Requiring a Purchase for Access

The Open Meeting Act prohibits holding a meeting in any location where the public is required to pay a fee or make a purchase to attend. (§11131)

D. Agency Recording of the Proceedings

A tape or film record of an open and public meeting made by the agency must be made available for public inspection under the California Public Records Act, but may be erased or destroyed 30 days after the taping or recording. An inspection must be provided without charge on an audio or video tape player made available by the state agency. (§11124.1(b))

E. Public's Right to Record the Proceedings

Persons attending a public meeting have a right to record the proceedings with an audio or video tape recorder or still or motion picture camera, in the absence of a reasonable finding by the agency that the recording could not continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings. (§11124.1(a))

F. Media Broadcast of the Proceedings

A state body may not prohibit or otherwise restrict the broadcast of a public meeting in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings. (§11124.1(c))

G. Webcasting

While webcasting is not required, if you plan to webcast your meeting, we encourage you to place the following statement on your agenda:

“While the board intends to webcast this meeting, it may not be possible to webcast the entire open meeting due to limitations on resources.”

H. Taking Agenda Items Out of Order

Items listed on the agenda may be taken up out of order, provided the purpose of moving the agenda items is not to frustrate public or other input on the item. It is a good practice to note on either the top or the bottom of your agenda that “All times indicated and the order of business are approximate and subject to change,” to alert members of the public this is a possibility.

If your agency schedules a multiple day meeting and may move items scheduled for a subsequent day to an earlier day, you should provide notice of this possibility on your agenda. Suggested language is that “Items scheduled for a particular day may be moved to an earlier day to facilitate the board’s business.” Again, the purpose may not be to frustrate public or other input.

I. Opportunity for Public Comment at Meetings

Section 11125.7 addresses the subject of public comment at board meetings. With specified exceptions, that section requires state agencies to provide an opportunity for members of the public to directly address the state agency on each agenda item before or during the agency’s discussion or consideration of the item. This opportunity for comment need not be made available if:

1. The agenda item has previously been considered at a public meeting by a committee comprised exclusively of board members, where members of the

public were provided an opportunity to address the item. However, if the item has been substantially changed since the committee meeting, a new opportunity to address the agency would be required at the full board meeting.

2. The agenda item is one that may properly be considered in closed session, which would include deliberation and action on disciplinary proceedings under the Administrative Procedure Act. (§11125.7)

If a board wishes to establish a standing rule that discussion of agenda items will be given a specified amount of time, or that public comment will be limited to a certain amount of time, the board may do that by adopting an administrative regulation. (§11125.7(b))

The law specifically provides that a state agency may not prohibit public criticism of its policies, programs, or services, or of the acts or omissions of the agency. (§11125.7(c))

VIII. DISCLOSURE OF DOCUMENTS

A. Documents Distributed Prior to the Meeting

When writings which are public records are distributed to all, or a majority of all, of the members of a board or committee for discussion or consideration at a public meeting, the writings must be made available for public inspection. Generally, the records must be made available for inspection at the time of distribution to agency members. (§11125.1(a)) Records exempt from disclosure under Sections 6253.5, 6254 or 6254.7 of the Public Records Act need not be disclosed even though the subject matter of the records may be considered or discussed at the meeting. This includes records which are drafts, notes or memoranda which will not be retained by the agency, attorney-client privileged communications, records of pending litigation and claims against the state, personnel, medical or similar files, complaint and investigation files, except for Accusations and Proposed Decisions, and any records or data relating to examinations.

B. Documents Distributed During the Meeting

When public records pertaining to an agenda item are prepared by the state body or a member of the state body, and distributed to state body members during a meeting, the documents must be made available for public inspection at the meeting. If records are prepared by some other person, and distributed to members of the state body during a meeting, the documents must be made available for public inspection after the meeting. (§11125.1(b)) Records exempt from public disclosure under specified statutes are not required to be publicly disclosed. (§11125.1(a), (b))

C. Charging a Fee for Public Documents

Under section 11126.7, an agency may not charge a fee for a notice, including the agenda, of a meeting, and may only charge those fees specifically authorized for public documents that are considered at the meeting

At its discretion, an agency may charge a fee to cover reproduction costs for providing the documents required to be made available, as discussed in paragraph (B), immediately above. If an agency charges a fee, it is limited to the direct costs of duplication authorized in Section 6257 for the reproduction of public records. (§11125.1(c))

Effective January 1, 2003, documents distributed prior to or during a meeting that are public records must be made available, upon request by a person with a disability, in appropriate alternative formats. No extra charge can be imposed for putting those documents into an alternative format.

IX. PENALTIES

Under previous law, any interested person could commence court action (mandamus, injunction, declaratory relief) to stop or prevent violations or threatened violations of the Open Meeting Act. SB 95, effective 1/1/98, added the Attorney General and the district attorney to the list of those who may commence such action. Court costs and reasonable attorney's fees may be awarded to a successful plaintiff to be paid from the funds of the agency. (§11130.5)

SB 95 also expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek court action "to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, ..." (§11130(a)) This appears to be a rather unique provision, and its implications are unknown at this time.

SB 95 further expanded the law to authorize the Attorney General, a district attorney, or any interested person to seek a court action to compel a state agency to tape record its closed sessions. Upon a judgment of a violation of Section 11126, a court could so compel an agency. Discovery procedures for the tape recordings are also set forth. (§11130(b), and (c))

Section 11130.3 authorizes a person to institute a court action to obtain a judicial determination that an action taken in violation of the notice provisions or the provisions governing closed sessions of the Act is null and void. Court costs and reasonable attorney's fees may also be awarded to a successful plaintiff under this section. This section reinforces the need for a specific, informative agenda as required by Section 11125.

These remedies extend to past actions of an agency. The statute of limitations for bringing an action is 90 days. (§§11130(c) and 11130.3(a)).

Section 11130.7 of the Act provides:

"Each member of a state body who attends a meeting of such body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled, is guilty of a misdemeanor."
(Emphasis added.)

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11120. Public policy; legislative finding and declaration; citation of article

It is the public policy of this state that public agencies exist to aid in the conduct of the people's business and the proceedings of public agencies be conducted openly so that the public may remain informed.

In enacting this article the Legislature finds and declares that it is the intent of the law that actions of state agencies be taken openly and that their deliberation be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

This article shall be known and may be cited as the Bagley-Keene Open Meeting Act.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1980, c. 1284, p. 4333, § 4; Stats. 1981, c. 968, p. 3683, § 4.)

11121. State body defined

As used in this article, "state body" means each of the following:

(a) Every state board, or

commission, or similar multimember body of the state that is created by statute or required by law to conduct official meetings and every commission created by executive order.

(b) A board, commission, committee, or similar multimember body that exercises any authority of a state body delegated to it by that state body.

(c) An advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body, if created by formal action of the state body or of any member of the state body, and if the advisory body so created consists of three or more persons.

(d) A board, commission, committee, or similar multimember body on which a member of a body that is a state body pursuant to this section serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1980, c. 515, § 1; Stats.1981, c. 968, p. 3683, § 5; Stats.1984, c. 193, § 38. Amended by Stats.1996, c. 1023 (S.B.1497), § 88, eff. Sept. 29, 1996; Stats.1996, c. 1064 (A.B.3351), § 783.1, operative July 1, 1997; Stats.2001, c. 243 (A.B.192), § 1; Amended Stats. 2003 ch 62 § 117 (SB 600)).

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11121.1. State body; exclusions

As used in this article, "state body" does not include any of the following:

(a) State agencies provided for in Article VI of the California Constitution.

(b) Districts or other local agencies whose meetings are required to be open to the public pursuant to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5).

(c) State agencies provided for in Article IV of the California Constitution whose meetings are required to be open to the public pursuant to the Grunsky-Burton Open Meeting Act (Article 2.2 (commencing with Section 9027) of Chapter 1.5 of Part 1 of Division 2 of Title 2).

(d) State agencies when they are conducting proceedings pursuant to Section 3596.

(e) State agencies provided for in Section 109260 of the Health and Safety Code, except as provided in Section 109390 of the Health and Safety Code.

(f) The Credit Union Advisory Committee established pursuant to Section 14380 of the Financial Code.

(Added by Stats.2001, c. 243 (A.B.192), § 2. Amended by Stats. 2008, c. 344 (S.B. 1145), § 2, eff. Sept. 26, 2008.)

11121.2. Repealed by Stats. 2001, c. 243 (A.B.192), § 3

The repealed section, added by Stats.1981, c. 968, p. 3684, § 5.2, related to multimember body with authority from state body.

11121.7. Repealed by Stats. 2001, c. 243 (A.B.192), § 4

The repealed section, added by Stats.1980, c. 1284, p. 4333, § 5, amended by Stats.1981, c. 968, p. 3685, § 6, related to representatives of the state body.

11121.8. Repealed by Stats. 2001, c. 243 (A.B.192), § 5

The repealed section, added by Stats.1981, c. 968, p. 3684, § 7, related to advisory bodies.

11121.9. Provision of copy of article to members of state body

Each state body shall provide a copy of this article to each member of the state body upon his or her appointment to membership or assumption of office.

(Added by Stats.1980, c. 1284, p. 4334, § 6. Amended by Stats.1981, c. 714, p. 2659, § 175; Stats.1981, c. 968, p. 3685, § 7.1.)

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11121.95. Appointees or elected officials not yet in office; conformity of conduct to article requirements

Any person appointed or elected to serve as a member of a state body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this article and shall be treated for purposes of this article as if he or she has already assumed office.

(Added by Stats.1997, c. 949 (S.B.95), § 1.)

11122. Action taken

As used in this article "action taken" means a collective decision made by the members of a state body, a collective commitment or promise by the members of the state body to make a positive or negative decision or an actual vote by the members of a state body when sitting as a body or entity upon a motion, proposal, resolution, order or similar action.

(Added by Stats.1967, c. 1656, p. 4026, § 122.
Amended by Stats.1981, c. 968, p. 3685, § 7.3.)

11122.5. Meeting defined; series of communications to discuss, deliberate, or take action prohibited; exceptions

(a) As used in this article, "meeting" includes any congregation of a majority of the members of a state body at the same time and place to

hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the state body to which it pertains.

(b)(1) A majority of the members of a state body shall not, outside of a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter of the state body.

(2) Paragraph (1) shall not be construed to prevent an employee or official of a state agency from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the state agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) The prohibitions of this article do not apply to any of the following:

(1) Individual contacts or conversations between a member of a state body and any other person that do not violate subdivision (b).

(2)(A) The attendance of a majority of the members of a state body at a conference or similar gathering open to the public that involves a

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discussion of issues of general interest to the public or to public agencies of the type represented by the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the state body.

(B) Subparagraph (A) does not allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a state body at an open and publicized meeting organized to address a topic of state concern by a person or organization other than the state body, if a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the state body.

(4) The attendance of a majority of the members of a state body at an open and noticed meeting of another state body or of a legislative body of a local agency as defined by Section 54951, if a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the other state body.

(5) The attendance of a majority of the members of a state body at a purely social or ceremonial occasion, if a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the state body.

(6) The attendance of a majority of the members of a state body at an open and noticed meeting of a standing committee of that body, if the members of the state body who are not members of the standing committee attend only as observers.

(Added by Stats.2001, c. 243 (A.B.192), § 6.
Amended by Stats.2009, c. 150 (A.B.1494), § 1.)

11123. Meetings; attendance; teleconference option

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

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

(A) The teleconferencing meeting shall comply with all requirements of this

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article applicable to other meetings.

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

(C) If the state body elects to conduct a meeting or proceeding by teleconference, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the rights of any party or member of the public appearing before the state body. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the state body directly pursuant to Section 11125.7 at each teleconference location.

(D) All votes taken during a teleconferenced meeting shall be by rollcall.

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

(F) At least one member of the state body shall be physically present at the location specified in the notice of the meeting.

(2) For the purposes of this

subdivision, "teleconference" means a meeting of a state body, the members of which are at different locations, connected by electronic means, through either audio or both audio and video. This section does not prohibit a state body from providing members of the public with additional locations in which the public may observe or address the state body by electronic means, through either audio or both audio and video.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3685, § 7.5. Amended by Stats.1994, c. 1153 (A.B.3467), § 1; Stats.1997, c. 52 (A.B.1097), § 1; Stats.2001, c. 243 (A.B.192), § 7.)

11123.1. State body meetings to meet protections and prohibitions of the Americans with Disabilities Act

All meetings of a state body that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(Added by Stats. 2002, c. 300 (A.B. 3035), § 1.)

11124. Conditions to attendance

No person shall be required, as a condition to attendance at a meeting of a state body, to register his or her name, to provide other information, to complete a questionnaire, or otherwise

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to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1981, c. 968, p. 3685, § 8.)

11124.1. Audio or video recording of proceedings; inspection of state's recording; broadcast restrictions

(a) Any person attending an open and public meeting of the state body shall have the right to record the proceedings with an audio or video recorder or a still or motion picture camera in the absence of a reasonable finding by the state body that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any audio or video recording of an open and public meeting made for whatever purpose by or at the direction of the state body shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of

Division 7 of Title 1), but may be erased or destroyed 30 days after the recording. Any inspection of an audio or video recording shall be provided without charge on equipment made available by the state body.

(c) No state body shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

(Added by Stats.1980, c. 1284, p. 4334, § 7. Amended by Stats.1981, c. 968, p. 3685, § 9; Stats.1997, c. 949 (S.B.95), § 2; Stats.2009, c. 88 (A.B.176), § 42.)

11125. Notice of meeting

(a) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least 10 days in advance of the meeting, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a

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specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words. A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

(e) A request for notice of more than one meeting of a state body shall be subject to the provisions of Section 14911.

(f) The notice shall be made available in appropriate alternative formats, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request, by any person with a disability. The notice shall include information regarding how, to whom, and by when a request for any disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires these aids or services in order to participate in the public meeting.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1973, c. 1126, p. 2291, § 1; Stats.1975, c. 708, p. 1695, § 1; Stats.1979, c. 284, § 1, eff. July 24, 1979; Stats.1981, c. 968, p. 3685, § 10. Amended by Stats.1997, c. 949 (S.B.95), § 3; Stats.1999, c. 393 (A.B.1234), § 1; Stats.2001, c. 243 (A.B.192), § 8; Stats. 2002, c. 300 (A.B. 3035), § 2.)

11125.1. Agendas and other writings distributed for discussion or consideration at public meetings; public records; Franchise Tax Board; inspection; availability on the Internet; closed sessions

(a) Notwithstanding Section 6255 or any other provisions of law, agendas of public meetings and other writings,

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when distributed to all, or a majority of all, of the members of a state body by any person in connection with a matter subject to discussion or consideration at a public meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, or 6254.7 of this code, or Section 489.1 or 583 of the Public Utilities Code.

(b) Writings that are public records under subdivision (a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, upon request by a person with a disability.

(c) In the case of the Franchise Tax Board, prior to that state body taking final action on any item, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed to members of the state body by the Franchise Tax

Board staff or individual members prior to or during a meeting shall be:

- (1) Made available for public inspection at that meeting.
- (2) Distributed to all persons who request notice in writing pursuant to subdivision (a) of Section 11125.
- (3) Made available on the Internet.
- (d) Prior to the State Board of Equalization taking final action on any item that does not involve a named tax or fee payer, writings pertaining to that item that are public records under subdivision (a) that are prepared and distributed by board staff or individual members to members of the state body prior to or during a meeting shall be:

- (1) Made available for public inspection at that meeting.
- (2) Distributed to all persons who request or have requested copies of these writings.
- (3) Made available on the Internet.

(e) Nothing in this section shall be construed to prevent a state body from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that no surcharge shall be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the

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federal rules and regulations adopted in implementation thereof. The writings described in subdivision (b) are subject to the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall not be construed to limit or delay the public's right to inspect any record required to be disclosed by that act, or to limit the public's right to inspect any record covered by that act. This section shall not be construed to be applicable to any writings solely because they are properly discussed in a closed session of a state body. Nothing in this article shall be construed to require a state body to place any paid advertisement or any other paid notice in any publication.

(f) "Writing" for purposes of this section means "writing" as defined under Section 6252.

(Added by Stats.1975, c. 959, p. 2238, § 4. Amended by Stats.1980, c. 1284, p. 4334, § 8; Stats.1981, c. 968, p. 3686, § 10.1. Amended by Stats.1997, c. 949 (S.B.95), § 4; Stats.2001, c. 670 (S.B.445), § 1; Stats. 2002, c. 300 (A.B. 3035), § 3.5.); Stats. 2005, c. 188 (A.B. 780), § 1.)

11125.2. Appointment, employment or dismissal of public employees; closed sessions; public report

Any state body shall report publicly at a subsequent public meeting any action taken, and any rollcall vote thereon, to appoint, employ, or dismiss

a public employee arising out of any closed session of the state body.

(Added by Stats.1980, c. 1284, p. 4335, § 9. Amended by Stats.1981, c. 968, p. 3687, § 10.3.)

11125.3. Action on items of business not appearing on agenda; notice

(a) Notwithstanding Section 11125, a state body may take action on items of business not appearing on the posted agenda under any of the conditions stated below:

(1) Upon a determination by a majority vote of the state body that an emergency situation exists, as defined in Section 11125.5.

(2) Upon a determination by a two-thirds vote of the state body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there exists a need to take immediate action and that the need for action came to the attention of the state body subsequent to the agenda being posted as specified in Section 11125.

(b) Notice of the additional item to be considered shall be provided to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after a determination of the need to consider the item is made, but shall be delivered in a manner that allows it to be received by the members and by

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newspapers of general circulation and radio or television stations at least 48 hours before the time of the meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet as soon as is practicable after the decision to consider additional items at a meeting has been made.

(Added by Stats.1994, c. 1153 (A.B.3467), § 2.
Amended by Stats.2001, c. 243 (A.B.192), § 9.)

11125.4. Special meetings; authorized purposes; notice; required finding of hardship or need to protect public interest

(a) A special meeting may be called at any time by the presiding officer of the state body or by a majority of the members of the state body. A special meeting may only be called for one of the following purposes where compliance with the 10-day notice provisions of Section 11125 would impose a substantial hardship on the state body or where immediate action is required to protect the public interest:

(1) To consider "pending litigation" as that term is defined in subdivision (e) of Section 11126.

(2) To consider proposed legislation.

(3) To consider issuance of a legal opinion.

(4) To consider disciplinary action involving a state officer or employee.

(5) To consider the purchase, sale, exchange, or lease of real property.

(6) To consider license examinations and applications.

(7) To consider an action on a loan or grant provided pursuant to Division 31 (commencing with Section 50000) of the Health and Safety Code.

(8) To consider its response to a confidential final draft audit report as permitted by Section 11126.2.

(9) To provide for an interim executive officer of a state body upon the death, incapacity, or vacancy in the office of the executive officer.

(b) When a special meeting is called pursuant to one of the purposes specified in subdivision (a), the state body shall provide notice of the special meeting to each member of the state body and to all parties that have requested notice of its meetings as soon as is practicable after the decision to call a special meeting has been made, but shall deliver the notice in a manner that allows it to be received by the members and by newspapers of general circulation and radio or television stations at least 48 hours before the time of the special meeting specified in the notice. Notice shall be made available to newspapers of general circulation and radio or television

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stations by providing that notice to all national press wire services. Notice shall also be made available on the Internet within the time periods required by this section. The notice shall specify the time and place of the special meeting and the business to be transacted. The written notice shall additionally specify the address of the Internet Web site where notices required by this article are made available. No other business shall be considered at a special meeting by the state body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the state body a written waiver of notice. The waiver may be given by telegram, facsimile transmission, or similar means. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. Notice shall be required pursuant to this section regardless of whether any action is taken at the special meeting.

(c) At the commencement of any special meeting, the state body must make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 would cause a substantial hardship on the body or that immediate action is required to protect the public interest. The finding shall set forth the specific facts that constitute the hardship to the body or the impending harm to the public interest. The finding shall be adopted by a two-thirds vote of

the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present. The finding shall be made available on the Internet. Failure to adopt the finding terminates the meeting.

(Added by Stats.1997, c. 949 (S.B.95), § 5. Amended by Stats.1999, c. 393 (A.B.1234), § 2; Stats.2004, c. 576 (A.B.1827), § 1.); Stats. 2007, c. 92 (S.B. 519), § 1.)

11125.5. Emergency meetings

(a) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a state body may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4.

(b) For purposes of this section, "emergency situation" means any of the following, as determined by a majority of the members of the state body during a meeting prior to the emergency meeting, or at the beginning of the emergency meeting:

(1) Work stoppage or other activity that severely impairs public health or safety, or both.

(2) Crippling disaster that severely impairs public health or safety, or both.

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(c) However, newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the state body, or a designee thereof, one hour prior to the emergency meeting by telephone. Notice shall also be made available on the Internet as soon as is practicable after the decision to call the emergency meeting has been made. If telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the presiding officer of the state body, or a designee thereof, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(d) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the state body, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place, and also made available on the Internet for a minimum of 10 days, as soon after the meeting as possible.

(Amended by Stats.1992, c. 1312 (A.B.2912), § 11, eff. Sept. 30, 1992; Stats.1997, c. 949 (S.B.95), § 6; Stats.1999, c. 393 (A.B.1234), § 3.)

11125.6. Fish and Game Commission; emergency meetings;

appeals of fishery closures or restrictions

(a) An emergency meeting may be called at any time by the president of the Fish and Game Commission or by a majority of the members of the commission to consider an appeal of a closure of or restriction in a fishery adopted pursuant to Section 7710 of the Fish and Game Code. In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of an established fishery, the commission may hold an emergency meeting without complying with the 10-day notice requirement of Section 11125 or the 48-hour notice requirement of Section 11125.4 if the delay necessitated by providing the 10-day notice of a public meeting required by Section 11125 or the 48-hour notice required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the people of the state or significantly adversely impact the sustainability of a fishery managed by the state.

(b) At the commencement of an emergency meeting called pursuant to this section, the commission shall make a finding in open session that the delay necessitated by providing notice 10 days prior to a meeting as required by Section 11125 or 48 hours prior to a meeting as required by Section 11125.4 would significantly adversely impact the economic benefits of a fishery to the participants in the fishery and to the

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people of the state or significantly adversely impact the sustainability of a fishery managed by the state. The finding shall set forth the specific facts that constitute the impact to the economic benefits of the fishery or the sustainability of the fishery. The finding shall be adopted by a vote of at least four members of the commission, or, if less than four of the members are present, a unanimous vote of those members present. Failure to adopt the finding shall terminate the meeting.

(c) Newspapers of general circulation and radio or television stations that have requested notice of meetings pursuant to Section 11125 shall be notified by the presiding officer of the commission, or a designee thereof, one hour prior to the emergency meeting by telephone.

(d) The minutes of an emergency meeting called pursuant to this section, a list of persons who the president of the commission, or a designee thereof, notified or attempted to notify, a copy of the rollcall vote, and any action taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

(Added by Stats.1998, c. 1052 (A.B.1241), S 21.)

11125.7. Agenda item discussion before state body; opportunity for public address; regulation by state body; freedom of expression; application of provisions

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item. This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body. Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item. In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public if no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

(b) The state body may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public comment on particular issues and for each individual

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speaker.

(c)(1) Notwithstanding subdivision (b), when a state body limits time for public comment the state body shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the state body.

(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously.

(d) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(e) This section is not applicable to closed sessions held pursuant to Section 11126.

(f) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(g) This section is not applicable to hearings conducted by the California Victim Compensation and Government

Claims Board pursuant to Sections 13963 and 13963.1.

(h) This section is not applicable to agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission's consideration of the item.

(Added by Stats.1993, c. 1289 (S.B.367), § 2. Amended by Stats.1995, c. 938 (S.B.523), § 13, operative July 1, 1997; Stats.1997, c. 949 (S.B.95), § 7; Stats.2006, c. 538 (S.B.1852), § 248; Stats.2012, c. 551 (S.B.965), § 1.)

11125.8. Hearings to consider crimes against minors or crimes of sexual assault or domestic violence; identification of applicant; disclosure of nature of hearing

(a) Notwithstanding Section 11131.5, in any hearing that the State California Victim Compensation and Government Claims Board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, no notice, agenda, announcement, or report required under this article need identify the applicant.

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(b) In any hearing that the board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, the board shall disclose that the hearing is being held pursuant to Section 13963.1. That disclosure shall be deemed to satisfy the requirements of subdivision (a) of Section 11126.3.

(Added by Stats.1997, c. 949 (S.B.95), § 9.; Stats. 2006, c. 538 (S.B. 1852, § 249.)

11125.9. Regional water quality control boards; compliance with notification guidelines

Regional water quality control boards shall comply with the notification guidelines in Section 11125 and, in addition, shall do both of the following:

(a) Notify, in writing, all clerks of the city councils and county boards of supervisors within the regional board's jurisdiction of any and all board hearings at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting. Each clerk, upon receipt of the notification of a board hearing, shall distribute the notice to all members of the respective city council or board of supervisors within the regional board's jurisdiction.

(b) Notify, in writing, all newspapers with a circulation rate of at least 10,000 within the regional board's jurisdiction of any and all board hearings, at least 10 days prior to the hearing. Notification shall include an agenda for the meeting with contents as described in subdivision (b) of Section 11125 as well as the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting.

(Added by Stats.1997, c. 301 (A.B.116), § 1.)

§ 11126. Closed sessions.

(a)(1) Nothing in this article shall be construed to prevent a state body from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing.

(2) As a condition to holding a closed session on the complaints or charges to consider disciplinary action or to consider dismissal, the employee shall be given written notice of his or her right to have a public hearing, rather than a closed session, and that notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding a regular or

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special meeting. If notice is not given, any disciplinary or other action taken against any employee at the closed session shall be null and void.

(3) The state body also may exclude from any public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated by the state body.

(4) Following the public hearing or closed session, the body may deliberate on the decision to be reached in a closed session.

(b) For the purposes of this section, "employee" does not include any person who is elected to, or appointed to a public office by, any state body. However, officers of the California State University who receive compensation for their services, other than per diem and ordinary and necessary expenses, shall, when engaged in that capacity, be considered employees. Furthermore, for purposes of this section, the term employee includes a person exempt from civil service pursuant to subdivision (e) of Section 4 of Article VII of the California Constitution.

(c) Nothing in this article shall be construed to do any of the following:

(1) Prevent state bodies that administer the licensing of persons engaging in businesses or professions from holding closed sessions to prepare, approve, grade, or administer

examinations.

(2) Prevent an advisory body of a state body that administers the licensing of persons engaged in businesses or professions from conducting a closed session to discuss matters that the advisory body has found would constitute an unwarranted invasion of the privacy of an individual licensee or applicant if discussed in an open meeting, provided the advisory body does not include a quorum of the members of the state body it advises. Those matters may include review of an applicant's qualifications for licensure and an inquiry specifically related to the state body's enforcement program concerning an individual licensee or applicant where the inquiry occurs prior to the filing of a civil, criminal, or administrative disciplinary action against the licensee or applicant by the state body.

(3) Prohibit a state body from holding a closed session to deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law.

(4) Grant a right to enter any correctional institution or the grounds of a correctional institution where that right is not otherwise granted by law, nor shall anything in this article be construed to prevent a state body from holding a closed session when considering and acting upon the determination of a term, parole, or

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release of any individual or other disposition of an individual case, or if public disclosure of the subjects under discussion or consideration is expressly prohibited by statute.

(5) Prevent any closed session to consider the conferring of honorary degrees, or gifts, donations, and bequests that the donor or proposed donor has requested in writing to be kept confidential.

(6) Prevent the Alcoholic Beverage Control Appeals Board from holding a closed session for the purpose of holding a deliberative conference as provided in Section 11125.

(7)(A) Prevent a state body from holding closed sessions with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the state body to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

(B) However, prior to the closed session, the state body shall hold an open and public session in which it identifies the real property or real properties that the negotiations may concern and the person or persons with whom its negotiator may negotiate.

(C) For purposes of this paragraph, the negotiator may be a member of the state body.

(D) For purposes of this paragraph, "lease" includes renewal or

renegotiation of a lease.

(E) Nothing in this paragraph shall preclude a state body from holding a closed session for discussions regarding eminent domain proceedings pursuant to subdivision (e).

(8) Prevent the California Postsecondary Education Commission from holding closed sessions to consider matters pertaining to the appointment or termination of the Director of the California Postsecondary Education Commission.

(9) Prevent the Council for Private Postsecondary and Vocational Education from holding closed sessions to consider matters pertaining to the appointment or termination of the Executive Director of the Council for Private Postsecondary and Vocational Education.

(10) Prevent the Franchise Tax Board from holding closed sessions for the purpose of discussion of confidential tax returns or information the public disclosure of which is prohibited by law, or from considering matters pertaining to the appointment or removal of the Executive Officer of the Franchise Tax Board.

(11) Require the Franchise Tax Board to notice or disclose any confidential tax information considered in closed sessions, or documents executed in connection therewith, the public disclosure of which is prohibited pursuant to Article 2 (commencing with

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Section 19542) of Chapter 7 of Part 10.2 of Division 2 of the Revenue and Taxation Code.

(12) Prevent the Corrections Standards Authority from holding closed sessions when considering reports of crime conditions under Section 6027 of the Penal Code.

(13) Prevent the State Air Resources Board from holding closed sessions when considering the proprietary specifications and performance data of manufacturers.

(14) Prevent the State Board of Education or the Superintendent of Public Instruction, or any committee advising the board or the Superintendent, from holding closed sessions on those portions of its review of assessment instruments pursuant to Chapter 5 (commencing with Section 60600) of, or pursuant to Chapter 9 (commencing with Section 60850) of, Part 33 of Division 4 of Title 2 of the Education Code during which actual test content is reviewed and discussed. The purpose of this provision is to maintain the confidentiality of the assessments under review.

(15) Prevent the Department of Resources Recycling and Recovery or its auxiliary committees from holding closed sessions for the purpose of discussing confidential tax returns, discussing trade secrets or confidential or proprietary information in its possession, or discussing other data, the public disclosure of which is

prohibited by law.

(16) Prevent a state body that invests retirement, pension, or endowment funds from holding closed sessions when considering investment decisions. For purposes of consideration of shareholder voting on corporate stocks held by the state body, closed sessions for the purposes of voting may be held only with respect to election of corporate directors, election of independent auditors, and other financial issues that could have a material effect on the net income of the corporation. For the purpose of real property investment decisions that may be considered in a closed session pursuant to this paragraph, a state body shall also be exempt from the provisions of paragraph (7) relating to the identification of real properties prior to the closed session.

(17) Prevent a state body, or boards, commissions, administrative officers, or other representatives that may properly be designated by law or by a state body, from holding closed sessions with its representatives in discharging its responsibilities under Chapter 10 (commencing with Section 3500), Chapter 10.3 (commencing with Section 3512), Chapter 10.5 (commencing with Section 3525), or Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 as the sessions relate to salaries, salary schedules, or compensation paid in the form of fringe benefits. For the purposes enumerated in the preceding sentence, a state body may also meet with a state

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conciliator who has intervened in the proceedings.

(18)(A) Prevent a state body from holding closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, where disclosure of these considerations could compromise or impede the safety or security of the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body.

(B) Notwithstanding any other provision of law, a state body, at any regular or special meeting, may meet in a closed session pursuant to subparagraph (A) upon a two-thirds vote of the members present at the meeting.

(C) After meeting in closed session pursuant to subparagraph (A), the state body shall reconvene in open session prior to adjournment and report that a closed session was held pursuant to subparagraph (A), the general nature of the matters considered, and whether any action was taken in closed session.

(D) After meeting in closed session pursuant to subparagraph (A), the state body shall submit to the Legislative Analyst written notification stating that it held this closed session, the general reason or reasons for the closed session, the general nature of

the matters considered, and whether any action was taken in closed session. The Legislative Analyst shall retain for no less than four years any written notification received from a state body pursuant to this subparagraph.

(19) Prevent the California Sex Offender Management Board from holding a closed session for the purpose of discussing matters pertaining to the application of a sex offender treatment provider for certification pursuant to Sections 290.09 and 9003 of the Penal Code. Those matters may include review of an applicant's qualifications for certification.

(d)(1) Notwithstanding any other provision of law, any meeting of the Public Utilities Commission at which the rates of entities under the commission's jurisdiction are changed shall be open and public.

(2) Nothing in this article shall be construed to prevent the Public Utilities Commission from holding closed sessions to deliberate on the institution of proceedings, or disciplinary actions against any person or entity under the jurisdiction of the commission.

(e)(1) Nothing in this article shall be construed to prevent a state body, based on the advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the state body

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in the litigation.

(2) For purposes of this article, all expressions of the lawyer-client privilege other than those provided in this subdivision are hereby abrogated. This subdivision is the exclusive expression of the lawyer-client privilege for purposes of conducting closed session meetings pursuant to this article. For purposes of this subdivision, litigation shall be considered pending when any of the following circumstances exist:

(A) An adjudicatory proceeding before a court, an administrative body exercising its adjudicatory authority, a hearing officer, or an arbitrator, to which the state body is a party, has been initiated formally.

(B)(i) A point has been reached where, in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the state body.

(ii) Based on existing facts and circumstances, the state body is meeting only to decide whether a closed session is authorized pursuant to clause (i).

(C)(i) Based on existing facts and circumstances, the state body has decided to initiate or is deciding whether to initiate litigation.

(ii) The legal counsel of the state body shall prepare and submit to it a memorandum stating the specific

reasons and legal authority for the closed session. If the closed session is pursuant to paragraph (1), the memorandum shall include the title of the litigation. If the closed session is pursuant to subparagraph (A) or (B), the memorandum shall include the existing facts and circumstances on which it is based. The legal counsel shall submit the memorandum to the state body prior to the closed session, if feasible, and in any case no later than one week after the closed session. The memorandum shall be exempt from disclosure pursuant to Section 6254.25.

(iii) For purposes of this subdivision, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(iv) Disclosure of a memorandum required under this subdivision shall not be deemed as a waiver of the lawyer-client privilege, as provided for under Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(f) In addition to subdivisions (a), (b), and (c), nothing in this article shall be construed to do any of the following:

(1) Prevent a state body operating under a joint powers agreement for insurance pooling from holding a closed session to discuss a claim for the payment of tort liability or public liability losses incurred by the

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state body or any member agency under the joint powers agreement.

(2) Prevent the examining committee established by the State Board of Forestry and Fire Protection, pursuant to Section 763 of the Public Resources Code, from conducting a closed session to consider disciplinary action against an individual professional forester prior to the filing of an accusation against the forester pursuant to Section 11503.

(3) Prevent the enforcement advisory committee established by the California Board of Accountancy pursuant to Section 5020 of the Business and Professions Code from conducting a closed session to consider disciplinary action against an individual accountant prior to the filing of an accusation against the accountant pursuant to Section 11503. Nothing in this article shall be construed to prevent the qualifications examining committee established by the California Board of Accountancy pursuant to Section 5023 of the Business and Professions Code from conducting a closed hearing to interview an individual applicant or accountant regarding the applicant's qualifications.

(4) Prevent a state body, as defined in subdivision (b) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in closed session by the state body whose authority it exercises.

(5) Prevent a state body, as defined in subdivision (d) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the body defined as a state body pursuant to subdivision (a) or (b) of Section 11121.

(6) Prevent a state body, as defined in subdivision (c) of Section 11121, from conducting a closed session to consider any matter that properly could be considered in a closed session by the state body it advises.

(7) Prevent the State Board of Equalization from holding closed sessions for either of the following:

(A) When considering matters pertaining to the appointment or removal of the Executive Secretary of the State Board of Equalization.

(B) For the purpose of hearing confidential taxpayer appeals or data, the public disclosure of which is prohibited by law.

(8) Require the State Board of Equalization to disclose any action taken in closed session or documents executed in connection with that action, the public disclosure of which is prohibited by law pursuant to Sections 15619 and 15641 of this code and Sections 833, 7056, 8255, 9255, 11655, 30455, 32455, 38705, 38706, 43651, 45982, 46751, 50159, 55381, and 60609 of the Revenue and Taxation Code.

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(9) Prevent the California Earthquake Prediction Evaluation Council, or other body appointed to advise the Director of Emergency Services or the Governor concerning matters relating to volcanic or earthquake predictions, from holding closed sessions when considering the evaluation of possible predictions.

(g) This article does not prevent either of the following:

(1) The Teachers' Retirement Board or the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters pertaining to the recruitment, appointment, employment, or removal of the chief executive officer or when considering matters pertaining to the recruitment or removal of the Chief Investment Officer of the State Teachers' Retirement System or the Public Employees' Retirement System.

(2) The Commission on Teacher Credentialing from holding closed sessions when considering matters relating to the recruitment, appointment, or removal of its executive director.

(h) This article does not prevent the Board of Administration of the Public Employees' Retirement System from holding closed sessions when considering matters relating to the development of rates and competitive strategy for plans offered pursuant to Chapter 15 (commencing with Section

21660) of Part 3 of Division 5 of Title 2.

(i) This article does not prevent the Managed Risk Medical Insurance Board from holding closed sessions when considering matters related to the development of rates and contracting strategy for entities contracting or seeking to contract with the board, entities with which the board is considering a contract, or entities with which the board is considering or enters into any other arrangement under which the board provides, receives, or arranges services or reimbursement, pursuant to Part 6.2 (commencing with Section 12693), Part 6.3 (commencing with Section 12695), Part 6.4 (commencing with Section 12699.50), Part 6.5 (commencing with Section 12700), Part 6.6 (commencing with Section 12739.5), or Part 6.7 (commencing with Section 12739.70) of Division 2 of the Insurance Code.

(j) Nothing in this article shall be construed to prevent the board of the State Compensation Insurance Fund from holding closed sessions in the following:

(1) When considering matters related to claims pursuant to Chapter 1 (commencing with Section 3200) of Division 4 of the Labor Code, to the extent that confidential medical information or other individually identifiable information would be disclosed.

(2) To the extent that matters related to audits and investigations that

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have not been completed would be disclosed.

(3) To the extent that an internal audit containing proprietary information would be disclosed.

(4) To the extent that the session would address the development of rates, contracting strategy, underwriting, or competitive strategy, pursuant to the powers granted to the board in Chapter 4 (commencing with Section 11770) of Part 3 of Division 2 of the Insurance Code, when discussion in open session concerning those matters would prejudice the position of the State Compensation Insurance Fund.

(k) The State Compensation Insurance Fund shall comply with the procedures specified in Section 11125.4 of the Government Code with respect to any closed session or meeting authorized by subdivision (j), and in addition shall provide an opportunity for a member of the public to be heard on the issue of the appropriateness of closing the meeting or session.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1968, c. 1272, p. 2396, § 1; Stats.1970, c. 346, p. 741, § 5; Stats.1972, c. 431, p. 791, § 43; Stats.1972, c. 1010, p. 1872, § 63, eff. Aug. 17, 1972, operative July 1, 1972; Stats.1974, c. 1254, p. 2713, § 1; Stats.1974, c. 1539, p. 3525, § 1; Stats.1975, c. 197, p. 570, § 1; Stats.1975, c. 959, p. 2238, § 5; Stats.1977, c. 730, p. 2318, § 5, eff. Sept. 12, 1977; Stats.1980, c. 1197, p. 4043, § 1; Stats.1980, c. 1284, p. 4338, § 11; Stats.1981, c. 180, p. 1096, § 1; Stats.1981, c. 968, p. 3688, § 12; Stats.1982, c. 454, p. 1842, § 40; Stats.1983, c. 143, § 187; Stats.1984, c. 678, § 1; Stats.1984,

c. 1284, § 4; Stats.1985, c. 186, § 1; Stats.1985, c. 1091, § 1; Stats.1986, c. 575, § 1; Stats.1987, c. 1320, § 2; Stats.1988, c. 1448, § 29; Stats.1989, c. 177, § 2; Stats.1989, c. 882, § 2; Stats.1989, c. 1360, § 52; Stats.1989, c. 1427, § 1, eff. Oct. 2, 1989, operative Jan. 1, 1990; Stats.1991, c. 788 (A.B.1440), § 4; Stats.1992, c. 1050 (A.B.2987), § 17; Stats.1994, c. 26 (A.B.1807), § 230, eff. March 30, 1994; Stats.1994, c. 422 (A.B.2589), § 15.5, eff. Sept. 7, 1994; Stats.1994, c. 845 (S.B.1316), § 1; Stats.1995, c. 975 (A.B.265), § 3; Stats.1996, c. 1041 (A.B.3358), § 2; Stats.1997, c. 949 (S.B.95), § 8; Stats.1998, c. 210 (S.B.2008), § 1; Stats.1998, c. 972 (S.B.989), § 1; Stats.1999, c. 735 (S.B.366), § 9, eff. Oct. 10, 1999; Stats.2000, c. 1002 (S.B.1998), § 1; Stats.2000, c. 1055 (A.B.2889), § 30, eff. Sept. 30, 2000; Stats.2001, c. 21 (S.B.54), § 1, eff. June 25, 2001; Stats.2001, c. 243 (A.B.192), § 10; Stats.2002, c. 664 (A.B.3034), § 93.7; Stats.2002, c. 1113 (A.B.2072), § 1; Stats.2005, c. 288 (A.B.277), § 1; Stats.2007, c. 577 (A.B.1750), § 4, eff. Oct. 13, 2007; Stats.2008, c. 179 (S.B.1498), § 91; Stats.2008, c. 344 (S.B.1145), § 3, eff. Sept. 26, 2008; Stats.2010, c. 328 (S.B.1330), § 81; Stats.2010, c. 32 (A.B.1887), § 2, eff. June 29, 2010; Stats.2010, c. 618 (A.B.2791), § 124; Stats.2011, c. 357 (A.B.813), § 1; Stats.2013, c. 352 (A.B.1317), § 234, eff. Sept. 26, 2013, operative July 1, 2013.)

11126.1. Record of topics discussed and decisions made at closed sessions; availability

The state body shall designate a clerk or other officer or employee of the state body, who shall then attend each closed session of the state body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to

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inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available to members of the state body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction. Such minute book may, but need not, consist of a recording of the closed session.

(Added by Stats.1980, c. 1284, p. 4340, § 12.
Amended by Stats.1981, c. 968, p. 3691, § 13.)

11126.2. Closed session; response to confidential final draft audit report; public release of report

(a) Nothing in this article shall be construed to prohibit a state body that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a state body meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

(Added by Stats.2004, c. 576 (A.B.1827), § 2.)

11126.3. Disclosure of nature of items to be discussed in closed

session; scope of session; notice of meeting; announcement of pending litigation; unnecessary disclosures; disclosures at open session following closed session

(a) Prior to holding any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. If the session is closed pursuant to paragraph (2) of subdivision (d) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the proceeding or disciplinary action contemplated. However, should the body determine that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties if the proceeding or disciplinary action is commenced or that to do so would fail to protect the private economic and business reputation of the person or entity if the proceeding or disciplinary action is not commenced, then the state body shall notice that there will be a closed session and describe in general terms the purpose of that session. If the session is closed pursuant to subparagraph (A) of paragraph (2) of subdivision (e) of Section 11126, the state body shall state the title of, or otherwise specifically identify, the litigation to be discussed unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one

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or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(b) In the closed session, the state body may consider only those matters covered in its disclosure.

(c) The disclosure shall be made as part of the notice provided for the meeting pursuant to Section 11125 or pursuant to subdivision (a) of Section 92032 of the Education Code and of any order or notice required by Section 11129.

(d) If, after the agenda has been published in compliance with this article, any pending litigation (under subdivision (e) of Section 11126) matters arise, the postponement of which will prevent the state body from complying with any statutory, court-ordered, or other legally imposed deadline, the state body may proceed to discuss those matters in closed session and shall publicly announce in the meeting the title of, or otherwise specifically identify, the litigation to be discussed, unless the body states that to do so would jeopardize the body's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage. Such an announcement shall be deemed to comply fully with the requirements of this section.

(e) Nothing in this section shall require or authorize a disclosure of

names or other information that would constitute an invasion of privacy or otherwise unnecessarily divulge the particular facts concerning the closed session or the disclosure of which is prohibited by state or federal law.

(f) After any closed session, the state body shall reconvene into open session prior to adjournment and shall make any reports, provide any documentation, and make any other disclosures required by Section 11125.2 of action taken in the closed session.

(g) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcement.

(Added by Stats.1980, c. 1284, p. 4341, § 13. Amended by Stats.1981, c. 968, p. 3692, § 14; Stats.1987, c. 1320, § 3. Amended by Stats.1997, c. 949 (S.B.95), § 10; Stats.1998, c. 210 (S.B.2008), § 2; Stats.2001, c. 243 (A.B.192), § 11.)

11126.4. Closed sessions of Gambling Control Commission; information prohibited from being disclosed by law or tribal-state gaming compact; limitations; public notice

(a) Nothing in this article shall be construed to prevent the California Gambling Control Commission from holding a closed session when discussing matters involving trade

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secrets, nonpublic financial data, confidential or proprietary information, and other data and information, the public disclosure of which is prohibited by law or a tribal-state gaming compact.

(b) Discussion in closed session authorized by this section shall be limited to the confidential data and information related to the agenda item and shall not include discussion of any other information or matter.

(c) Before going into closed session the commission shall publicly announce the type of data or information to be discussed in closed session, which shall be recorded upon the commission minutes.

(d) Action taken on agenda items discussed pursuant to this section shall be taken in open session.

(Added by Stats. 2005, c. 274 (S.B. 919), § 1.)

11126.5. Disorderly conduct of general public during meeting; clearing of room

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting the state body conducting the meeting may order the meeting room cleared and continue in session. Nothing in this section shall prohibit the state body from establishing

a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting. Notwithstanding any other provision of law, only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section.

(Added by Stats.1970, c. 1610, p. 3385, § 1.
Amended by Stats.1981, c. 968, p. 3692, § 15.)

11126.7. Fees

No fees may be charged by a state body for providing a notice required by Section 11125 or for carrying out any provision of this article, except as specifically authorized pursuant to this article.

(Added by Stats.1980, c. 1284, p. 4341, § 14.
Amended by Stats.1981, c. 968, p. 3692, § 16.)

11127. Application of article

Each provision of this article shall apply to every state body unless the body is specifically excepted from that provision by law or is covered by any other conflicting provision of law.

(Added by Stats.1967, c. 1656, p. 4026, § 122.
Amended by Stats.1981, c. 968, p. 3692, § 17.)

11128. Time of closed session

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Each closed session of a state body shall be held only during a regular or special meeting of the body.

(Added by Stats.1967, c. 1656, p. 4026, § 122.
Amended by Stats.1980, c. 1284, p. 4341, § 15;
Stats.1981, c. 968, p. 3692, § 18.)

11128.5. Adjournment; declaration; notice; hour for reconvened meeting

The state body may adjourn any regular, adjourned regular, special, or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the clerk or secretary of the state body may declare the meeting adjourned to a stated time and place and he or she shall cause a written notice of the adjournment to be given in the same manner as provided in Section 11125.4 for special meetings, unless that notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at

the hour specified for regular meetings by law or regulation.

(Added by Stats.1997, c. 949 (S.B.95), § 11.)

11129. Continuance; posting notice

Any hearing being held, or noticed or ordered to be held by a state body at any meeting may by order or notice of continuance be continued or reconvened to any subsequent meeting of the state body in the same manner and to the same extent set forth in Section 11128.5 for the adjournment of meetings. A copy of the order or notice of continuance shall be conspicuously posted on or near the door of the place where the hearing was held within 24 hours after the time of the continuance; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

(Added by Stats.1967, c. 1656, p. 4026, § 122.
Amended by Stats.1981, c. 968, p. 3692, § 19.
Amended by Stats.1997, c. 949 (S.B.95), § 12.)

11130. Actions to prevent violations or determine applicability of article; validity of rules discouraging expression; audio recording of closed sessions; discovery procedures for recordings

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(a) The Attorney General, the district attorney, or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this article or to determine the applicability of this article to past actions or threatened future action by members of the state body or to determine whether any rule or action by the state body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the state body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 11126, order the state body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c)(1) Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by the Attorney

General, the district attorney, or the plaintiff in a civil action pursuant to this section or Section 11130.3 alleging that a violation of this article has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera

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review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this article, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) Nothing in this section shall permit discovery of communications that are protected by the attorney-client privilege.

(Added by Stats.1967, c. 1656, p. 4026, § 122. Amended by Stats.1969, c. 494, p. 1106, § 1; Stats.1981, c. 968, p. 3693, § 20; Stats.1997, c. 949 (S.B.95), § 13; Stats.1999, c. 393 (A.B.1234), § 4; Stats.2009, c. 88 (A.B.176), § 43.)

11130.3. Judicial determination action by state body in violation of §§ 11123 or 11125 null and void; action by interested person; grounds

(a) Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of obtaining a judicial determination that an action taken by a state body in violation of Section 11123 or 11125 is null and void under this section. Any action seeking such a judicial determination shall be commenced within 90 days from the date the action was taken. Nothing in this section shall be construed to prevent a state body from curing or correcting an action challenged pursuant to this section.

(b) An action shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement related thereto.

(2) The action taken gave rise to a contractual obligation upon which a party has, in good faith, detrimentally relied.

(3) The action taken was in substantial compliance with Sections 11123 and 11125.

(4) The action taken was in connection with the collection of any tax.

(Amended by Stats.1999, c. 393 (A.B.1234), § 5.)

11130.5. Court costs and attorney fees

A court may award court costs and reasonable attorney's fees to the plaintiff in an action brought pursuant to Section 11130 or 11130.3 where it is found that a state body has violated the provisions of this article. The costs and fees shall be paid by the state body and shall not become a personal liability of any public officer or employee thereof.

A court may award court costs and reasonable attorney's fees to a defendant in any action brought pursuant to Section 11130 or 11130.3

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where the defendant has prevailed in a final determination of the action and the court finds that the action was clearly frivolous and totally lacking in merit.

(Added by Stats.1975, c. 959, p. 2240, § 6.
Amended by Stats.1981, c. 968, p. 3693, § 21;
Stats.1985, c. 936, § 2.)

11130.7. Violations; misdemeanor

Each member of a state body who attends a meeting of that body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this article, is guilty of a misdemeanor.

(Added by Stats.1980, c. 1284, p. 4341, § 16.
Amended by Stats.1981, c. 968, p. 3693, § 22.
Amended by Stats.1997, c. 949 (S.B. 95), § 14.)

11131. Use of facility allowing discrimination; state agency

No state agency shall conduct any meeting, conference, or other function in any facility that prohibits the admittance of any person, or persons, on the basis of ancestry, or any characteristic listed or defined in Section 11135 or that is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. As used in this section, "state agency" means and includes every state body, office, officer, department, division,

bureau, board, council, commission, or other state agency.

(Added by Stats.1970, c. 383, p. 798, § 1.
Amended by Stats.1981, c. 968, p. 3693, § 23.
Amended by Stats.1997, c. 949 (S.B.95), § 15.;
Stats. 2007, c. 568 (A.B. 14), § 32.)

11131.5. Identity of victims or alleged victims of crimes, tortious sexual conduct, or child abuse; public disclosure

No notice, agenda, announcement, or report required under this article need identify any victim or alleged victim of crime, tortious sexual conduct, or child abuse unless the identity of the person has been publicly disclosed.

(Added by Stats.1997, c. 949 (S.B.95), § 16.)

11132. Closed session by state body prohibited

Except as expressly authorized by this article, no closed session may be held by any state body.

(Added by Stats.1987, c. 1320, § 4.)

3. STAFF DIRECTORIES

- Board Staff Phone Rosters by Unit and Name



STAFF PHONE LIST BY UNIT

MAIN: 263-2222 ADMIN: 263-2230

TOLL FREE: 866-780-5370

Mailroom FAX 263-2246 • Admin FAX 263-2221 • Enforcement FAX 263-0899

	EXT	ICM
EXECUTIVE UNIT		
Ric Moore	2285	3012
Nancy Eissler	2241	3035
ADMINISTRATIVE UNIT		
Jeff Alameida	2269	3017
Brooke Phayer	2239	3032
Bryan Lai	2280	3050/3044
Candace Cummins	2254	3016
Carmen Jimenez	2275	3002
Catherine Bednarczyk	2267	3033
Celina Calderone	2234	3011
Chole Jimenez	2275	3110
Linda Liu	2275	3001
Lisa Chavez	1858	3105
Vicki Kereszt	2235/2268	3003
Kara Williams	5438	3024
ENFORCEMENT UNIT		
Vacant		
Alicia Newcomb	2274	3046
Angela Smith	2240	3101
Brook Grabowski	2282	3045
Christine Doering	2242	3051
Corrine Gray	1846	3053
Donna Vaum	2250	3018
Jackie Lowe	2253	3037
John Donnelly	0937	3114
Julie Baker	2237	3041
Tiffany Criswell	2273	3029
Tralee Morris	2249	3020
Sally Strubinger	2251	3019
LICENSING UNIT		
Larry Kereszt	2238	3008
Amy Pacheco A-G	1157	3013
Billie Baldo	2277	3021
Sarah Colcleasure H-N	2252	3043
Christina Trujillo	2255	3039
Dolly Kampfraat	1855	3004
Erin LaPerle	1848	3108
Jennifer Cooley	0922	3077
Jennifer Mueller EIT/LSIT	2232	3031
Jocelyn Edison	2276	3042
Kate Tibbitts O-Z	1436	3028
Patty Smith	1847	3054
Susan Baker	2279	3005
Vania Sevilla	1567	3104
Vacant	2284	3038
REGISTRARS		
Susan Christ	2247	3023
Mike Donelson	2248	3022
Ray Mathe	2271	3006

(ALPHA BY LAST NAMES/PRIVATE LINES)

MAIN NO: 263-2222 TOLL FREE NO: 866-780-5370

FAX #s: Mailroom 263-2246, Admin. 263-2221, Enforcement 263-0899

DATE: 8/4/14

	ALAMEIDA, Jeff	2269
	BAKER, Julie	2237
	BAKER, Susan	2279
	BALDO, Billie.....	2277
	BEDNARCZYK, Catherine	2267
	CALDERONE, Celina	2234
	CHAVEZ, Lisa	1858
	CHRIST, Susan	2247
H-N	COLCLEASURE, Sarah	2252
	CONFERENCE ROOM	0923
	COOLEY, Jennifer.....	0922
	CRISWELL, Tiffany	2273
	CUMMINS, Candace	2254
	DOERING, Christine.....	2242
	DONELSON, Michael	2248
	DONNELLY, John	0937
	EDISON, Jocelyn.....	2276
	EISSLER, Nancy	2241
	GRABOWSKI, Brook.....	2282
	GRAY, Corrine	1846
	HOUK, Colleen	2284
	JIMENES, Chole.....	2275
	JIMENEZ, Carmen	2275
	KAMPFRAAT, Dolly.....	1855
	KERESZT, Larry.....	2238
	KERESZT, Vicki	2235 & 2268
	LAI, Bryan.....	2280
	LAPERLE, Erin	1848
	LIU, Linda.....	2275
	LIBRARY	1469
	LOWE, Jackie.....	2253
	MATHE, Ray	2271
	MOORE, Ric.....	2285
	MORRIS, Tralee.....	2249
EIT/LSIT	MUELLER, Jennifer.....	2232
	NEWCOMB, Alicia.....	2274
A-G	PACHECO, Amy.....	1157
	PHAYER, Brooke	2239
	SEVILLA, Vania.....	1567
	SMITH, Angela	2240
	SMITH, Patty	1847
	LAPERLE, Erin	1848
	STRUBINGER, Sally	2251
O-Z	TIBBITTS, Kate	2232
	TRUJILLO, Christina	2255
	VAUM, Donna	2250

4. TECHNICAL ADVISORY COMMITTEES (TAC)

- Organization and Procedure: Technical Advisory Committees (TAC)



**Board for Professional Engineers,
Land Surveyors, and Geologists**
**ORGANIZATION AND PROCEDURE OF THE
TECHNICAL ADVISORY COMMITTEE (TAC)**

**STATE OF CALIFORNIA
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**

**ORGANIZATION AND PROCEDURE:
TECHNICAL ADVISORY COMMITTEES (TAC)**

I. GENERAL POLICY/ORGANIZATION

A. Appointing Authority

The Board may establish Technical Advisory Committees (TAC) to advise and assist the Board in accordance with the provision of Chapter & (Sections 6726 through 6726.4) and Articles 2 and 2.3 of Chapter 15 of the B & P Code. All TACs shall be advisory and no TAC shall have the power to bind the Board except when specifically authorized by the Board. (See Attachment A for duties.)

B. Chain of Authority

The Board president shall designate two Board members to serve as liaison to the TAC, one of whom shall be the corresponding professional member and one who is a public member. The professional member will be the senior representative and will make reports to the Board and recommendations on matters calling for Board action. The public member will report to the Board in the professional member's absence. All transactions between the TAC and the Board, and the Board and the TAC shall be through the Board liaison member.

C. Committee Composition

The Board may consult with professional organizations and societies regarding the nomination and appointment of persons registered in the applicable branch of engineering or licensed as land surveyors. The board professional liaison member may select for nomination to the Board any of those so suggested by the societies and/or others known to the member and who have the requisite competence, experience, and interest to serve in these responsible positions.

The TACs shall be limited to five members. To the extent practical, all appointments to TACs shall be made in a manner as to provide for broad representation of the registrants and licensees in each branch of engineering and land surveying. All TAC members shall have current registration in the discipline represented. Members of the TACs shall be appointed for a two-year term, beginning on July 1. The initial TAC appointments should be made so half of the appointees serve one-year terms and the remainder serve regular two-year terms. Appointments of TAC members shall be limited to two terms and shall serve at the pleasure of the Board. A vacancy in the membership of any TAC shall be filled by the Board.

D. Quorum

Three TAC members present shall constitute a quorum for the transaction of TAC business.

E. TAC Meetings

The number of TAC meetings during the budget year will be governed by the approved budget. The locations of the TAC meetings shall be designated by the chair of the TAC after coordination with the Board liaison.

TAC meetings in excess of those approved in the annual workplan may not be called unless approved by the Board President and the Board Liaison prior to notice and must be present on the agenda for approval at the Board's next scheduled meeting.

F. Voting

TAC chairpersons may vote on all motions before their committees and may participate in the debate of questions and motion. The executive officer or his/her designee shall serve as ex-officio members, without vote, on all committees. Only TAC members shall vote on matters pending in TAC meetings.

G. Officers

Each TAC shall elect a chairperson and may designate a vice-chairperson or other such person to act in the chairperson's absence.

H. Duties and Responsibilities of TAC Chairpersons

Preside at all TAC meetings

Insure compliance with the Open Meeting Act including but no limited to the preparation of minutes for both the open and closed portion of all meetings.

May request consultation from Board Committees or staff when necessary

Prepare TAC reports and recommendations prior to the scheduled Board meetings and deliver these to the Board liaison members.

See that minutes of the meeting are prepared.

I. Workplan

Each TAC shall submit an annual workplan to the Board through the Board liaison no later than two months prior to the beginning of each fiscal year. The year end work plan

for each TAC should contain the number of meetings required to accomplish the next year's work load.

J. Notice

Notice of the TAC meetings is governed by the Open Meeting Act. All meetings are open to the public and any Board member who wishes to attend. However, pursuant to the Open Meeting Act, that portion of any meeting dealing with the review of applications for "qualifying experience", or specific investigations or disciplinary actions is to be held in closed session. Board members may participate in closed sessions but may later have to disqualify themselves from voting at subsequent Board meetings on those matters discussed at the closed session which deal with specific individuals or specific cases. Board members may, however, engage in discussion concerning various categories of offenses not dealing with any one specific case without disqualifying themselves.

**II. TAC PROCEDURES, TAC REPORTS
AND PROGRAM RESPONSIBILITY**

A. Procedure

Issues not in the approved work plan should be brought to the attention of the Board for discussion and assignment, as appropriate, to the applicable Board committee.

B. TAC Reports

1. Content

As TAC report should be as brief as possible. It should give the background necessary to an understanding of any recommendation the TAC is making for decision by the Board. Each recommendation must be in the form of a motion or resolution to be presented by the Board liaison or the designee, and discussed and acted on as a separate motion by the Board.

The TAC report must reflect the opinions of the majority of its members and should include:

- a. A recommendation for Board consideration
- b. A statement of the questions, subject, or work assigned to TAC, and any important instructions or priorities given to it by the Board.
- c. A brief explanation of how the TAC carried out its work.

- d. A description of the work that the TAC performed or, in the case of a deliberative or investigative issue, its findings and conclusions.

2. Consideration of TAC reports by Full Board

- a. A TAC report, after being presented to the Board is open for comment, questions, or criticism, but the members of the TAC and their motives may not be attacked.
- b. A TAC report cannot be amended except by the TAC since no one can make the TAC say anything it does not want to say.
- c. A TAC report, after it is presented to the Board may be disposed of in any of the following ways:
 - 1. The report may be received. A report that is received is not binding on the Board but is available for information and may be considered again at any time.
 - 2. A report may be rejected and referred back to the TAC. Frequently, TAC reports may require further study, modifications, or recommendations before Board action is appropriate.
 - 3. Consideration of a TAC report may be postponed to a more convenient time.
 - 4. A report may be adopted in total. This commits the Board to all findings and recommendations that might be included in it, but not to any recommendations submitted separately. A TAC report may be adopted in whole or in part or with reservations or exceptions.

C. Program Responsibility

If monetary resources are necessary after the issue review is completed, the action plan would be submitted to the Board's Administrative Committee for review and recommendation. The submitted plan would not only identify the specific resources necessary, but would also include a discussion of:

The program alternatives considered and the cost/benefit of each.

Identification of the program selected and reasons why the program was selected.

If the program selected requires enactment of legislation or adoption of regulations, the report would be submitted to the Board's Legislative Committee for review and

recommendation. The comments and recommendations from the Legislative Committee, the TAC and the original committee would then be presented to the full Board for final approval. Should the full Board decide to pursue the issue, the new issue can be prioritized with all other issues and responsibilities assigned to the appropriate Board committee or TAC.

Once the Board has granted authority to the TAC to begin work on the issue, the TAC would report back to the full Board following each identified work stage of the action plan scheduled.

ATTACHMENT A

ASSIGNMENT OF DUTIES TO TACS

The Board may establish one or more technical advisory committees to advise and assist the board with respect to the following:

- 1) Application review and verification for any level of registration, licensure, authority, or title.
- 2) Evaluation and investigation of potential violations of the act.
- 3) Amendment, repeal, adoption, or revision of board rules, regulations, policies, and procedures.

5. DEPARTMENT OF CONSUMER AFFAIRS (DCA)

- Organizational Charts

Department of Consumer Affairs
 July 2013
 FY 13/14

Denise Brown
 Director
 Exempt

Awet Kidane
 Chief Deputy Director
 Exempt

Equal Employment
 Opportunity Office
Latania Robinson
 Manager

Internal Audit Office
Vacant
 Chief

Information Security
 Office
Walter Durette
 Chief

Communications
 Division
Russ Heimerich
 Deputy Director
 Exempt

Division of Legislative &
 Policy Review
Tracy Rhine
 Deputy Director
 Exempt
Vacant
 Assist. Deputy Director
 Exempt

Legal Affairs Division
Doreatha Johnson
 Deputy Director
 Exempt
Don Chang
 Assist. Chief Counsel
 Exempt

Board and Bureau
 Relations
Christine Lally
 Deputy Director
 Exempt

Division of Investigation
 and Enforcement
 Programs
Michael Gomez
 Deputy Director
 Exempt

Office of Administrative
 Services
Sandra Mayorga
 Deputy Director
 CEA

Office of Information
 Services
Amy Cox-O'Farrell
 Deputy Director
 CEA

Public Affairs
Lisa Stratton
 Manager

Publication, Design &
 Editing
June Vargas
 Manager

Consumer Information
 Center, Correspondence
 and Outreach
Jennifer Willis
 Manager

Bureaus

Bureau of Automotive Repair
 Exempt, BAR Chief
 Exempt, BAR Assist. Chief
 Exempt, BAR Assist. Chief SMOG Check
 CEA, BAR Deputy Chiefs (2)
 Cemetery & Funeral
 CEA, Cemetery & Funeral Chief
 Bureau of Electronic & Appliance Repair,
 Home Furnishing & Thermal Insulation
 Exempt, BEARHFTI Chief
 Bureau for Private Post Education
 Exempt, BPPE Chief
 CEA, BPPE Deputy Chief
 Bureau of Real Estate
 Exempt, BRE Commissioner
 Exempt, BRE Chief Deputy Commissioner
 Exempt, BRE Assistant Commissioner,
 Legal Affairs
 CEA, BRE Assistant Commissioner of
 Enforcement
 CEA, BRE Chief Auditor
 CEA, Licensing & Admin. Services
 CEA, BRE Subdivisions
 Bureau of Real Estate Appraisers
 Exempt, BREA Chief
 CEA, BREA Deputy Director Licensing,
 Enforcement & Admin. Services
 Bureau of Security & Investigative Services
 Exempt, BSIS Chief

Boards/Committees/Commission

Executive Officers, Committee & Commission Members – ALL EXEMPT

Board of Accountancy CEA, BOA Chief of Enforcement	Naturopathic Medicine Committee
Acupuncture Board	Board of Occupational Therapy
Architects Board	Board of Optometry
Athletic Commission	Osteopathic Medical Board
Board of Barbering & Cosmetology	Board of Pharmacy
Board of Behavioral Sciences	CEA, BOP Assistant EO
Board of Chiropractic Examiners	Physical Therapy Board
Contractor's State License Board	Physician Assistant Committee
CEA, CSLB Chief Deputy Registrar	Board of Professional Engineers, Land Surveyors & Geology
CEA, CSLB Chief of Enforcement	Board of Podiatric Medicine
CEA, CSLB Chief Info. Officer	Board of Psychology
CEA, CSLB Chief of Licensing	Board of Registered Nursing
CEA, CSLB Chief of Legislation	Respiratory Care Board
Court Reporters Board	Speech-Language Pathology and Audiology & Hearing Aid Dispensers
Dental Board	Structural Pest Control Board
Dental Hygiene Committee	Veterinary Medical Board
Board of Guide Dogs for the Blind	Board of Vocational Nursing & Psychiatric Technicians
Landscape Architects Technical Committee	CEA, BVNPT Assistant EO
Medical Board of CA	
CEA, MBC Assist. Exe. Director	
CEA, MBC Chief of Enforcement	
CEA, MBC Chief of Licensing	
CEA, MBC Chief of Legislation	

Fiscal Operations
Janice Shintaku
 Fiscal Officer

Business Services
Pamela Wortman
 Business Services
 Officer

Human Resources
Jeff Sears
 Personnel Officer

Professional
 Examination Services
Vacant
 Chief

SOLID Training and
 Planning Solutions
Shelly Menzel
 Manager

Enterprise
 Technology Services
Jason Piccione
 Manager

Client Device &
 Web Services
Jim Epp
 Manager

Server, Network &
 Security Services
Randy Hawkinson
 Manager

Application Services
Wayne Odd
 Manager

Enterprise Project
 Services
Karamel Jett
 Manager

Client Services
Gerry Lobo
 Manager

Denise Brown

DENISE BROWN, DIRECTOR

Jeff Sears

JEFF SEARS, PERSONNEL OFFICER

Arbitration Certification Program
 Telephone Medical Advice Services
 Professional Fiduciaries Bureau
 Complaint Resolution Program

6. NCEES, ABET, AND ASBOG

- NCEES Purpose and Objectives and Strategic Plan
- Accreditation Board for Engineering and Technology (ABET) Mission and Vision
- Guide for Observers on Accreditation Visits
- National Association of State Boards of Geology (ASBOG) Mission Statement and Objectives



PURPOSE

The purpose of this Council shall be to provide an organization through which state boards may act and counsel together to better discharge their responsibilities in regulating the practice of engineering and land surveying as it relates to the welfare of the public in safeguarding life, health, and property. The Council also provides such services as may be required by the boards in their mandate to protect the public.

Constitution, Article 2. Purpose, Section 2.01 Purpose

OBJECTIVES

In the public interest, NCEES provides to licensing boards services which assist in the development and administration of the licensing process by promoting:

- (1) the improvements of licensing laws for engineering and land surveying, including the administration and effectiveness of these laws;
- (2) the uniformity of standards and practices used in engineering and land surveying licensure;
- (3) the general acceptance and recognition of comity for engineering and land surveying licensure among boards;
- (4) the definition and maintenance of nationally recognized licensing qualifications to become professional engineers and professional land surveyors;
- (5) the identification and observation of international engineering and surveying licensing procedures and the maintenance of a liaison with international licensing agencies;
- (6) the improvement and uniformity of standards for law enforcement and disciplinary action in engineering and land surveying licensing laws and their administration; and
- (7) the value of the licensure of engineers and land surveyors as it relates to the health, safety, and welfare of the public.

Bylaws, Part 1. Objectives, Section 1.01 Objectives

Founded November 8, 1920
Incorporated March 28, 1938

Vision, mission, and strategic plan

Vision

The vision of NCEES is to provide leadership in professional licensure of engineers and surveyors through excellence in uniform laws, licensing standards, and professional ethics for the protection of the public health, safety, and welfare and to shape the future of professional licensure.

Mission

The mission of NCEES is to advance licensure for engineers and surveyors in order to protect the health, safety, and welfare of the public.

This mission is supported through its Member Boards, Board of Directors, staff, board administrators, and volunteers by:

- Providing outstanding nationally normed examinations for engineers and surveyors
- Providing uniform model laws and model rules for adoption by the Member Boards
- Promoting professional ethics among all engineers and surveyors
- Coordinating with domestic and international organizations to advance licensure of all engineers and surveyors

Strategic plan

The NCEES [Strategic Plan](#) describes several issues that represent challenges to maintaining an effective licensure process. The document, which is periodically updated by the board of directors, specifies goals associated with each of the issues and describes strategies for achieving these goals.

GUIDE FOR OBSERVERS ON ACCREDITATION VISITS

Last revision
as of
October 2, 2012

ABET

111 Market Place, Suite 1050
Baltimore, Maryland, U.S.A.

Telephone: 410-347-7700
Fax: 410-625-2238
E-mail: accreditation@abet.org

Introduction

ABET, Inc. sends teams of evaluators to campuses around the world for the purpose of determining whether programs satisfy the accreditation criteria of one or more of ABET's Commissions. Observers are often included on these teams for the purpose of learning how the ABET accreditation process works. These observers generally fall into one of the following categories:

- A. Observers representing one of ABET's Member Societies The purpose of observers in this instance is to provide training to individuals who have been selected by their Society to serve as Program Evaluators.
- B. Observers representing one of the State Boards for Professional Registration within the United States The purpose of observers in this instance is to provide the State Boards with first-hand information about how ABET's accreditation process functions.
- C. Observers representing one of ABET's sister accreditation agencies either within or outside of the United States The purpose of observers in this instance is to share information about ABET's accreditation process.
- D. Observers representing a home-country's accreditation agency or national education authority outside of the United States The purpose of observers in this instance is to facilitate mutual learning in quality assurance for higher education between organizations.

This document is intended to provide information about how arrangements for observers are made and how observers should participate in the visit.

Historical Background

There are several steps in ABET Program Evaluator training. Initially, Program Evaluator candidates who are selected by the ABET Member Societies attend ABET Program Evaluator training. Candidates who successfully complete the training requirements may then be required to accompany an experienced program evaluator from their Society as an observer on a program visit. This requirement is imposed by the Societies and not by ABET.

ABET, formerly the Engineers' Council for Professional Development, was founded in 1932. Then, as now, the State Boards of Professional Registration sought means by which the educational credentials of applicants to the licensure process could be validated. Those programs in engineering which are accredited by the Engineering Accreditation Commission of ABET have met the basic requirements of preparing individuals to enter the engineering profession. The State Boards of Professional Registration rely on the accreditation process as a means of assuring the quality of engineering graduates. In order for the State Boards to be familiar with and to ascertain the quality of the accreditation process, ABET invites representatives of the State Boards to participate in accreditation visits as observers.

Moreover, ABET is often asked by its sister accreditation agencies to permit observers for the purpose of sharing information about its accreditation process. In many instances, these observers represent accreditation agencies outside the US that are in the process of formation.

Lastly, ABET extends an observer invitation to those accreditation agencies outside US which approved programs to seek ABET accreditation. Programs outside the US new to ABET must submit an appropriate approval (Request for Approval; RFA) from the home-country's highest national accreditation agency or educational authority. The requirement of such approval submission stems from the fact that ABET must ascertain that programs are housed in a financially and educationally stable institution. In addition, ABET respects the program's in-country quality assurance system and does not wish to interfere with existing accreditation activities. Having observers from accreditation agencies or education authorities outside the US offers a great opportunity for ABET teams and the local organizations to share in exchange and mutual learning in the sphere of quality assurance for higher education.

How are Arrangements made for an Observer to be included in a Visit Team?

- **How is an observer assignment initiated?**

Observers from Category A -- Society Trainees: The Society should include observer nominees along with their Program Evaluator assignments provided to ABET. The Team Chair will then contact the observer to complete the arrangements.

Observers from Category B – State Board Observers: ABET will advise the State Boards of upcoming visits after visit dates have been confirmed and posted. Contact information for the Team Chair will be provided by ABET to the State Board. The State Board and the Team Chair should communicate directly concerning the inclusion of an observer on the visit.

Observers from Category C -- Observers from sister accreditation agencies: A request from a U.S. accreditation agency should be made to ABET by e-mail (accreditation@abet.org) to secure initial approval. In the case of accreditation agencies outside the US, a request should be made to ABET by e-mail (international@abet.org) to secure initial approval. This request should include a current, brief biographical resume of the observer and the reason for the request.

- Observers from Category D – Observers from accreditation agencies or education authorities outside the US: The participant's name, biographical resume, and complete contact information must be provided to ABET HQ by e-mail (accreditation@abet.org or the designated contact) no later than August 31st following the submission of a Request for Approval (RFA).

- **How is final approval of the observer's participation obtained?**

In all cases, ABET Headquarters, the Team Chair, and the institution being visited must approve each observer included on the visit team. Any observer who fails to comply with the observer approval procedure, the policies pertaining to conflict of interest and confidentiality, or the guidelines provided below will not be included in the visit team.

- **Who pays the observer's expenses?**

ABET is **not** responsible for reimbursement of observer expenses. An observer should contact his/her sponsoring organization to determine policies for reimbursement of travel expenses.

Conflict of Interest

In no case will an observer be accepted if the individual has a real or perceived conflict of interest with respect to the institution being visited. Conflicts of interest include graduates, faculty members, or members of boards or committees of that or neighboring institutions. Conflict of interest questions should be broadly construed as applicable to any individual who, in some way or another, is related to the institution or may have any interest in the institution other than the accreditation visit.

In the case of State Board observers, it is understood that the issue of conflict of interest must be interpreted in a less restrictive way. Graduates of the institution may be acceptable as long as they are not active in alumni groups or other functions related to the institution in positions of leadership which might affect their objectivity or inhibit interaction with the institution. A common-sense rule should be applied.

Questions related to potential conflicts of interest should be directed to the Accreditation Director (accreditation@abet.org).

Confidentiality during the accreditation process

All aspects of the visit must be regarded as STRICTLY CONFIDENTIAL. Observers may provide information related to the accreditation process to their own organization. However, they must not relate information about any specific accreditation issues or recommended actions to anyone other than members of the visiting team. Observers must sign the ABET Observer Confidentiality and COI Form prior to the visit.

Observers will be furnished the same information as provided by the institution to the visiting team. These materials must be considered to be confidential. Upon completion of the visit, these materials should be returned to the Team Chair or destroyed.

Guidelines for Observers

The accreditation visit is carried out by ABET at the invitation of the institution. All communications with the institution must be made through ABET's agent, the Team Chair.

During the observer approval process prior to acceptance, the observer and the represented agency should NOT contact the visit institution in order to ensure the observer approval process is clear and fair; all coordination must be made through ABET HQ and/or the ABET Team Chair.

Observers from Category D must provide ABET HQ with the requisite information including a current biographical resume, name and complete contact information by August 31st well before the scheduled accreditation visits. Any observer who fails to adhere to the approval process protocol will not be included in the visit team.

Observers must refrain from giving any interpretations of the accreditation criteria or any assumption pertaining to accreditation decisions. The ABET team members are assigned to evaluate specific curricula and support areas. They have received their appointment at the recommendation of the ABET Member Society whose discipline they represent and have been appropriately trained.

Observers do not have authority to act as official program evaluators. However, the Team Chair may, with the consent of the observer and the institution, assign an observer any duties which will enhance the quality of the visit without conflicting with the duties of the designated Program Evaluators.

Observers are invited to participate in all meetings and discussions, to ask questions, and to make comments when appropriate. However, care must be exercised that any comments to the institution must be in conformity with the applicable accreditation criteria.

Observers should become familiar with the applicable accreditation criteria. These criteria and related documents are available on the ABET website (www.abet.org).

Observers are encouraged to arrange to stay for the entire period of the visit. Considering the multilateral effort which goes into the scheduling, preparation and management of the visit, observers, once committed, are encouraged to participate in the entire visit.

Observers must not carry out any personal business, or any business on behalf of their organizations, while participating as observers on ABET visits.

Observers are encouraged to submit a report on their observations to the Team Chair following the visit. ABET Headquarters should also be provided with a copy of any report made to the Team Chair or to the observer's own organization.

Observers should not expect to participate in the portion of the accreditation process that occurs after the visit. ABET's invitation to participate in a visit does not extend to the portion of the accreditation process that occurs after the visit.

Guidelines for Team Chairs

The Team Chair will thoroughly check for any real or perceived conflict of interest upon receiving the candidate's information prior to confirming an approval from the visit institution, before rendering a decision on inclusion of the individual in the team. Observer approval or rejection by the team chair must be substantiated through strict adherence to the conflict-of-interest criteria.

In arranging the visit, the dean of the institution or the designated contact person should be advised of any observers, participants' role on the team, and the institution's right for declination. Approval should be obtained for all observers accompanying the team.

The Team Chair, not the institution, should handle all negotiations between the ABET Member Societies, State Boards, or other organizations and the institution.

All team members should be briefed on the duties and limitations of observers accompanying the visiting team. There should be no misunderstanding as to the assigned roles of the various team members. Observers should be reminded that they are not authorized to interpret accreditation criteria or to express opinions to the institution that might be construed as reflecting ABET policy or accreditation decisions.

The Team Chair should handle any complaint regarding the participating observer reported by the visit institution during the on-site visit or report to HQ for advice. All Team Chairs are encouraged to share their feedback with HQ if there is anything worth attention or improvement.

Observers should not carry out any official duties on behalf of their organization or conduct any personal business during the visit.

The observer from a ABET Member Society should work primarily under the direction of the Member Society's Program Evaluator.

The Team Chair may, with the consent of the observer and the institution, assign to an observer any duties which will enhance the quality of the visit without conflicting with the duties of the designated Program Evaluators. However, observers do not have authority to act as Program Evaluators.

Observers should be encouraged to report their observations to the Team Chair, either orally or in written form. They should be requested to provide ABET Headquarters with information copies of any reports submitted to the Team Chair or their organization.

Guidelines for Visit Institutions

The ABET Team Chair will advise the dean of the visit institution or the designated contact person as to any potential observers before being approved by the institution and officially included in the evaluation team. These candidates must be approved by ABET (HQ and the Team Chair) prior to inquiry of the visit institution's decision.

Institutions should not accept any observers who have not been approved by ABET HQ and the Team Chair. In the event that any observer candidate or accreditation agency contacts the visit institution without going through ABET, the institution should refer this individual/agency to contact ABET and refrain from accepting any observer until receiving a written notification from ABET HQ or its agent, the Team Chair.

Institutions should feel free to share their feedback or report any inappropriate behaviors and comments regarding the participating observers to ABET HQ or the Team Chair.

CONFIDENTIALITY OF INFORMATION

(Section Fourteen, ABET Rules of Procedure)

CONFIDENTIALITY

A. **Ethical Conduct:**

ABET requires ethical conduct by each volunteer and staff member engaged in fulfilling the mission of ABET. The organization requires that every volunteer and staff member exhibit the highest standards of professionalism, honesty, and integrity. The services provided by ABET require impartiality, fairness, and equity. All persons involved with ABET activities must perform their duties under the highest standards of ethical behavior. It is the policy of ABET that information provided by the institution is for the confidential use of ABET and its agents, and will not be disclosed without specific written authorization of the institution concerned.

B. **Privileged Information:**

The contents of all materials furnished for review purposes and discussion during the Commission meetings are considered privileged information. The contents of those documents and the accreditation actions taken may be disclosed only by staff, and only under appropriate circumstances. All communications between institutions and evaluators or Commissioners regarding final accreditation actions must be referred to ABET headquarters.

CONFLICT OF INTEREST AND CONFIDENTIALITY STATEMENT

I have received and read the ABET Conflict of Interest and Confidentiality Policies. I understand that the intent of these policies is to disclose real or perceived conflicts of interest, to recuse myself from decisions and discussions related to real or perceived conflicts of interest, to act impartially and avoid the appearance of impropriety, and to protect the confidential nature of the accreditation process. I will not participate in any decision-making capacity regarding the accreditation of a program if I have or have had a close, active association with an institution or program that is being considered for official action by ABET. I will not participate in any decision for which I, or the organization that I represent, may benefit materially.

In addition, I understand that materials furnished for the visit are considered privileged information and, consequently, are confidential. **I understand that no copies may be made of any materials or documents provided as part of the accreditation decision-making process.**

All elements of ABET’s accreditation process are to be treated in a professional and confidential manner. Both ethical and legal considerations demand that the information acquired through the accreditation process not be used for purposes other than the accreditation process unless prior permission is obtained from the institution or program.

Signature

Print Name Date

Position

Mission Statement

To serve as a connective link among the individual state geologic registration licensing boards for the planning and preparation of uniform procedures and the coordination of geologic protective measures for the general public.

One of ASBOG®'s principal services is to develop standardized written examinations for determining qualifications of applicants seeking licensure as professional geologists. State boards of registration are provided with uniform examinations that are valid measures of competency related to the practice of the profession. Examination candidates are provided with a copy of the *Professional Geologist Candidate Handbook* which delineates the format and outline for the exam. [Professional Geologist Candidate Handbook]

Candidates should take note that ASBOG® does not license or register geologists. Individuals must become licensed/registered by the regulatory agency in the state in which they practice.

Objectives

The National Association of State Boards of Geology (ASBOG) provides an organization to promote, foster, and advance the common interests and purposes of the Member Boards as well as to provide a forum for the exchange of information and obtaining assistance in discharging responsibilities of such Member Boards.

7. TRAVEL INFORMATION

- Travel Guide
- Travel Expense Claim Form
- Salary Time Log

GASOLINE

State travelers renting vehicles on a daily basis are required to refuel gas tanks prior to returning the vehicle to the vendor. On those rare occasions where this isn't possible a justification form is required. An itemized receipt is required. Prepaid receipt not acceptable.

CONTRACT AIRLINES

Contract rates are effective from 7-1-2013 to 6-30-2014

Alaska Airlines, Jet-Blue, United, and Virgin America offer (YCAL) airfares for official state business. Visit the Department of General Services homepage for a summary of the airfare contract and publications at:

www.travel.dgs.ca.gov.

TRAVEL AGENCY

Need to fly on another carrier other than Southwest? Need to find a hotel? Then contact our travel agent, TravelStore: www.caltravelstore.com

The TravelStore uses an on-line reservation system called CalTravelStore. In order to use CalTravelStore you must have a profile established. To establish a profile, contact your travel liaison or visit our DCA intranet site.

RESOURCES

DCA INTRANET:

<http://inside.dca.ca.gov/offices/oas/accounting/travel.html>

ENTERPRISE:

Boards:

http://www.enterprise.com/car_rental/deeplinkmap.do?bid=002&cust=DBCA181

Bureaus/Divisions/Programs:

http://www.enterprise.com/car_rental/deeplinkmap.do?bid=002&cust=DBCA196

RENTAL CAR JUSTIFICATION FORM:

http://www.documents.dgs.ca.gov/ofa/travel/SCO_VehicleJustificationForm.pdf

CALATERS: <http://www.sco.ca.gov/calaters.html>

TRAVEL CLAIM:

<http://www.documents.dgs.ca.gov/osp/pdf/std262.pdf>

TRAVEL STATUS

24 Hours of Travel or more

On the first day of travel of 24 hours or more:

Timeframe	Meal Reimbursement
Begins before or at 6:00 a.m.	Breakfast
Begins before or at 11:00 a.m.	Lunch
Begins before or at 5:00 p.m.	Dinner

On the last fractional day of travel of more than 24 hours:

Timeframe	Meal Reimbursement
Ends at or after 8 a.m.	Breakfast
Ends at or after 2 p.m.	Lunch
Ends at or after 7 p.m.	Dinner

One Day Travel

(Less than 24 Hours/Over 100 Miles Round Trip)

Timeframe	Meal Reimbursement
Begin at or before 6:00 a.m. and end at or after 9:00 a.m.	Breakfast
Not authorized for reimbursement*	Lunch
Begin at or before 4:00 p.m. and end at or after 7:00 p.m.	Dinner
If required and pre-approved, with receipt.	Lodging

*MEALS OF APPOINTEES

Members of non-salaried boards, commissions, and duly constituted advisory committees may be reimbursed for actual expenses up to the maximum meal allowance when attending official board, commission or committee meetings. Travel status restrictions do not apply but you must meet the time requirements for each meal. Copy of meeting agenda needs to be attached to expense claim.

INCIDENTALS

Reimbursement is allowed only for a **FULL 24 hours** of travel. Incidentals include expenses for laundering and pressing of clothing, fees and tips for services such as porter and baggage handlers. Incidentals are allowed for business telephone calls, postage charges, facsimiles (FAX), and emergency purchases.

TRAINING/CONFERENCE EXPENSES

When requesting reimbursement for attending training classes an approved training class request and proof of completion should be attached to the expense claim. Indicate "in-house" if the Department administered the class. When attending a **conference or convention**, prior approval should be requested on a Conference Attendance Request form.

BUSINESS EXPENSES

Emergency purchases and all other charges over \$1.00 require either written approval or a detailed explanation. The expense must have an itemized receipt; showing proof of payment and description of the expense.

PARKING

All parking while on state business requires the purpose of trip and an itemized receipt if over \$10.00. Airport parking should be in the best interest of the state and therefore be the economy or long term parking lot, **must have justification for rates over lowest rate available.** The receipt should show both the entry and exit date(s) and time(s). Valet, short term and hourly parking are prohibited when other parking is available.

OVERTIME

Overtime meals are earned when the employee works two hours in addition to a regular work schedule of eight hours or more, not including the meal breaks.

BU's 1, 4 & 11 require the employee to work two **contiguous** hours in any order in addition to the normal work day of eight hours or more, not including the meal breaks.

BU's 2, 7, 9, 10, 12, 16, 19 & 21 require the employee to work two **consecutive** hours prior to, or two **consecutive** hours after the normal work day of eight hours or more, not including the meal breaks.

Excluded & Represented employees who are exempt from FLSA are not authorized for overtime meals unless extended arduous work requirements are met.

Bargaining Units	Max. Reimbursement
7 & 10	Up to \$7.50
1, 2, 4, 9, 11, 12, 16, 19, 21	Up to \$8.00
Rep. EE's Excluded from FLSA & Exempt EE's	Up to \$8.00 & Arduous Work Requirement

Department of Consumer Affairs

POCKET TRAVEL GUIDE

Revised: 05/1/2014



Published by The Office of Administrative Services -
Accounts Payable Travel Unit

This flyer provides guidelines for State Employees who are required to travel on Official State Business. It briefly explains the reimbursement rates, filing requirements, methods of travel, and the documents required for reimbursement.

Travel Status = Traveling at least 50 miles one way or 100 miles round trip from the employees established headquarters while on state business.
Exception to Travel Status: When requested to travel less than 50 miles of your primary residence or established headquarters, you must obtain prior approval from the Director. Exceptions to travel status reimbursements are considered reportable income.

IN-STATE REIMBURSEMENT RATES

Reimbursement is allowed for actual costs up to the maximum reimbursement for each meal, incidental, and lodging expense incurred while on travel status. Please review your Bargaining Union (BU) Contract for most current rates.

BU 2, BU 10 and BU 13	
Meals & Incidental	Max. Reimbursement
Breakfast	Up to \$ 6.00
Lunch	Up to \$ 10.00
Dinner	Up to \$ 18.00
Incidental	Up to \$ 6.00
Statewide, actual lodging cost - with substantiating itemized receipt Up to maximum of...	\$84.00 plus applicable taxes on the entire cost of the lodging rate.
Los Angeles County & San Diego County.	\$110.00 plus applicable taxes on the entire cost of the lodging rate.
Alameda, San Francisco, San Mateo, Santa Clara Counties.	\$140.00 plus applicable taxes on the entire cost of the lodging rate.

(BU) 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, and 21			
Expense	Max Reimbursement	Expense	Max Reimbursement
Breakfast	\$7.00	Dinner	\$23.00
Lunch	\$11.00	Incidental	\$5.00

(BU) 1, 3, 4, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 17, 18, 19, 20, and 21	
Lodging Reimbursement	Up to the Maximum Rate
Statewide (except for those listed below.)	\$90 room rate plus taxes.
Napa, Riverside, Sacramento Counties	\$95 room rate plus taxes
Los Angeles, Orange, Ventura Counties and Edwards AFB	\$120.00 room rate plus taxes.
Alameda, Monterey, San Diego, San Mateo & Santa Clara Counties.	\$125.00 room rate plus taxes.
San Francisco County and City of Santa Monica	\$150.00 room rate plus tax.

Meals & incidentals; claim actual expense(s) up to maximum allowance. Meal receipts should be retained by the traveler for tax purposes. Meals on one-day trips, overtime meals, overtime callback mileage, and exception to travel status are reportable fringe benefits.

Employees who stay with friends or relatives, or who cannot produce a valid receipt from a commercial lodging establishment, will be eligible to claim meal and incidental reimbursement only. Third party vendor receipts are not an acceptable receipt. See PML 2005-021.

Excess Lodging: Lodging in excess of the standard allowance requires an approved STD. 255C. <http://www.documents.dgs.ca.gov/osp/pdf/std255c.pdf>

Travel expense reimbursement requires an original itemized receipt. Required receipts include: Airline itinerary, rental car, lodging, taxis and parking over \$10.00, and business expenses.

Submit expenses electronically on the CalATERS Global system. Include the detailed purpose of each trip. Never sign blank claim forms, use colored ink. Do not use correction tape or liquid; line through corrections and initial changes.

Travel advances must be cleared with claim within 10 days from conclusion of trip. SAM Section 8100

If your American Express Corporate Card is lost or stolen; you must call 1-800-528-2122 or 1-800-992-3404 to file a report and contact the Business Services Office. All accounts must be kept current.

MODE OF TRANSPORTATION

The mode of transportation for which the State incurs expenses shall be that which is in the best interest of the State. When the employee chooses a mode of transportation which is more costly than another mode, a Cost Comparison form must be completed. Reimbursement by the State will be made at the lesser of the two costs.

Cost comparisons shall include only the expense of traveling from one location to another. Expenses while at the work site can't be included.

The type of transportation used must be indicated on the expense claim. (PC, SC, RC, T, & A). Number of miles traveled when using a State or Personal vehicle is necessary to support travel status requirements. Private vehicle expenses require the license plate number.

TAXI SERVICE

Taxis should be used for trips within but not over a 10-15 mile radius. Receipts are required for taxi expenses of \$10.00 and over. Tips are not reimbursable.

PRIVATE VEHICLE

Travelers driving a privately owned vehicle on official State business must have a completed Authorization to Use Privately Owned Vehicle form (Std. 261) on file. Supervisors must maintain and update these forms annually.

Mileage rate:
 50.0 cents: 1/1/2010 – 12/31/2010
 51.0 cents: 1/1/2011 – 06/30/2011
 55.5 cents: 1/1/2012 – 12/31/2012
 56.5 cents: 1/1/2013 – 12/31/2013
 56.0 cents: 1/1/2014- Current

When traveling to an alternate work location, reimbursement is limited to the miles driven in excess of the traveler's normal commute.

Mileage to and from a common carrier, when the vehicle is not parked at the common carrier's location can be computed at double the number of miles the employee actually rides in the vehicle.

NOTE: Incidental airport parking for pick up purposes only is allowable when claiming double mileage.

STATE VEHICLE

Drivers of state vehicles must report personal use of a state vehicle monthly to the Accounting Unit. If your state vehicle is down for repairs, you may only rent a car for official state business when another state vehicle is not available.

RENTAL CAR

Employees cannot use state contract rates for personal business.

All reservations must be made online at Inside DCA website. Enterprise will not accept reservation at the counter. Travelers should reference the Department's company ID numbers:

Boards: DBCA181
 Bureaus/Division: DBCA196

Employees exceeding the max daily rental rate of compact and intermediate/midsize are required to submit an SCO justification form. Rental agreements should not be extended for personal use. If travelers wish to extend the rental agreement for personal use, they must have the contract vendor establish a new agreement upon completion of the state business.

Loss Damage Waiver (LDW) is included in the daily rate when renting a vehicle from the contract vendor. Any additional charges for insurance when renting a vehicle will not be reimbursed by the state.

CAR RENTAL COMPANY INFORMATION

Contract rates are effective 1/1/2014-12/31/2014

CAR RENTAL COMPANY/ CORPORATE DISCOUNT #	MAXIMUM DAILY RATE *	TELEPHONE
ENTERPRISE DBCALIF	\$31.46 \$48.23	(800) 736-8227
SECONDARY VENDORS ALAMO	\$83.41	(800) 732-3232
NATIONAL	\$83.41	(800) 227-7368
5400321		

* Lesser rates may be available; the State Contract rate reflects the maximum allowed under the contract.



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.bpelsg.ca.gov



BOARD MEMBER TRAVEL EXPENSE INFORMATION
--

NAME _____

ADDRESS _____ CITY _____ ZIP _____

WORK TELEPHONE _____ HOME TELEPHONE _____

MEETING LOCATION _____

PURPOSE OF MEETING _____

DATE AND TIME OF DEPARTURE* _____

DATE AND TIME OF RETURN* _____

(*What time did your trip begin and end)

	Prepaid by Board ✓	Amount billed	Notes
Lodging		\$	
Privately Owned Vehicle		Mileage round trip _____ x.56mile Vehicle License plate# _____	This includes mileage to & from airport or to & from meeting site
Airfare		\$	Please include flight itinerary
Rental Car		\$	
Fuel		\$	
Parking		\$	
Taxi		\$	
Shuttle		\$	
Bridge Toll		\$	

ORIGINAL ITEMIZED RECEIPTS MUST BE ATTACHED

I hereby certify that the above and supporting documents reflect actual expense incurred by me while on official business of the State of California.

Signature: _____

Date: _____



BOARD MEMBER TIME LOG

*Please use one sheet per month.
Do **not** combine months on one sheet

NAME	
MONTH	

DATE	PROJECT <small>(i.e. Committee & Board meetings, hearings, interviews, review of disciplinary recommendations)</small>	TIME WORKED	
		Days	Hours
TOTAL DAYS & REMAINING HOURS			

I hereby certify that the above information is a true and correct statement of hours worked by me and that all hours claimed are for official business of the State of California.

Signature: _____ Date: _____



2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833
 Phone (916) 263-2234 FAX (916) 263-2221
celina.calderone@dca.ca.gov

8. LAWS AND REGULATIONS (Spiral Bound Publication)

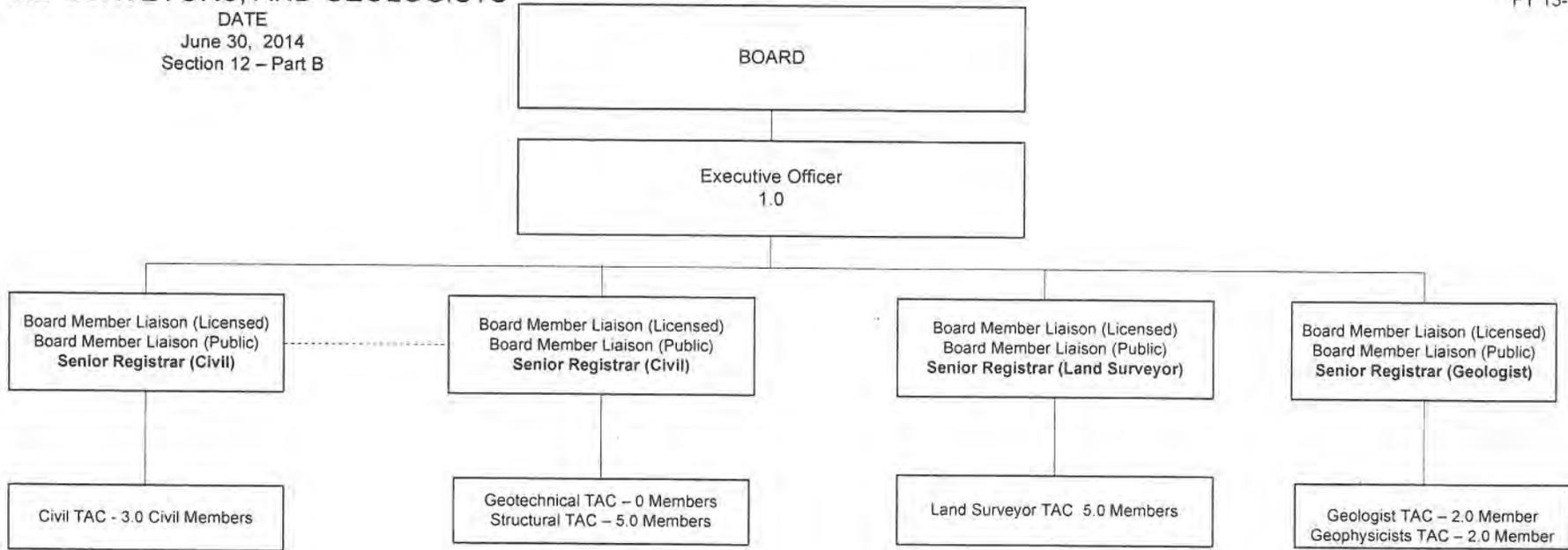
- Rules of the Board for Professional Engineers and Land Surveyors
- Regulations Relating to the Practices of Geology and Geophysics
- Professional Engineers Act
- Professional Land Surveyors Act
- Geologist and Geophysicist Act

Attachment B

Department of Consumer Affairs
**BOARD FOR PROFESSIONAL ENGINEERS,
 LAND SURVEYORS, AND GEOLOGISTS**

DATE
 June 30, 2014
 Section 12 – Part B

FY 13-14



No current membership for either
 Mechanical or Electrical TAC

 Executive Officer Date

 Personnel Analyst Date

Attachment C



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



**REPORT TO THE SENATE BUSINESS, PROFESSIONS AND ECONOMIC
DEVELOPMENT COMMITTEE REGARDING THE CONTINUED LICENSURE
OF GEOPHYSICISTS IN CALIFORNIA
(Issue #4 – 2010/2011 Sunset Review)**

RECOMMENDATION

The Board for Professional Engineers, Land Surveyors, and Geologists recommends that it continue to license geophysicists but closely monitor the long term trends within the geophysics profession, including the numbers of individuals entering and leaving the profession (through license renewals and examination applications) and the costs to the Board, the licensees, and the applicants.

BACKGROUND

The Board identified several key issues with respect to the continued licensing of geophysicists in their 2010 Sunset Review report, which are as follows:

1. The last licensing exam issued for geophysicists cost approximately \$49,000 to develop and was only taken by two examinees. The resulting per capita costs for the test are not in line with the costs for the other licensed professions administered by the Board. Furthermore, it would be unreasonable to attempt to recollect the development fees from the examinees at a cost of \$24,500 per applicant.
2. Recent recruitment of subject matter experts needed to assist in developing and constructing the Professional Geophysicist examination has been anemic at best, in spite of the time expended by the Board's staff to recruit the experts.

The heart of the above-listed issues lies in the dwindling number of licensed geophysicists, the result of a long-term downward trend of an already small pool of professionals. There are six applicants that have registered to take the next geophysicist licensing exam (in October 2011), which is an encouraging upward trend but still not a large enough increase to ignore these issues.

At its May 12, 2011, meeting, the Board held a public hearing to take testimony regarding the continued licensing of geophysicists in order to report its findings to the Senate Business, Professions and Economic Development Committee by June 2011. The Board appointed a subcommittee of the Board, consisting of William "Jerry" Silva and Erik Zinn.

Testimony was taken by the Board from a number of geophysicists at the public hearing regarding the potential of discontinuing their licensing. The geophysicists that testified outlined the types of projects on which they work, their roles within the design team, and how their work integrates with and helps to protect the safety and welfare of the public. Some speakers also proposed some potential solutions to the dilemma of the dwindling numbers of licensed geophysicists. A representative from the Department of Consumer Affairs' Office of Professional Examination Services also attended the hearing and indicated that costs for creating the geophysicists exam may be lower in future years than the \$49,000 spent last year.

Board Members Silva and Zinn have since listened to the recording of the hearing, as well as researched other alternatives, resulting in the recommendation to continue the licensing program for geophysicists. The Board will continue to closely track the future trends of the numbers of geophysicists and the expenditures needed to maintain their licensing program.

Joanne Arnold, Interim Executive Officer,
Board for Professional Engineers, Land Surveyors, and Geologists
June 30, 2011

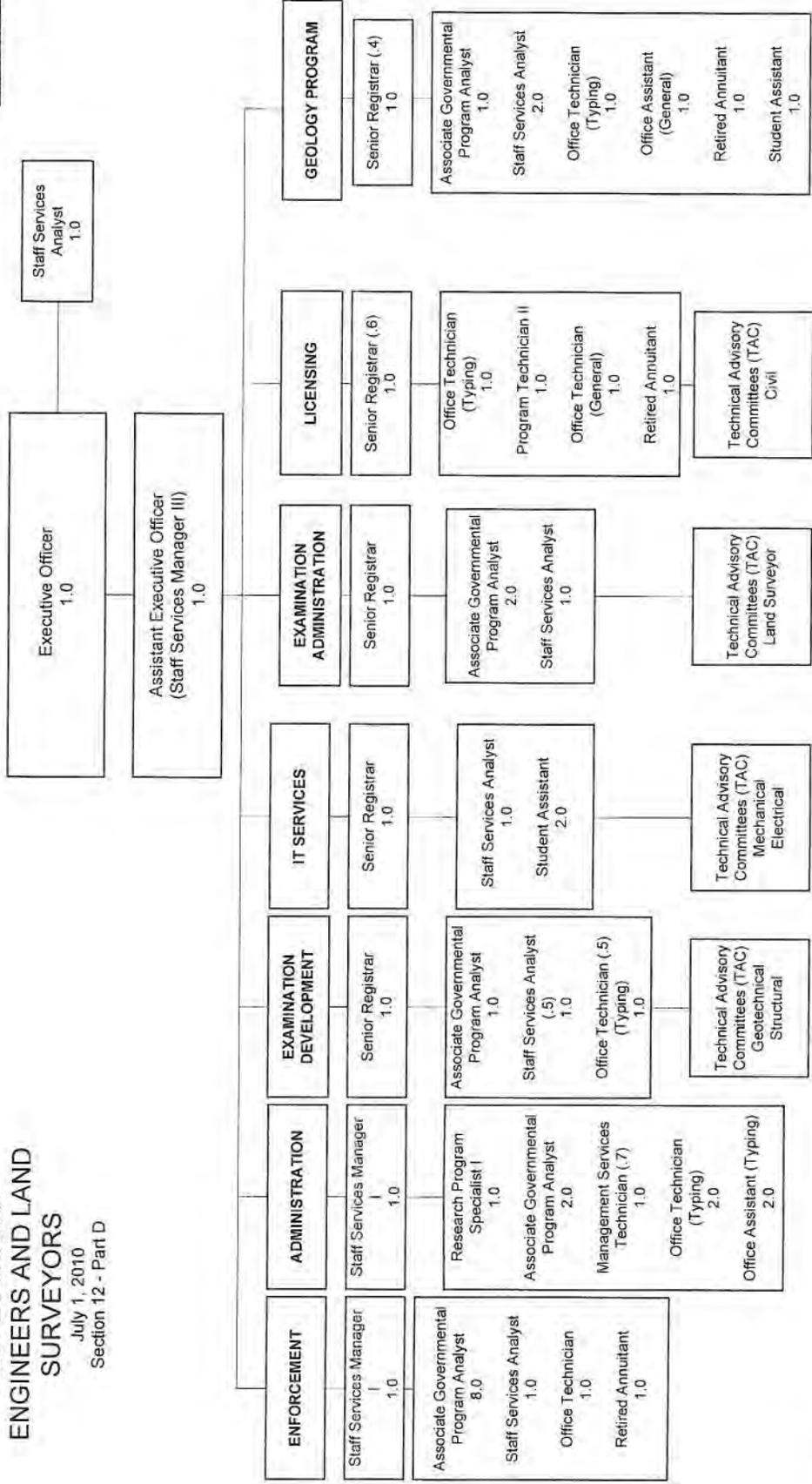
Attachment D

Department of Consumer
Affairs
BOARD FOR
PROFESSIONAL
ENGINEERS AND LAND
SURVEYORS

July 1, 2010

Section 12 - Part D

FY 10-11
Authorized Positions GG 5.4
Authorized Positions BP/LS 35.3
PY's 40.7



LEGEND

- AGPA - Assoc. Gov. Program Analyst
- MST - Management Services Technician
- OA - Office Assistant (T)-Typing (G)-General
- OT - Office Technician (T)-Typing(G) General
- RA - Retired Annuitant
- RPS I - Research Program Specialist
- SC - Seasonal Clerk
- SR - Senior Registrar
- SRLS - Senior Registrar Land Surveying
- SSA - Staff Services Analyst
- SSM I - Staff Services Manager I
- SSM III - Staff Services Manager III
- SA - Student Assistant
- .5 - One-Half Time Base
- .7 - Less than Full-Time
- * - BCP Positions 2010/2011

Footnote: 5% Reduction Plan

Vacant OA in Admin.-Hold vacant for 5 months, fill
 Vacant SSA in Ent.-Hold vacant for 5 months, fill
 12/1/10

Reduce size of proctors for Oct. & April Exams

Executive Officer _____ Date _____

Personnel Analyst _____ Date _____

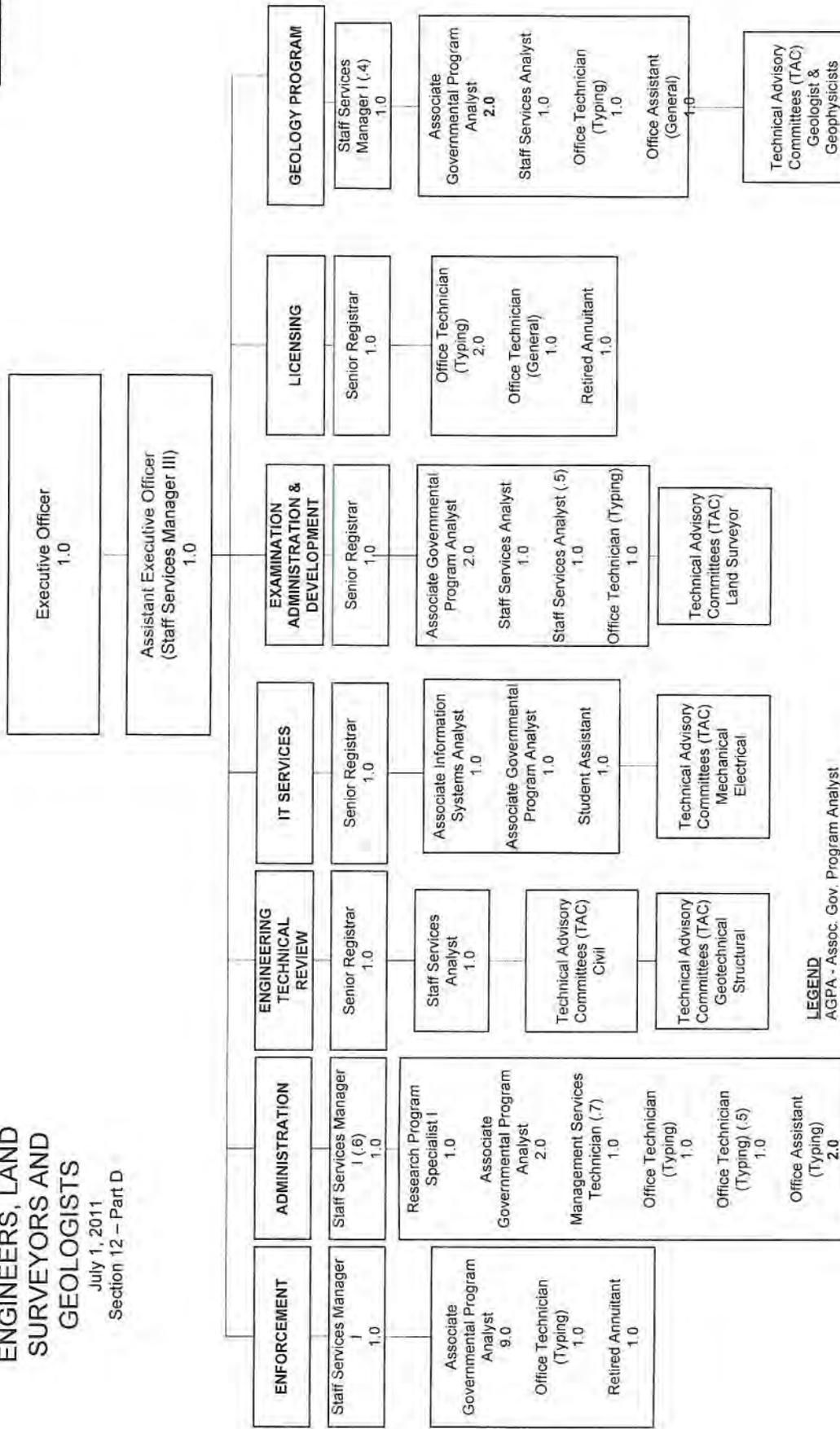
Department of Consumer
Affairs

BOARD FOR
PROFESSIONAL
ENGINEERS, LAND
SURVEYORS AND
GEOLOGISTS

July 1, 2011

Section 12 – Part D

FY 11-12
Authorized Positions GG 5.4
Authorized Positions BPELS 35.3
PY's 40.7



- LEGEND**
 AGPA - Assoc. Gov. Program Analyst
 MST - Management Services Technician
 OA - Office Assistant (T)-Typing (G)-General
 OT - Office Technician (T)-Typing(G) General
 RA - Retired Annuitant
 RPS I - Research Program Specialist
 SC - Seasonal Clerk
 SR - Senior Registrar
 SRLS - Senior Registrar Land Surveying
 SSA - Staff Services Analyst
 SSM I - Staff Services Manager I
 SSM III - Staff Services Manager III
 SA - Student Assistant
 .5 - One-Half Time Base
 .7 - Less than Full-Time

Executive Officer _____ Date _____
 Personnel Analyst _____ Date _____

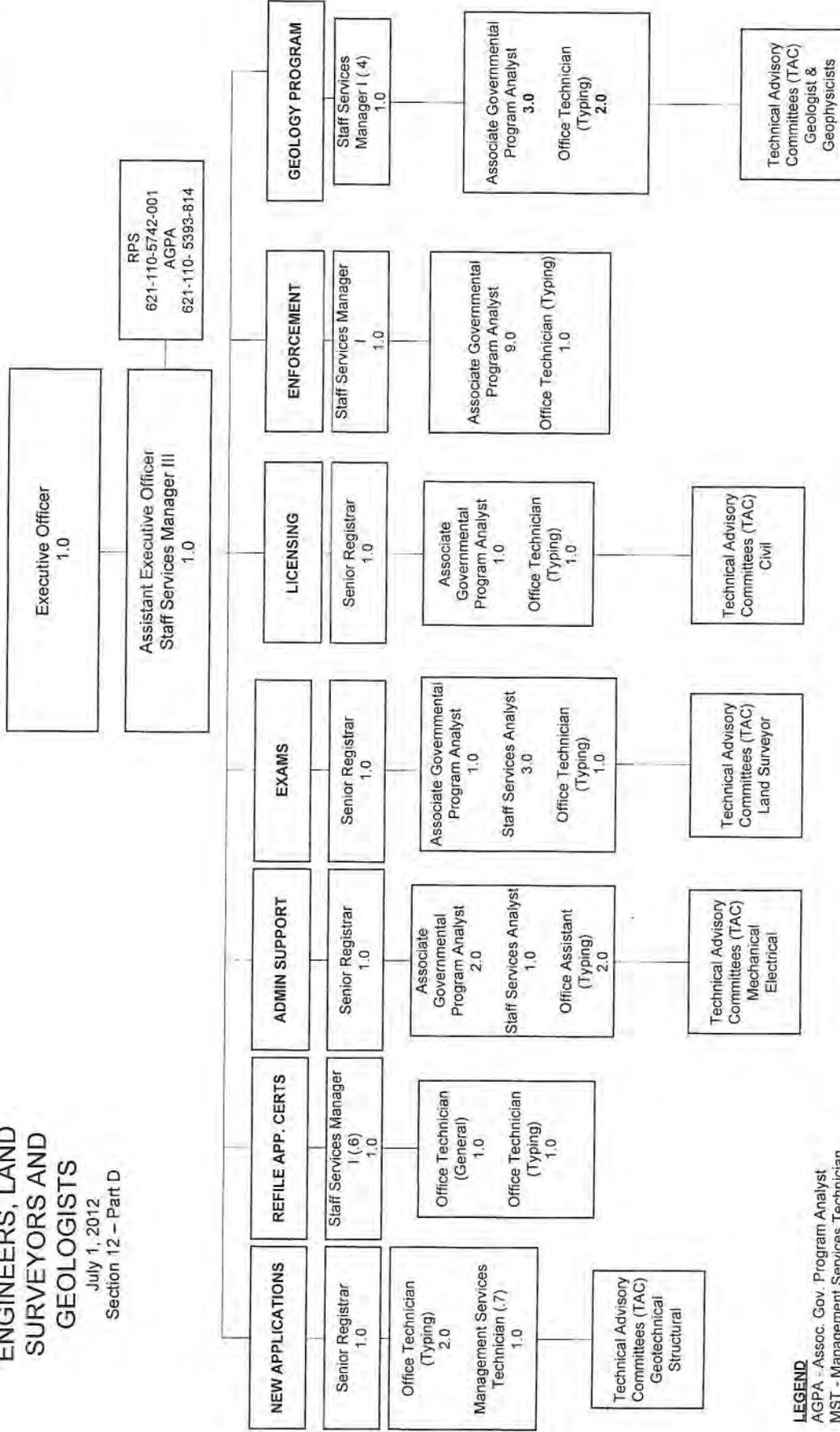
Department of Consumer Affairs

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

July 1, 2012

Section 12 - Part D

FY 12-13
Authorized Positions GG 5
Authorized Positions BEELS 36.7
PY's 41.7



LEGEND

- AGPA - Assoc. Gov. Program Analyst
- MST - Management Services Technician
- OA - Office Assistant (T)-Typing (G)-General
- OT - Office Technician (T)-Typing(G) General

- RA - Retired Annuitant
- RPS I - Research Program Specialist
- SC - Seasonal Clerk
- SR - Senior Registrar
- SRLS - Senior Registrar Land Surveying
- SSA - Staff Services Analyst
- SSM I - Staff Services Manager I
- SSM III - Staff Services Manager III
- SA - Student Assistant
- 5 - One-Half Time Base
- 7 - Less than Full-Time

Executive Officer

Date

Personnel Analyst

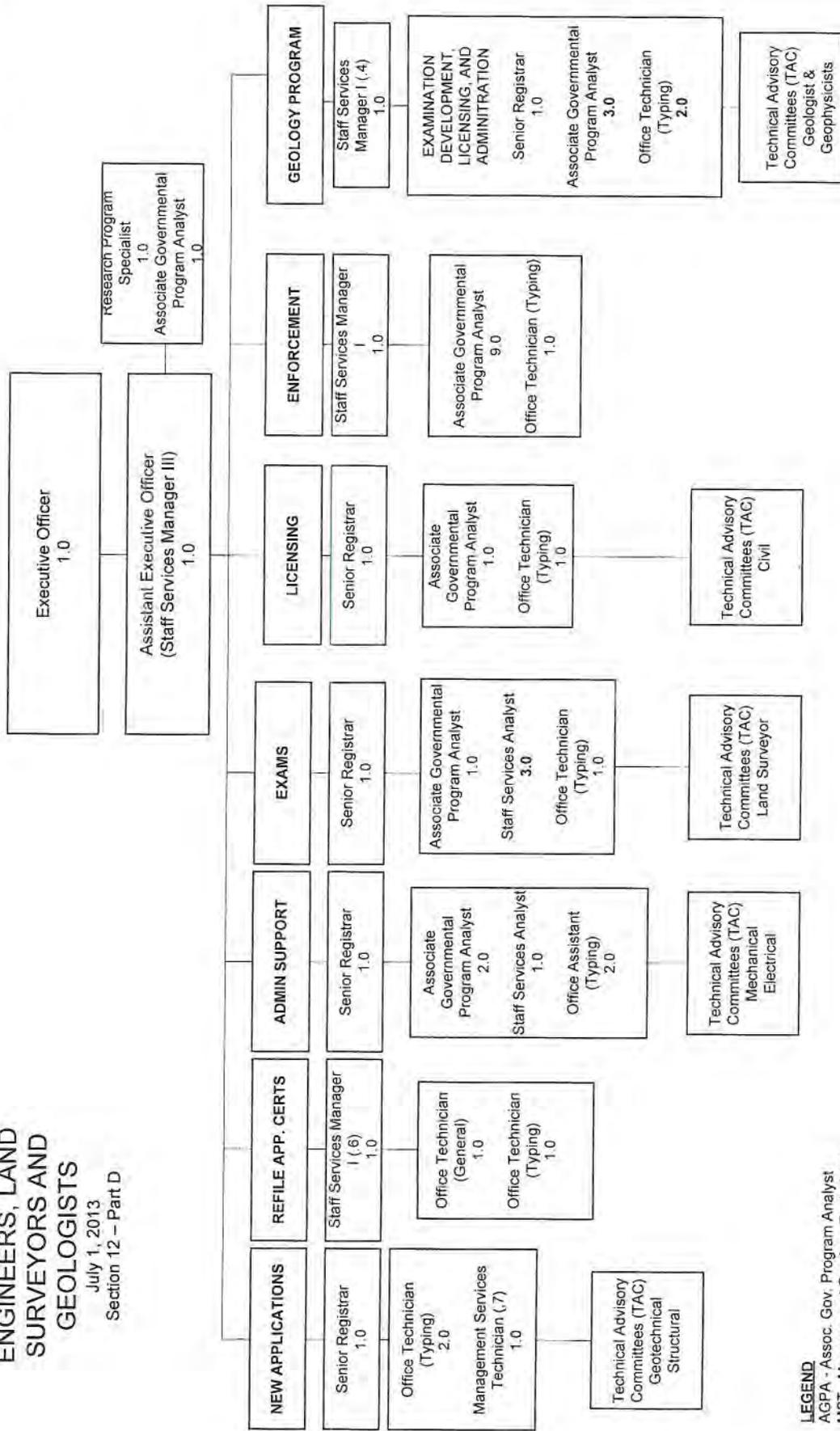
Date

Department of Consumer Affairs
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

July 1, 2013

Section 12 – Part D

FY 13-14
 Authorized Positions GG 6
 Authorized Positions BEELS 36.7
 PY's 42.7



LEGEND

AGPA - Assoc. Gov. Program Analyst
 MST - Management Services Technician
 OA - Office Assistant (T)-Typing (G)-General
 OT - Office Technician (T)-Typing(G) General

RA - Retired Annuitant
 RPS I - Research Program Specialist
 SC - Seasonal Clerk
 SR - Senior Registrar
 SSA - Staff Services Analyst
 SSM I - Staff Services Manager I
 SSM III - Staff Services Manager III
 SA - Student Assistant
 .5 - One-Half Time Base
 .7 - Less than Full-Time

Executive Officer _____ Date _____
 Personnel Analyst _____ Date _____

Attachment E



2015-2018

**Board for
Professional Engineers,
Land Surveyors, and
Geologists**

Strategic Plan

Adopted: July 31, 2014

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California Board for Professional Engineers, Land Surveyors, and Geologists

Erik Zinn, P.G., C.E.G., President – Geologist Member

Kathy Jones Irish, Vice President – Public Member

Natalie Alavi, P.E. – Mechanical Engineer Member

Asha Malikh Brooks – Public Member

Diane Hamwi – Public Member

Eric Johnson, P.E. – Electrical Engineer Member

Coby King – Public Member

Philip Quartararo – Public Member

Mohammad Qureshi, Ph.D., P.E. - Traffic Engineer Member

Hong Beom Rhee, Ph.D. – Public Member

Karen E. Roberts, S.E. – Structural Engineer Member

Ray Satorre – Public Member

William “Jerry” Silva – Public Member

Robert Stockton, P.E. – Civil Engineer Member

Patrick J. Tami, P.L.S. – Professional Land Surveyor Member

EDMUND G. BROWN, JR., GOVERNOR

ANNA M. CABALLERO, SECRETARY, BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY

AWET KIDANE, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS

RICHARD B. MOORE, EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND
SURVEYORS, AND GEOLOGISTS

Message from the Board President

We are very pleased to present to you with our new strategic plan for 2015-2018. This plan represents the culmination of a huge effort and input by our stakeholders, staff, Board members, and Department of Consumer Affairs (DCA), and represents our revised priorities, goals and the actions essential to achieve those goals.

The timing of the plan couldn't have been better, given the addition of ten new Board members during the last two years. The one-day DCA-facilitated planning workshop, attended by the Board members and staff, was a watershed moment for the Board. We collectively offered experience-based insights and constructively discussed ideas and recommendations for revisions to the plan. Changes, modifications, or new additions were developed by consensus. The collaborative process encouraged each participant to both support and engage in the strategic planning process, and to embrace the plan as a "living document" and support its implementation going forward.

We encourage everyone to reference the strategic plan as we perform our day-to-day duties, as it is an established agreement undergirded by clearly articulated and measurable outcomes and results. And because it is a "living" document, we now have carefully structured a framework to help us assess and adjust our approach and direction as we respond to future changes, both within the Board organization and externally. Further, we have the benefit of our collective understanding and agreement as to the Board's mission, vision, and goals that should support our continued commitment to be public-focused and to implement responsible decision-making, which remains our foremost concern.



Erik Zinn, P.G., C.E.G.
2013-14 Board President



Kathy Jones Irish
2014-15 Board President

About the California Board

The California Legislature created the Board of Registration for Civil Engineers in 1929, following the failure of the St. Francis Dam in northern Los Angeles County. On March 12, 1928, the dam, which was located northeast of Castaic, suddenly gave way. A huge wall of water cascaded down the narrow valley of the Santa Clara River and when the water hit the town of Santa Paula, almost 50 miles downstream, the crest was still 25 feet high. The dam failure unleashed 12 billion gallons of water through the towns of Piru, Fillmore, Santa Paula, and Ventura before it reached the ocean. Lives lost numbered approximately 450; property damage was in the millions of dollars; 1,200 houses were demolished; and 10 bridges washed out. After the flood, inspection revealed that the dam was built on, and anchored to, a weak and faulted rock formation. The Legislature determined that the unregulated design of construction projects constituted a hazard to the public and passed laws to regulate civil engineering and to create the Board.

Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act. The Act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and is in the best interests of the state and California consumers.

Over the years, the Board has experienced some major changes under the provisions of the Professional Engineers Act. The number of branches of engineering regulated by the Board has increased, and the status of some of the older branches has changed. When electrical and mechanical engineering were first covered by the registration law in 1947, the law only affected the use of the titles. In 1967, the Act was amended to regulate the practice of those branches, as

well as the titles. In the late 1960s and early 1970s, the Act was also amended to give the Board the right to accept additional branches of engineering into the registration program. The additional categories were for the purpose of regulating the use of the titles of those engineering branches. Between 1972 and 1975, the Board expanded the registration program to include nine additional branches of engineering under its jurisdiction. In 1986, at the Board's request, the authority to create new title registration branches was removed from the Act. In the late 1990s and early 2000s, four of the title registration branches were deregulated.

In 2009, legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The Board consists of 15 members (seven licensed members and eight public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two terms. The seven licensed members and six of the public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly.

2011-2014 Strategic Plan Accomplishments

- 1** The Board significantly reduced the aging of open investigations over 1 year old from 108 cases to 9 cases during Fiscal Year 2013-14.

- 2** The Board restructured engineering, land surveying, and geology examination and application fees to provide cost savings to our applicants and licensees.

- 3** All State-specific examinations were converted to computer-based testing (CBT), and the Board now offers flexible testing dates for these exams.

- 4** The Board eliminated the 12-14 month backlog of cases awaiting the issuance of Administrative Citations and awaiting referral for formal disciplinary action during Fiscal Year 2012-13.

- 5** The Board improved the validity of the content and security of examinations by transferring the administration responsibilities for national engineering and surveying examinations to NCEES and converting state examinations to computer-based-testing delivery methods.

- 6** The Board received legislative authority to fingerprint applicants and obtain criminal history reports with the overall goal of safeguarding the public.

- 7** The Board continuously identified emerging technologies and established an online presence on multiple social media platforms, including Facebook, Twitter, and LinkedIn, to enhance communication with consumers and licensees.

- 8** The Board amended regulations to remove appeals of national examinations, thus promoting enhanced exam security.

Mission

We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions.

Vision

A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.

Values

Integrity

Consumer protection

Fairness

Quality

Customer service

Strategic Goal Areas

1 LICENSING

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

2 APPLICATIONS/EXAMINATIONS

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

3 LAWS AND REGULATIONS

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

4 ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

5 OUTREACH

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

6 CUSTOMER SERVICE

The Board strives to enhance organizational effectiveness and improve the quality of its services.

Goal 1: Licensing

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

- 1.1 Identify the minimum curriculum required for a qualifying geological sciences degree.
- 1.2 Develop fact sheets that describe the legal authority, functions, and benefits for the public for each of the license types regulated by the Board.
- 1.3 Improve the existing credit card process with the implementation of BreEZe¹.
- 1.4 Expand credit card transactions to all license types with the implementation of BreEZe.
- 1.5 Recommend potential methods for enacting continuing education requirements.
- 1.6 Educate university administrators and students about the importance of licensure.

¹ BreEZe is the new online licensing and enforcement system scheduled to be implemented 2015-16 by Department of Consumer Affairs'.

Goal 2: Applications/Examinations

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

- 2.1 Work with DCA to increase Board involvement in all aspects of the national exams.
- 2.2 Increase exam opportunities for candidates.
- 2.3 Advocate for national exams to include content that measures competency that meets California's needs.
- 2.4 Evaluate and identify ways to reduce the application process timeframes.
- 2.5 Explore costs and benefits of considering, if appropriate, withdrawing from national exams and developing California exams.
- 2.6 Examine the appropriateness of current education / experience requirements for licensure.

Goal 3: Laws and Regulations

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

- 3.1 Establish a legislative and regulatory work group of two Board members and staff and provide a written report at Board meetings.
- 3.2 Determine if changes to legislation or regulations are needed due to emerging technologies and industry practices.
- 3.3 Pro-actively clarify conflicting laws and regulations.
- 3.4 Seek legislation to merge the Geology/Geophysics fund with Engineers/Land Surveyors fund.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

- 4.1 Leverage collaborative relationships to encourage a reduction in cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General's Office.
- 4.2 Analyze and determine reasonable time frames and develop a benchmark/expectation for each step in the investigation.
- 4.3 Reduce complaint investigation cycle times to under 180 calendar days.
- 4.4 Research the feasibility of adding a legal requirement that licensees respond to Board investigative inquiries within a specified period of time.
- 4.5 Reduce formal disciplinary action process to a target of 540 calendar days.
- 4.6 Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.

Goal 5: Outreach

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

- 5.1 Develop a multi-phase stakeholder outreach plan.
- 5.2 Communicate enforcement actions on an ongoing basis on the website as soon as feasible.
- 5.3 Produce a newsletter on a quarterly basis that includes enforcement actions.
- 5.4 Encourage DCA and Agency to approve speaking and/or participating in conferences and other public and/or licensee outreach events.
- 5.5 Expand the Board's social media presence.
- 5.6 Proactively educate stakeholders to prevent violations.

Goal 6: Customer Service

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

- 6.1 Provide Board-specific training for new Board members in addition to DCA's Board Member Orientation Training.
- 6.2 Enhance customer service by providing training for staff.
- 6.3 Implement a plan to improve internal collaboration.
- 6.4 Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.
- 6.5 Educate the public about the steps and timing in the enforcement process.

Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of engineers, land surveyors, geologists, and geophysicists; professional associations; California colleges; and others who expressed interest in the strategic direction of the Board. The online survey received 1,202 responses.
- Telephone interviews with Board members in April 2014.
- Two focus group discussions with Board staff in April 2014.
- A manager focus group in April 2014.
- An interview with the Executive Officer and Assistant Executive Officer in May 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on June 5, 2014. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in this 2015 – 2018 strategic plan.

**CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS,
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This strategic plan is based on stakeholder information and discussions facilitated by SOLID for BPELSG in April and May 2014. Subsequent amendments may have been made after Board adoption of this plan.



Attachment F

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Annual Report (2010 – 2011 Fiscal Year)

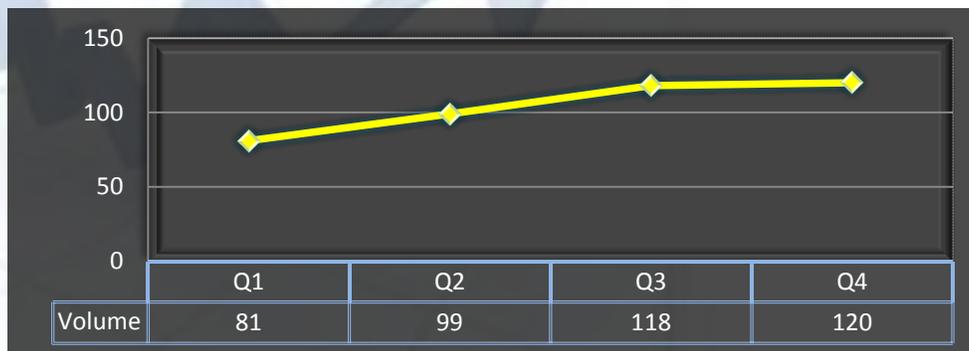
To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

This annual report represents the culmination of the first four quarters worth of data.

Volume

Number of complaints and convictions received.

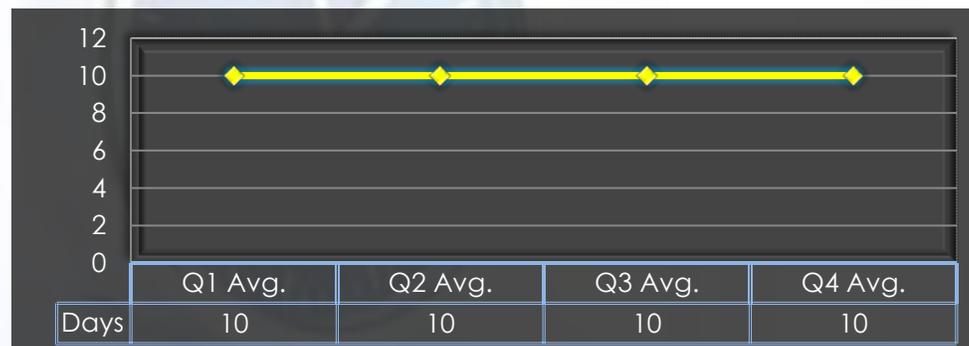
The Board had an annual total of 418 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

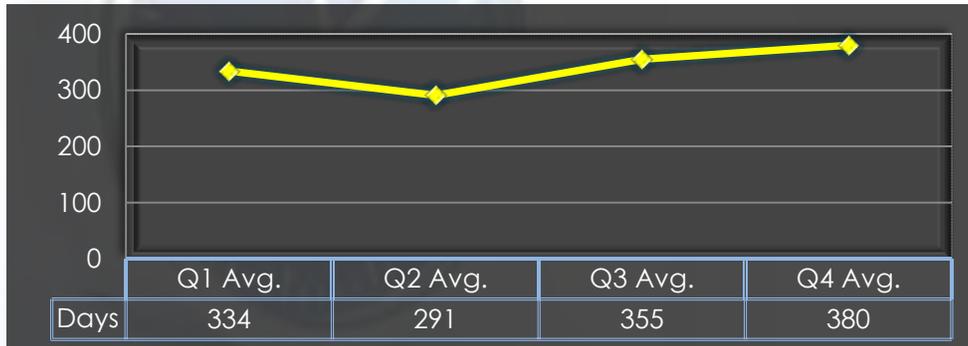
The Board has set a target of 10 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

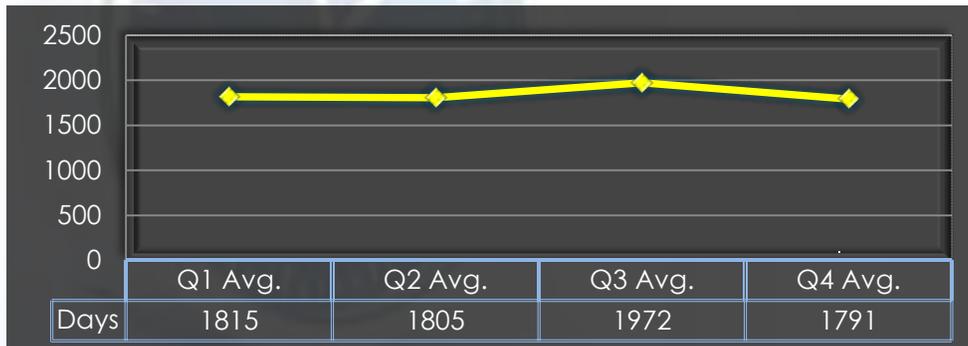
The Board has set a target of 360 days for this measure.



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

The Board has set a target of 540 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

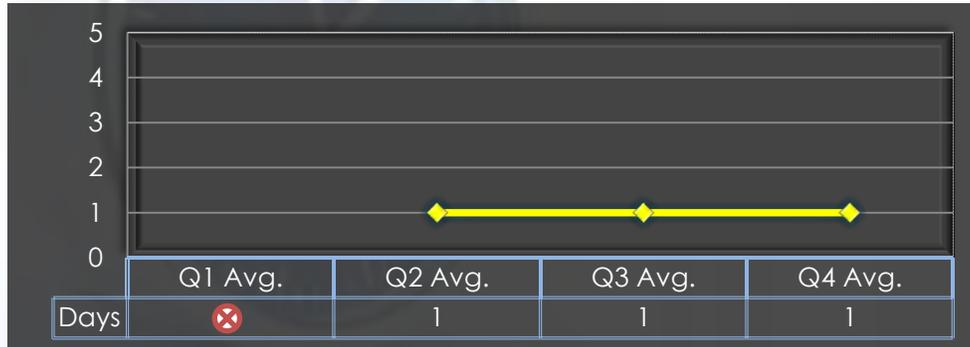
The Board has set a target of 10 days for this measure.



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board has set a target of 10 days for this measure.



Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers & Land Surveyors

Performance Measures

Q1 Report (July - Sept 2010)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement.

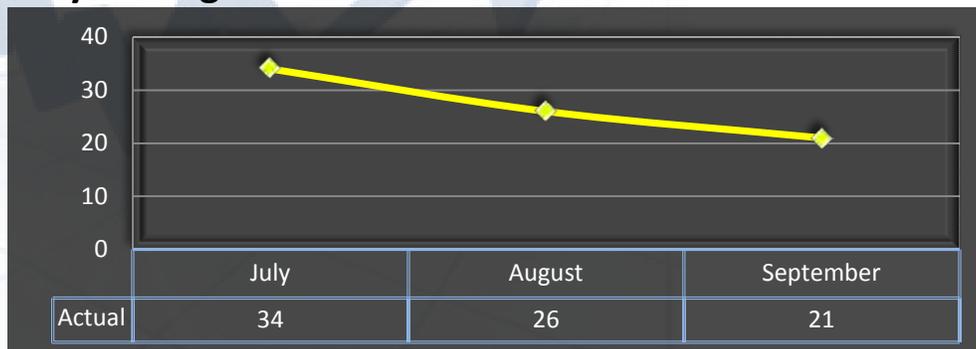
These measures will be posted publicly on a quarterly basis. In future reports, additional measures, such as consumer satisfaction and complaint efficiency, will also be added. These additional measures are being collected internally at this time and will be released once sufficient data is available.

Volume

Number of complaints received.*

Q1 Total: 81

Q1 Monthly Average: 27

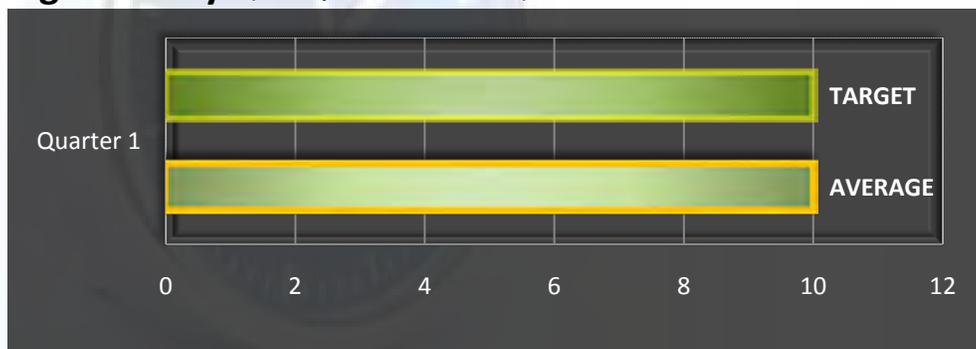


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q1 Average: 10 Days (monthly breakout unavailable)

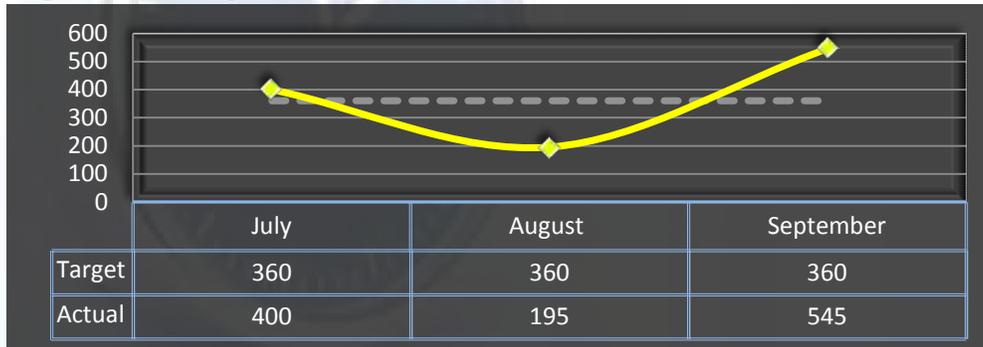


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q1 Average: 334 Days

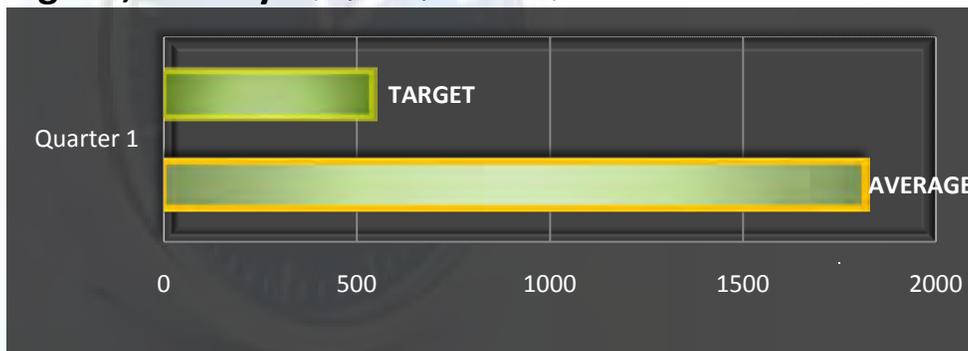


Formal Discipline

Average cycle time from complaint receipt to closure, for cases sent to the Attorney General or other forms of formal discipline.

Target: 540 Days

Q1 Average: 1,815 Days (only 1 data point available)



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: N/A

Q1 Average: N/A

The Board did not receive any new probation cases this quarter.

Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q1 Average: N/A

The Board did not receive an probation violations this quarter.

Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

*"Complaints" in these measures include consumer complaints and complaints generated internally.

Board for Professional Engineers & Land Surveyors

Performance Measures

Q2 Report (October - December 2010)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

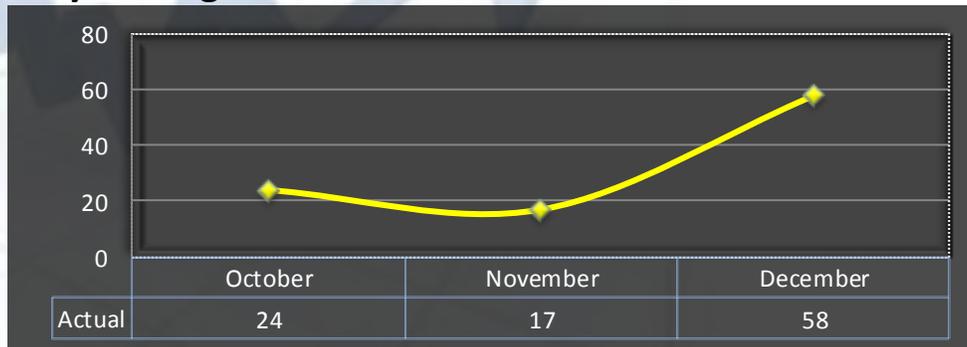
In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

Volume

Number of complaints and convictions received.

Q2 Total: 99

Q2 Monthly Average: 21

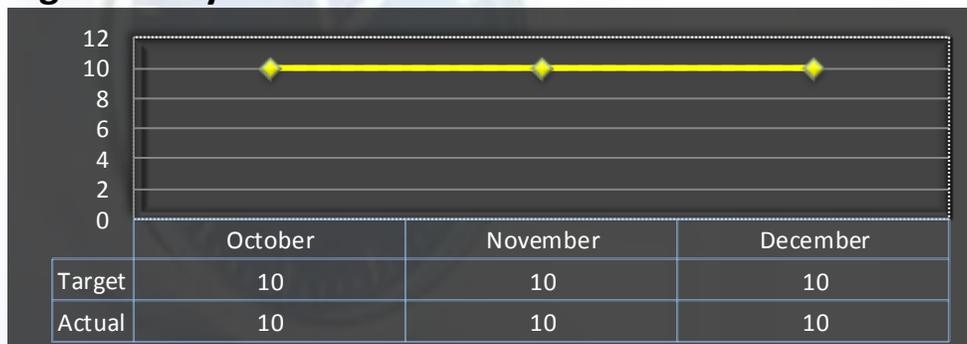


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q2 Average: 10 Days

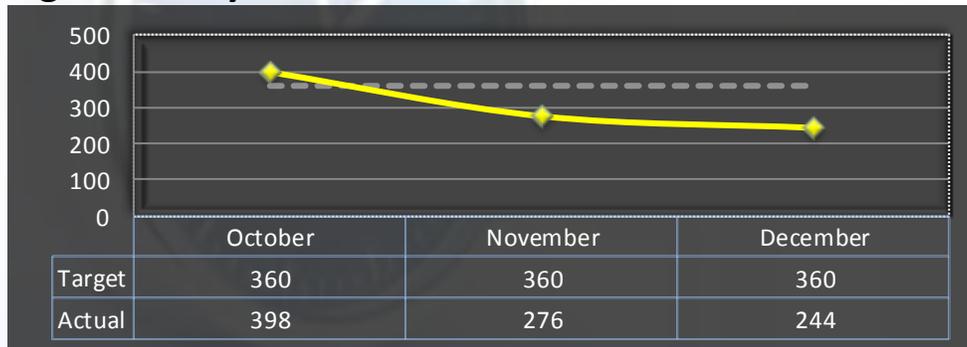


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q2 Average: 291 Days

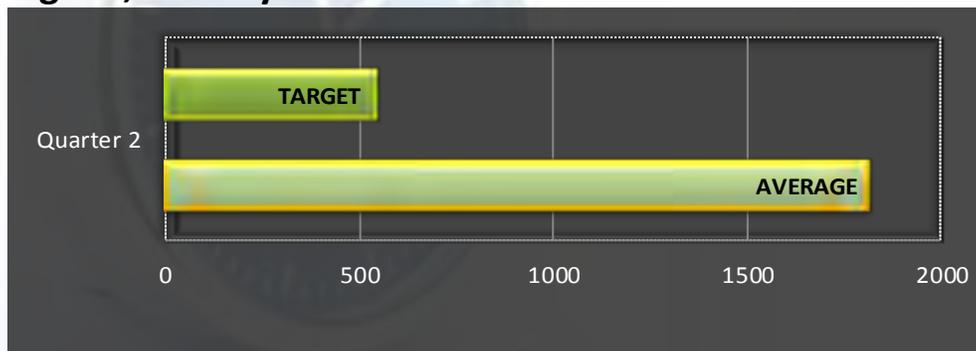


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q2 Average: 1,805 Days

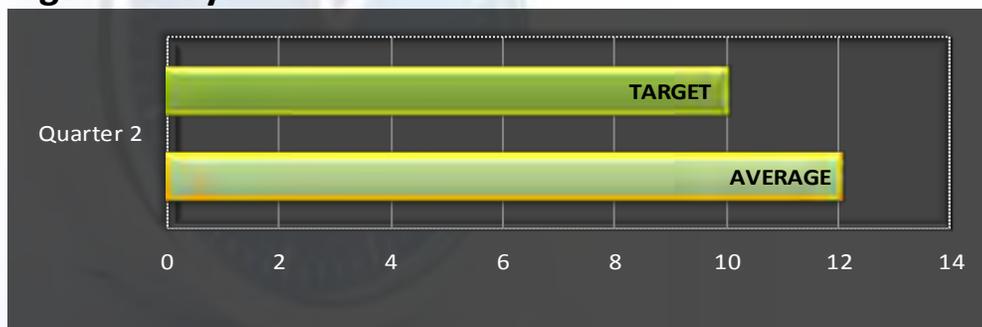


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q2 Average: 12 Days

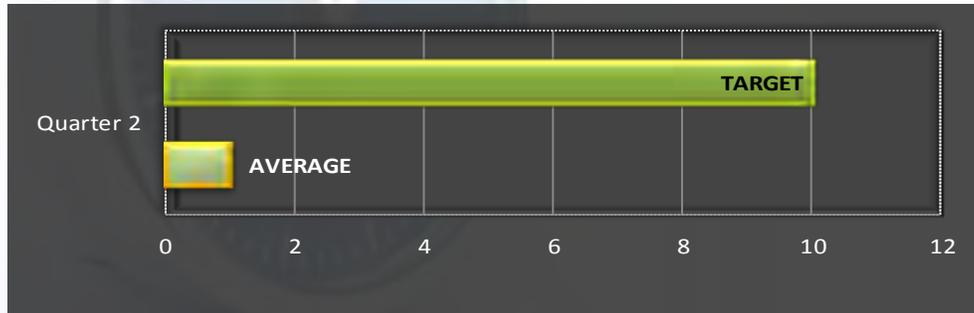


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q2 Average: 1 Day



Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q3 Report (January - March 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

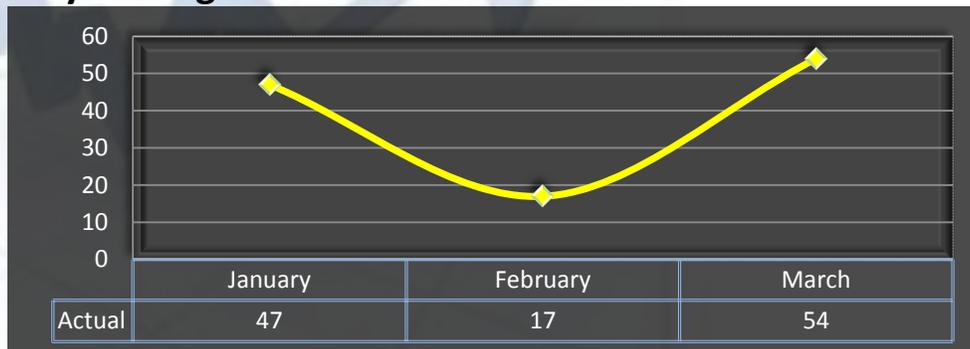
In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

Volume

Number of complaints and convictions received.

Q3 Total: 118

Q3 Monthly Average: 39



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q3 Average: 10 Days

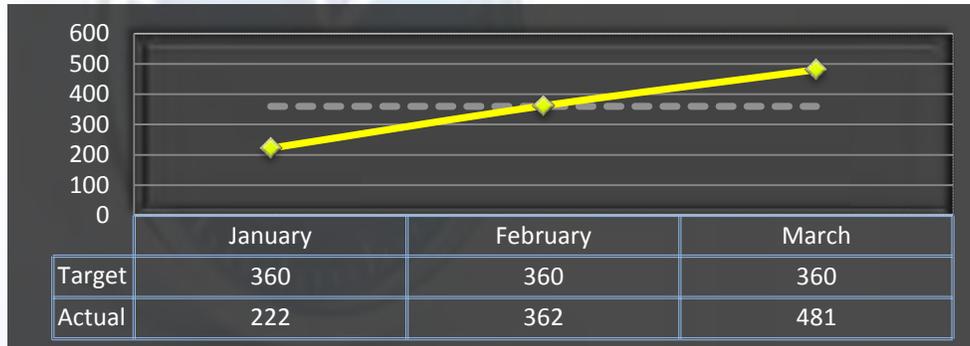


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q3 Average: 355 Days

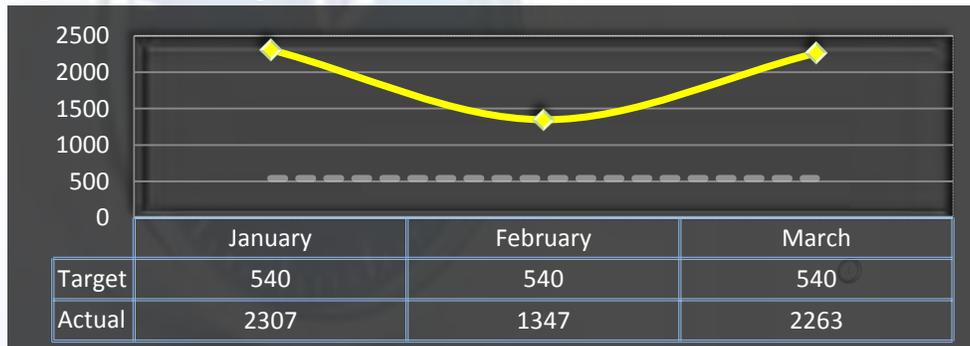


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q3 Average: 1,972 Days

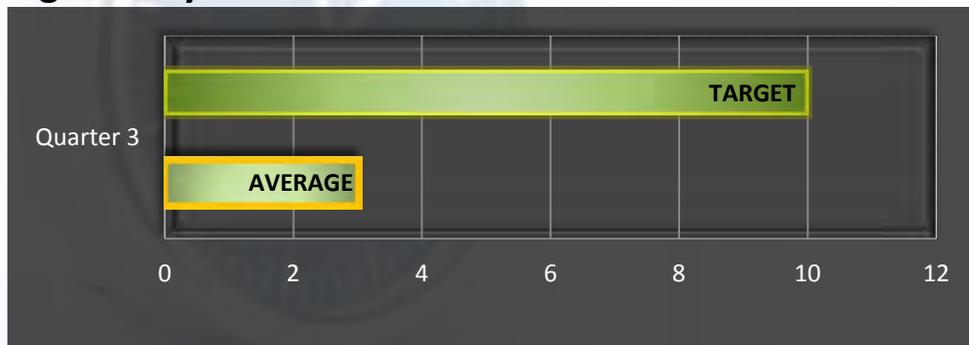


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q3 Average: 3 Days

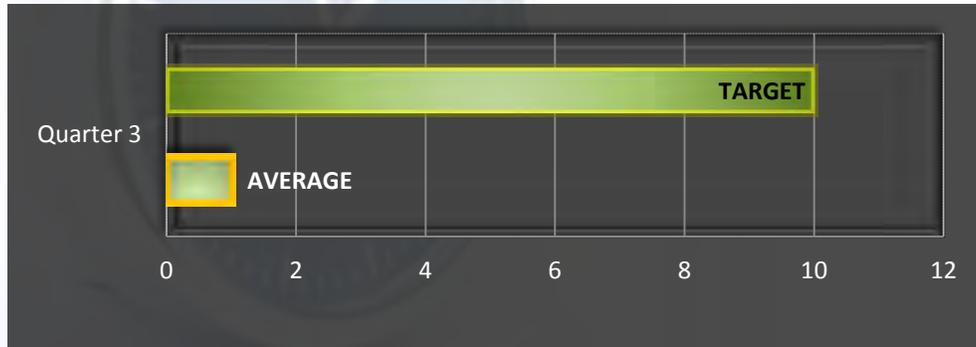


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q3 Average: 1 Day



Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q4 Report (April - June 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

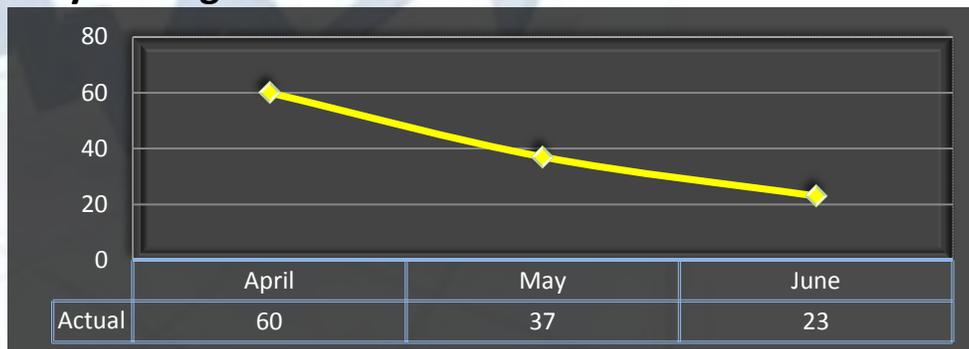
In future reports, the Department will request additional measures, such as consumer satisfaction. These additional measures are being collected internally at this time and will be released once sufficient data is available.

Volume

Number of complaints and convictions received.

Q4 Total: 120

Q4 Monthly Average: 40

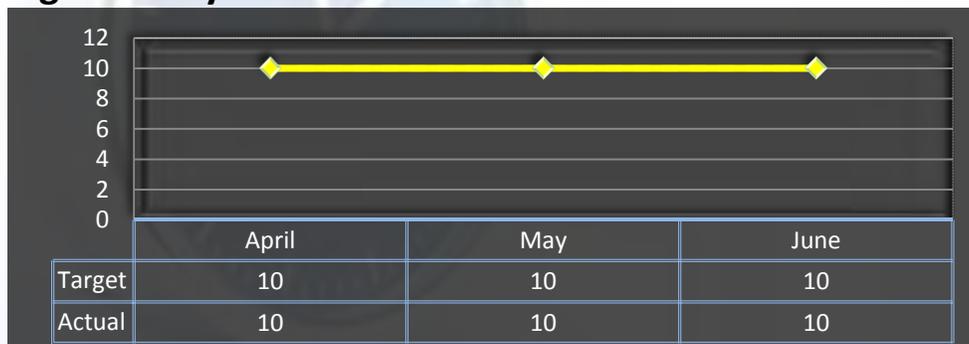


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q4 Average: 10 Day

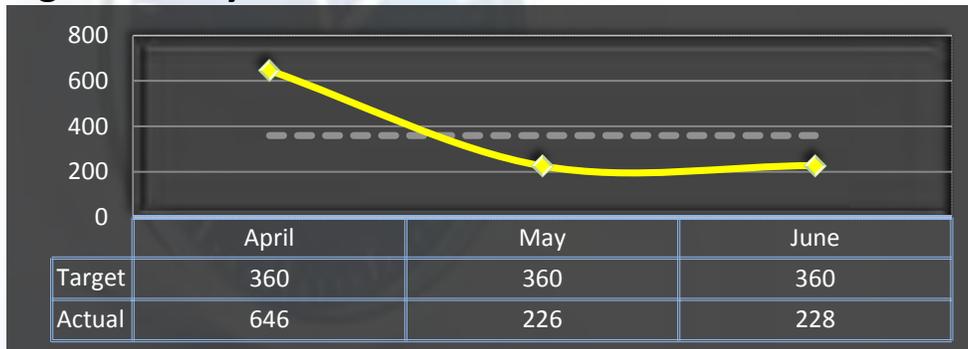


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q4 Average: 380 Days

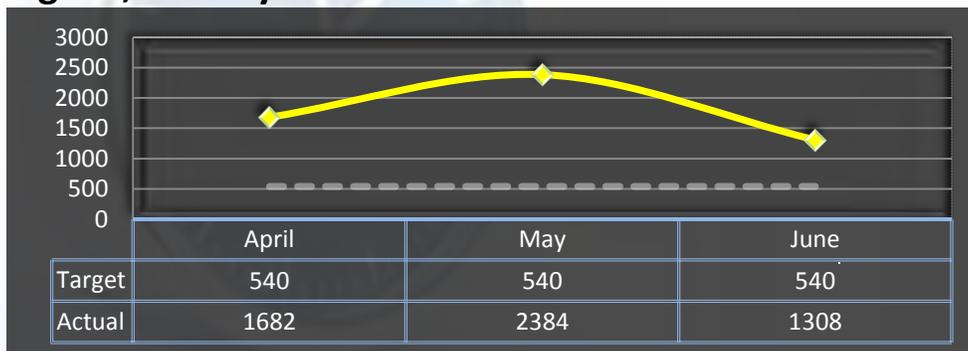


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q4 Average: 1,791 Days

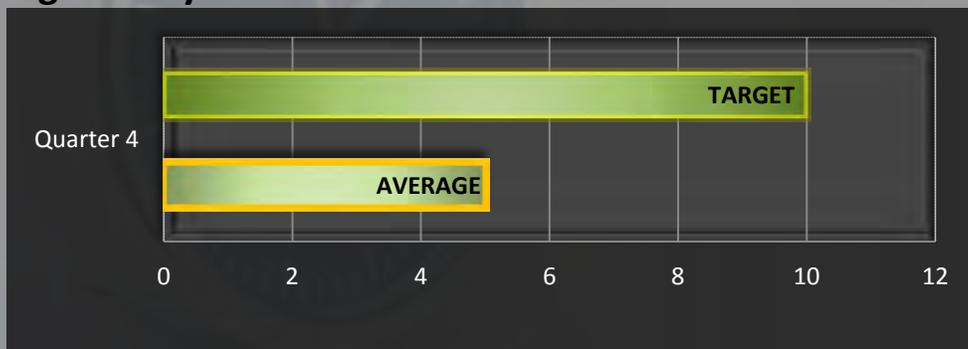


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q4 Average: 5 Days

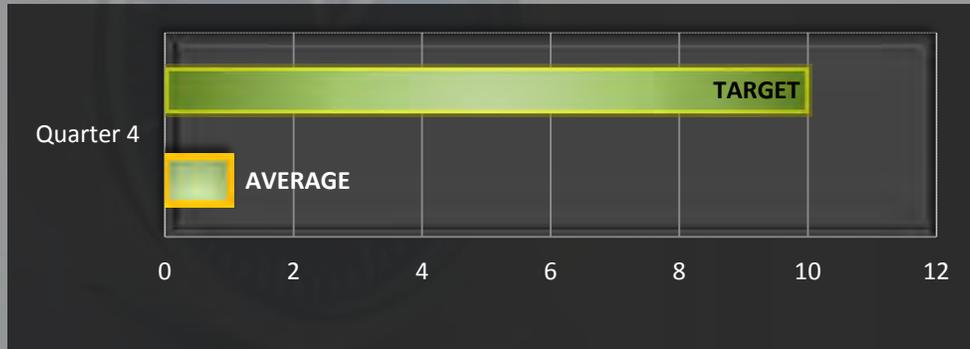


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q4 Average: 1 Day



Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Annual Report (2011 – 2012 Fiscal Year)

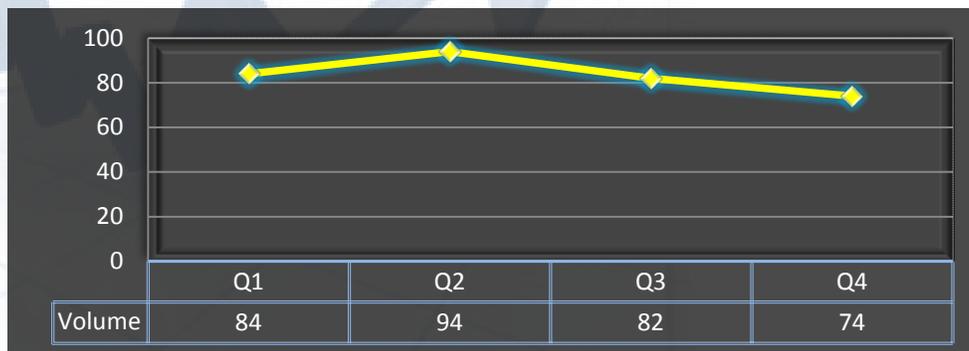
To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

This annual report represents the culmination of the four quarters worth of data.

Volume

Number of complaints and convictions received.

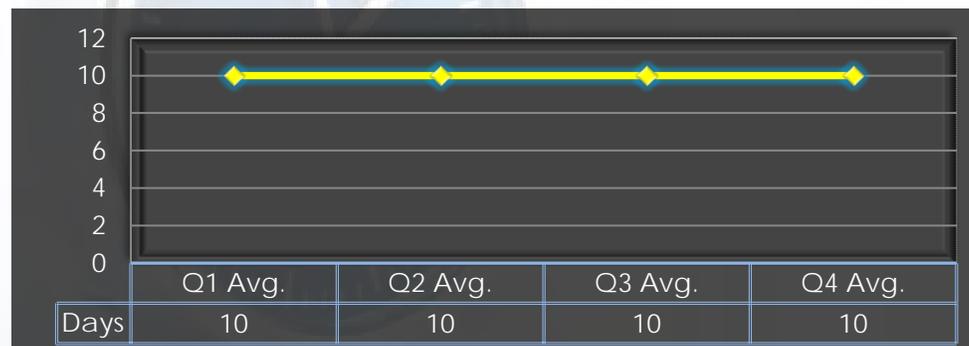
The Board had an annual total of 334 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

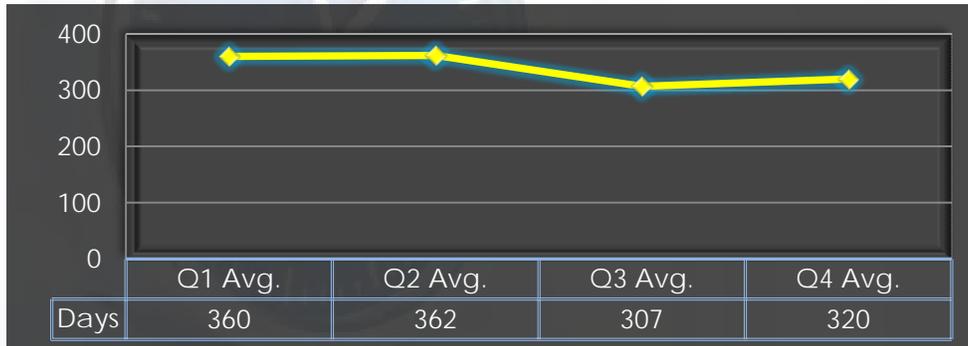
The Board has set a target of 10 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

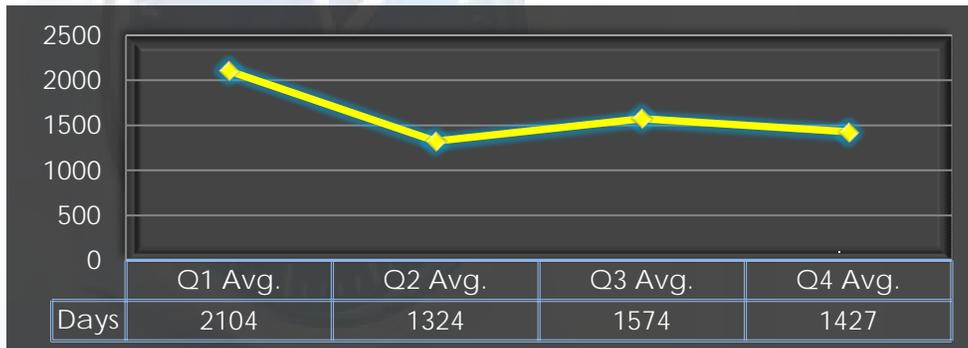
The Board has set a target of 360 days for this measure.



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

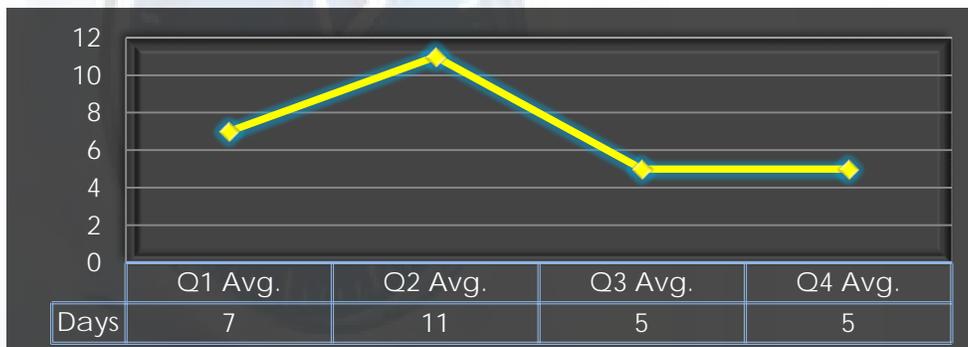
The Board has set a target of 540 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board has set a target of 10 days for this measure.



Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q1 Report (July - September 2011)

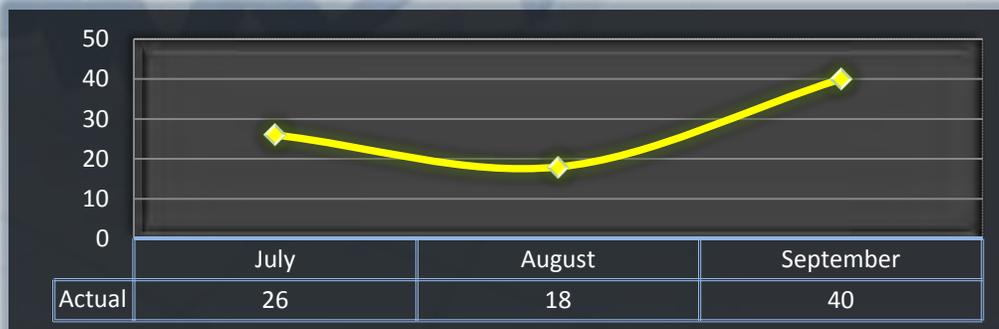
To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q1 Total: 84

Q1 Monthly Average: 28



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q1 Average: 10 Day

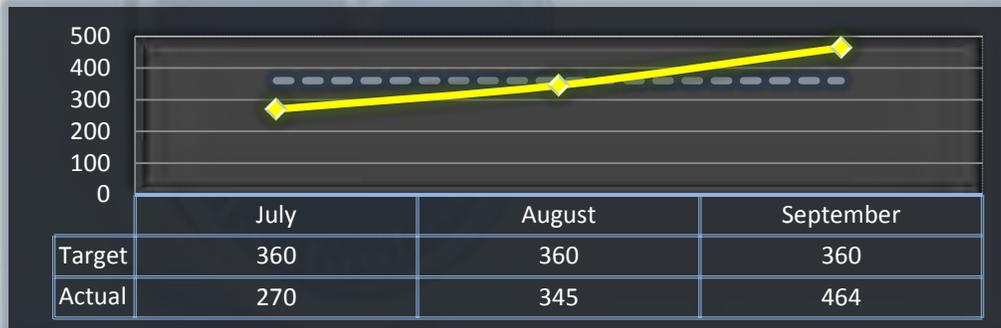


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q1 Average: 360 Days

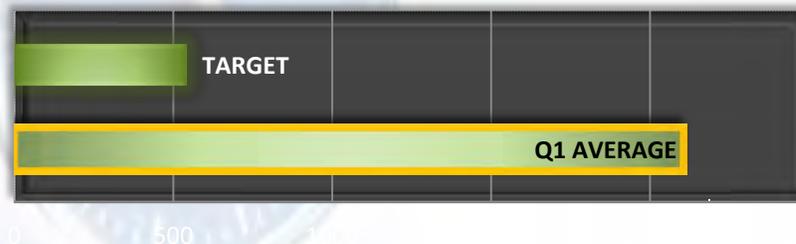


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q1 Average: 2,104 Days

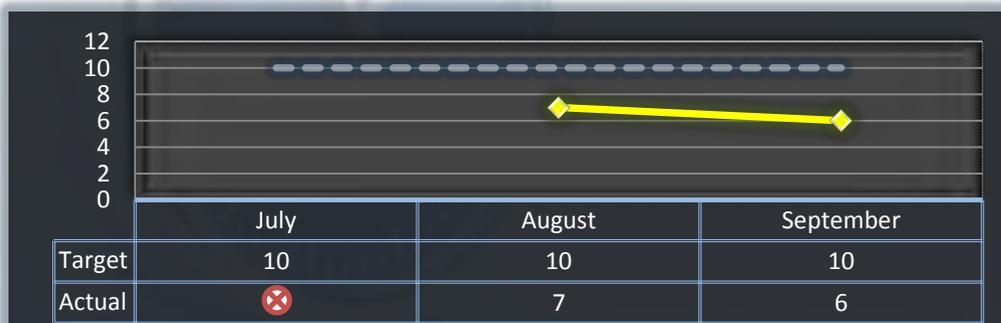


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q1 Average: 7 Days



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q1 Average: N/A

There were no violations of probation during this quarter.

Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q2 Report (October - December 2011)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q2 Total: 94

Q2 Monthly Average: 31



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q2 Average: 10 Day

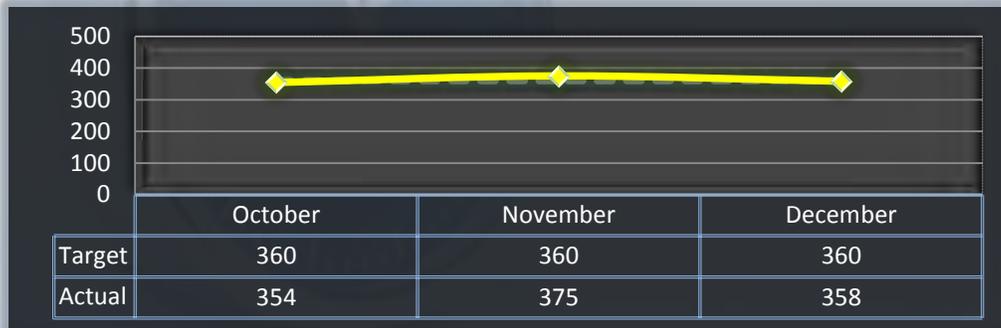


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q2 Average: 362 Days



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q2 Average: 1,325 Days



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q2 Average: 11 Days



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q2 Average: N/A

There were no violations of probation during this quarter.

Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q3 Report (January - March 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q3 Total: 82

Q3 Monthly Average: 27

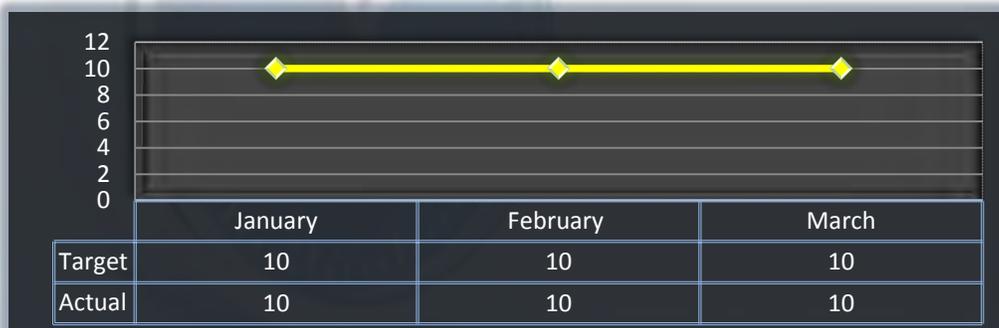


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q3 Average: 10 Day

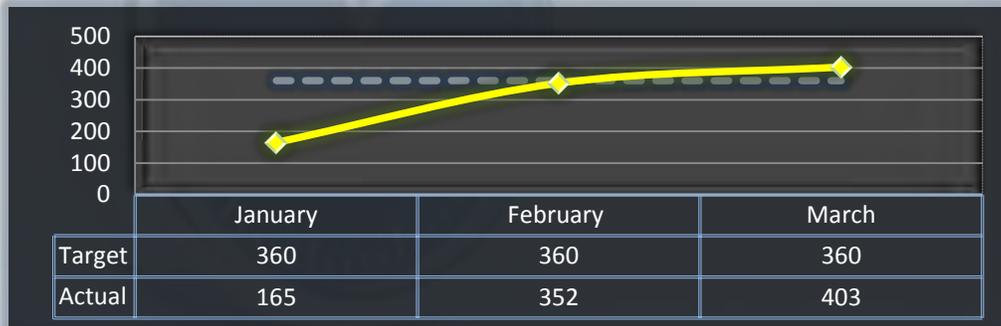


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q3 Average: 307 Days

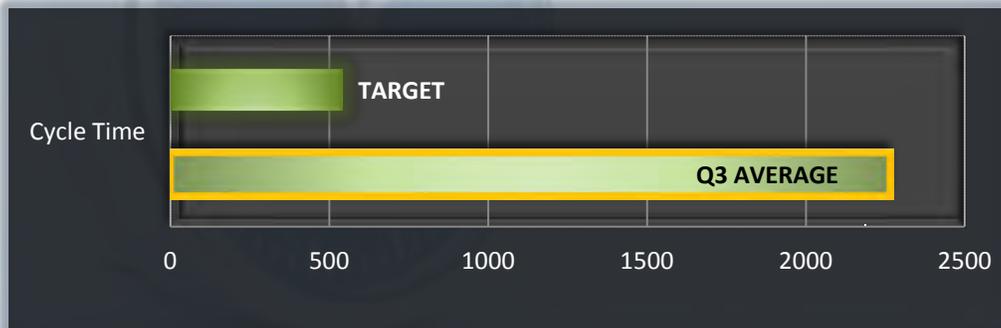


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q3 Average: 2,263 Days

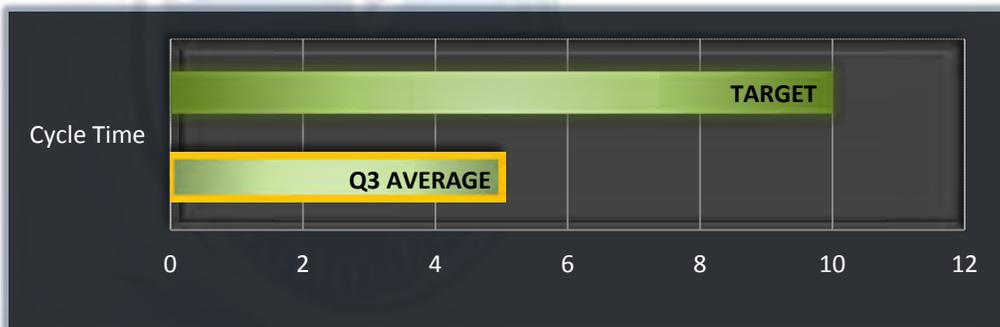


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q3 Average: 5 Days



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q3 Average: N/A

There were no violations of probation during this quarter.

Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q4 Report (April - June 2012)

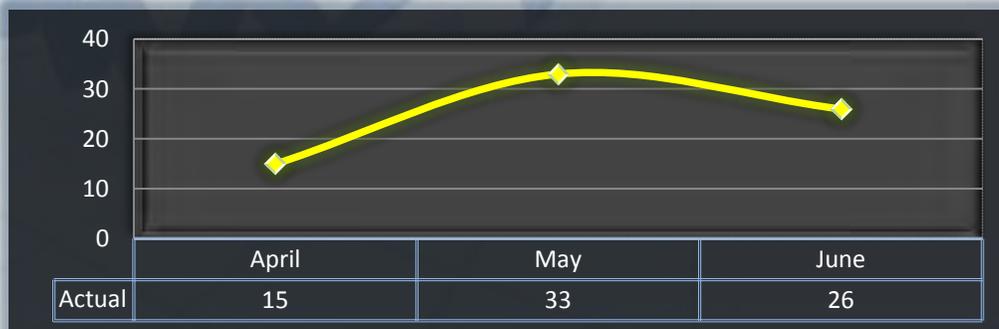
To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q4 Total: 74

Q4 Monthly Average: 25

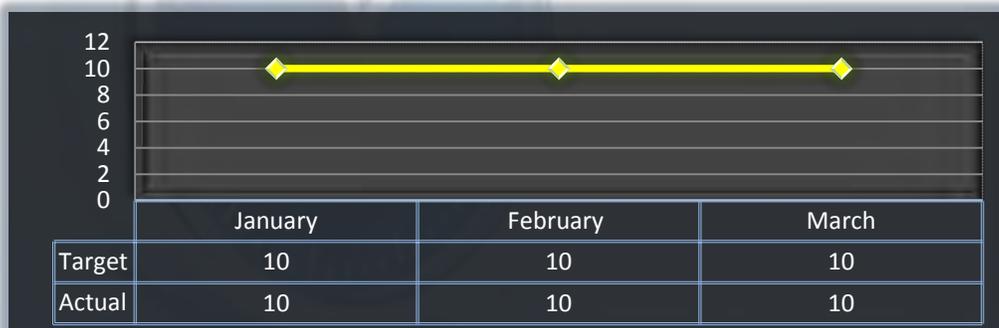


Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q4 Average: 10 Day

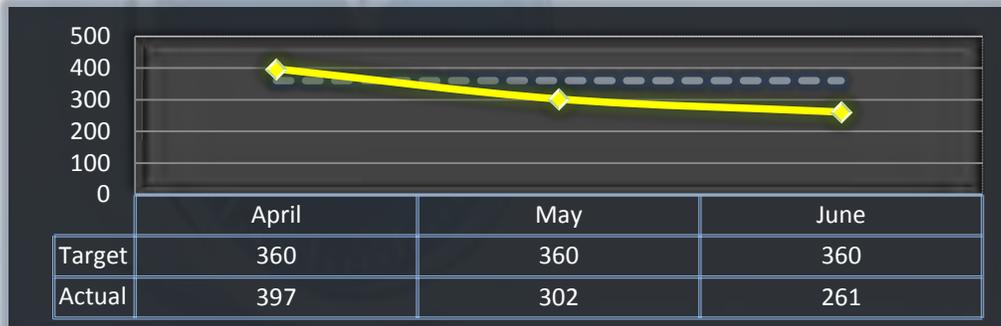


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q4 Average: 320 Days

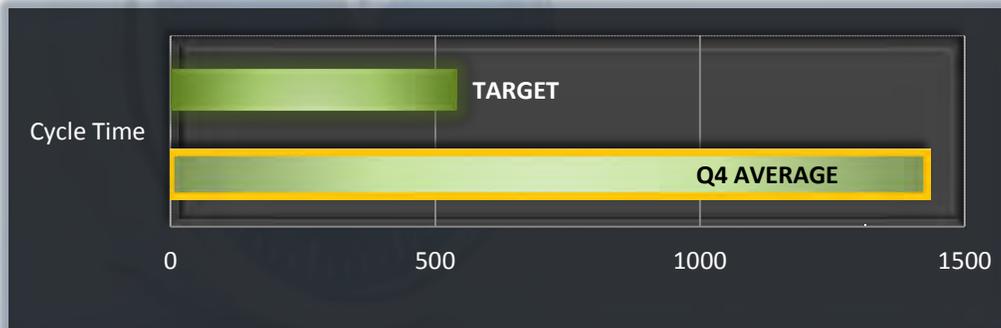


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q4 Average: 1,427 Days

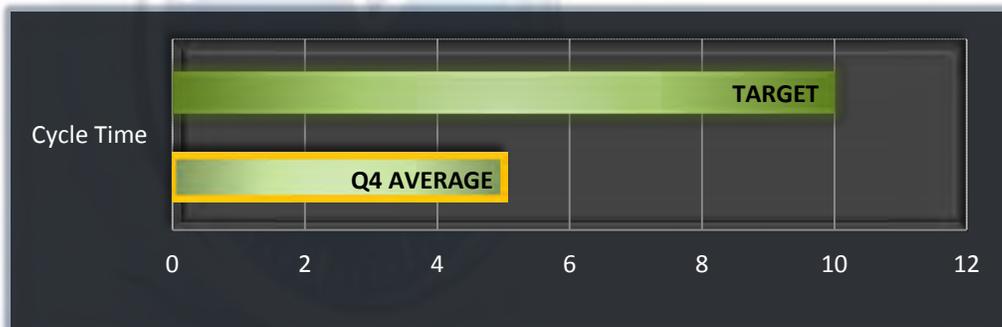


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q4 Average: 5 Days



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q4 Average: N/A

There were no violations of probation during this quarter.

Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

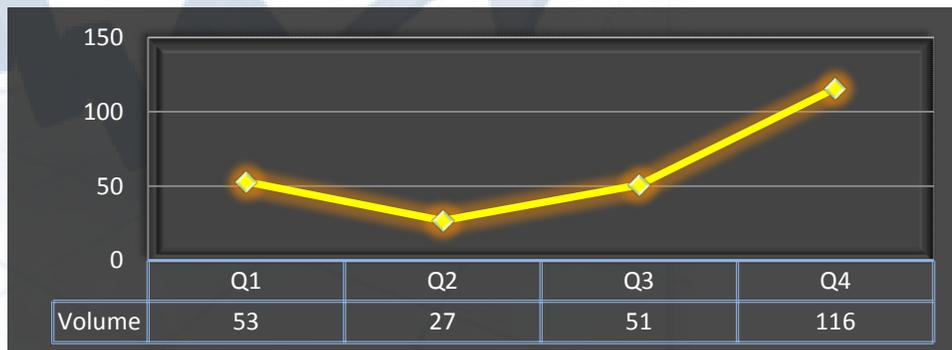
Annual Report (2012 – 2013 Fiscal Year)

To ensure stakeholders can review the Board's progress in meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures are posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

The Board had an annual total of 247 this fiscal year.



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

The Board has set a target of 10 days for this measure.



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

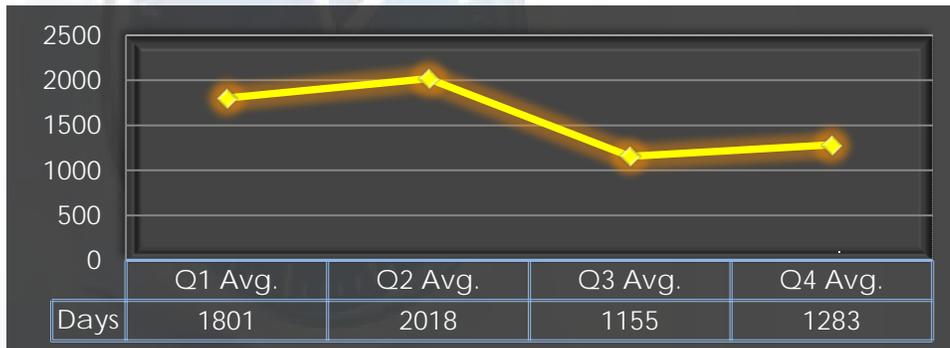
The Board has set a target of 360 days for this measure.



Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

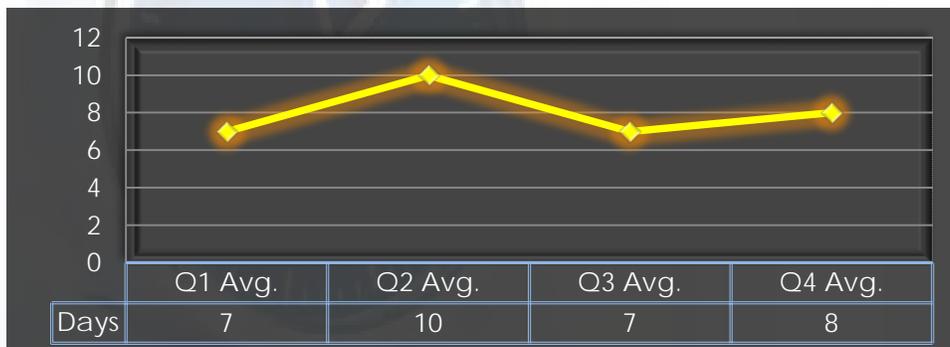
The Board has set a target of 540 days for this measure.



Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

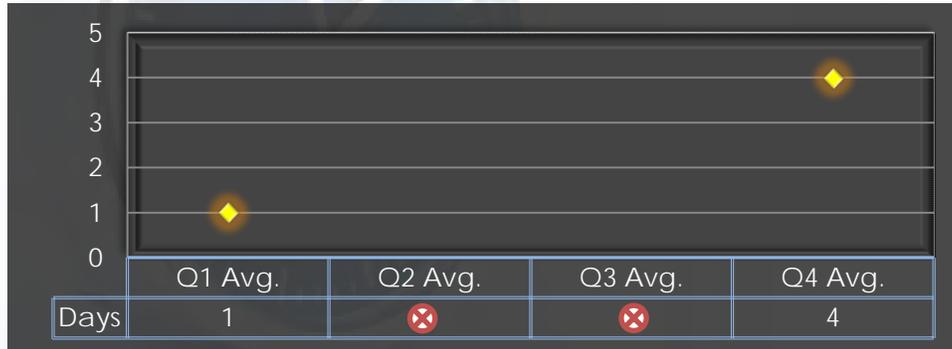
The Board has set a target of 10 days for this measure.



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board has set a target of 10 days for this measure.



Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q1 Report (July - September 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q1 Total: 53

Q1 Monthly Average: 18



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q1 Average: 10 Days

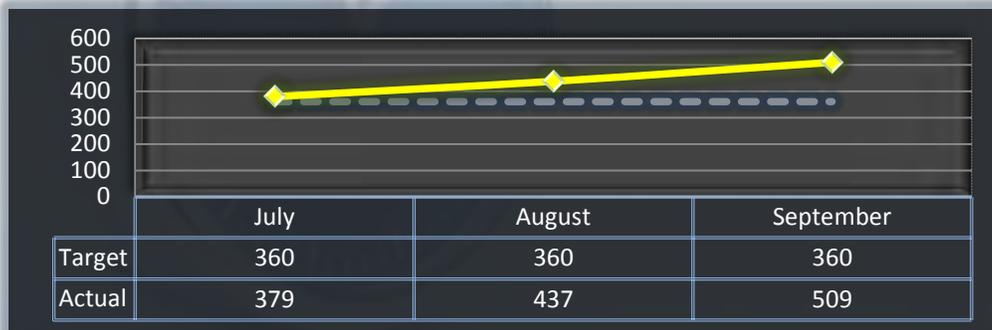


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q1 Average: 442 Days

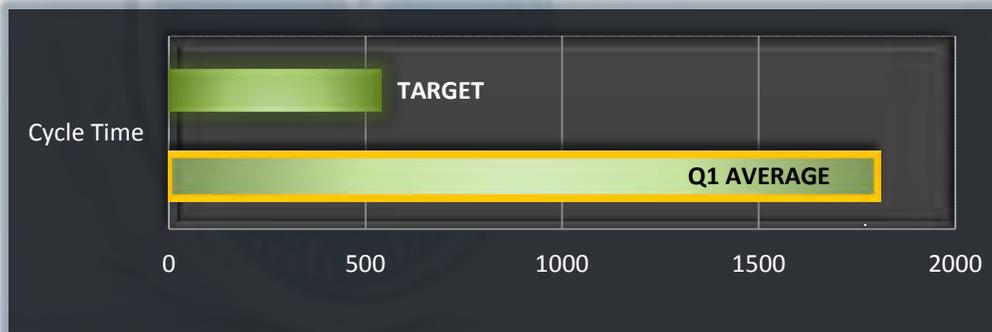


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q1 Average: 1,801 Days

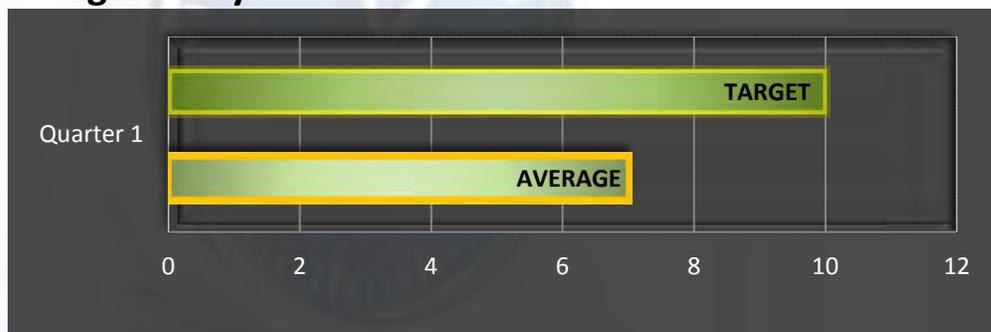


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q1 Average: 7 Days

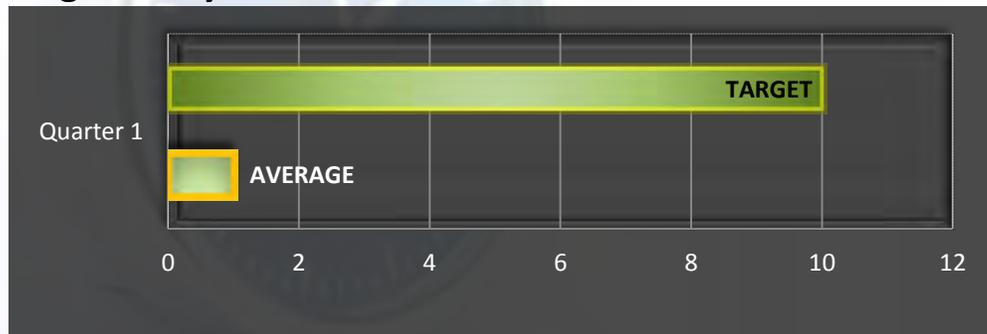


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q1 Average: 1 Day



Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q2 Report (October - December 2012)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q2 Total: 80

Q2 Monthly Average: 27



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q2 Average: 10 Days



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q2 Average: 291 Days

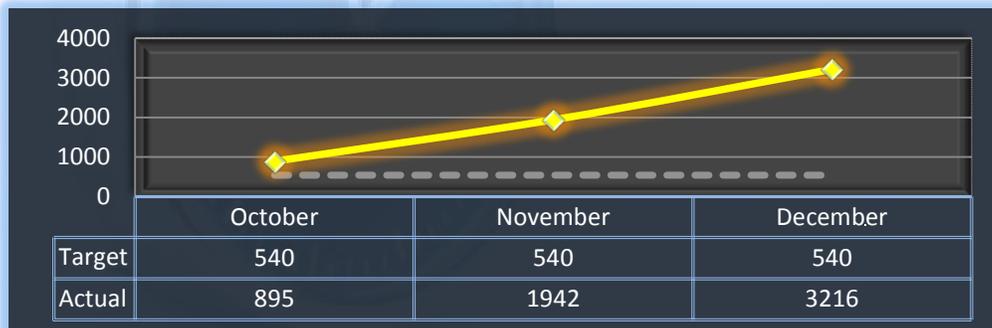


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q2 Average: 2,018 Days

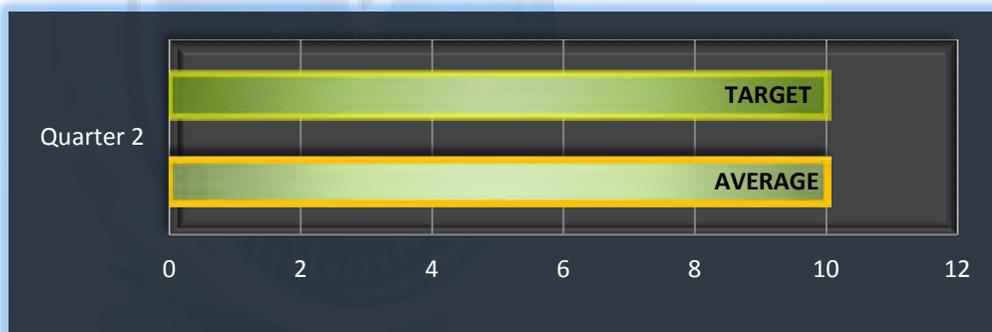


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q2 Average: 10 Days



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q2 Average: N/A

There were no violations of probation during this quarter.

Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q3 Report (January - March 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q3 Total: 51

Q3 Monthly Average: 17



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q3 Average: 10 Days



Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q3 Average: 420 Days

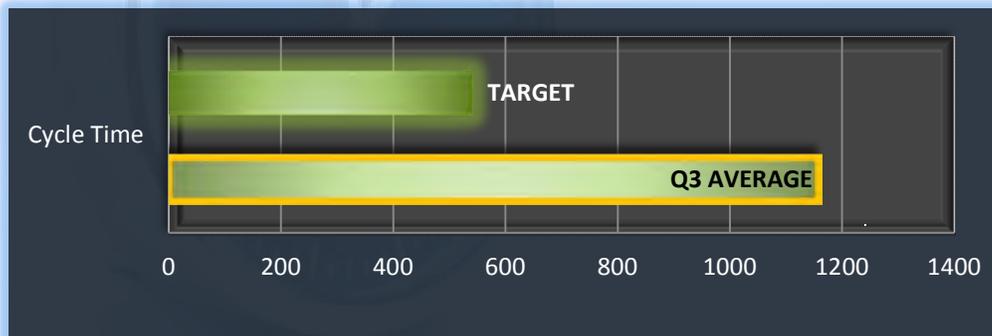


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q3 Average: 1,155 Days

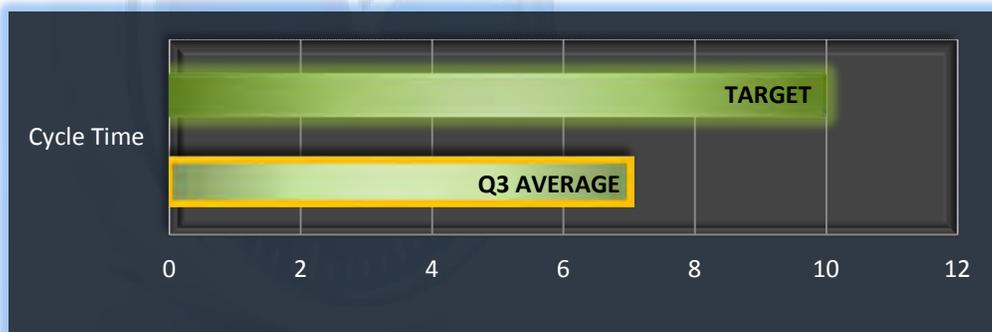


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q3 Average: 7 Days



Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q3 Average: N/A

There were no violations of probation during this quarter.

Note: These performance measure statistics refer to Professional Engineers and Land Surveyors license categories exclusively. There is insufficient data at this time to generate statistically relevant charts for the Geologist and Geophysicist program.

Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

Q4 Report (April - June 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

Volume

Number of complaints and convictions received.

Q4 Total: 116

Q4 Monthly Average: 39



Intake

Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.

Target: 10 Days

Q4 Average: 10 Days

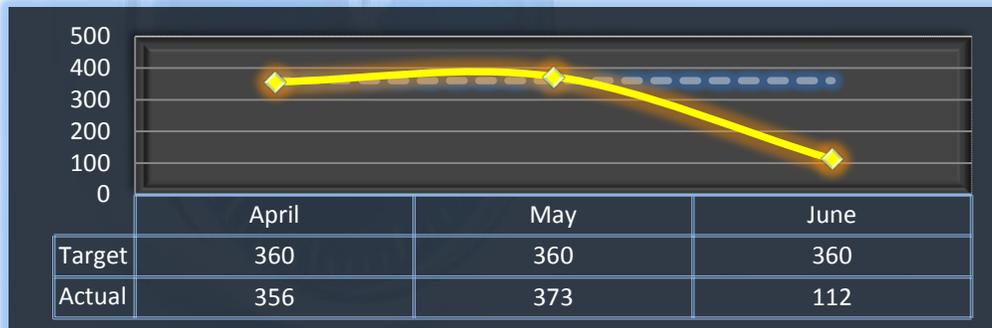


Intake & Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.

Target: 360 Days

Q4 Average: 280 Days

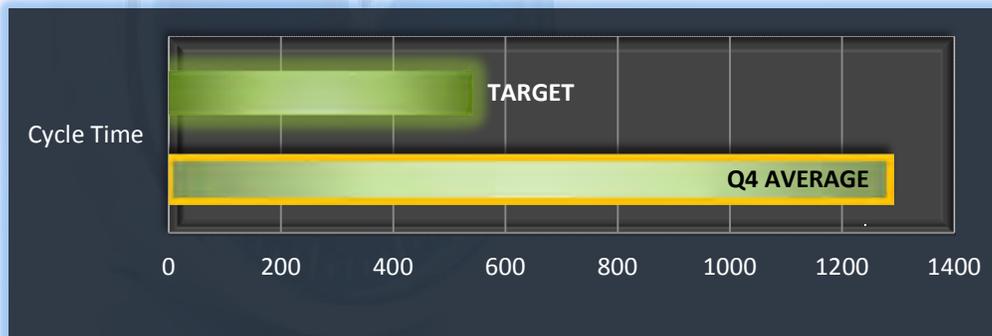


Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board, and prosecution by the AG)

Target: 540 Days

Q4 Average: 1,283 Days

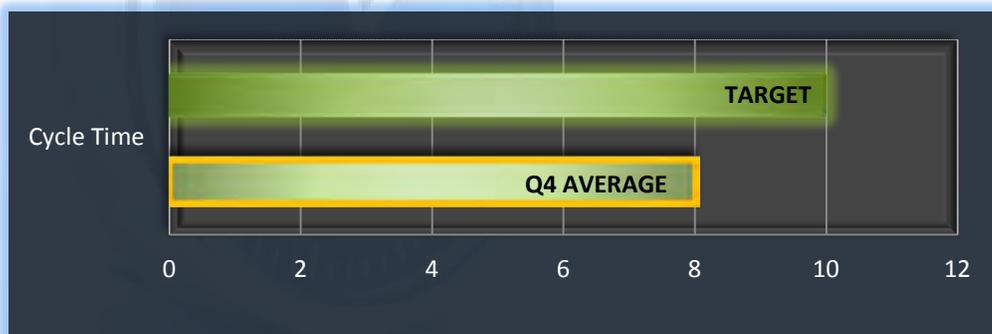


Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

Target: 10 Days

Q4 Average: 8 Days

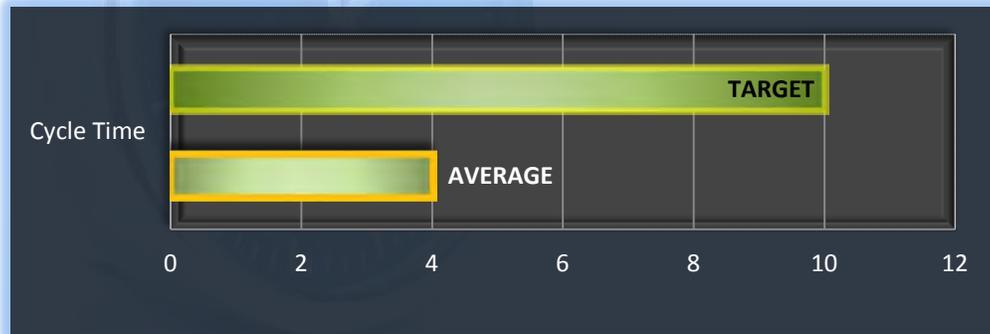


Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

Target: 10 Days

Q4 Average: 4 Days

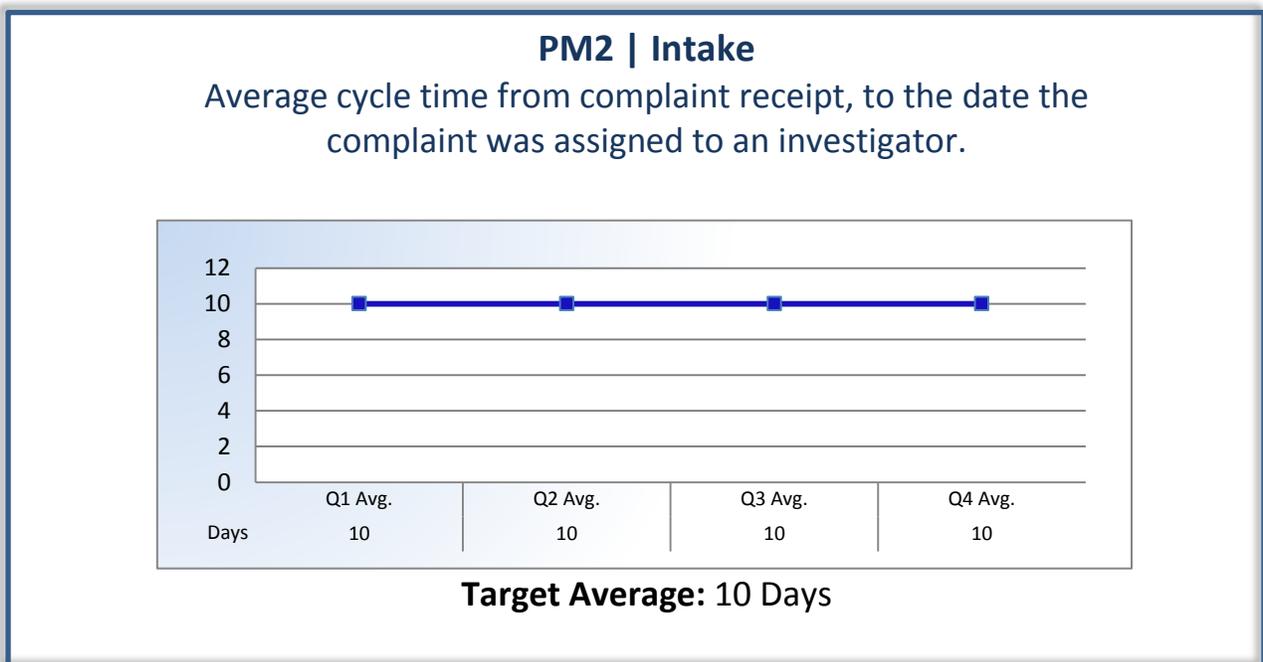
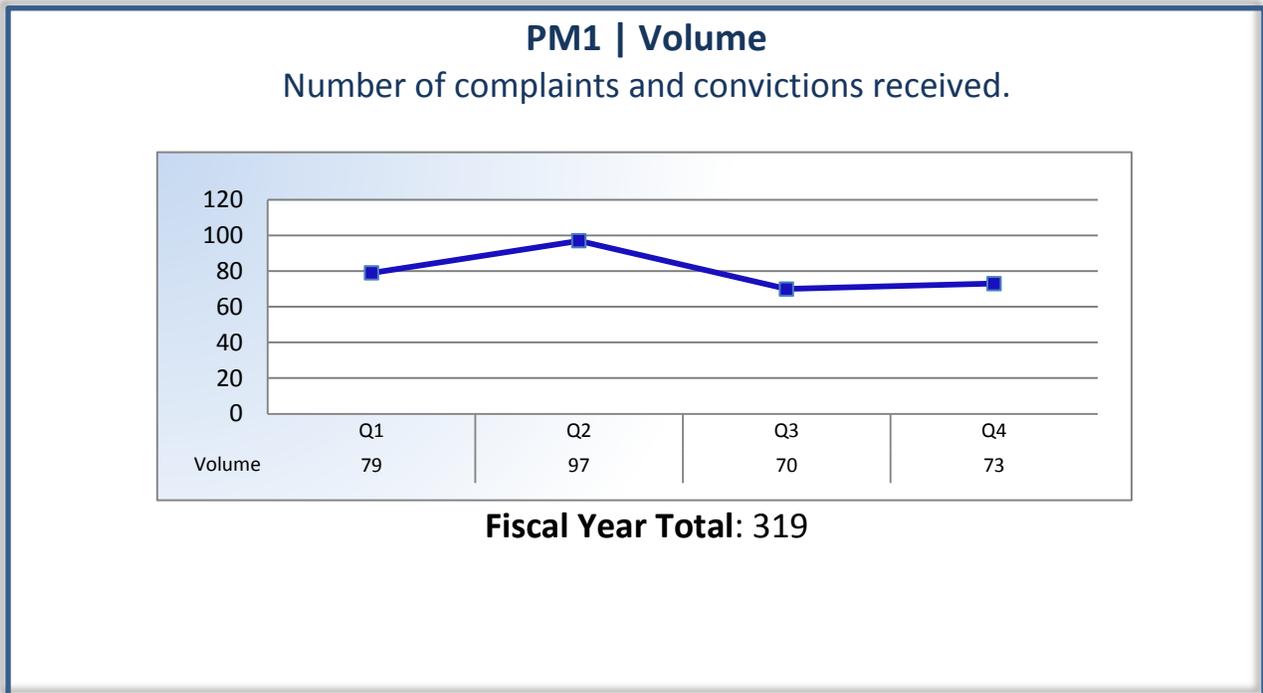


Board for Professional Engineers, Land Surveyors, and Geologists

Performance Measures

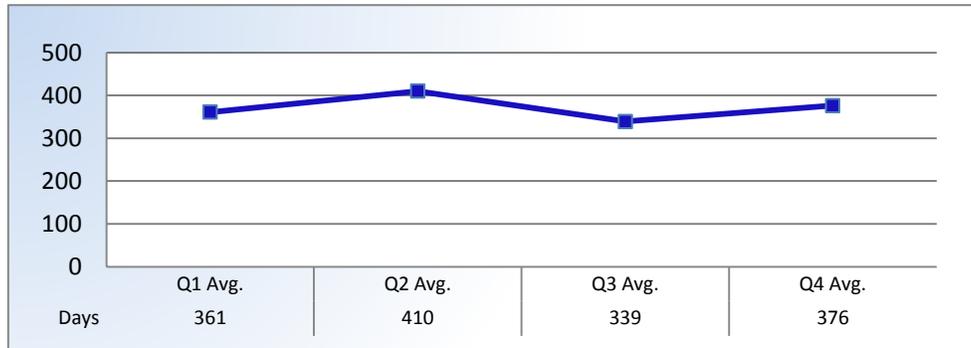
Annual Report (2013 – 2014 Fiscal Year)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly and annual basis.



PM3 | Intake & Investigation

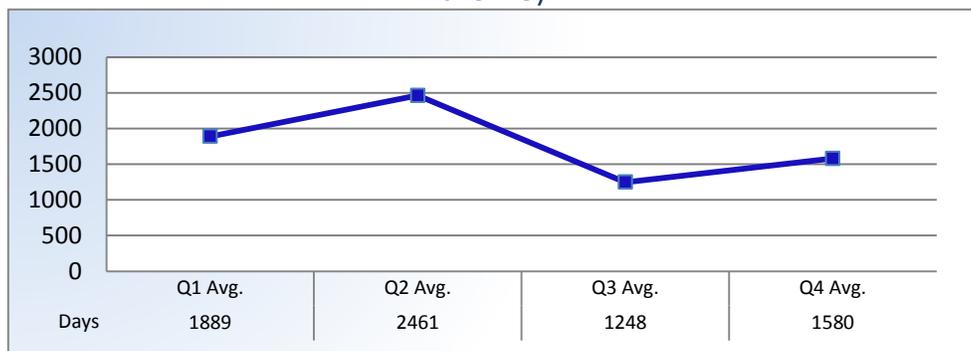
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days

PM4 | Formal Discipline

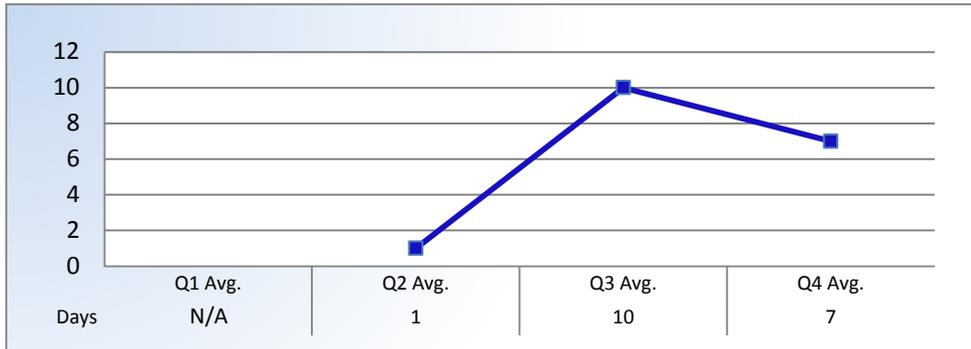
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days

PM7 | Probation Intake

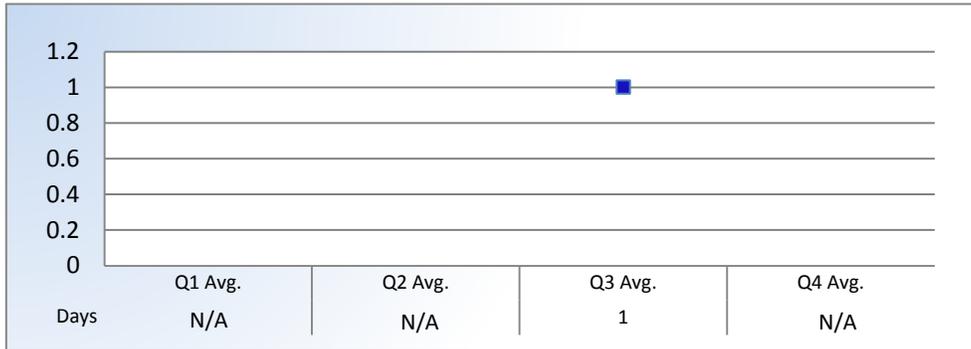
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days

Board for Professional Engineers, Land Surveyors, and Geologists

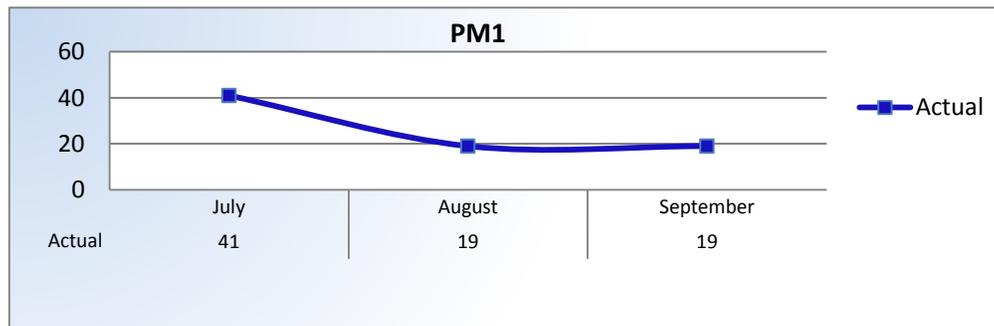
Performance Measures

Q1 Report (July - September 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

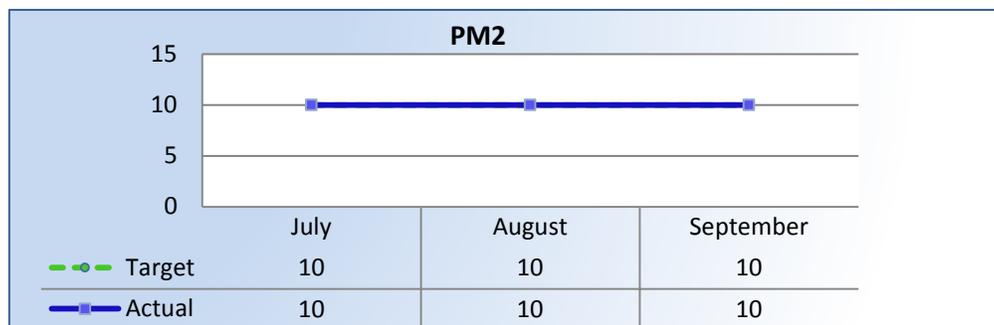


Total Received: 79 Monthly Average: 26

Complaints: 79 | Convictions: 0

PM2 | Intake

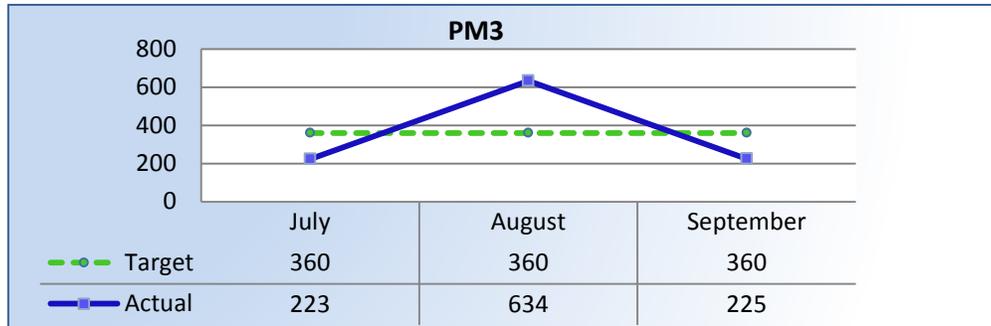
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 10 Days

PM3 | Intake & Investigation

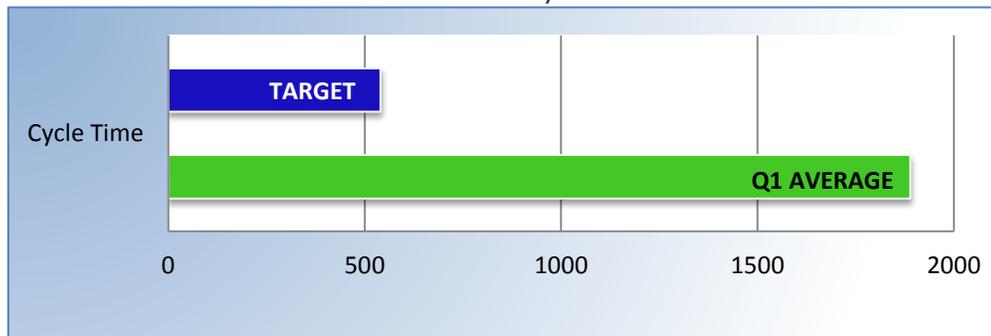
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | Actual Average: 361 Days

PM4 | Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,889 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.

The Board did not contact any new probationers this quarter.

Target Average: 10 Days | **Actual Average:** N/A

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 10 Days | **Actual Average:** N/A

Board for Professional Engineers, Land Surveyors, and Geologists

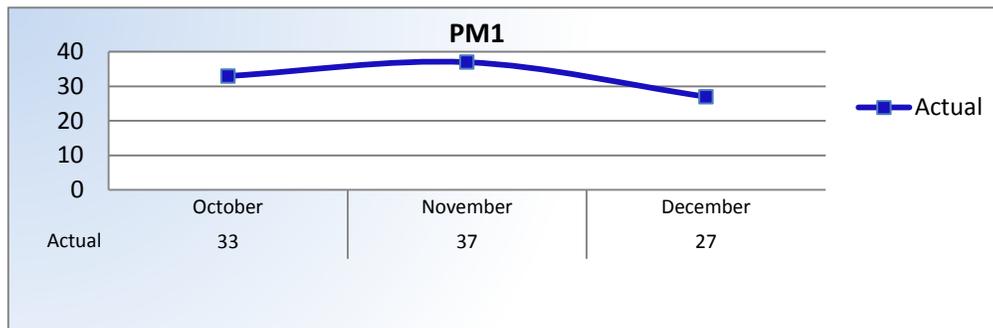
Performance Measures

Q2 Report (October - December 2013)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

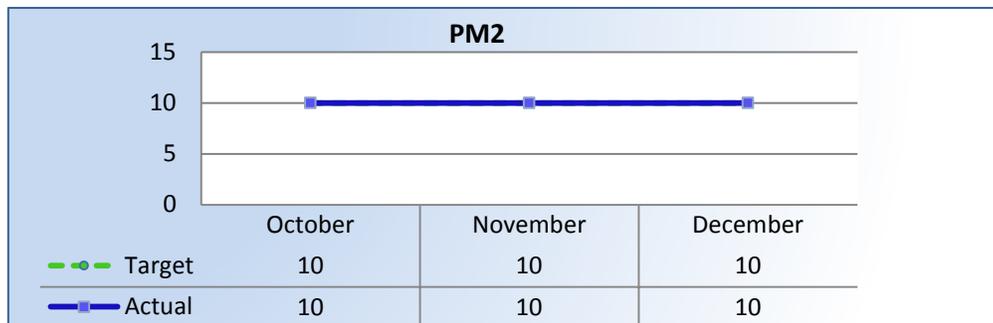


Total Received: 97 Monthly Average: 32

Complaints: 97 | Convictions: 0

PM2 | Intake

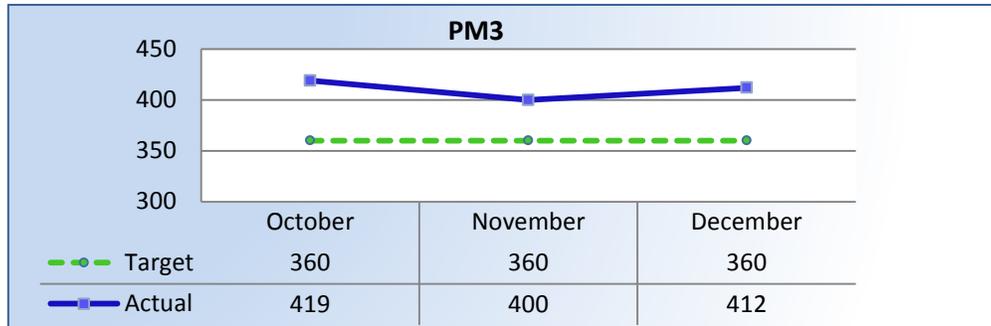
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 10 Days

PM3 | Intake & Investigation

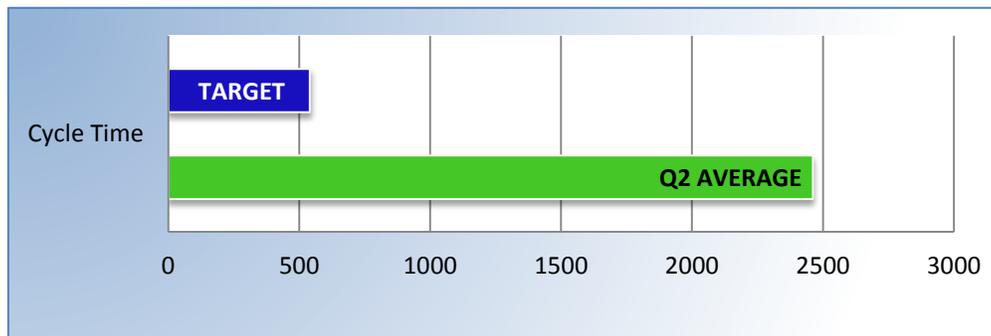
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | Actual Average: 410 Days

PM4 | Formal Discipline

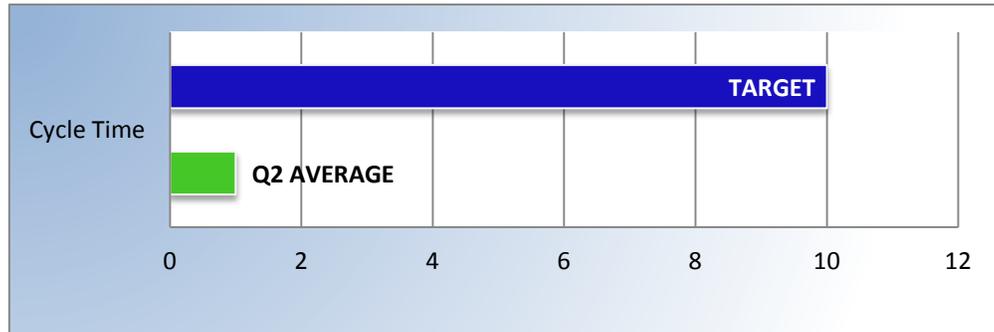
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 2,461 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | Actual Average: 1 Day

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

Target Average: 10 Days | Actual Average: N/A

Board for Professional Engineers, Land Surveyors, and Geologists

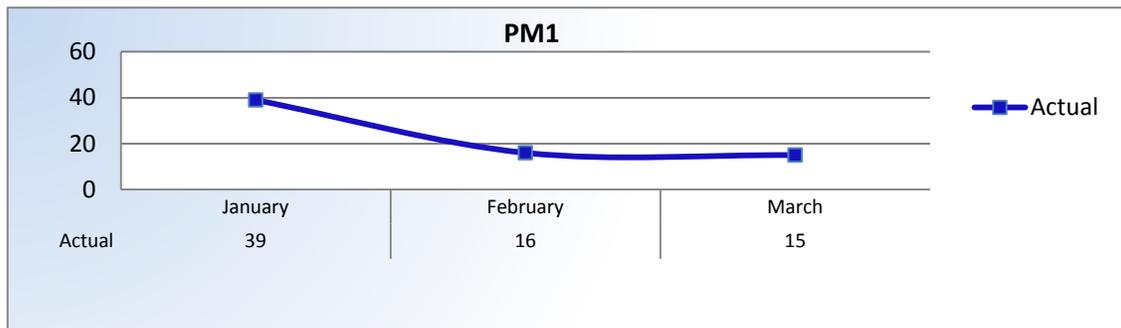
Performance Measures

Q3 Report (January - March 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

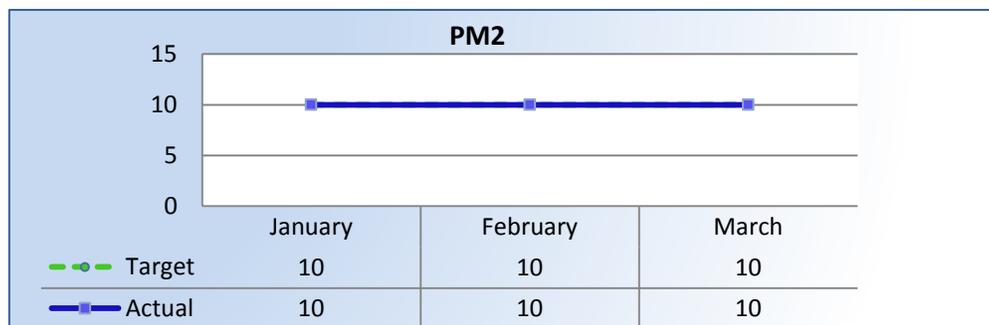


Total Received: 70 Monthly Average: 23

Complaints: 70 | Convictions: 0

PM2 | Intake

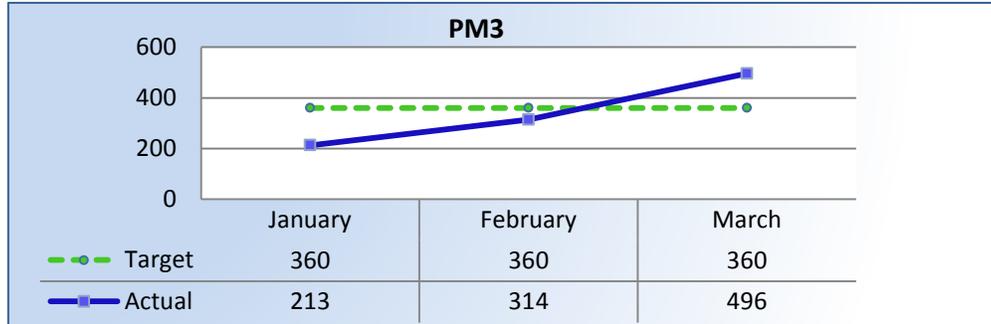
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 10 Days

PM3 | Intake & Investigation

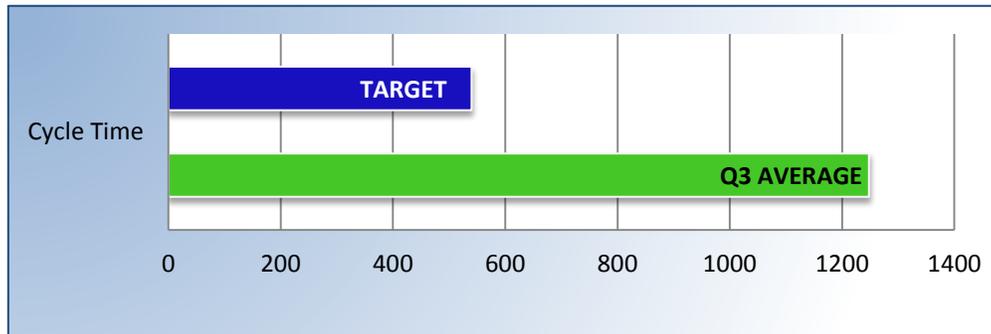
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | Actual Average: 339 Days

PM4 | Formal Discipline

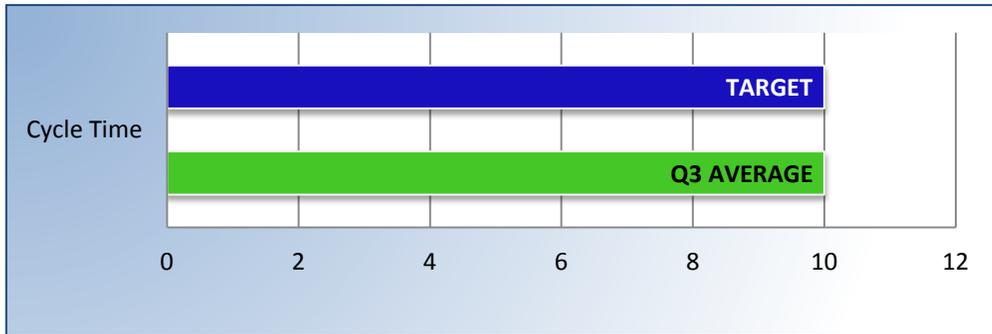
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,248 Days

PM7 | Probation Intake

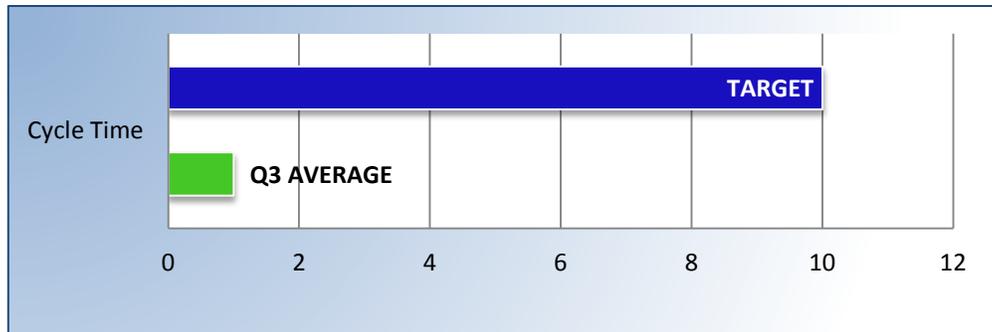
Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | Actual Average: 10 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Target Average: 10 Days | Actual Average: 1 Day

Board for Professional Engineers, Land Surveyors, and Geologists

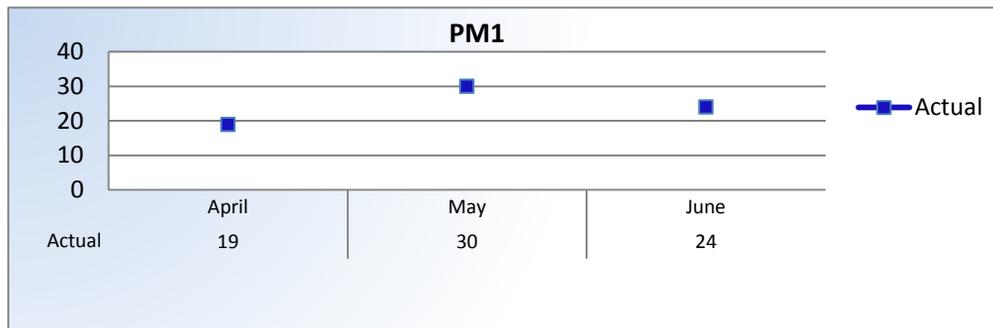
Performance Measures

Q4 Report (April - June 2014)

To ensure stakeholders can review the Board's progress toward meeting its enforcement goals and targets, we have developed a transparent system of performance measurement. These measures will be posted publicly on a quarterly basis.

PM1 | Volume

Number of complaints and convictions received.

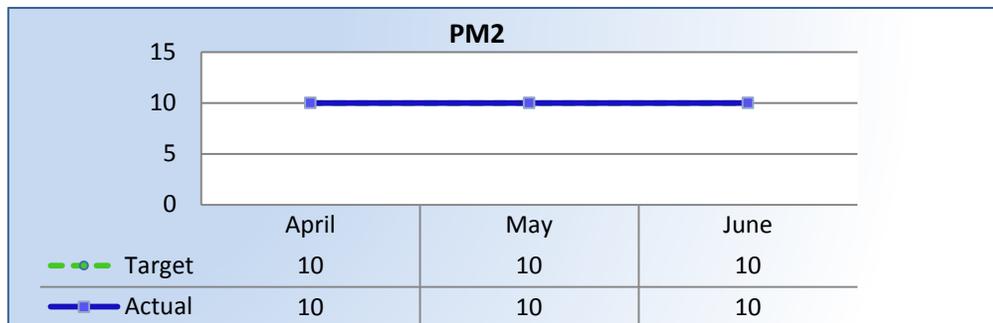


Total Received: 73 Monthly Average: 24

Complaints: 70 | Convictions: 3

PM2 | Intake

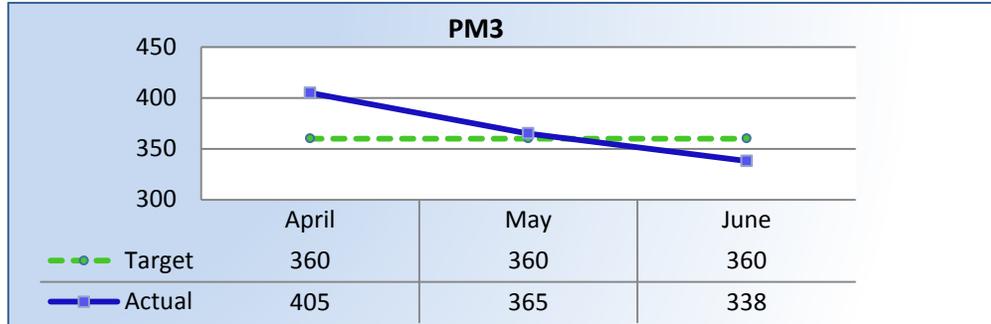
Average cycle time from complaint receipt, to the date the complaint was assigned to an investigator.



Target Average: 10 Days | Actual Average: 10 Days

PM3 | Intake & Investigation

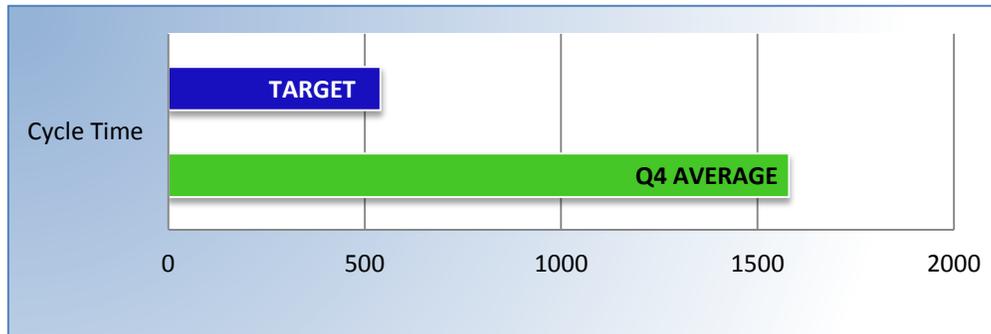
Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of formal discipline.



Target Average: 360 Days | Actual Average: 376 Days

PM4 | Formal Discipline

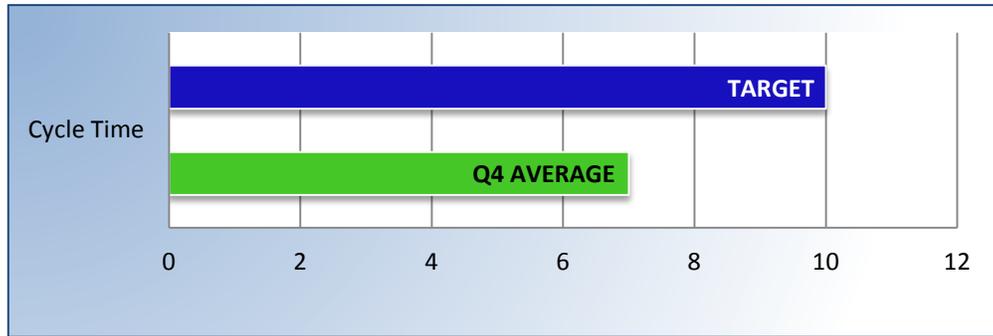
Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG).



Target Average: 540 Days | Actual Average: 1,580 Days

PM7 | Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



Target Average: 10 Days | Actual Average: 7 Days

PM8 | Probation Violation Response

Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.

The Board did not report any new probation violations this quarter.

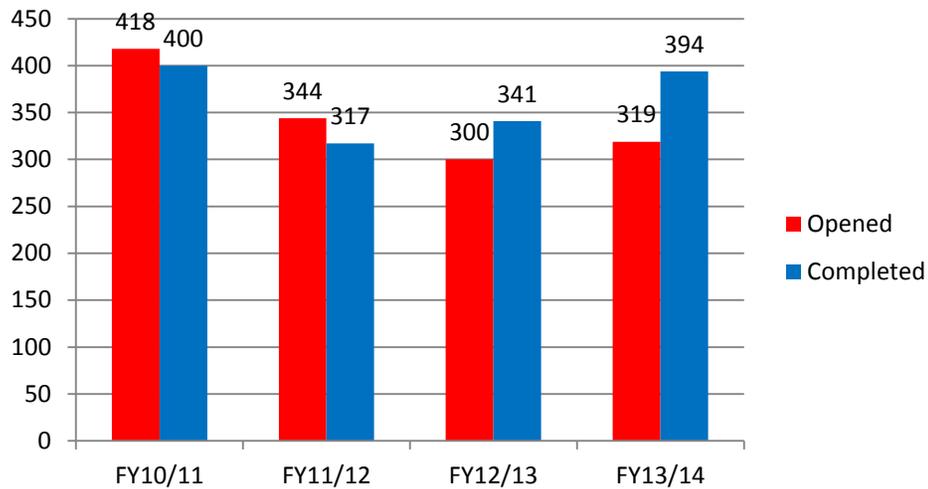
Target Average: 10 Days | Actual Average: N/A

Attachment G

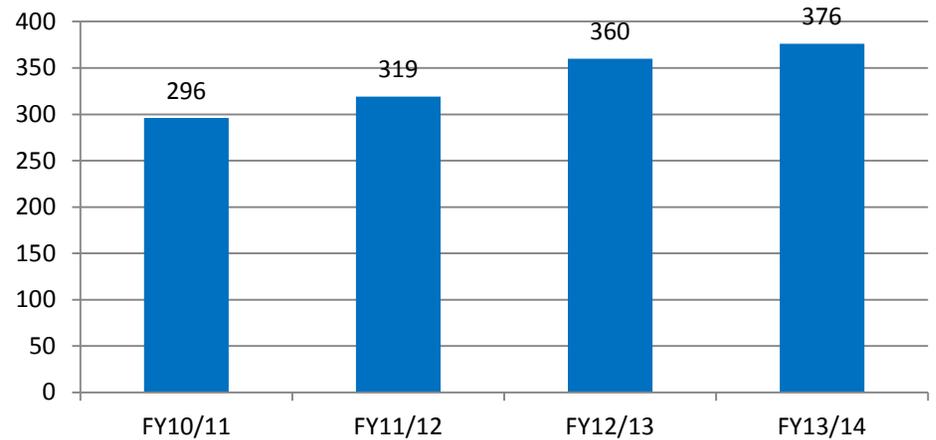
PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase

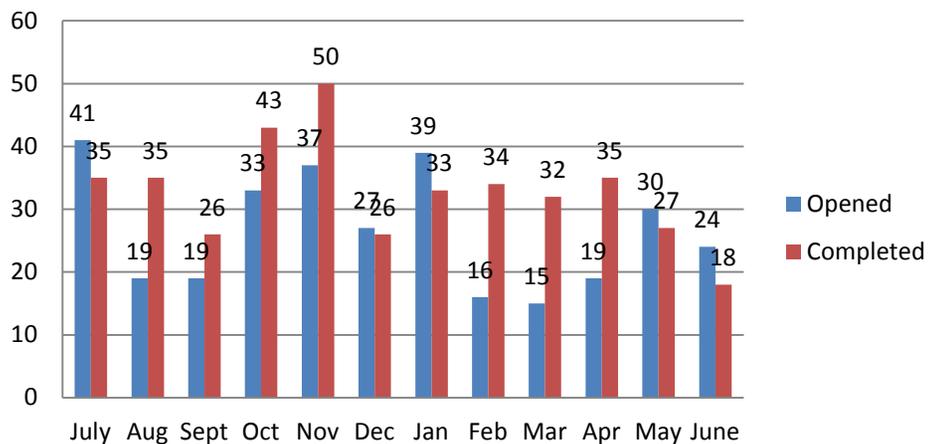
Complaint Investigations Opened and Completed



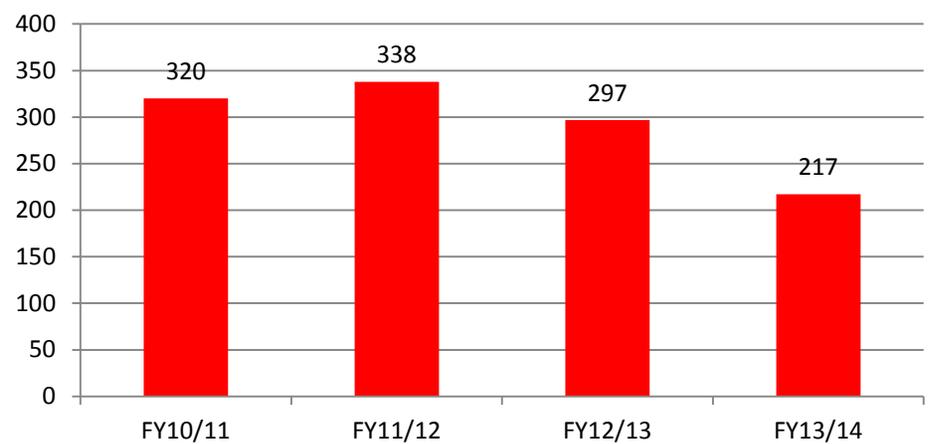
Average Days from Opening of Complaint Investigation to Completion of Investigation



Number of Complaint Investigations Opened & Completed by Month



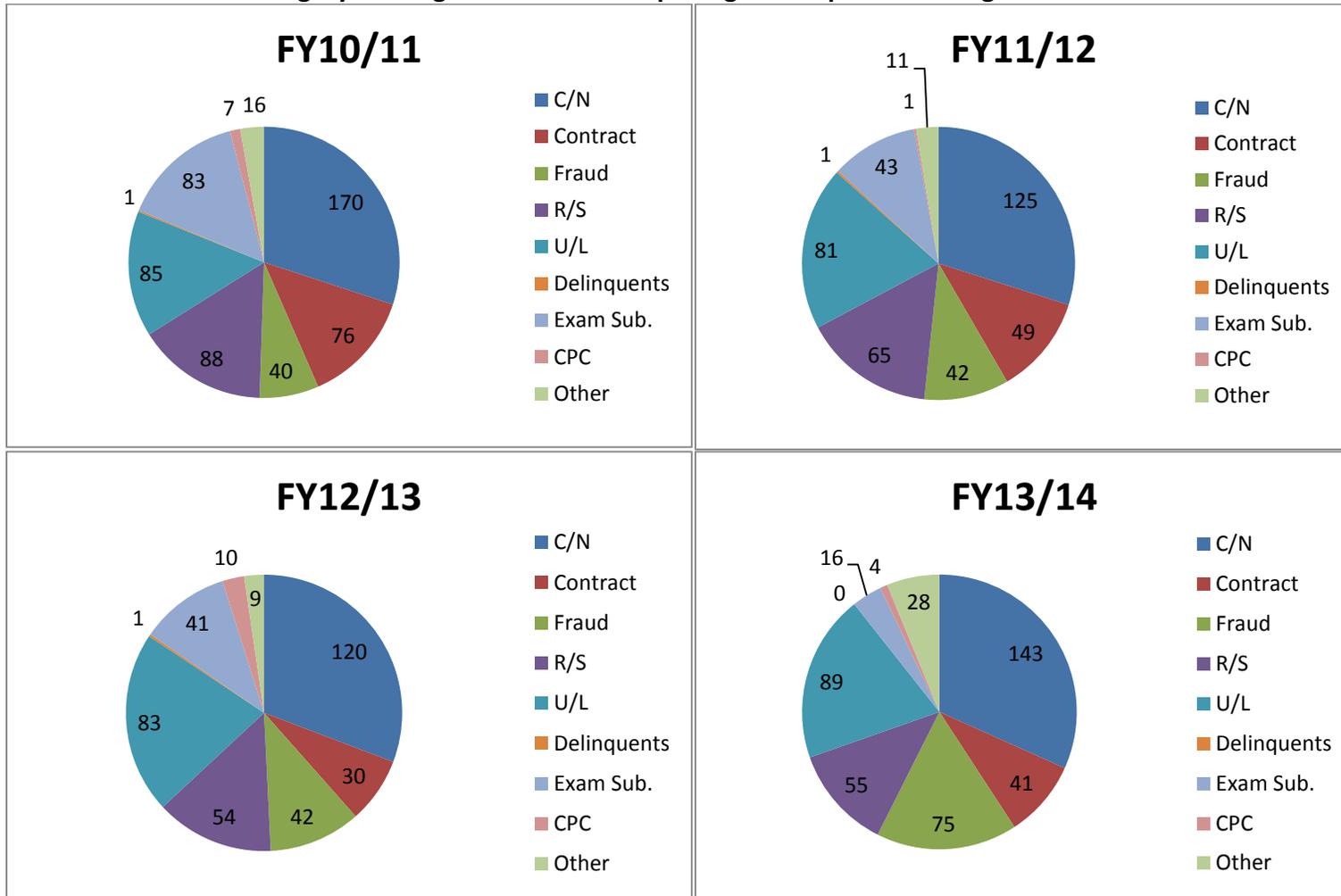
Open Complaint Investigations (at end of FY or month for current FY)



NOTE: FY13/14 statistics are through June 30, 2014

PELS ENFORCEMENT PROGRAM

Category of Alleged Violations at Opening of Complaint Investigation Case



NOTE: FY13/14 statistics are through June 30, 2014

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one category

C/N = Competence/Negligence

Contract = Contractual Issues (breach of contract, failure to execute written contract, failure to include all required elements in written contract)

Fraud = Fraud/Deceit/Misrepresentation; Aiding and abetting; Criminal conviction

R/S = Failure to file; Failure to resubmit; Monumentation

U/L = Unlicensed Activity

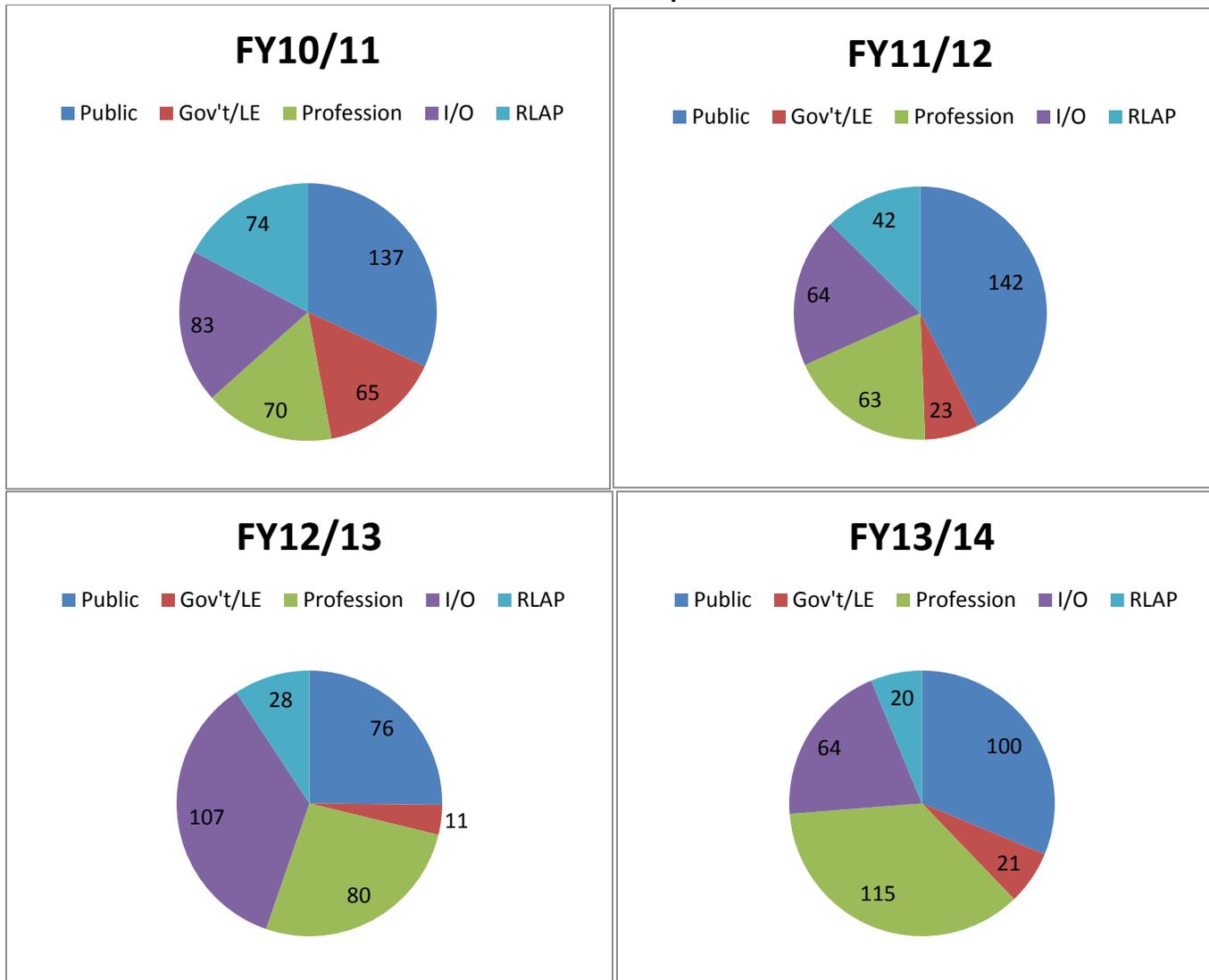
Delinquents = Delinquent Reinstatement applicants

Exam Sub. = Exam subversion (includes those removed from exams and collusion analyses)

CPC = Code of Professional Conduct (16 CCR §§ 475 & 476)

Other = Anything not covered above (i.e., failure to sign/seal; failure to file OR)

PELS ENFORCEMENT PROGRAM
Source of Complaint



NOTE: FY13/14 statistics are through June 30, 2014

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one source

Public = Consumers, individuals not licensed by BPELSG, attorneys, etc.

Gov't/LE = Government Agency or Law Enforcement (includes federal, state, and local governmental entities, e.g. County Surveyor's Office, Building Dept.)

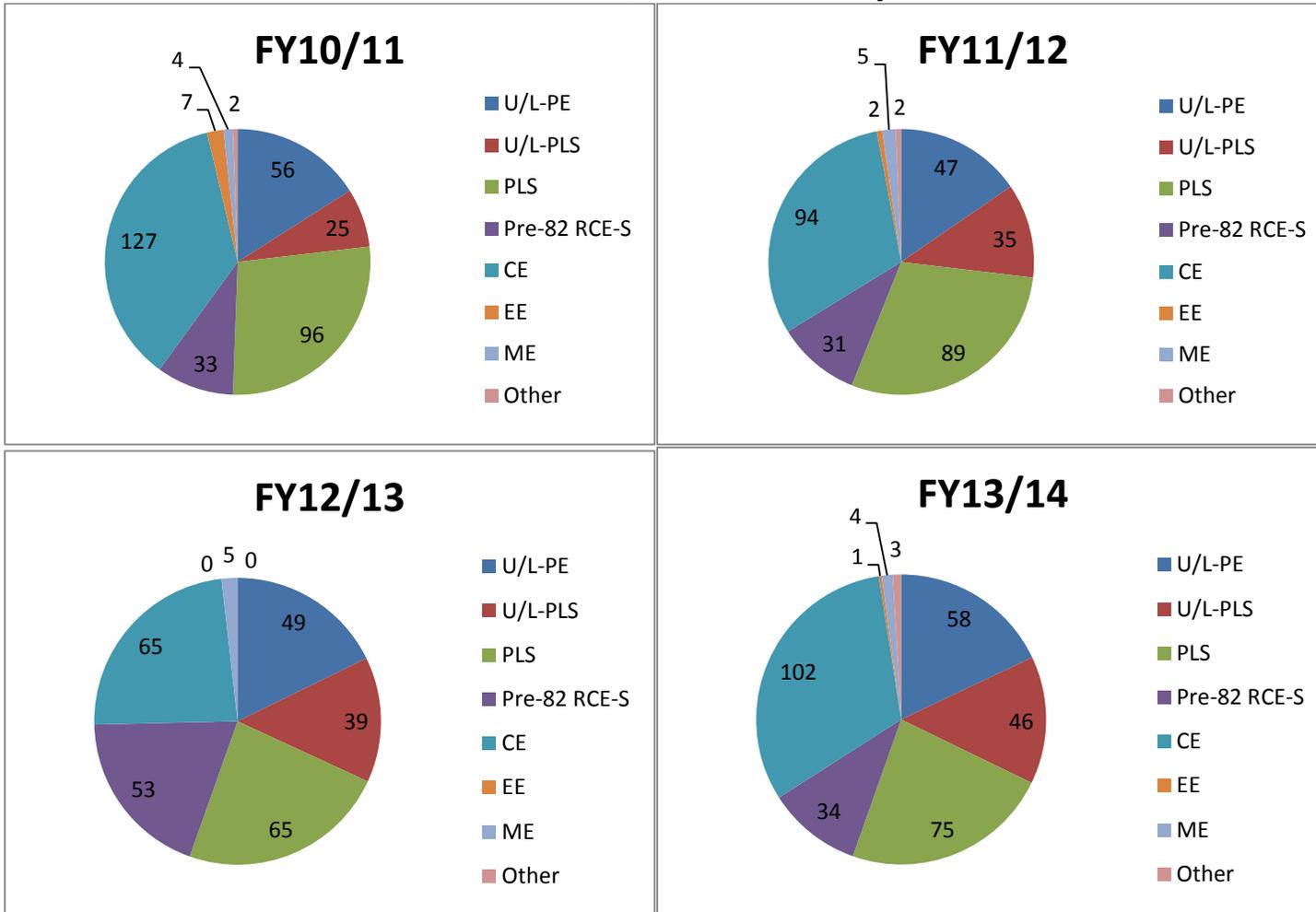
Profession = Licensees of BPELSG; also includes professional associations (such as the JPPC)

I/O = Internal/Other – no complainant (exam subversion), inquiries that result in the Enforcement Unit opening a case, anonymous

RLAP = Reporting of Legal Actions Program – cases opened as a result of receiving a report of a civil judgment, settlement, arbitration award, or conviction

PELS ENFORCEMENT PROGRAM

Area of Practice/Licensure of Subject



NOTE: FY13/14 statistics are through June 30, 2014

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one area

U/L-PE = unlicensed activity relating to the practice of professional engineering

U/L-PLS = unlicensed activity relating to the practice of professional land surveying

PLS = allegations relating to the practice of land surveying by a Professional Land Surveyors

Pre-82 RCE-S = allegations relating to the practice of land surveying by a Pre-82 Civil Engineer

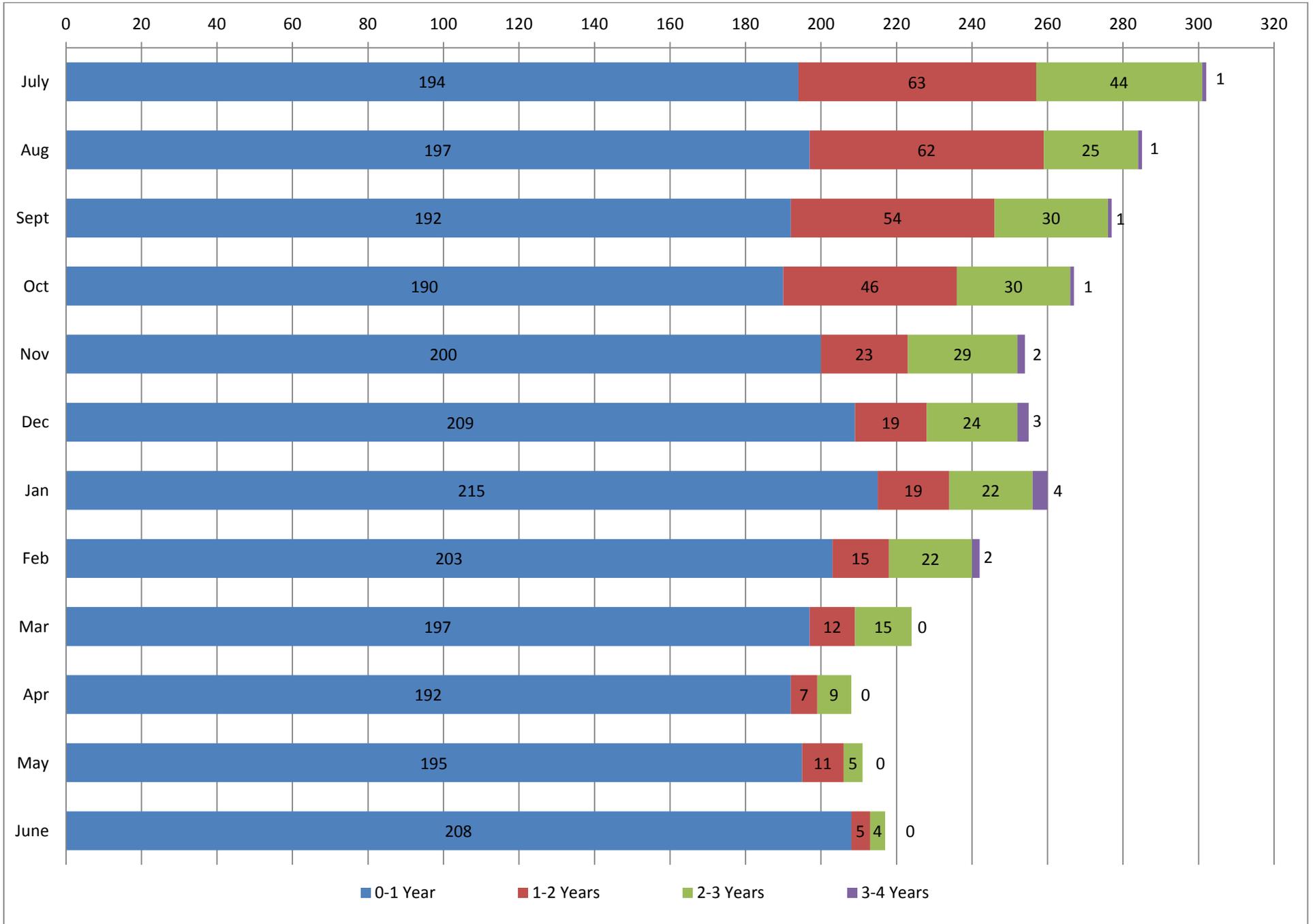
CE = allegations relating to the practice of civil engineering by a Civil Engineer

EE = allegations relating to the practice of electrical engineering by an Electrical Engineer

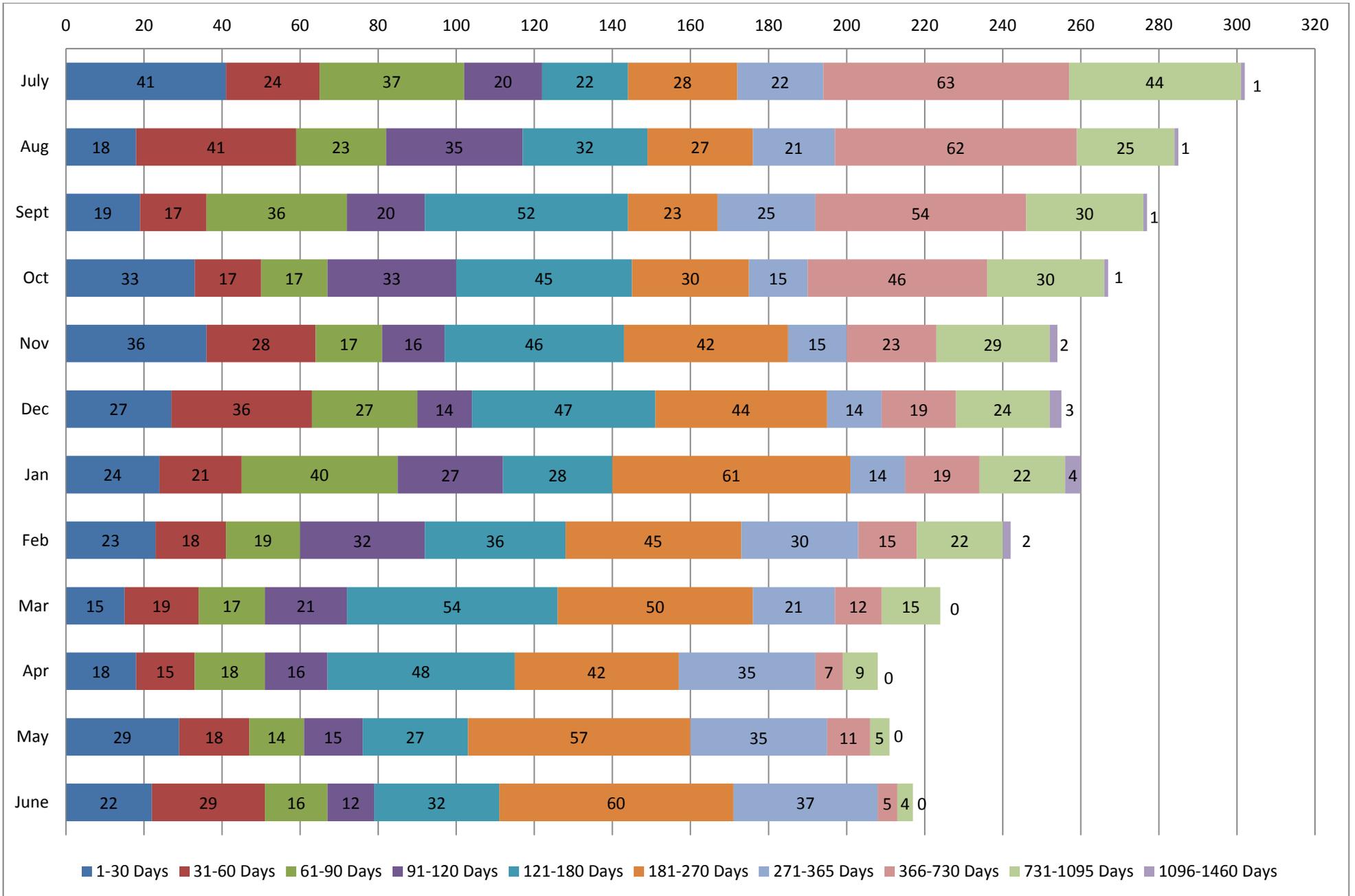
ME = allegations relating to the practice of mechanical engineering by a Mechanical Engineer

Other = allegations relating to the practice of any other discipline of engineering by a licensee in the specific discipline (i.e., traffic engineering by a Traffic Engineer)

Aging of Open (Pending) Complaint Investigation Cases FY13/14

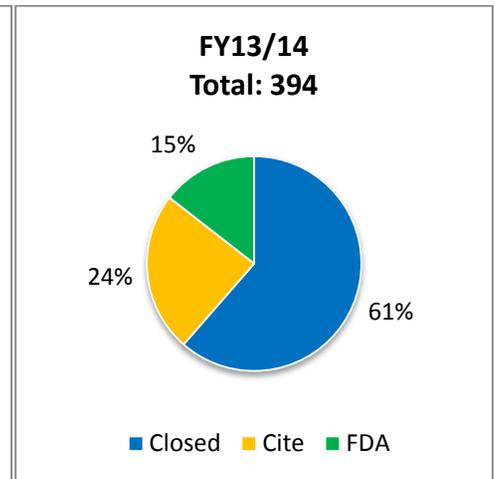
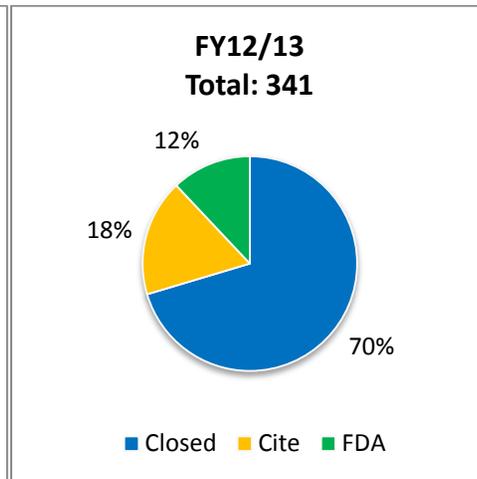
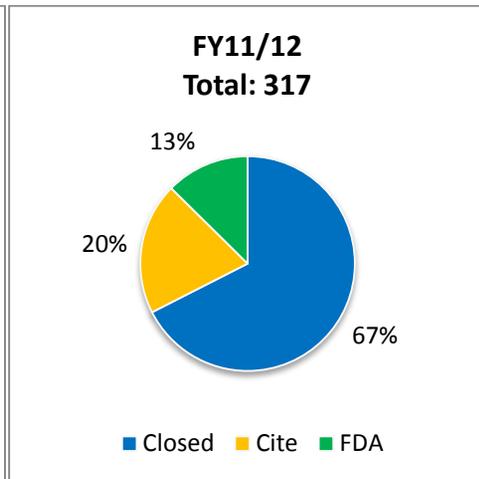
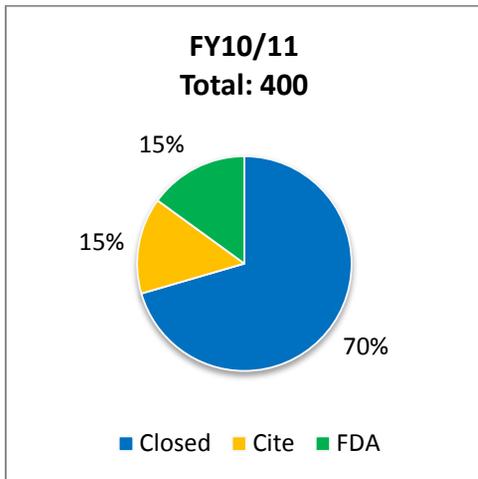
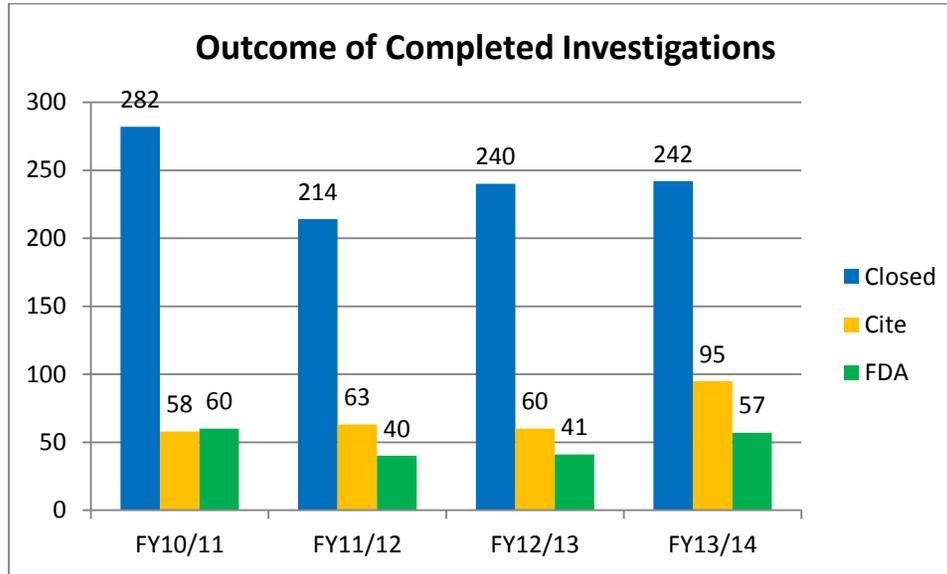


Aging of Open (Pending) Complaint Investigation Cases FY13/14



PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY13/14 statistics are through June 30, 2014

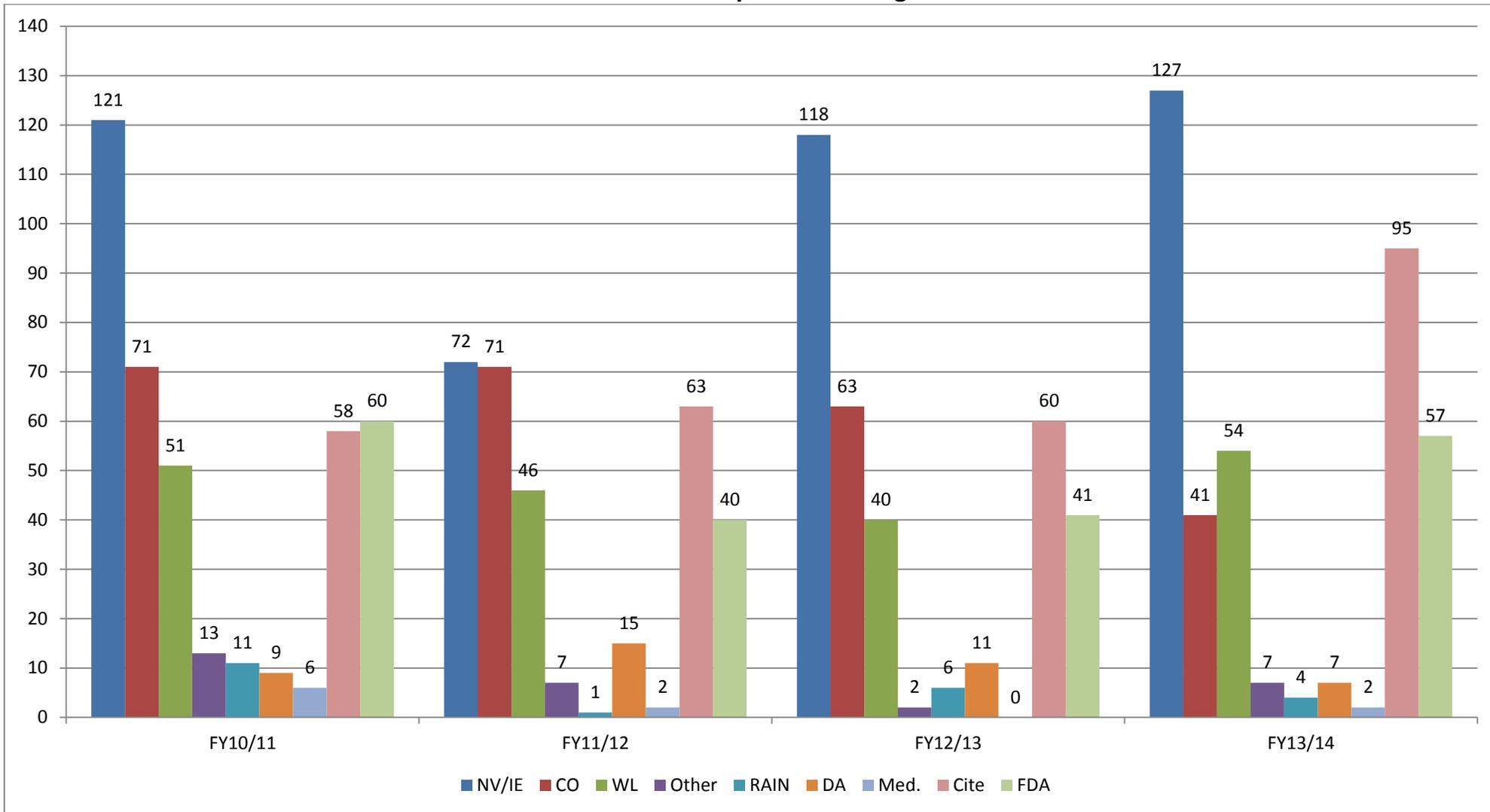
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY13/14 statistics are through June 30, 2014

Closed = Closed with No Action Taken, includes the categories listed below:

NV/IE = No Violation/Insufficient Evidence

CO = Compliance Obtained

WL = Warning Letter

Other = Other Reason for Closing Without Action (e.g., subject deceased)

RAIN = Resolved After Initial Notification

DA = Referred to District Attorney with Request to File Criminal Charges

Med. = Mediated

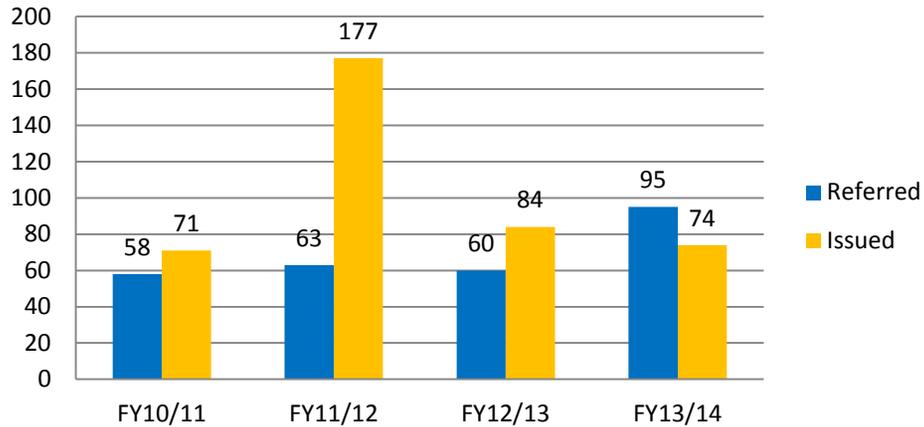
Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

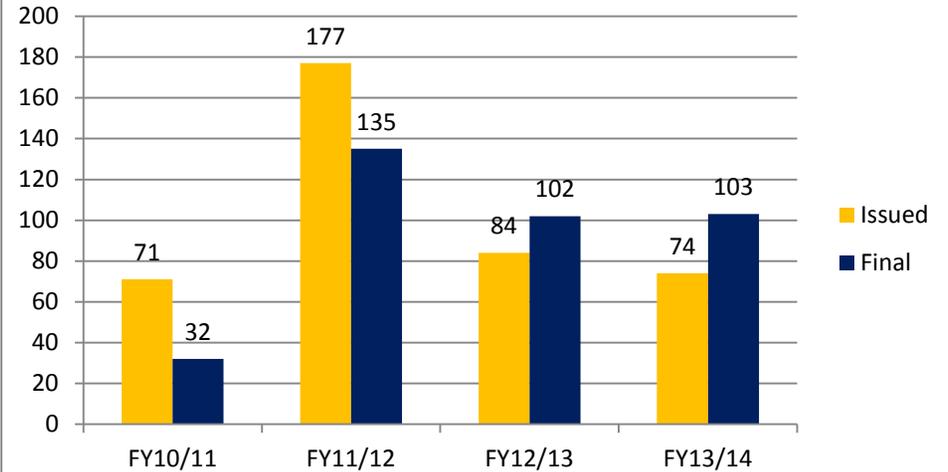
PELS ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

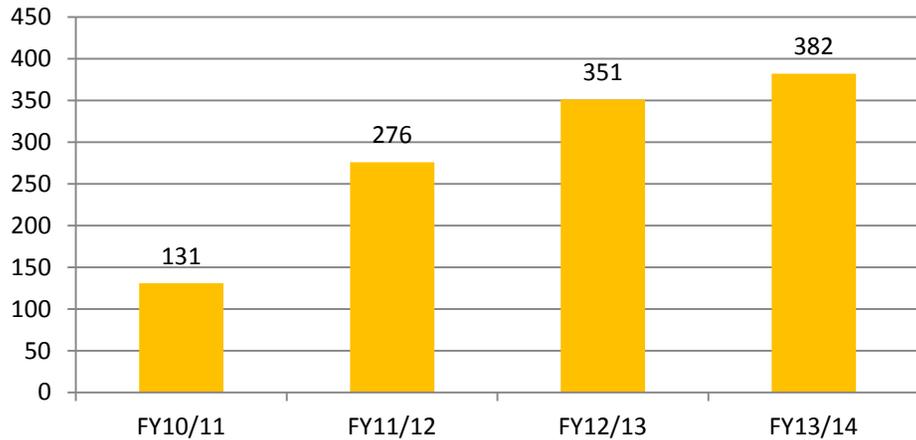
Number of Complaint Investigations Referred and Number of Citations Issued



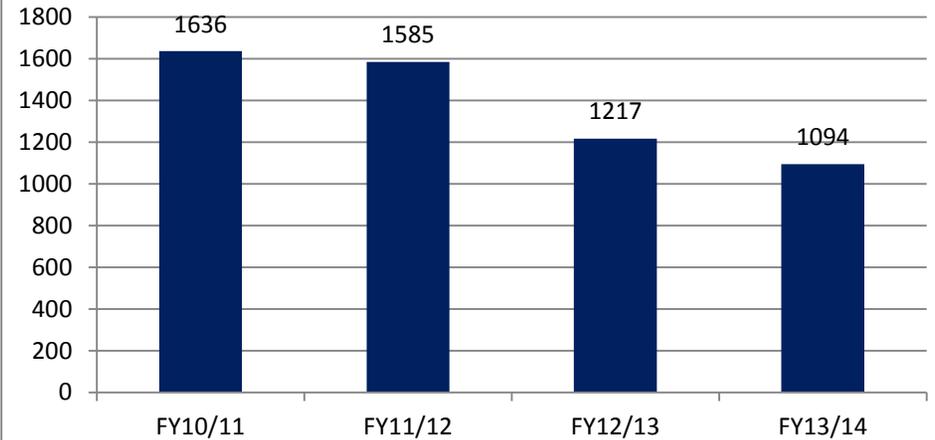
Number of Citations Issued and Final



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



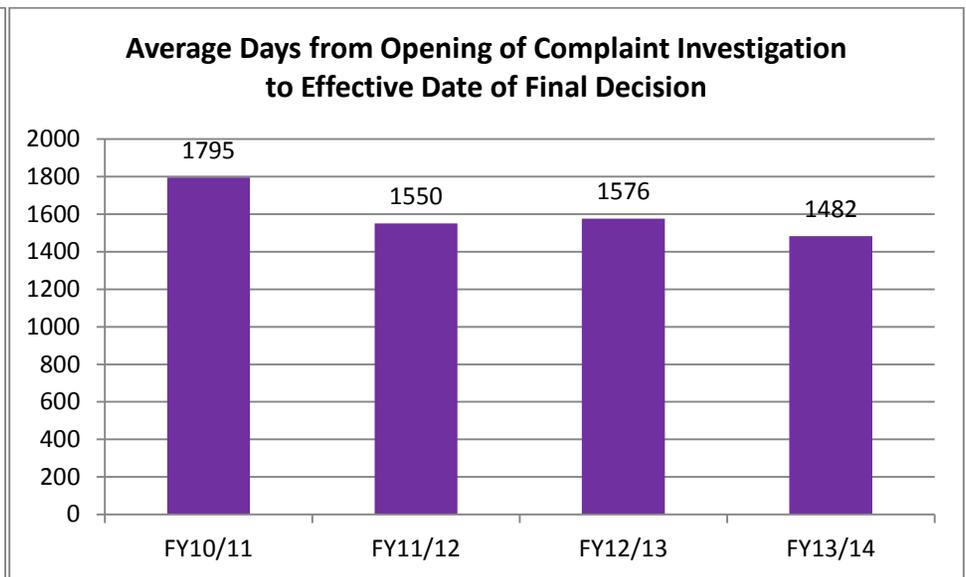
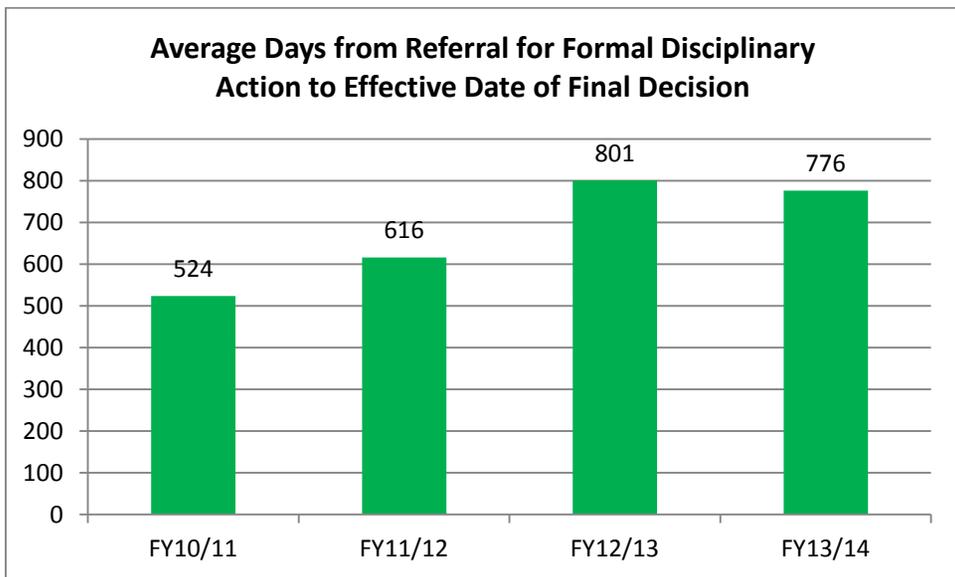
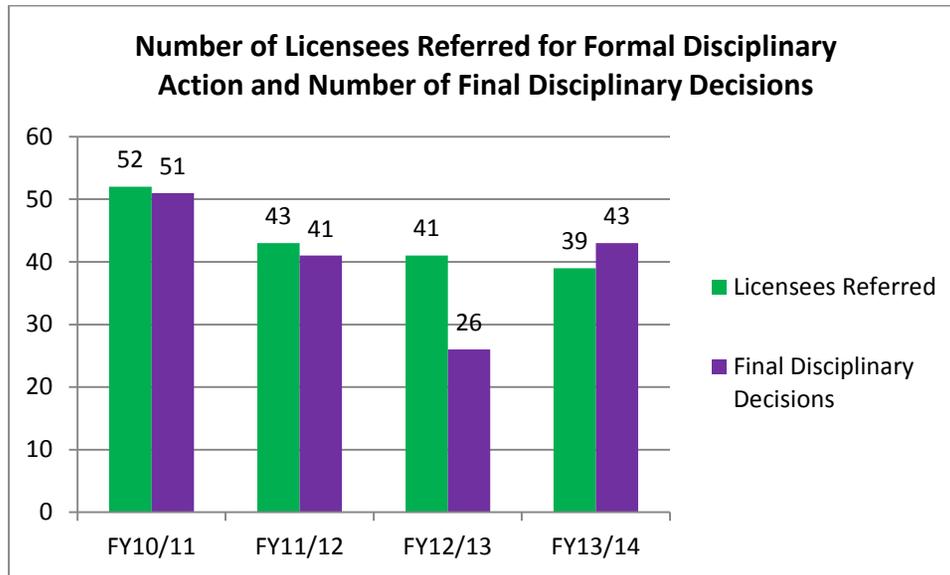
Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



NOTE: FY13/14 statistics are through June 30, 2014

PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

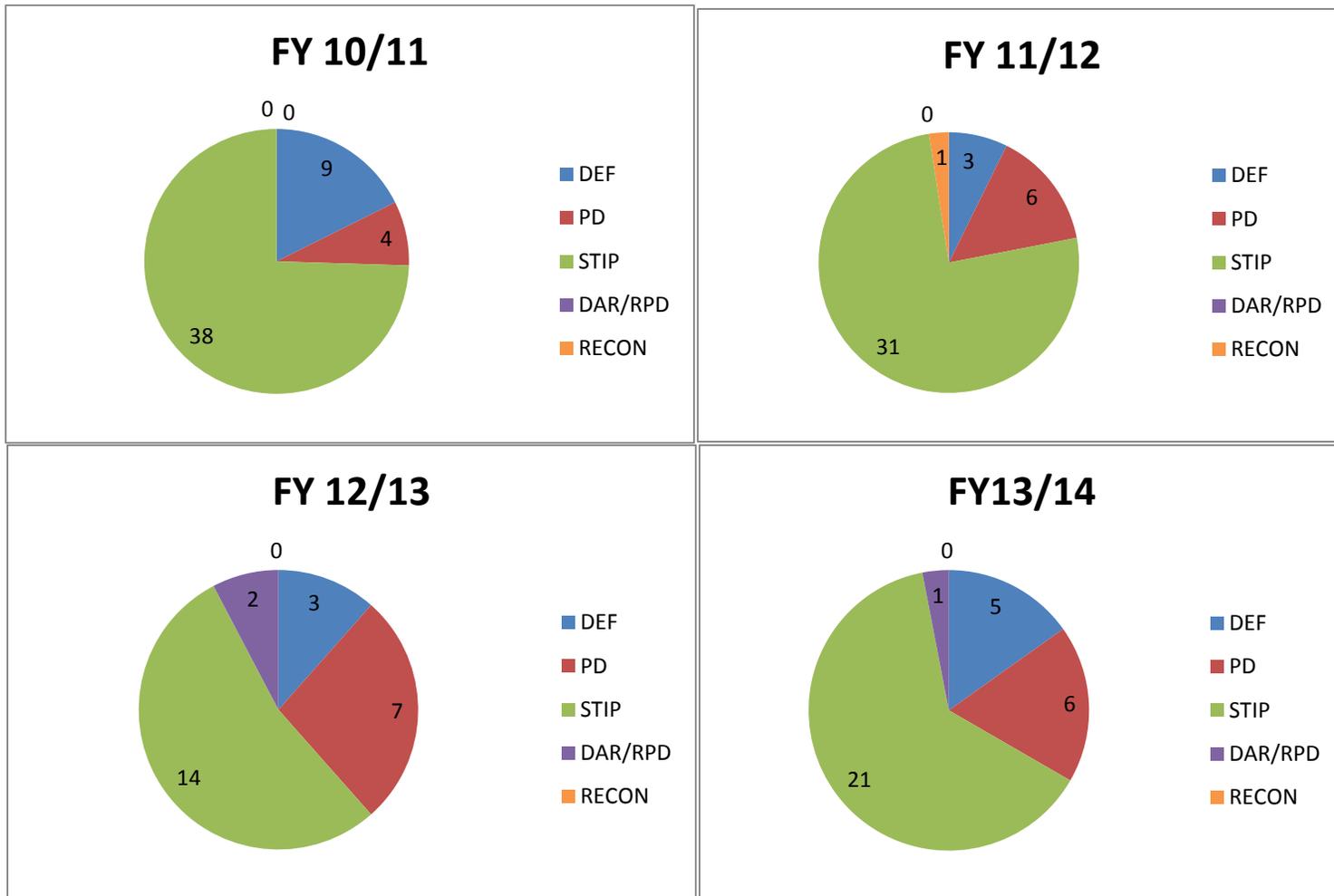


NOTE: FY13/14 statistics are through June 30, 2014

PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

Types of Decisions



NOTE: FY13/14 statistics are through June 30, 2014

DEF = Default Decision

PD = Proposed Decision

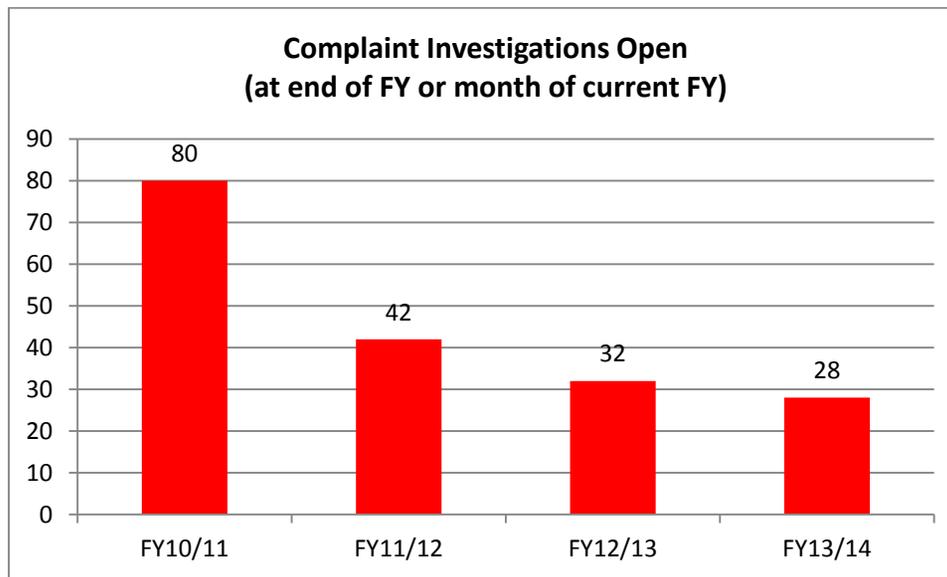
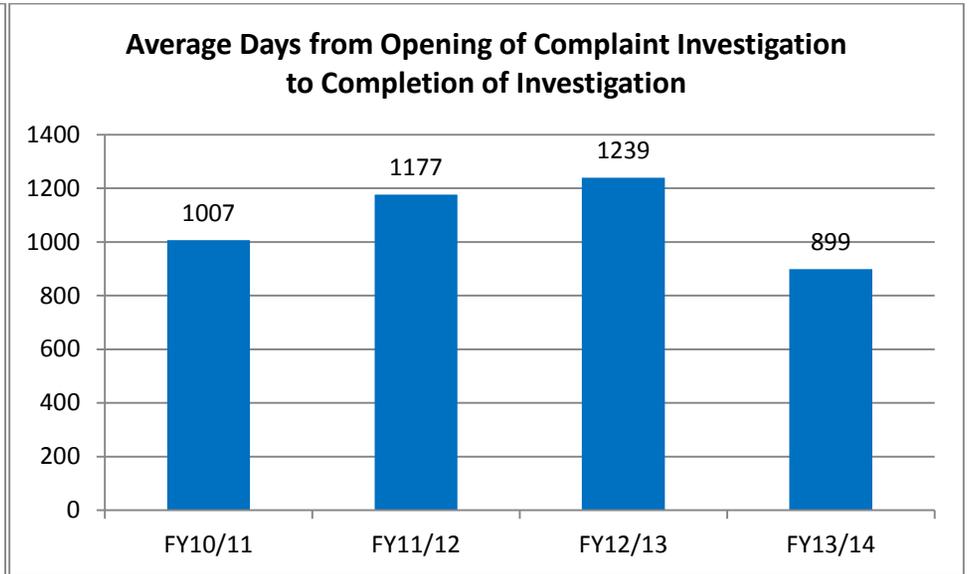
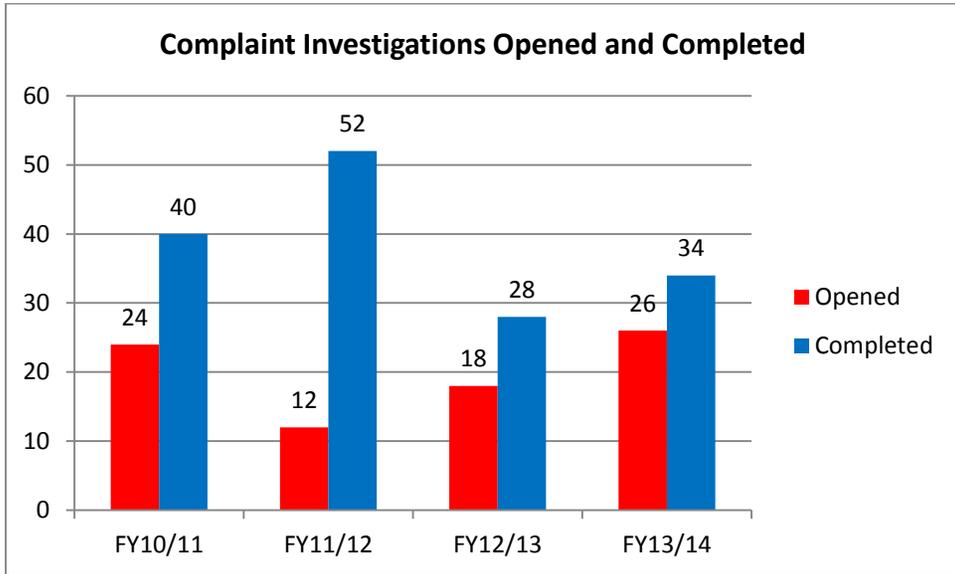
STIP = Stipulated Settlement

DAR/RPD = Decision After Rejection of Proposed Decision/Reduction of Order of Proposed Decision

RECON = Modification of Default Decision or Proposed Decision after Petition for Reconsideration

G&G ENFORCEMENT PROGRAM

Complaint Investigation Phase

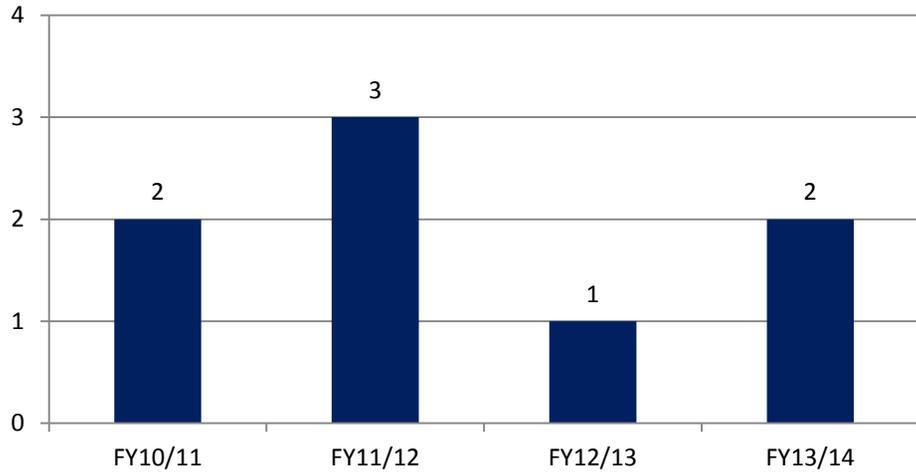


NOTE: FY13/14 statistics are through June 30, 2014

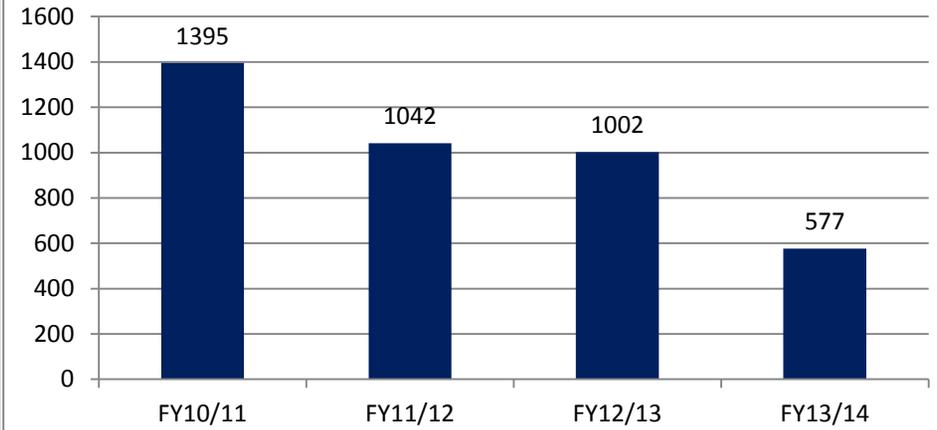
G&G ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

Number of Final Citations



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

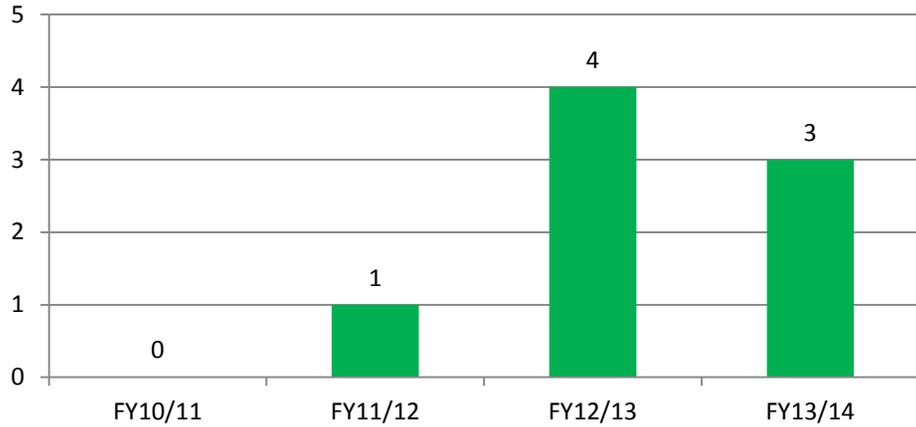


NOTE: FY13/14 statistics are through June 30, 2014

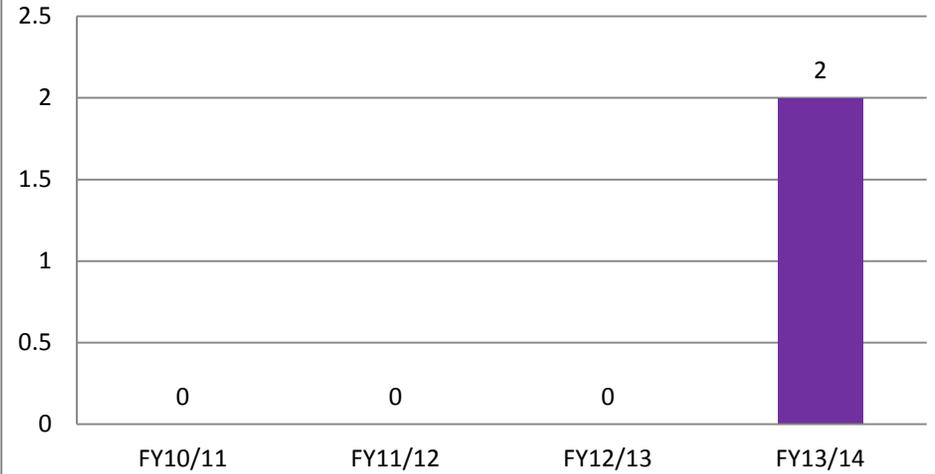
G&G ENFORCEMENT PROGRAM

Formal Disciplinary Actions against Licensees

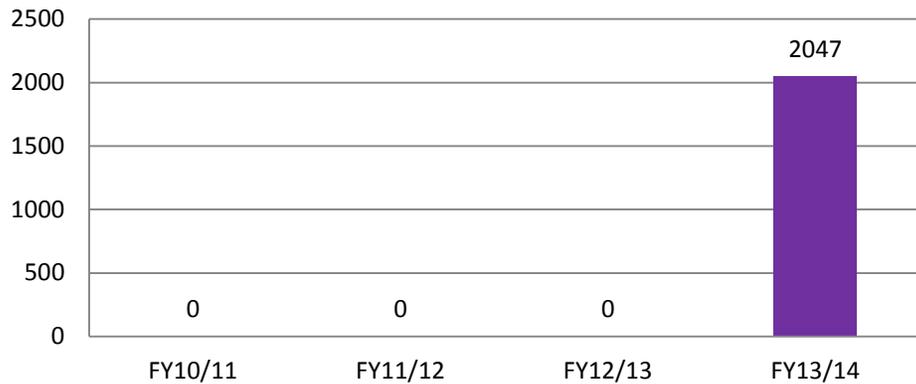
Number of Licensees Referred for Formal Disciplinary Action



Number of Final Disciplinary Decisions



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



NOTE: FY13/14 statistics are through June 30, 2014

Attachment H

**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.bpelsg.ca.gov

**POLICY OF THE BOARD FOR PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
ON DISCLOSURE OF COMPLAINTS AND ENFORCEMENT ACTIONS**

It is the policy of the Board for Professional Engineers, Land Surveyors, and Geologists to provide information to all interested parties regarding complaints and enforcement actions resulting from violations of the Professional Engineers Act (Business and Professions Code section 6700, et seq.), the Geologist & Geophysicist Act (Business and Professions Code section 7800, et seq.), the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.), the Board Rules and Regulations Relating to the Practices of Engineering and Land Surveying (Division 5 of Title 16 of the California Code of Regulations), and/or the Regulations Relating to the Practices of Geology and Geophysics (Division 29 of Title 16 of the California Code of Regulations).

COMPLAINTS

The Board keeps records for five years of complaints against licensees and non-licensees that do not result in enforcement action (see below) involving violations of the Professional Engineers Act, the Geologist & Geophysicist Act, the Professional Land Surveyors' Act, and the Board Rules and Regulations Relating to the Practices of Engineering, Land Surveying, Geology, and Geophysics.

During the investigation, no information concerning the complaint will be disclosed.

If investigation reveals that there has been no violation of the law, no information concerning the complaint will be disclosed.

If investigation reveals that there has been a probable violation of the law, upon written or oral request, information concerning the complaint shall be disclosed as follows:

1. The number of complaints against a specific Board licensee or non-licensuree.
2. The date the complaint was received and the date on which final disposition of the complaint was reached.
3. The disposition of the complaint, as follows:
 - a. Compliance obtained.
 - b. Complaint mediated/resolved.
 - c. Complaint referred for legal and/or disciplinary action (i.e., criminal action, citation issuance, and/or accusation filing).
 - d. Any other action taken, formal or informal.

ENFORCEMENT ACTIONS (CRIMINAL ACTIONS, CITATIONS, ACCUSATIONS, AND FINAL ORDERS)

The Board shall keep records of enforcement actions taken, including criminal convictions, citations, accusations, and final orders, as required by law.

Upon written or oral request, information regarding citations issued and accusations filed shall be disclosed as follows:

Citations: A citation shall be disclosed once it is issued along with its procedural status.

Accusations: An accusation shall be disclosed once it is filed along with its procedural status.

Upon written or oral request, information regarding final orders (final citation orders or final disciplinary decisions/orders on accusations) shall be disclosed as follows:

Final Orders: Final orders shall be disclosed once they become final and effective. Additionally, information shall be provided regarding compliance with the order, as applicable at the time of the request.

In addition to providing the information described above regarding final orders upon request, the Board will publicize such final orders in any manner, consistent with the provisions of the Information Practices Act (Civil Code section 1798, et seq.), the Public Records Act (Government Code section 6250, et seq.), and other applicable laws, that the Board deems appropriate, including, but not limited to, issuing press releases, publishing articles in Board publications and on the Board's Internet site, and providing information to the regulatory agencies for engineering, land surveying, geology, and/or geophysics in other states.

Upon written or oral request, information regarding criminal actions resulting from Board investigations shall be disclosed as follows:

Criminal Actions: The name and address of the appropriate court which has instituted the criminal proceedings regarding criminal actions resulting from Board investigations, along with the pertinent docket or case number, shall be provided once the Board has received such information from the Division of Investigation, the appropriate District or City Attorney's Office, or the appropriate court.

In addition to providing the information described above regarding criminal actions upon request, the Board will publicize criminal actions in any manner, consistent with the provisions of the Information Practices Act (Civil Code section 1798, et seq.), the Public Records Act (Government Code section 6250, et seq.), and other applicable laws, that the Board deems appropriate, including, but not limited to, issuing press releases, publishing articles in Board publications and on the Board's Internet site, and providing information to the regulatory agencies for engineering, land surveying, geology, and/or geophysics in other states.