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BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BULLETIN

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Our Spring 2015 *Bulletin*

We hope you enjoy this issue of the *Bulletin*. Our theme for this quarter's issue is "It's a new year, let's welcome new changes." As we embark on a new year, we want to share with our readers the changes taking place at the Board for Professional Engineers, Land Surveyors, and Geologists, and within the professions. We are gearing up for our Sunset Review with the Legislature. We are implementing a new Strategic Plan and refocusing our efforts. Additionally, fingerprinting for **applicants only** will be mandatory starting July 1, 2015. Please read all about it and many other topics that we hope you'll find enjoyable and informative.

Take a look inside! If you have any ideas for article topics, please let us know.

Message From the Executive Officer

Richard B. Moore, PLS

It is spring 2015, an ever-changing season that promises new growth and the reoccurrence of regular events. The Board for Professional Engineers, Land Surveyors, and Geologists (BPELSG) is experiencing new growth as witnessed by the many recent outreach opportunities dedicated to introducing licensure to new individuals and promoting the offering of quality professional services to the consumers of California. BPELSG is also undergoing a growth of a different type that reoccurs every four years, sunset review. Government Code, section 9147.7, provides for a regular comprehensive analysis to determine if an agency is still necessary and cost effective in fulfilling its mission to serve the public. This cycle, the Sunset Committee is composed of equal representation from the State Senate and State Assembly. BPELSG published its *2014 Sunset Review Report* last October and can be found on **www.bpelsg.ca.gov** under "Publications." Our hearing is scheduled during March of this year and if successful, BPELSG will extend its sunset date until January 1, 2020. We encourage everyone to learn more about BPELSG by reading the report.

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Message from the Executive Officer (continued from page 1)

In this issue of the *Bulletin*, our current Board Vice President, Robert Stockton, P.E., discusses additional details pertaining to BPELSG's new Strategic Plan, which can also be found in the "Publications" section of the BPELSG's website. Reading through that article, the reader should develop a sense of BPELSG's priorities in a general operational sense and perspective for some of the legislative efforts proposed by BPELSG in its *Sunset Review Report*.

Additionally, it is apparent that the Strategic Plan considers outreach to licensees, students, universities, and the public a high priority. Recently, BPELSG has received requests to review current regulation related to soil-testing laboratories and new draft policies and efforts published by other state agencies pertaining to water resources. BPELSG has asked its various technical advisory committees to review, monitor, and work with staff to make recommendations to BPELSG as necessary. In that regard, please take a few moments to read the article prepared by various members of our civil and geotechnical committees on Board Rule 461 and the report on Water 2015 by Susan Christ, P.E., and Staff Senior Registrar.

BPELSG staff and Board members are always interested in speaking with groups associated with licensure, as evidenced by additional articles in this issue on recent outreach events. Along with staff member Brooke Phayer, I was able to speak with quite a few students and new associate professors for the Fresno State Geomatics (Land Surveying) Program at their 54th annual conference on the importance of licensure and the path in which to take. Our very own electrical engineer Board member, Eric Johnson, P.E., was invited to represent BPELSG by attending a Senate floor resolution authored by State Senator Anthony Cannella recognizing Engineers Week 2015.

On the National Council of Examiners for Engineering and Surveying (NCEES) front, two licensees of BPELSG, William "Bill" Hofferber, PLS, and John Wilusz, P.E., PLS, volunteered their time to judge the NCEES Best Land Surveying Practices Award at regional Future City competitions (**www.futurecity.org**) in Southern and Northern California. They came away from those events very impressed with the future growth of the professions that BPELSG regulates.

Board News

Elizabeth Mathieson, CEG, 59, of Alameda, has been appointed to the Board for Professional Engineers, Land Surveyors, and Geologists (Board), where she has been a licensed expert in the Examination Development Unit since 2009.

William "Jerry" Silva, 51, of Upland, has been reappointed to the Board as a Public Member where he has served since 2010. Since 2014, Silva has been Reliability Compliance Manager at Southern California Edison, where he has held

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Our Strategic Plan

By Robert Stockton, P.E., Board Vice President

On June 5, 2014, the Board for Professional Engineers, Land Surveyors, and Geologists (Board), conducted a workshop to come up with a Strategic Plan and Action Plan for 2015–2018. This planning effort was facilitated by SOLID (Strategic Organization, Leadership, and Individual Development) and was significantly different from earlier strategic planning efforts. The result was not only an Action Plan with specific goals for achievement, but also a new Mission statement, Vision statement, and Values. The new Strategic Plan was adopted by the Board on July 31, 2014.

This planning effort was a collaborative endeavor of the Board and staff, with changes, modifications, and new additions developed by consensus. The process gathered as much input from stakeholders as possible. In addition to this daylong planning session, we arranged and managed additional collaborations:

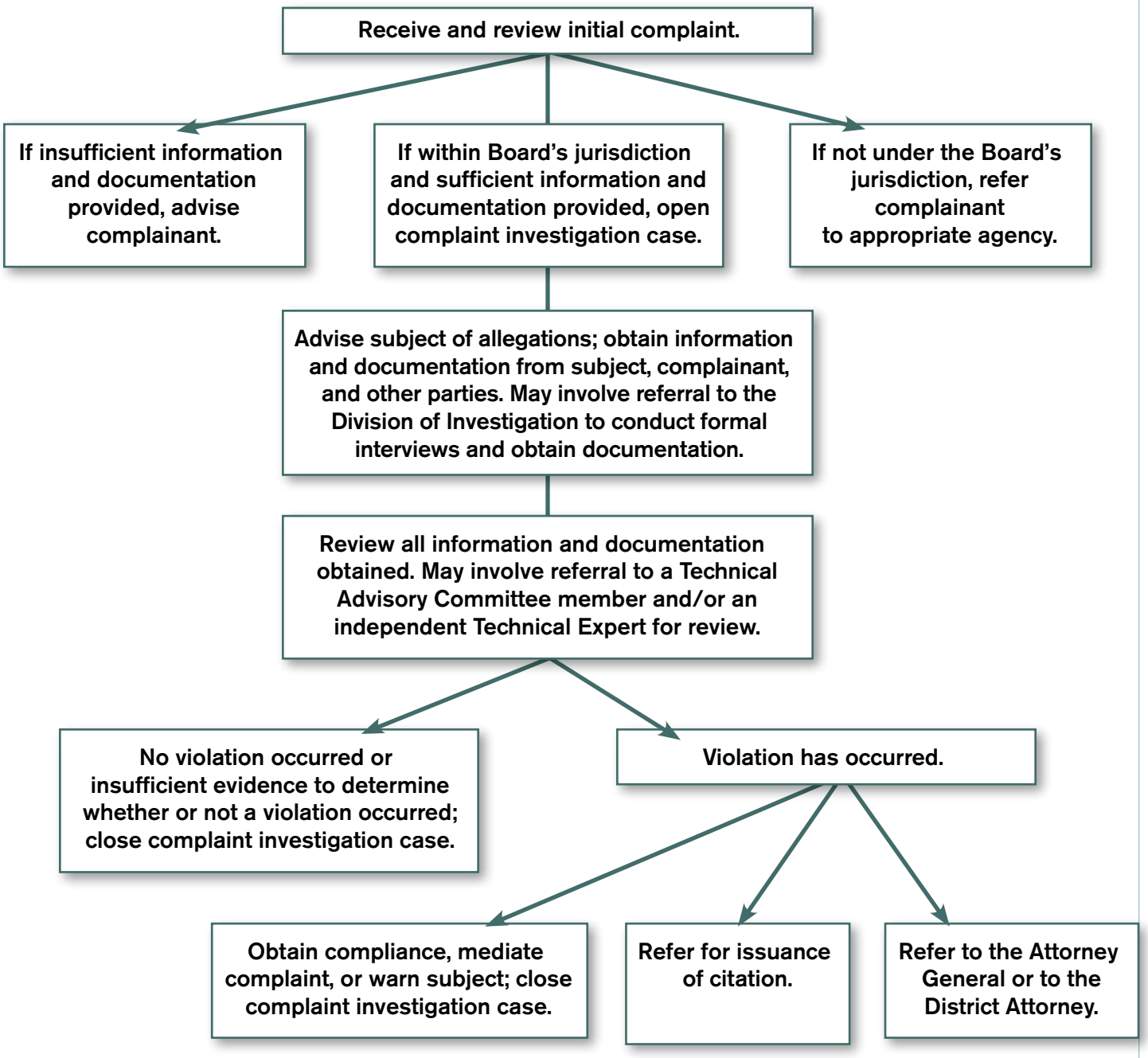
- Performed a stakeholder survey of 25,000 licensees and organizations to capture broad opinions and insight.
- Held workgroups with Board staff to brainstorm issues/problems and generate goals and objectives to resolve them.
- Held individual phone interviews with Board members to capture anonymous insights about Board direction.
- Created an "environmental scan," identifying input from all sources to create a framework for strategic plan development.

The timing of this new Strategic Plan was ideal, as the Board is currently in the sunset review process, and allowed for specific goals to be identified in both the Strategic Plan and the Sunset Report. These goals, along with the 2015 action items, were recently approved by the Board at the February 2015 meeting.

The Board considers this Strategic Plan to be a "living" document, and a road map for future improvements for Board policies and procedures. We encourage you to access the current Strategic Plan online (**www.bpelsg.ca.gov/pubs/2015-2018_bpelsg_strategic_plan.pdf**), and as always, we welcome your input!

Board for Professional Engineers, Land Surveyors, and Geologists General Overview of the Complaint Investigation Process

This flowchart provides a general overview of the Board for Professional Engineers, Land Surveyors, and Geologists' (Board's) complaint investigation process. However, each complaint investigation case is handled on an individual basis and may not go through all of the steps or may not go through the steps in the order shown.



Enforcement Department Citation Information

By Tralee Morris, Enforcement Analyst

The overall number of citations that are issued to licensees (as well as unlicensed individuals) and that become final may vary; however, each quarter there is an identifiable trend of violations. Knowing that certain code violations predominate each quarter teaches us as licensees and as consumers that in the world of engineering and land surveying, there are certain areas that we need to be more diligent about when either contracting out services or hiring a professional.

In the State of California, only appropriately licensed individuals may offer engineering and/or land surveying services and those services must be offered through a written contract, per Section 6749 of the Professional Engineers Act (Business and Professions Code section 6700, et seq.) and Section 8759 of the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.). The written contract shall be executed by the professional engineer and/or land surveyor and the client, or his or her representative, ***prior*** to the professional engineer and/or land surveyor commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. "Written contract" as used in these sections includes a contract that is in electronic form. The written contract shall include, but not be limited to, ***all*** five of these elements:

(1) A description of the services to be provided to the client by the professional engineer.

(2) A description of any basis of compensation applicable to the contract and the method of payment agreed upon by the parties.

(3) The name, address, and license or certificate number of the professional engineer, and the name and address of the client.

(4) A description of the procedure that the professional engineer and the client will use to accommodate additional services.

(5) A description of the procedure to be used by any party to terminate the contract.

Sections 6749 and 8759 of the Business and Professions Code do include exemptions to the written contract law as follows:

(1) Professional engineering services rendered by a professional engineer for which the client will not pay compensation.

(2) A professional engineer who has a current or prior contractual relationship with the client to provide engineering services, and that client has paid the professional engineer all of the fees that are due under the contract.

(3) If the client knowingly states in writing after full disclosure of this section that a contract which complies with the requirements of this section is not required.

(4) Professional engineering services rendered by a professional engineer to any of the following:

(A) A professional engineer licensed or registered under this chapter.

(B) A land surveyor licensed under Chapter 15 (commencing with Section 8700).

(C) An architect licensed under Chapter 3 (commencing with Section 5500).

(D) A contractor licensed under Chapter 9 (commencing with Section 7000).

(E) A geologist or a geophysicist licensed under Chapter 12.5 (commencing with Section 7800).

(F) A manufacturing, mining, public utility, research and development, or other industrial corporation, if the services are provided in connection with or incidental to the products, systems, or services of that corporation or its affiliates.

(G) A public agency.

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Enforcement Department Citation Information (continued from page 5)

Violations of sections 6749 and 8759 of the Business and Professions Code are violations that are quite prevalent in enforcement complaint cases. Knowing this provides both licensees and consumers the opportunity to review these sections of the law and to ensure that when either contracting out your services or when hiring a professional, that if an exemption does not apply, then a written contract, containing the above five elements above, must be executed prior to work commencing. The written contract provides clarification and protects both the licensee and the consumer.

In situations where a written contract that includes all of the required information is executed, the Enforcement Unit finds that the resolution of a consumer complaint, if one is filed, is resolved in a more expedient manner with a better outcome for all parties involved than complaints that are received where no written contract exists or where a contract lacks some or all of the required elements.

Another top citation violation that is issued to licensed land surveyors and licensed civil engineers authorized by section 6731 of Business and Professions Code to practice land surveying is that of section 8762 of the Business and Professions Code, which states: "The record of survey required to be filed pursuant to this section shall be filed within 90 days after the setting of boundary monuments during the performance of a field survey or within 90 days after completion of a field survey, whichever occurs first."

Every quarter the Enforcement Unit sees a significant number of violations relating to the failure of land surveyors to file a record of their survey with the county. As a licensee, it is very important to communicate a filing requirement to your client and to be certain that your client is aware as to when you intend to file your survey with the county, if filing is required. As a consumer, it is important to discuss with your surveyor, prior to executing the written contract, what the scope of the surveyor's services will be and whether the county's filing fees are included in the fee being charged by the surveyor or if those fees are separate. Furthermore, it is important for both licensee and consumers to be aware that if a filing requirement is triggered, whether that information is known from the start of the project or discovered during the course of the field survey, it is the responsibility of the licensee to file with the county within the required time limit.

Another violation that is frequently seen in the citation statistics each quarter is that of unlicensed offering and/or practicing of engineering and/or land surveying, a violation of section 6787 of the Business and Professions Code and section 8792 of the Business and Professions Code. The Enforcement Unit cannot stress to consumers enough that only licensed engineers and land surveyors may offer engineering and/or land surveying services in the State of California. Unlicensed offering and practice in California is also closely tied with another common violation, that of aiding and abetting the unlicensed offering and practice of engineering and/or land surveying by a licensee, a violation of sections 6775(f) of the Business and Professions Code and section 8780(f) of the Business and Professions Code. Licensees must take care to remain in responsible charge of the project at hand, including the work performed by their subordinates, as is defined in Section 404.1 and 404.2 of the Board Rules (Title 16, California Code of Regulations section 400, et seq.).

The above-mentioned violations that are most frequently included in citations are violations that are easily mitigating: As a licensee, by preparing a written contract that includes the five required elements (listed on page 5) and is executed prior to work commencing; by remaining in responsible charge of all engineering and/or land surveying services, including keeping the channels of communication open with your client(s); and filing survey documents in a timely fashion, in the case of land surveying, you are taking strides to help protect yourself, and your company, from getting into a situation where a complaint may be filed with the Enforcement Unit and a citation may be issued against you.

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Enforcement Department Citation Information (continued from page 6)

As a consumer, it is important to protect yourself from the financial and emotional distress of finding yourself in a situation where you feel you have no other option than to file a complaint with the Enforcement Unit. By keeping the above in mind, when looking to hire an engineer and/or land surveyor, you are taking steps to educate yourself so that you can make the best decisions when selecting a team of professionals to complete your project.

The Analysts in the Enforcement Unit are always happy to assist in answering any questions that a consumer or a licensee may have with respect to the law. The Enforcement Unit recommends that prior to hiring an engineer and/or land surveyor, consumers first check to make sure that he or she is actively licensed in the State and that there is no disclosable enforcement history.

Citations Issued to Licensees: Fiscal Year 2014–15 (October–December)

Citations are issued to licensed engineers, land surveyors, geologists, and geophysicists when the severity of a violation may not warrant suspension or revocation of the licensee's right to practice. When a fine is levied with a citation, payment of the fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter pursuant to Business and Professions Code section 125.9(d). Code sections numbered in the 6700s, 7800s, and 8700s refer to the Business and Professions Code; those numbered in the 400s and 3000s refer to Title 16 of the California Code of Regulations. All final citations are matters of public record; for a copy of the final citation order, contact the Board for Professional Engineers, Land Surveyors, and Geologists' Enforcement Unit at **BPELS.Enforcement_Information@dca.ca.gov**. Please include the name of the cited person and the citation number in your request.

Cited Person	Violated Code Section(s)	Citation No.	Date Final
Cummings, Allen	8759; 8780(D)(F); 404.2	10388-L	12/7/2014
Darvasan-Stanciu, George	8762(B)(3); 8771(A); 8780(B)	10391-L	12/20/2014
Gillespie, Paul	6749(A)(5); 6775(C)	10394-L	12/26/2014
Hubbell, Jonathan	8729(I); 8759(A)(4)(5); 8761; 8773.2(B)	10393-L	12/26/2014
Jong, Hank	6775(G); 475(A)	10369-L	10/8/2014
Lara, Carlos	6775(F)	10384-L	11/2/2014
Mayer, Bernhard	8759(A); 8762(B)(4); 8771(A); 8780(B)	10370-L	10/8/2014
Meum, Olav	8762(C); 8767	10377-L	10/19/2014
Miedema, Ronald	8762(C); 8767	10378-L	10/19/2014
Nickolas, Kevin	8759; 8762(C); 8771(A); 8772; 8780(G)	10390-L	12/7/2014
Preece, Steven	8780(B)	10270-L	12/12/2014
Smith, Gregory	8761; 8762(C); 8767	10385-L	11/2/2014
Tuma, Albert Iii	8792(A)	10358-L	11/27/2014
Varden, Edmond	6738(I); 6775(F)	10383-L	11/2/2014

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Enforcement Department Citation Information (continued from page 7)

Citations Issued to Unlicensed Individuals: Fiscal Year 2014–15 (October–December)

Citations are an alternative to criminal prosecutions that the Board for Professional Engineers, Land Surveyors, and Geologists (Board) can use to enforce the laws prohibiting the unlicensed practice of engineering, land surveying, geology, and geophysics, or other activities for which a license is required. When a fine is levied with a citation, payment of the fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter pursuant to Business and Professions Code section 125.9(d). Code sections numbered in the 6700s, 7800s, and 8700s refer to the Business and Professions Code; those numbered in the 400s and 3000s refer to Title 16 of the California Code of Regulations. All final citations are matters of public record; for a copy of the final citation order, contact the Board's Enforcement Unit at **BPELS.Enforcement_Information@dca.ca.gov**. Please include the name of the cited person and the citation number in your request.

Cited Person	Violated Code Section(s)	Citation No.	Date Final
Aguirre, Alfonso	6787(A)(D)(G)	10372-U	10/8/2014
Alcala, Arturo	8792(A)(E)	10375-U	10/19/2014
Birdi, Moninder	6787(H)	10264-U	10/10/2014
Kulpa, James	8792(A)(I)	10349-U	12/4/2014
Quarle, Jeffrey	8792(A)	10208-U	12/12/2014
Sunga, Mariti	6787(A)(H)	10360-U	11/27/2014
Van Valer, Jeff	8792(A)	10362-U	12/21/2014

Formal Administrative Disciplinary Decisions: Fiscal Year 2014–15 (October–December)

A formal disciplinary decision is considered formal administrative disciplinary action against a licensee. It results from the Board for Professional Engineers, Land Surveyors, and Geologists' (Board's) adoption of a proposed decision prepared by an administrative law judge following a hearing, a stipulated settlement agreement, or a default decision after a full investigation and the filing of an accusation. An accusation is a formal legal document that notifies a licensee of the Board's charges and allegations of violations against the licensee and that requests a disciplinary order be issued. The licensee is entitled to contest the charges at a formal hearing before an administrative law judge or to agree to a stipulated settlement. A final disciplinary decision contains findings and determinations or statements of advisements, waivers, and culpability and a disciplinary order. If there are findings of violations, the order may include revocation or suspension of the license, a stayed revocation or suspension of the license with a probationary period and terms and conditions or probation, or a public reproval. In the alternative, the decision may find that no violations or violations of a de minimus nature occurred and order the dismissal of the accusation. All final disciplinary decisions are matters of public record; for a copy of the final decision, you may contact the Board's Enforcement Unit at **BPELS.Enforcement_Information@dca.ca.gov**. Please include the name of the respondent and the case number in your request.

Respondent	Case Number	Effective Date
Public Reproval		
Xu, Joseph Xiaohe	1088-A	12/12/2014
Revocation of License		
Wilke, Fred	1064-A	12/12/2014
Revocation, Stayed; Probation		
Handy, Solomon	1063-A	10/24/2014
Luther, Bernard	1010-A	10/17/2014
Swinth, Rickard	1058-A	10/24/2014
Wilson, David Ian	1057-A	12/12/2014
Voluntary Surrender of License		
Pascual, Silvestre	963-A	12/12/2014

What is the Administrative Services Unit and What Do We Do?

The Administrative Services Unit (ASU) runs the day-to-day operations of the Board for Professional Engineers, Land Surveyors, and Geologists (Board). The Unit, comprised of 11 staff members and one manager, provides operational support and assistance to the public, licensees, applicants, and internal Board staff. ASU's key functions include:

- Front desk reception
- Phone call screening and routing
- Outgoing and incoming mail processing
- Address change requests management
- License verifications/certifications
- Application cashiering for professional engineer, professional land surveyor, and geologist
- Initial license cashiering (for geologists only)
- License renewal processing and cashiering
- Website development and maintenance
- Public Board meetings scheduling
- Human resources and employee relations
- Business services (contracts and purchases)
- Facilities management
- Board budget, expenditure, and revenue monitoring
- Outreach event coordination
- Social media management and Board publications production
- Legislative tracking and analysis

The Unit has two front desk receptionists who answer and direct calls to appropriate staff. In addition, the receptionists handle address change requests, license verifications, and act as backup to the mail desk. Another member of staff handles all incoming and outgoing mail. Mail includes enforcement correspondence, license certificates, license renewal letters, expert consultant contract documents, and more than 12,000 applications received for licensure each year.

Processing application, exam, and license fees is another component of administration. Our cashier processes all fees related to applications, exams, and initial license (for geologists only) and handles correspondence related to payment issues, and another staff person processes license renewals. Both act as a backup for the other, if required. Two members of staff provide Engineer-in-Training/Land Surveyor-in-Training certification and assistance with application evaluations and scheduling for licensing exams.

We have one member of staff managing the website, including content development and maintenance, plus scheduling public Board meetings and acting as the Board member liaison. Another staff member is responsible for outreach, including organizing and attending events, overseeing social media, creating publications, and educating California schools about the value of licensure.

The Board for Professional Engineers, Land Surveyors, and Geologists' Administrative Services Unit team.

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Changes to the Board's Laws That Apply to Local Governmental Agencies

On January 1, 2015, changes to both the Professional Land Surveyors' Act and the Professional Engineers Act that apply to governmental agencies and their employees became effective.

Section 8725.1 was added to the Professional Land Surveyors' Act (California Business and Professions Code) requiring that all licensure requirements imposed upon private sector professional land surveyors shall be imposed upon individuals performing land surveying for a governmental agency. Section 8725.1 states as follows:

> *It is the intent of the Legislature that the licensure requirements that are imposed upon private sector professional land surveyors and land surveying partnerships, firms, or corporations shall be imposed upon the state and any city, county, city and county, district, and special district that shall adhere to those requirements. Therefore, for the purposes of Section 8725 and this chapter, at least one person authorized to practice land surveying shall be designated the person in responsible charge of professional land surveying work practiced in any department or agency of the state, city, county, city and county, district, or special district.*

This requirement has been a part of the Professional Engineers Act, in Section 6730.2, for many years. The addition of Section 8725.1 has made it clear that professional land surveying services performed for or by a governmental agency are required to be done by a person legally authorized to perform land surveying services. These sections clarify that the requirement for licensure applies to governmental agencies and their employees as well as licensees working in the private sector.

The change to the Professional Engineers Act was an addition to Section 6730.2, which has been amended to add subsection (c) concerning monument preservation. Section 6730.2(c) states as follows:

> *The designated person in responsible charge of professional civil engineering work of any department or agency of the state, city, county, city and county, district, or special district pursuant to this section is responsible for compliance with subdivisions (b) and (c) of Section 8771.*

The addition of Section 6730.2(c) identifies that the civil engineer in responsible charge for civil engineering work at a department or agency is responsible for compliance with the laws pertaining to the preservation of monuments that control the location of subdivisions, tracts, boundaries, roads, streets, or highways, or provide horizontal or vertical survey control, and the monuments shall be located and referenced prior to the time when construction of the project begins so monumentation is not lost and that any existing monumentation can be retained or replaced in their original position.

Based upon these new requirements, the Board for Professional Engineers, Land Surveyors, and Geologists (Board) is in the process of creating a form to be completed by governmental agencies that will identify the engineers and surveyors in responsible charge of performing the respective engineering and land surveying duties for their agency. The form, *Notice of Department or Agency Association*, will be required to be filed by all governmental agencies that perform civil, electrical, and mechanical engineering or land surveying services whether that agency is a State, city, county, or city/county agency, or a district or special district. The form will provide the Board with a record of who, whether an agency employee or a contracted individual, is in responsible charge of engineering and surveying services for each department or agency.

Board News (continued from page 2)

several positions since 1982, including senior project manager, strategic information manager, public affairs region manager, area manager, and project engineer. He is a member of Hispanic 100.

Erik Zinn, P.G., leaves the Board after four years of service, serving as President from 2013–2014.

For more information, see Governor Brown's appointments announcement at **http://gov.ca.gov/news.php?id=18859**.

Legislation and Regulation News

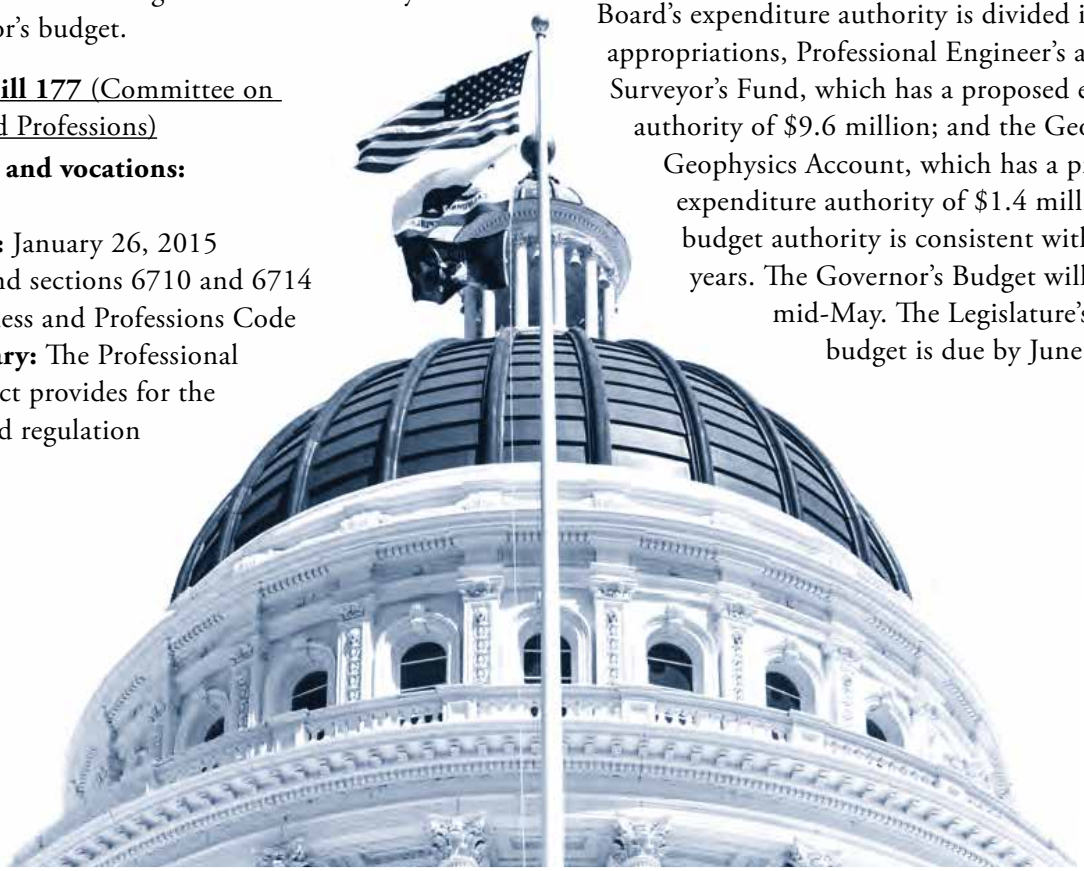
Every legislative session, the Board for Professional Engineers, Land Surveyors, and Geologists (Board) tracks and analyzes bills that impact the licensed professions the Board regulates and the statutes that determine that authority. We consistently strive to identify, analyze, and advertise at public Board meetings the bills introduced that may change the landscape of our statutory authority. Below is a summary of current legislation we are tracking and a brief summary of the Governor's budget.

Assembly Bill 177 (Committee on Business and Professions)

Professions and vocations: Engineers
Introduced: January 26, 2015
Laws: Amend sections 6710 and 6714 of the Business and Professions Code
Bill Summary: The Professional Engineers Act provides for the licensure and regulation of engineers by the Board, in the Department of Consumer Affairs. This bill would extend the operation of these provisions until January 1, 2020.

Governor's Proposed Budget

Governor Brown proposed a carefully balanced budget on January 9, 2015. The Board proposed program annual expenditure authority approved by Governor Brown is $11 million in Fiscal Year 2015–16. The Board's expenditure authority is divided into two appropriations, Professional Engineer's and Land Surveyor's Fund, which has a proposed expenditure authority of $9.6 million; and the Geology and Geophysics Account, which has a proposed expenditure authority of $1.4 million. The budget authority is consistent with prior years. The Governor's Budget will be revised mid-May. The Legislature's approved budget is due by June 15, 2015.



Recent Board Outreach Events

Geomatics Engineering Conference

The Board for Professional Engineers, Land Surveyors, and Geologists' Executive Officer Ric Moore, PLS, and Outreach Coordinator Brooke Phayer presented the steps to licensure at the 54th Annual California State University, Fresno, Geomatics Engineering Conference held February 20 and 21, 2015, in Fresno.

The Geomatics Engineering Conference is a student-run event that features exhibitors, raffles, auctions, a scholarship banquet, and speakers discussing various topics in the field of land surveying—or geomatics engineering—as it is referred to at Fresno State University.

Fresno State University and California State Polytechnic University, Pomona, have the two California four-year geomatics programs leading to the Bachelor of Science degree accredited by ABET, the national educational accreditation body for engineering and land surveying programs.

The Board for Professional Engineers, Land Surveyors, and Geologists' Outreach Coordinator, Brooke Phayer, with some of the many California State University, Fresno, Geomatics Conference student participants.

The California Legislature recognizes the work of California Engineers and E-Week

Front Row *(L-R): Eric Johnson, representing the BPELSG; Cathrina Barros, representing the Professional Engineers in California Government; Senator Anthony Canella; Oscar Serrano, with his wife Sandra Serrano accompanying, representing the American Society of Civil Engineers.*

Back Row *(L-R): Don Schinske and Ryan Kersting, representing the Structural Engineers Association of California; Bruce Presser, representing the American Council of Engineering Companies; Krista Looza, representing the Structural Engineers Association of California.*

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Recent Board Outreach Events (continued from page 12)

2015 Future Cities Competition

The Future City Competition is a national, project-based learning experience in which 6th-, 7th-, and 8th-grade students imagine, design, and build cities of the future. There are several special awards presented during the competition. These special awards highlight different aspects of each city and reward the students for their hard work in those areas. The "Best Surveying Practice" award was sponsored by the National Council of Examiners for Engineering and Surveying (NCEES), one of many corporate sponsors of the competition. In January and February of this year, two licensees of the Board for Professional Engineers, Land Surveyors, and Geologists, William "Bill" Hofferber, PLS, and John Wilusz, P.E., PLS, volunteered their time to judge the Best Land Surveying Practices Award at regional Future City competitions (**www.futurecity.org**) in Southern and Northern California. Here are their comments about the events:

Wildwood School (Upper/Middle Campus)
Santa Monica, CA – January
Attended by William "Bill" Hofferber, PLS

Overall, there were 22 schools, from San Diego to Santa Barbara and east to Fontana, competing in this round with regional winners moving on to state and national competition later in the year.

The best use of Survey Practices criteria was to be based on some general use concepts such as:

- Incorporated the services of a land surveyor
- Do you know what a land surveyor does?
- Did you use mapping in the development of your city? (topography; who develops maps; who does topography)
- Accurately used coordinates (how did you know where to place buildings, roads, etc. … ? how can you be sure they are placed accurately?)
- When building, how do you know that you are building in the correct location? (Construction stake-outs)
- Did you incorporate GIS into the development of your city? (What is it and how do surveyors contribute to it and use it?)

Very early on in reviewing teams it was apparent that the criteria were going to need modification or be completely eliminated. While many of the teams had a considerable degree of understanding and had obviously been educated on practices such as renewable energy, sustainable food sources, and transportation, it was also just as apparent that very few had any knowledge of land survey practices. In lieu of using the criteria I quickly adjusted to more of an open concept of interaction with the teams addressing what land surveyors do, how they interact with engineers in the concept, mapping, design, development, permitting, construction, and finalization of all development projects. I discussed their use of scale, north orientation, and overall concept with their model cities. Many of them were fascinated with the concepts of aerial mapping, LiDar, and terrestrial scanning and how we use these technologies in our everyday products.

It was very rewarding to interact with these young students and to observe their approach to what they feel the future needs of communities will be. In general they are all thinking well outside the box with ideas such as hydroponics, bio-domes, renewable and transferable energy, concentrated photovoltaic (CPV) transportation corridors, and high protein food sources such as sardines, crickets, and tilapia, along with the need to preserve water supplies and develop desalinization capabilities.

California State University, Stanislaus
Turlock, CA – February
Attended by John Wilusz, P.E., PLS

Over 30 teams from schools throughout Northern California and Nevada participated in the event. The theme of this year's event was Feeding Future Cities. The competitors selected one vegetable and one protein and designed a way to grow enough of each to feed a city. Energy production was another important theme. Each team built a model of its city using recycled materials, and made a public presentation before a panel of judges. Teams were judged on their ability to produce a design that employed best land surveying practices, taking into

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Association News

NCEES

The National Council of Examiners for Engineering and Surveying (NCEES) is a national nonprofit organization 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. It also facilitates professional mobility and promotes uniformity of the U.S. licensure processes through services for its member licensing boards and licensees. The Council's members are the engineering and surveying licensure boards from all 50 states, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

NCEES Launches Squared: A Year in Numbers
February 12, 2015

NCEES is pleased to introduce the inaugural issue of *NCEES Squared*, the official NCEES source for engineering and surveying licensure statistics. This new annual publication is designed to make licensure data available to a wide audience, including educators, employers, and the general public. It includes information about the number of U.S. licensees, exam volume and pass rates for NCEES exams, the average age of examinees, and much more.

"'Squared' refers to being direct, honest, and in good order," said NCEES Chief Executive Officer Jerry Carter. "Recent technology enhancements now allow us to analyze more data. We wanted to offer a straightforward account of our 2013–14 fiscal year through data that measure where licensure is today and the trends we are seeing. We hope this information will help more people understand licensure and its importance to our everyday lives."

Click here for more about **NCEES Squared**.

NCEES has also released its 2014 annual report as an interactive website that complements the printed publication. The annual report provides an overview of the organization's accomplishments and growth over the past fiscal year. The annual report website features videos from 2014 events and interviews with NCEES members and leadership on the organization's various initiatives.

Click here to explore the interactive annual report and to download a PDF of the printed publication.

*This article is reprinted courtesy of the NCEES (**ncees.org**).*

ABET

ABET is a nonprofit and nongovernmental accrediting agency for academic programs in the disciplines of applied science, computing, engineering, and engineering technology. Formerly the Accreditation Board for Engineering and Technology, ABET is a recognized accreditor in the United States by the Council for Higher Education Accreditation.

ABET accreditation provides assurance that a college or university program meets the quality standards established by the profession for which the program prepares its students. ABET accredits postsecondary programs housed in degree-granting institutions that have been recognized by national or regional institutional accreditation agencies or national education authorities worldwide.

ABET accredits 3,466 programs in applied science, computing, engineering, and engineering technology at 698 institutions in 28 nations.

ABET Vision and Mission

ABET Vision

ABET is recognized as the worldwide leader in assuring quality and stimulating innovation in applied science, computing, engineering, and engineering technology education.

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Recent Board Outreach Events (continued from page 13)

consideration the high standards used by surveyors to help protect the public's safety and welfare.

The event will be covered in greater detail in the forthcoming Issue #181 of the *California Surveyor*, the quarterly publication of the California Land Surveyors Association.

Water 2015

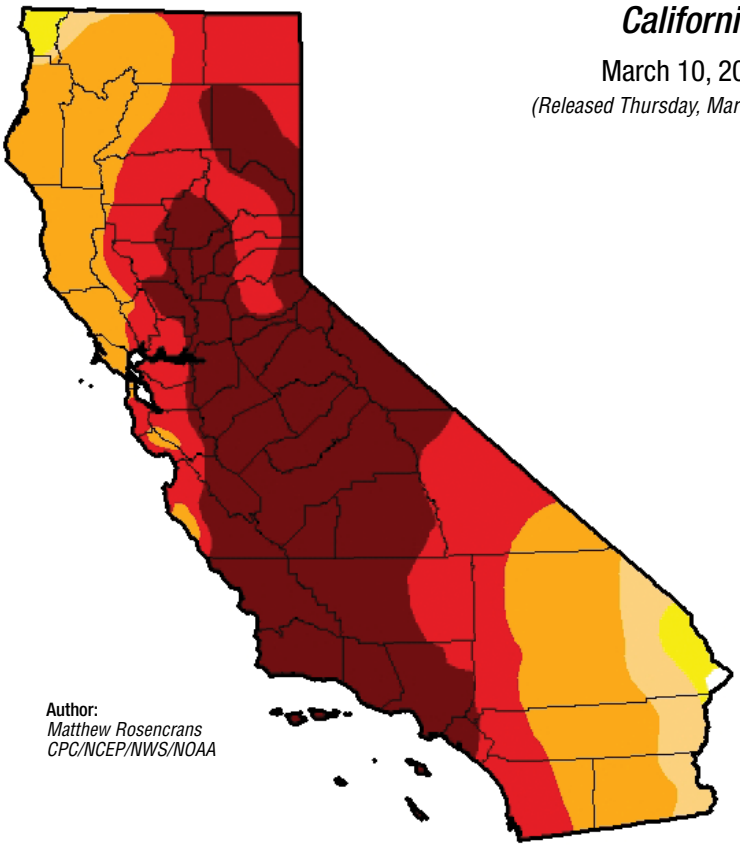
Susan Christ, P.E., the Board's staff civil engineer and registrar, attended Water 2015 on February 19, 2015, in Sacramento. Water 2015, sponsored by *Capitol Weekly* and University of California Center Sacramento, is a daylong program looking at the future of water in California and was the 14th conference on critical State issues.

The event featured 24 water experts and decision-makers looking at water policy in California. Panelists debated the Bay Delta Conservation Plan (twin tunnels), the impact of the 2014 $7.5 billion Water Bond, water rights, and new groundwater legislation. Other topics of discussion were water supply and storage, including the proposed Sites Reservoir; reverse osmosis; the success of Los Vaqueros Reservoir; as well as the impact of the continuing drought, water conservation, and the State's aging water infrastructure.

U.S. Drought Monitor
California

March 10, 2015

(Released Thursday, March 12, 2015)



Author:
Matthew Rosencrans
CPC/NCEP/NWS/NOAA

Drought Conditions (Percent Area)

	None	D0–D4	D1–D4	D2–D4	D3–D4	D4
Current	0.16	99.84	98.11	93.44	67.46	39.92
Last Week *3/3/2015*	0.16	99.84	98.10	93.44	67.46	39.92
3 Months Ago *12/9/2014*	0.00	100.00	99.72	94.42	79.69	55.08
Start of Calendar Year *12/30/2014*	0.00	100.00	98.12	94.64	77.94	32.21
Start of Water Year *9/30/2014*	0.00	100.00	100.00	95.04	81.92	58.41
One Year Ago *3/11/2014*	0.01	99.99	94.56	90.81	65.89	22.37

Intensity:

- *D0 Abnormally Dry*
- *D1 Moderate Drought*
- *D2 Severe Drought*
- *D3 Extreme Drought*
- *D4 Exceptional Drought*

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. See website for more information.

http://droughtmonitor.unl.edu/

Association News (continued from page 14)

ABET Mission

ABET serves the public globally through the promotion and advancement of education in applied science, computing, engineering, and engineering technology. ABET:

- Accredits educational programs.
- Promotes quality and innovation in education.
- Consults and assists in the development and advancement of education worldwide.
- Communicates and collaborates with its constituents and the public.
- Anticipates and prepares for the changing educational environment and the future needs of its constituents.
- Manages its operations and resources in an effective and fiscally responsible manner.

*This article was reprinted from the ABET website (**www.abet.org**).*

No news to report.

ASBOG

Mission Statement

The National Association of State Boards of Geology (ASBOG) serves 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.

*This article was reprinted from the ASBOG website (**www.asbog.org**).*

No news to report.

New Fingerprinting Application Requirement

Effective July 1, 2015, all applicants will be required to submit fingerprints prior to certification or licensure for the purpose of conducting criminal history checks. If you have been fingerprinted by another agency or entity, you will need to undergo the fingerprinting and criminal history check process again specifically for the Board for Professional Engineers, Land Surveyors, and Geologists (Board).

Applicants who reside in California **must** complete the electronic Live Scan fingerprint process. Applicants residing outside of California may also choose the Live Scan option if visiting the State, otherwise hardcopy fingerprint cards will need to be submitted. However, please be aware that the fingerprint process through the hardcopy fingerprint cards can take three to four months to complete.

Once you have submitted fingerprints to the Board and they have been verified as valid, you do not need to submit fingerprints again with subsequent applications. Fingerprints will be sent to the California Department of Justice (DOJ) and the FBI to search for any criminal history.

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Clarification of Board Rule 461 Relating to Testing Laboratory Reports

By Adam V. White, MSCE, P.E.

At the September 25, 2014, meeting, the Board for Professional Engineers, Land Surveyors, and Geologists (Board) considered a request from members representing CalGeo, a California Geotechnical Engineering Association, that Title 16, California Code of Regulations section 461 (Board Rule 461) be amended for clarification. CalGeo's membership identified an issue with regard to firms offering material testing and inspections without oversight by a licensed civil engineer. This issue was referred by the Board to a joint meeting of the Civil Engineer, Structural Engineer, and Geologist and Geophysicist Technical Advisory Committees (TACs) to review existing language and possibly suggest recommendations to address any ambiguities.

Board Rule 461, Testing Laboratory Reports, reads as follows:

Reports issued by Testing Laboratories shall be prepared by or under the supervision of a licensed civil, electrical, or mechanical engineer as appropriate and signed or sealed by him/her whenever such reports go beyond the tabulation of test data (composition of material, breaking stress, et cetera) and proceeds to:

(a) Interpret the data to draw conclusions as to the characteristics of civil engineering structure, an electrical or mechanical device, or parts thereof.

(b) Express civil, electrical, or mechanical engineering judgment in the form of recommendations derived from the results of the test.

(c) Perform design work in the preparation of plans, specifications, and other instruments requiring licensure as a civil, electrical, and/or mechanical engineer.

After further discussion during the TAC meeting involving CalGeo representatives, it appeared that the source of ambiguity was additionally defined as the interpretation of whether the act of tabulation of test data, as specified in Board Rule 461 and related to sample collection, testing, and reporting of field information, constitutes the practice of civil engineering. It is common practice that technicians tasked with these field duties are unlicensed and work in a subordinate role to the licensee. They are usually certified inspectors and often are employed by geotechnical engineering firms. The International Code Council (ICC), which provides certification for soils special inspectors, requires no level of experience or education necessary to register for the examination. ICC certifications are voluntary.

There are many instances in which sampling collection, testing, and reporting are required by the International Building Code and/or the California Building Code (CBC). As for projects related to improvements approved by California's Division of the State Architect or Office of Statewide Health Planning and Development,

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Clarification of Board Rule 461 Relating to Testing Laboratory Reports (continued from page 17)

these agencies have strict requirements for how field information is collected, tested, and reported. The requirement for oversight by licensed engineers is mandated in amendments to Chapter 17 of the CBC relating to special inspection for projects approved by these agencies.

Often, as a condition of project approval, the building official requires sampling and reporting of various parameters, including, for example, compaction testing of engineered fill. In this case, it is left to the approval agency to access the suitability, validity, and acceptability of provided information by the field technician. The appropriate vehicle for regulating this activity is through building code compliance enforced at the agency level. Requirements including specific standards (tests) to be employed, designation of sampling locations, and methods of reporting should not be left to the field technician. Rather, the civil engineer in responsible charge should designate these parameters and the approval agency should mandate their implementation, thereby ensuring the relevancy of results and completion of requirements specified in the approved plans. Any unlicensed field technician would then be left with merely collecting the sample, conducting the test, and reporting the result, in the absence of interpretation or expression of opinion. In this way, these tasks would not constitute the practice of civil engineering.

It is clear in Board Rule 461 that use of report information that goes beyond tabulation and advances to interpretation, expression of opinion, or preparation of plans or other engineering documents, constitutes the practice of civil engineering, and any of those efforts are to be prepared by or under the responsible charge of a licensed civil engineer.

Technical Advisory Committee Vacancies

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) is currently accepting applications to fill vacancies in its civil engineering, structural engineering, and land surveying Technical Advisory Committees (TACs).

The TACs advise and assist the Board and its staff on civil engineering, structural engineering, land surveying, and geology matters. Each TAC generally meets once a year; however, individual TAC members may also be asked to assist Board staff in reviewing applications for licensure, enforcement complaint investigation cases, and other technical issues.

Each TAC consists of five members who are appointed by the Board. In addition, two Board members (one professional member in the appropriate discipline and one public member) and a staff person are assigned as liaisons to each TAC. The TAC members serve a two-year term and can be re-appointed for two additional two-year terms. TAC members receive per diem and expenses but are not paid.

Applicants for appointment to the TACs must be expert civil or structural engineers, land surveyors, or geologists, and must hold current, valid, and unrestricted licenses. Additionally, applicants must not have been subject to enforcement action by the Board and must not be under investigation by the Enforcement Unit of the Board.

The *Application for Appointment to Technical Advisory Committee* form is available on the Board's website, **www.bpelsg.ca.gov**. The TAC application may also be obtained by calling the Board office toll-free at (866) 780-5370. Once received, the applications will be reviewed by the Board member and staff liaisons to the TACs.

New Fingerprinting Application Requirement (continued from page 16)

The applicant must pay all costs associated with submitting fingerprints. For applicants who are fingerprinted in California through the Live Scan process, the cost will be $49 in processing fees ($32 for DOJ and $17 for FBI) in addition to the "rolling" fee; rolling fees vary as each location sets their own fees. For applicants completing hardcopy fingerprint cards, the $49 processing fees will be paid directly to the Board by check or money order (payable to "DCA" [Department of Consumer Affairs]) to be submitted with the hardcopy fingerprint cards; the rolling fee will be paid to the law enforcement agency providing the fingerprint rolling service.

The Board will receive information regarding actions that have been dismissed or expunged along with all other convictions. The Board's application forms require disclosure of all prior convictions; if in doubt as to whether a conviction should be disclosed, it is always best to disclose it. Please be aware that the Board will be notified of all future criminal actions through subsequent reports from the DOJ and/or FBI. If your application is denied due to the criminal history check, you have the right to appeal the denial.

What is the Administrative Services Unit and What Do We Do (continued from page 9)

The Unit also includes a staff person who organizes, tracks, and troubleshoots all contracts, including expert consult contracts used for exam development; other tasks are facilities management and training coordinator. One staff person is our resident expert for all human resource and employee relations issues, and another staff member acts as the legislative and budget analyst for the Board.

Overall, the purpose of the ASU is to oversee and manage the daily operations of the Board and ensure that affairs run smoothly internally and externally, as well as between the Boards' Licensing, Exam, and Enforcement Units.

In Memoriam

In Celebration of the Lives and Contributions of the Following Professions

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) would like to recognize professionals licensed as engineers, land surveyors, or geologists who have recently passed away. Below is list of those individuals who have departed between October and December 2014. This list may not include all those who have recently passed away as we rely on information from the public, other licensees, and family members. Please contact the Board regarding individuals who have recently passed.

Name	License No.	Years of Licensure
Engineer		
Lowell C. Allen	C 9932	59
Blake Peter Anderson	C 26819	38
Richard Joseph Boulanger	FP 258	38
John D. Cole III	C 38009	30
Barry Lawrence Corsiatto	E 19069	5
Walter E. Curtis	C 11584	55
Fernando Rodriguez Felix	C 45176	24
Kenneth D. Fonda	C 49061	22
George P. Havas	C 13377	52
George Daniel Komisarek	C 40301	28
Leo W. McIntyre	C 12086	55
Virgil R. Morton	C 11835	55
Brian H. Richter	C 14210	51
Otto Steinbrenner Jr.	C 7945	64
Craig Cole Sundgren	C 23227	41
Geologist		
Mark Capps	GEO 6561	18
Land Surveyor		
Franklin Gilbert Nyholt	L 3990	42
Multiple Licenses		
Roger Poynts	C 35299, L 5222	32, 32
Donald E. Ward	C 29810, L 2863	36, 59

California Board for Professional Engineers, Land Surveyors, and Geologists
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BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BULLETIN

Social Media: Board Facebook and Twitter Pages

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) is asking for your help in getting the word out regarding the launch of its Facebook and Twitter pages. The Board is now posting information of interest to postsecondary institutions and students on a regular basis. This information includes regulatory changes, updates to our website, interesting articles, useful resources, and a host of other Board-related data.

For those institutions that communicate with students through e-mail or some other means, we invite you to share this information with them. The Board is anxious to use these social media outlets as an ongoing way to reach our stakeholders. Thank you for your assistance in spreading the word.

Please take a few minutes to "like" us on Facebook and follow us on Twitter:

Facebook - www.facebook.com/pages/The-Board-for-Professional-Engineers-Land-Surveyors-and-Geologists/107020752801578

Twitter - twitter.com/CA_Engineers

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