



BULLETIN

November 2013, Vol. 2, No. 2, Issue 38

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

PROTECTING CONSUMERS SINCE 1929
DEPARTMENT OF CONSUMER AFFAIRS

Inside This Issue

- 2 Fingerprinting
- 2 Written Contracts
- 3 Temporary Authorizations
- 3 Retired License Status
- 4 New EIT/LSIT Procedures
- 4 Reporting Legal Actions
- 5 Subsurface Utility Engineering
- 6 Active LS Licenses
- 7 NCEES/Board News
- 8 Social Media

Board Members

Erik Zinn, P.G., C.E.G., President
Kathy Jones Irish, Vice President
Diane Hamwi
Carl H. Josephson, S.E.
Coby King
Mike S. Modugno, P.E.
Philip Quartararo
Hong Beom Rhee, Ph.D.
Ray Satorre
William "Jerry" Silva
Robert Stockton, C.E.
Patrick J. Tami, P.L.S.

Richard B. Moore, P.L.S.,
Executive Officer
Joanne Arnold,
Assistant Executive Officer

Dolly Kampfraat, Publication Design
Brooke C. Phayer, Outreach Analyst
Celina Calderone, Web Coordinator

Contact Information

(916) 263-2222
www.BPELSG.ca.gov

Message from Executive Officer

Richard B. Moore, P.L.S.

Two-thousand thirteen is turning out to be a significant legislative year for BPELSG and the Board's members. There are several new or revised statutes and regulations that will impact both the Board's operations and its licensees beginning in 2014.

This issue of the BPELSG bulletin provides details related to upcoming changes such as...

Fingerprinting

Fresh off the new legislation that became effective earlier this year (SB 543 Steinberg), BPELSG staff is close to finalizing the necessary regulations and procedures to implement these requirements.

Beginning in 2014, BPELSG is required to collect fingerprints for all licensing applicants.



Written Contracts

SB 152 (Roth) was signed by the Governor and will become effective January 1, 2014.

Following the success of implementing this requirement for engineers and land surveyors in 2001, geologists and geophysicists must also now use a written contract when providing services to consumers.

Repeal of Temporary Authorizations

Following the repeal of temporary authorizations for land surveyors in 1999, SB 152 (Roth) also repealed these statutes related to temporary authorizations for engineers, geologists, and geophysicists.

Retired License Status

SB 822 provides for a retired status for licensed geologists and geophysicists, similar to laws currently in place for engineers and land surveyors, which allows geologists and geophysicists the ability to retire their license.

On the examinations front, the first stage of NCEES moving national engineering and land surveying exams to computer-based administration is finally here. Starting January 2014, all Fundamentals examinations (FE – engineering and FS – surveying) will **only** be offered in a computer-based delivery method, worldwide, and much more frequently. This significant change in the examination delivery model should contribute greatly to the future of licensing in the U.S. and eventually abroad.

For BPELSG examinees, the change should not differ much from the current process; in only that the examination will be offered more frequently throughout the year.

In addition, BPELSG staff and board members welcome opportunities to speak at outreach events related to licensure throughout the state of California. Please let us know how we can help convey the importance and role that professional licensure plays in protecting the consumers in California.

Professional Geologist and Geophysicist Written Contract Requirements

Effective January 1, 2014

Senate Bill 152, which becomes effective on January 1, 2014, adds Business and Professions Code section 7839.2 to the Geologist and Geophysicist Act. This section requires a written contract to be used by a Professional Geologist or Geophysicist when contracting to provide professional services to a client. The use of a written contract helps to eliminate miscommunications, which oftentimes arise when using an oral contract. A written contract may be in electronic form. The following is an overview of the new section.

Requirements

Before the Professional Geologist or Geophysicist begins work, they must sign a written contract with their client, or his or her representative; however, there are exemptions. The written contract must include, but not be limited to, all of the following:

- 1) A description of the services to be provided by the Professional Geologist or Geophysicist;
- 2) A description of any basis of compensation applicable to the contract, and method of payment agreed upon by the parties;
- 3) The name, address, and license or certificate number of the Professional Geologist or Geophysicist, and the name and address of the client;
- 4) A description of the procedure that the Professional Geologist or Geophysicist and the client will use to accommodate additional services; and
- 5) A description of the procedure to be used by any party to terminate the contract.

Exemptions

A written contract is not required under the following circumstances:

- 1) The client will not be compensating the Professional Geologist or Geophysicist for their services.
- 2) The Professional Geologist or Geophysicist has a current or prior contractual relationship with the client to provide professional services, and the client has paid the Professional Geologist or Geophysicist all of the fees that are due under that contract.
- 3) The client knowingly states in writing, after full disclosure of this requirement, that a written contract need not be used.
- 4) Professional services are rendered by a Professional Geologist or Geophysicist to another Professional Geologist or Geophysicist; a licensed engineer; a licensed land surveyor; a licensed architect; a licensed contractor; or a public agency.

For additional information, please contact the Enforcement Unit at BPELS.EnforcementInformation@dca.ca.gov or (916) 263-2241.

APPLICANT FINGERPRINTING

Senate Bill 543 (Chapter 448, 10/3/11), Steinberg), authorized the BPELSG to begin collecting fingerprint reports for initial applicants only. The applicant must furnish a full set of fingerprints to the Department of Justice as a condition of processing an application with the Board. Staff proposed rulemaking to add Sections 420.1 and 3021.1 to Title 16 of California Code of Regulations relating to Applicant Fingerprint Requirements. Recently, rulemaking was approved by the Office of Administrative Law and endorsed by the Secretary of State's Office on November 6, 2013. Beginning in 2014, BPELSG is required to collect fingerprints for all licensing applicants. The BPELSG will begin publicizing new procedures for application and fingerprint record submittal as we move closer to the beginning of the new year. Stay tuned for more on these developments.



Repeal of Temporary Authorizations

Temporary authorizations allowed individuals who were not licensed in California to perform engineering and geological work on one project in the state.

This year the Board sponsored legislation, Senate Bill 152 (Chapter 178, Statutes of 2013), which repealed Business and Professions Code sections 6760, 7848, and 7848.1, to eliminate the issuing of temporary authorizations for out-of-state licensees to practice in any branch of engineering, geology, and geophysics in California.

Temporary authorizations allowed individuals who were not licensed in California to perform engineering and geological work on one project in the state. There was concern for the health and safety of the consumers of California because individuals not licensed in California may not be familiar with the terrain, soils, and seismic activity that are specific to California. Furthermore, there was no apparent benefit to California citizens by allowing temporary authorizations to be issued.

Also, there was less accountability for an individual with a temporary authorization for their work. If they are not licensed in California and do not reside in this state, it can be difficult locating the individual and securing their cooperation, if necessary, after the temporary work has been completed. Furthermore, many of the individuals who have been granted a temporary authorization for a particular project in California have, at a later date, failed the California-Specific examination for the discipline for which they were granted a temporary authorization.

Repealing temporary authorizations for professional engineers, geologists, and geophysicists ensures that professional work is being conducted by individuals who have shown through education, experience, and successful examination that they are competent to practice their respective profession in California. An individual licensed in another state may not have appropriate knowledge of California, nor have they taken and passed the California-Specific examinations.

Business and Professions Code section 8753, which allowed out-of-state land surveyors to be issued a temporary authorization to practice as a professional land surveyor in California, was repealed in 2005.

Retired Status Approved for Geologists and Geophysicists

On January 1, 2000, a new law became effective for engineers and land surveyors establishing a retired status for those licensees who chose to retire their license from active status. This past year, the Board collaborated with the legislature, introducing SB 822 for the purposes of extending that legislation to geologists and geophysicists. SB 822 was signed by the Governor September 20, 2013 (Chapter 319, Statutes of 2013) and becomes effective January 1, 2014.

The conditions for a retired status are described below. Licensees should read them carefully before deciding whether or not to apply for the new status. It is important for you to note that once a license is converted to a retired status, you will no longer be able to perform, or offer to perform, any geological or geophysical services, including consulting services. The only way to convert a license from a retired status back to an active status is to apply for licensure and take the professional examination(s) again.

The retired status is for licensees who are no longer active in their profession and, therefore, don't want to pay the \$270 license renewal fees. We anticipate that the lifetime fee for a retired status will be less than \$100. This retired status will allow the licensee to continue receiving all regular mailings from the Board and to legally use the titles "retired professional geologist," "professional geologist, retired," or either of those titles with the branch designation inserted for the word "professional" (for example, "retired certified engineering geologist" or "certified engineering geologist, retired,") or the titles "retired professional geophysicist" or "professional geophysicist, retired."

The following conditions must be met to qualify for the retired status:

- ◆ licensed by the California Board as a PG or PGp for a minimum of five (5) years,
- ◆ licensed within the United States or territories as a PG or PGp for a minimum of 20 years, and
- ◆ hold a California license that is not suspended, revoked, or otherwise disciplined, or subject to pending discipline.

The Board is currently working on regulations to establish the appropriate fee for this retired status. We anticipate full implementation of this program by Summer 2014. Further information will be included in the Board's next newsletter, and information will also be posted on the Board's website as it becomes available.

AMMENDMENTS IN REPORTING OF LEGAL ACTIONS PROGRAM BECOMING EFFECTIVE JANUARY 1, 2014

Effective January 1, 2014, the Board will implement an amendment to the Reporting of Legal Actions Program. Currently, all professional engineers and land surveyors are required to report any criminal convictions, as well as any civil action judgments, settlements, or arbitration awards resulting in a settlement of \$50,000 or greater, and administrative actions to the Board within 90 days of their occurrence or from when the licensee has knowledge of the action. California courts and liability insurers are required to report such to the Board within 30 days. The legal requirements of this program are codified in Articles 4.5 and 5.7 of the Professional Engineers Act and the Professional Land Surveyors' Act (Business and Professions Code sections 6770, et al., and 8776, et al.).

These laws also require a licensee who is convicted of any felony, misdemeanor, or any other crimes that are substantially related to the practice of professional engineering or land surveying to report these actions to the Board within 90 days of knowing of the conviction. California courts and liability insurers have are required to report such to the Board within 30 days.

Effective January 1, 2014, all professional engineers and land surveyors will be required to report any civil action settlements or administrative actions resulting in a settlement greater than \$50,000. In addition, any civil action judgment or binding arbitration award or administrative action resulting in a judgment or binding arbitration award against the licensee shall be reported to the Board if the amount or value of the judgment or binding arbitration award is \$25,000 or greater.

Once the Reportable Event form has been provided to the Board, the Enforcement Unit will review the information reported to determine if a formal investigation case should be opened to determine if any violations of the Professional Engineers Act (Business and Professions Code section 6700, et seq.) or the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.) have occurred.

The form for reporting such actions is available at:

http://www.bpelsg.ca.gov/licensees/reporting_program.shtml.

Also, you may contact Julie A. Baker, Enforcement Analyst, at 916. 263.2237 or Julie.Baker@dca.ca.gov for more information.

NEW EIT AND LSIT PROCEDURES BEGINNING JANUARY 1, 2014

Beginning in January, 2014, the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams will be administered via computer at approved Pearson VUE testing centers. Please [click here](#) to locate the testing center closest to you. The FE and FS exams will now be administered during four testing windows throughout the year: January and February, April and May, July and August, and October and November. Registration will be open year-round at the www.NCEES.org website.

Register, schedule, and pay your exam fees through your MyNCEES account. You will first select your exam location; you will then see a list of available exam dates for your appointment. For additional accommodations, you can browse through available dates at another NCEES-approved testing center. NCEES policy allows applicants to take the exam once during any two-month testing window, but no more than three times in a 12-month period.

Beginning January 1, 2014 all new applicants for certification or licensure will be required to submit a full set of fingerprints for the purpose of conducting a criminal history record check pursuant to the Business and Professions Code section 144.

Subsurface Utility Engineering and Professional Licensing



by William Owen, PG, CEG, Geologist TAC Member and James Foley, PE, SE, Civil TAC Member

In 2012, over 1,700 incidents of damage to utility lines were reported in California. The majority of those breaks occurred during unauthorized digs. The California Contractors State Licensing Board (CSLB) reports 10 complaints pending against licensed contractors for striking PG&E gas lines during unauthorized excavations.

California State law requires you to “Call Before You Dig.” Failure to do so can result in fines up to fifty thousand dollars, in addition to reimbursement of the repair costs for the damaged underground facility. In addition, licensed contractors who damage utilities during unauthorized digs risk revocation of their CSLB license.

Even with properly authorized excavations, the elements of subsurface utility clearance that require licensure by the Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) are often overlooked. It’s important for contractors to be aware of appropriate levels of licensure required for those elements that compose Subsurface Utility Engineering (SUE).

The American Society of Civil Engineers (ASCE) defines “SUE” as a branch of engineering practice that involves managing certain risks associated

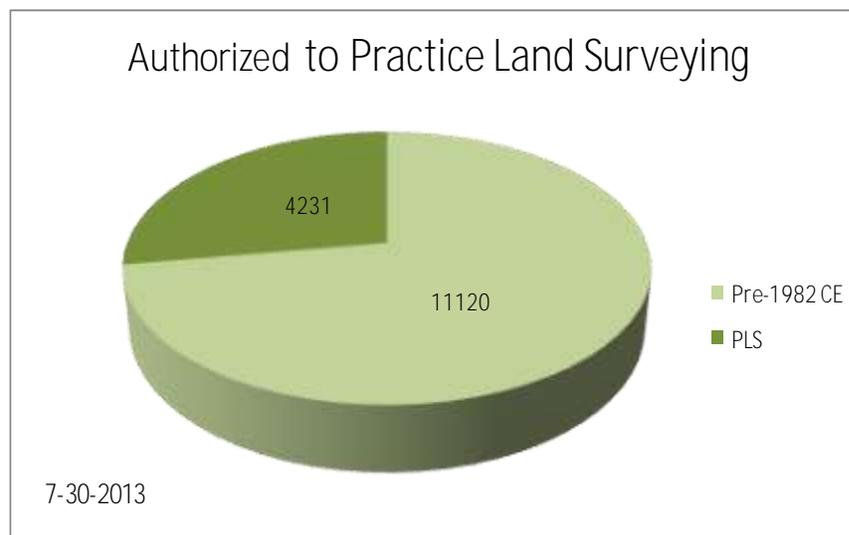
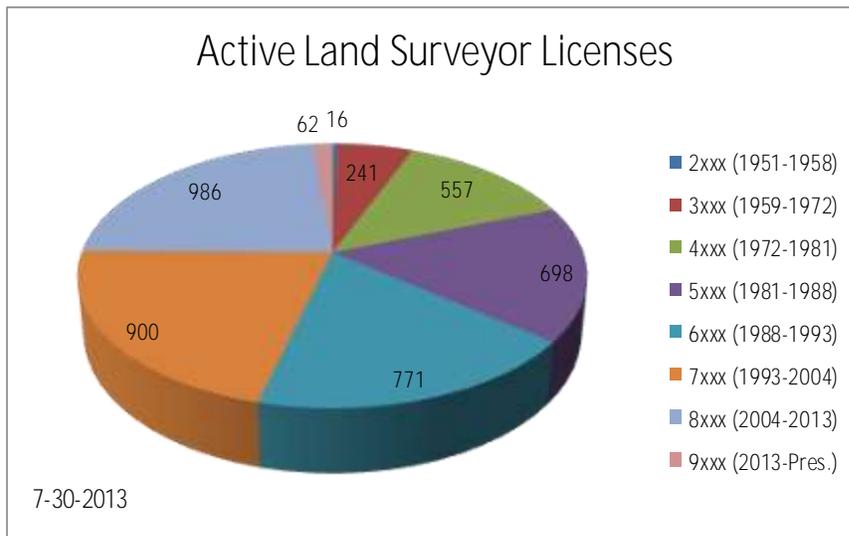
with utility mapping, condition assessment, relocation, and design. ASCE further defines “Locating” as the process of exposing and recording the precise vertical and horizontal location of a utility and “Surface geophysical method” as any number of methods designed to utilize and interpret ambient or applied energy fields for the purpose of identifying properties of, and structure within, the earth.

Under the formal SUE process, these activities are assigned “quality levels” of information, ranging from Quality Level D (the lowest level) to Quality Level A. In California, those definitions and some activities at the prescribed quality levels require the services of Professional Engineers, Professional Land Surveyors and Professional Geophysicists. It is important for those who contract for utility locating services to request the company’s licensing information whenever those services involve position surveying of underground utilities or the preparation of engineering or geophysical reports.

BPELSG is examining SUE practice in California and is evaluating ways of keeping contractors, licensees, and the public informed of the State licensing requirements in this field. Stay tuned for further updates.

BPELSG Interesting Statistics

Quite often, staff at the Board is asked “How many...” or “How long since...” and we dive into our data banks to see what we have that may answer those questions. In this issue of the bulletin, we are addressing the question of “How many licensees are currently authorized to provide land surveying services?” The answer to this inquiry crosses disciplines since prior to January 1, 1982, licensed Civil Engineers were authorized to provide land surveying services provided they were operating within their area of expertise. We thought it would also be interesting to provide information for the licensed Land Surveyors by number series as it would provide a perspective on how many licenses were still active per licensing era. The information is current through July 30, 2013.



NEWS FROM NCEES

Click any of the links below to be taken directly to the article

[Special Update for Engineering Educators](#)

[NCEES Examinee Guide, November 2013](#)

[NCEES Exam Schedule](#)

[NCEES New Board Members](#)

BPELSG Online Information

[Online Address Change Form](#)

[Online License Verification](#)

[Complaint and Enforcement Information](#)

- ◆ How to File a Complaint
- ◆ Disciplinary Actions, Citations, and Criminal Actions
- ◆ Board Policy on Disclosure of Enforcement Complaints and Enforcement Actions

[Laws and Regulations](#)

- ◆ 2013 Laws - Annotated to show changes made in 2012

BPELSG Handbook of Laws and Rules is Available for Purchase!

The 2013 edition of the BPELSG Handbook of Laws and Rules is available for purchase from the Board. The Handbook contains the annotated versions of the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist & Geophysicist Act, and the Regulations of the Board, along with related sections of other laws. The cost per copy is \$10.00. You may request a copy by sending a letter with your mailing address along with a check or money order to the Board for Professional Engineers, Land Surveyors, and Geologists, 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833.



Should you wish to receive future communications from the Board, including the Board Bulletin, which is issued electronically three times per year, please visit the Board's website at www.bpelsg.ca.gov and sign up to "Join Our Email List" under "Quick Hits" on the front page of the site. Also, please "like" us on Facebook to be informed of the latest news affecting our Board and its disciplines.

Like us on Facebook, follow us on Twitter, link to us on LinkedIn, watch us on YouTube

The Board is dedicated to enhancing both individual professional and consumer access to our services and resources. We will continue to expand our role as the primary resource on appropriate professional and consumer issues. To help fulfill our mission of both promoting and protecting the interests of licensed professionals and consumers, the Board will continue to build and maintain effective relationships with:

- ◆ the professional engineering, land surveying and geology communities
- ◆ the educational community engaged in the appropriate disciplines
- ◆ other government agencies
- ◆ consumer and public interest groups

To keep pace with advances in technology and the marketplace, the Board will continue to develop responsive, effective and innovative services. To this end, the Board is pleased to announce the launching of its LinkedIn, Google+, and YouTube accounts, in addition to its Facebook and Twitter accounts. This effort to reach out to our current licensees, potential licensees, as well as any other interested parties, will help further the Board's mission.

We are attempting to increase our visibility in the professional community by building our email, Facebook, Twitter, and LinkedIn following. YouTube will be a means of sharing original Board produced video productions with our customers. We invite you to allow us to reach out to you in as many ways as possible to you, the professionals – and aspiring professionals - in our disciplines. Please know that these are the latest attempts for the Board to remain central to the disciplines that it regulates. We want you to have all the current information possible. We are sure you will “like” us! Please contact the Outreach Administrator at the Board for additional information.

