



Spring 2010

BULLETIN

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

PROTECTING CONSUMERS SINCE 1929

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

80 YEARS OF EXCELLENCE

California's Board for Professional Engineers and Land Surveyors (BPELS) celebrated its 80th anniversary in 2009. BPELS was first established in 1929 by the Legislature as the Board of Registration for Civil Engineers. The creation of the Board came about as a result of the St. Francis Dam failure in northern Los Angeles County. The dam, which gave way without notice in 1928, released 12 billion gallons of water, killing approximately 450 people, destroying 1,200 homes and 10 bridges, and caused millions of dollars in property damage. A follow-up inspection found that the dam was built on, and anchored to, a weak and faulted rock formation. It was then decided that the unregulated design of construction projects constituted a hazard to the public and that the regulation of civil engineering should be enacted.

While engineers weren't licensed in California until the 1900s, land surveyors were first licensed by the State in 1891, when the Legislature established the State Surveyor General. In 1933 however, the office was abolished, and the Professional Land Surveyors' Act was established, expanding the BPELS 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. The inconsistent implementation of the laws under numerous local

governments led to legal disputes over property boundaries, which cost the state and the public millions of dollars.

Over the years, BPELS has experienced 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



William "Bill" Frost (left) surveys the site of the Boy Scout Jamboree held on the Newport Bay bluffs in Newport Beach, CA in 1953

Courtesy of RBF Consulting

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BOARD MEMBERS

Kim Blackseth, *President*

Mike S. Modugno, P.E., *Vice President*

Gregg Brandow, S.E. William "Jerry" Silva

James W. Foley, P.E. Patrick J. Tami, P.L.S.

David Luzuriaga, P.E. Michael Trujillo

Philip Quartararo William "Paul" Wilburn, P.E.

Ray Satorre

David E. Brown, *Executive Officer*

Joanne Arnold, *Assistant Executive Officer*

Katie Palmieri, *Editor*

Jennifer Fyfe, *Editor*

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MESSAGE FROM THE PRESIDENT

The Board for Professional Engineers and Land Surveyors (BPELS) will continue to maintain its mission and ensure that consumer protection remains a top priority, regardless of the challenges it is facing with increased examination costs and heavy budget constraints. With the expertise of our qualified Board members, I am confident we will successfully navigate through these trying times, providing leadership and direction that will benefit the public and licensees. I look forward to working with stellar BPELS Board members and staff to improve communication with the public and licensees about the Board, its mission, and current events through outreach activities, participation in local and statewide functions, and the biannual newsletter. Please refer to the BPELS website frequently, and join the listserv (email subscription) to stay abreast of the latest updates and changes to your profession.

Meet the Newest Faces of the Board

KIM R. BLACKSETH, PRESIDENT



Mr. Blackseth was appointed as a public member to the Board in June 2007, and was reappointed in October 2009. President of Kim R. Blackseth, Interests, an Oakland based consulting firm specializing in Disabled Access/ Civil Rights, Blackseth brings over 20

years of varied corporate, commercial real estate, architectural, and building experience to the Board. He has also worked with Bank of America as Vice President of Corporate Real Estate and with Bechtel Corporation in San Francisco. He has been a licensed California General Building Contractor since 1978, and earned a Paralegal certificate from the University of California, Berkeley in 1996.

Prior to his appointment with the Engineer's Board, Governor Schwarzenegger appointed Blackseth to the California Building Standards Commission in 2006. Other appointments include the Marin County Planning Commission for 10 years, four of which were as Chairman, the Airport Land Use Commission, and the Board of Building Permit Appeals. He is also a past board member of the United Way and the American Red Cross.

Blackseth has been active in the disability community for years as President of the Board of Directors for the Marin Center for Independent Living, a statewide disability organization. He is a Certified Expert with the American Academy of Certified Consultants, and his firm supports the Miami Project to Cure Paralysis. He was also on the Board of Trustees for Sutter Health Systems, and acted as Chairman of the Sausalito Handicap Appeals Board.

PHILIP QUARTARARO, PUBLIC MEMBER



Mr. Quartararo was appointed to the Board in February 2010. He looks forward to donating his time and energy to the Board, employing his business skills to help further its mission and goals.

Since 2006, Quartararo has served as Chief Executive Officer for Filament

Entertainment. In addition, he currently serves on the Board of Directors for T.J. Martel Foundation, the Neil Bogart

Foundation, the Musicians Assistance Program, the Rhythm and Blues Foundation, and the Special Olympics.

Previously Quartararo was Executive Vice President for EMI Music North America and president of Warner Brothers Records. He also worked for Virgin Records America as Chief Executive Officer and Senior Vice President for marketing and promotion, and was a member of the founding team.

MICHAEL TRUJILLO, PUBLIC MEMBER

Mr. Trujillo was appointed to the Board in November 2007, and was reappointed in October 2009. He values the Board's integrity and level of professionalism, and appreciates the opportunity to represent the public as well as to use

his extensive financial and business knowledge to help advance the Board's mission.

Trujillo graduated from Cal Poly, Pomona in 1998 with a major in Finance, Real Estate, and Law. Since 2006 he has been working with Coldwell Banker in San Marino, California as the head of the REO & Short Sale Department. He has also worked for Prudential Mortgage in the Monterey Park Branch, and he has owned and operated Michael David Financial Inc., doing business as Cornerstone Lending, David Michael Realty, Cornerstone Escrow, Cornerstone Direct Lending, Las Vegas Realty, Citi National Mortgage, and CEI Cornerstone.

WILLIAM "PAUL" WILBURN, P.E., MECHANICAL ENGINEER MEMBER

Mr. Wilburn was appointed to the Board in October 2009. Believing in the Board's professionalism and knowledge, he is interested in giving back to his vocation through service to the Board, which he believes ensures competency and excellence in the engineering profes-

sion. As a member, he hopes to assist with the advancement of regulations, policies, and practices, assuring they match the modern demands of engineering, land surveying, and geology. He also plans to support the implementation of technologies that will enhance testing, licensing, and enforcement activities, helping to better serve and protect California's licensees and the public.

Wilburn has over 20 years of private and public sector experience related to the evaluation, design development,

and construction of plumbing, piping, and HVAC systems in major medical, institutional, educational, governmental, and commercial facilities. He is currently a Supervising Mechanical Engineer with the State of California, Department of General Services. Prior to joining the Department of General Services, he worked for 10 years in the private sector as a Project Engineer and Project Manager.

Wilburn graduated from California State University, Sacramento with a Bachelor of Science in Mechanical Engineering, and is registered by the State of California as a Professional Engineer in Mechanical Engineering. He is a member of the American Society of Plumbing Engineers; American Society of Heating, Refrigerating, and Air-Conditioning Engineers; and Professional Engineers in California Government.

LET'S WELCOME THE NEW EXECUTIVE OFFICER!

David E. Brown joined the Board for Professional Engineers and Land Surveyors (BPELS) in June

of 2009. A business graduate and native of Sacramento, he has over 35 years of state government experience. Prior to joining BPELS, he was the Executive Officer of the Court Reporters Board of California (CRB), and had other assignments with the Depart-

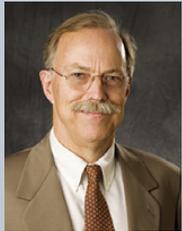
ment of Consumer Affairs Board licensing programs, including BPELS.

During his tenure with the CRB, Brown aggressively pursued and implemented such program enhancements as a licensee outreach campaign regarding professional licensing standards, computer based testing for examinees, and the development of a Professional Code of Conduct regulation. He also aggressively pursued continuing education legislation and court reporter regulation violations.

"In this age of fiscal conservancy, it is imperative that the Board pursue its critical mission objectives while maintaining a fiscally sound budget. Under the Board's direction, we can assure public protection while protecting state revenues and expenditures," said Brown.

The Board welcomes Mr. Brown, and looks forward to his enthusiasm, experience, and knowledge bringing about positive changes.

Farewell and Special Thanks to Gregg Brandow, PhD, S.E.



Gregg E. Brandow's term with the Board for Professional Engineers and Land Surveyors (BPELS) expires on June 30, 2010. He

has been an integral member of the Board since 1998. During his tenure as the Structural Engineer Representative, he served as Board Vice President from 2002 to 2003 and President from 2003 to 2004.

A very active and devoted member, Dr. Brandow also served two terms on the Structural Engineering Technical Advisory Committee, was Chair of the Administrative and Enforcement Committee, and a member of the Title Act Study Task Force. Most recently he was appointed Emeritus Member of California with the National Council of Examiners for Engineers and Surveyors, effective upon the expiration of his Board appointment.

"Dr. Brandow is a true asset to the Board. His commitment to excellence through advocacy of professional engineering licensure and the licensing of structural engineers has been greatly appreciated by the Board. Dedication such as his is what makes BPELS a first-rate organization. We will be sad to see him go, and wish him the best in all his future endeavors," said President Blackseth.

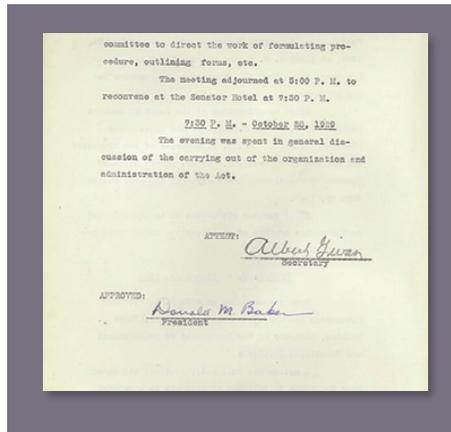


EXCELLENCE CONTINUED FROM PAGE 1

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 BPELS the authority 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, BPELS expanded the registration program to include nine additional branches of engineering under its jurisdiction. The most recent change to the Board occurred in October last year (2009), with legislation that shifted the regulation and oversight of geology and geophysics to BPELS upon the elimination of the Board for Geologists and Geophysicists.

During its 80 years of operation, BPELS has upheld its mission to safeguard the life, health, property, and welfare of the public by regulating the practice of professional engineering, land surveying, geology, and geophysics. Thanks to the professionalism of the Board's 84,635 engineers, 4,287 land surveyors, 7,532 geologists, and 206 geophysicists, California's citizens are the benefactors of safe and professional practices.



Original 1929 board meeting minutes signatures



Photo of the St. Francis Dam

2010 BOARD MEETINGS



May 5-6, 2010

Northern California
Sacramento

November 17-18, 2010

Northern California
Sacramento

August, 2010

TBD

CALIFORNIA'S FERNDALE EARTHQUAKE

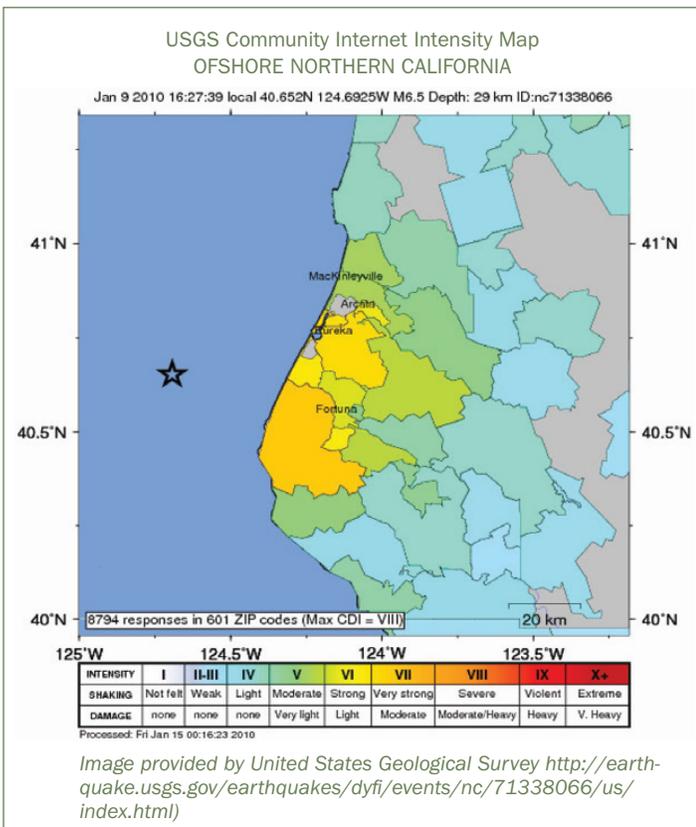
By Jared J. Pratt, Engineering Geologist; RGH Consultants, Inc.
 San Francisco Section Chair, Association of Environmental and Engineering Geologists

While the recent earthquake off the shore of Ferndale (Humboldt County, CA) may have been overshadowed by the Haiti earthquake, it is important to acknowledge that it was a significant event for northern coastal Californians. Losses are estimated to be in excess of \$30 million, with more than 175 buildings reported as having significant damage.

From a geological perspective, the Ferndale incident can offer valuable insight into the much studied and often misunderstood Juan de Fuca Plate, as well as provide a good reminder that offshore earthquakes carry many types of hazards, including the potential for damaging tsunami waves.

The earthquake took place northwest of Ferndale and the Mendocino Triple Junction, within the southernmost portion of the Juan de Fuca Plate, also known as the Gorda Plate. The Mendocino Triple Junction is a geologically complex region, where the San Andreas Fault is intersected by the Mendocino fracture zone, transferring into the Cascadia subduction zone. While the Gorda Plate is being subducted below the North American Plate, it is simultaneously being compressed by the northwest migration of the Pacific Plate, all the while being pushed eastward by the Gorda spreading ridge. This complex, chaotic compressional regime has resulted in numerous near vertical transform boundary

slip movement, the recent Ferndale earthquake did not produce reported tsunami activity, but it is important to remind Californians that it is necessary to prepare for this hazard. Looking back at past experiences, there are examples of what can happen when large waves come ashore. The harbor areas of Crescent City were inundated with a 20-foot wave in 1964, killing 11 people and causing more than \$7 million dollars in damage, all the result of an earthquake in Alaska. The town was also struck in 2006 by a 5-foot wave from a Japanese earthquake, again resulting in significant damage. These examples and others are reminders that tsunamis are a part of California's geologic history.



migrations and interplate strike-slip earthquakes.

The strongest effects of the Ferndale earthquake were felt along the northern California coastline, but shaking was felt as far east as Reno, Nevada and as far north and south as Eugene, Oregon and Capitola, California, respectively. The near source intensity effects can be seen in the figure.

Due to the depth and the strike-

The Department of Conservation's California Geological Survey (CGS) Division has worked closely with the California Emergency Management Agency and the Tsunami Research Center at the University of Southern California to produce updated tsunami inundation maps. These new maps (found at http://www.conservation.ca.gov/cgs/geologic_hazards/Tsunami/Inundation_Maps/Pages/Index.aspx) are extremely useful tools for practicing geologists, and a true service to communities.

Occurrences of geologic importance are not rare in California. Damaging earthquakes, such as the one in Ferndale, while tragic, are great learning experiences. The significant events we have endured as a state have given us the tools to develop a higher level of preparedness, helping to ensure public

SEE EARTHQUAKE PAGE 7

FREQUENTLY ASKED QUESTIONS

FREQUENTLY ASKED QUESTIONS ABOUT LAND SURVEYING LAWS

- Q:** I'm only going to charge my new client \$500 to survey his property. Do I really need to use a written contract?
- A:** Yes. Unless you are going to do the work for free, the law requires land surveyors to execute a written contract with their clients before beginning work on a project. See Business and Professions Code section 8759 for additional information.
- Q:** I performed a field survey, found a material discrepancy, and set monuments with my tag on them. Now my client refuses to pay me. Do I still have to file a Record of Survey?
- A:** Yes. There are no provisions in the law exempting you from having to file a Record of Survey if your client refuses to pay. Your only recourse is to seek private legal counsel regarding remedies available to you through the civil court system to collect any fees that may be owed to you by your client. See Business and Professions Code section 8762 for additional information.

FREQUENTLY ASKED QUESTIONS ABOUT PROFESSIONAL ENGINEERING LAWS

- Q:** I heard there is a new law that says I don't have to put my expiration date on my plans, but my boss is making me include that information. What is required?
- A:** While the law does not require you to include your expiration date, it does not prohibit it. See Business and Professions Code sections 6735, 6735.3, 6735.4, and 8761 for additional information.
- Q:** Can a licensed civil engineer prepare a soils or geotechnical report?
- A:** Yes. Geotechnical, or soils, engineering, as defined in Title 16, California Code of Regulations section 404(ee), is part of the practice of civil engineering, which is defined in Business and Professions Code section 6731. Therefore, anyone licensed as a civil engineer has the legal authority to practice geotechnical engineering and to prepare geotechnical reports without also being licensed as a geotechnical engineer as long as the licensed civil engineer is by education and/or experience fully competent and proficient in geotechnical engineering, as required by Title 16, California Code of Regulations section 415.

- Q:** Can a local agency require that a soils report be prepared and signed by a geotechnical engineer rather than a civil engineer?
- A:** No. The preparation and subsequent signing of a soils report is part of the practice of civil engineering. Therefore, a civil engineer is legally authorized to prepare soils reports. Business and Professions Code section 460 prohibits local agencies from prohibiting a licensee from performing work that he or she is legally authorized to perform.
- Q:** Can a civil engineer offer and/or practice mechanical and electrical engineering?
- A:** Yes. A civil engineer can offer and practice mechanical and electrical engineering as long as it is supplementary to the civil engineering work.
- Q:** Is it legal for another engineer to make changes to plans I prepared and then submit the modified plans to the city?
- A:** According to Board Rule 404.1(d), this is permitted as long as the other professional engineer exercises the requisite extent of control and assumes responsibility for the engineering decisions as required by Board Rule 404.1(a) and meets the criteria described in Board Rule 404.1(b) as well as the requirements of the Professional Engineers Act and Board Rules 411 and 415. The professional engineer need only be in responsible charge of the portions, additions, or modifications, or the portion of the project affected by the addition or modification, and not of the entire project. Except as provided in sections 6735(b), 6735.3(b), and 6735.4(b) of the Code, the original licensee is not relieved of any responsibility arising from the engineering services of which he or she was in responsible charge.
- Q:** If I am a civil, electrical, or mechanical engineer operating an engineering business with a partner who is unlicensed, can my partner solicit work, send out proposals, and sign contracts on behalf of the business?
- A:** No. It is a misdemeanor (and in some cases a felony) violation pursuant to B&P Code section 6787(a) for any person who is not licensed to practice or offer to practice civil, electrical, or mechanical engineering. In addition, this could result in a violation on behalf of the licensee for aiding and abetting the unlicensed practice of civil, electrical, or mechanical engineering.
- Q:** Since I am an Engineer-in-Training who knows a civil engineer willing to work on projects, can I advertise and

contract for engineering projects as long as the civil engineer stamps and signs all of the work?

A: No. It is a misdemeanor (and in some cases a felony) violation pursuant to B&P Code section 6787(a) for any person who is not licensed to practice or offer to practice civil, electrical, or mechanical engineering. In addition, when operating an engineering business, all requirements described in B&P Code section 6738 must be met. If the requirements are not met, the licensee could be considered to be aiding and abetting in the unlicensed practice, or offering to practice, civil engineering.

Q: Can a civil engineer offer and practice structural engineering?

A: Yes. Civil engineering embraces structural engineering; therefore, a civil engineer may offer and practice structural engineering. However, a civil engineer may only use the title "Structural Engineer" if he or she has obtained the second license as a Structural Engineer.

EARTHQUAKE CONTINUED FROM PAGE 5

safety. It is our duty as professionals to use the tools at our disposal to protect the public. The Ferndale earthquake highlights the importance of inundation maps in our profession. Please visit the CGS website and review the maps pertinent to your area of practice, and stay tuned for more from the Gorda Plate.

General information collected from: www.usgs.gov, www.conservation.ca.gov, and www.news.nationalgeographic.com.

Important Notice Regarding the Structural Engineering Certification Board

Are you a California licensed civil engineer who has also been certified by the Structural Engineering Certification Board (SECB) in Chicago, Illinois?

If so, it is important to know that you CANNOT use SECB in your signature block or list your SECB certification as licensing information on your resume without also being licensed by the State of California as a Structural Engineer. California Business and Professions Code Sections 6736 and 6787 prohibit anyone who is not licensed by the State of California as a structural engineer from using a title which makes it appear that he or she has such a license. Section 6736 states that "No person shall use the title 'Structural Engineer,' or any combination of these words or abbreviation thereof, unless he or she is a licensed civil engineer in this state and unless he or she has been found qualified as a structural engineer according to the rules and regulations established for structural engineers by the board." SECB, when used as a personal title, includes an abbreviation of title "Structural Engineer" in combination with other words or abbreviations.

The Board for Professional Engineers and Land Surveyors (BPELS) has contacted SECB concerning numerous complaints received regarding civil engineers who are illegally using the certification to misrepresent their licensing status in California. SECB responded by agreeing to notify all California licensees that the use of SECB as a title would be in violation of state law unless the licensee is also certified by California as a structural engineer.

SECB certification DOES NOT take the place of being licensed as a structural engineer in California, and its use to denote an engineer's licensing status or primary license specialization is a violation of state law which could result in disciplinary action. BPELS can and will take administrative action against those civil engineers who violate the law. Individuals who are not yet State certified, but who wish to advertise as primarily providing structural engineering services, should consider taking the California structural engineering examination.

For questions about becoming a licensed structural engineer in California, go to the BPELS Web site: <http://www.pels.ca.gov/applicants/apps.shtml>.



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BPELS UPDATES

- As of April 2009, results for California Special Civil [Seismic Principles and Engineering Surveying] examinations will simply be reported as “pass” or “fail.” Scores will no longer be reported. Candidates who fail the examinations will be provided with a diagnostic report of their performance.
- Beginning with October 2010 examinations, National Council of Examiners for Engineering and Surveying (NCEES) applicants must obtain a unique identification number to be eligible for participation in an exam. **Therefore, candidates will need to register with NCEES (www.ncees.org) prior to Board application submission to**

obtain their identification number.

Registration is expected to begin in July 2010. All deadlines for applications are final, without exception.

- A BPELS email subscription service is now available. Applicants and licensees are encouraged to join the listserv to automatically receive updates and information from the Board via email. Subscription information is confidential and will not be shared. To register, go to <https://www.dca.ca.gov/webapps/pels/subscribe.php>.
- The Board for Geologists and Geophysicists was abolished through the budget act and effective October 23, 2009

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 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. The practices of geology and geophysics are still regulated. The only change is that the Board for Professional Engineers and Land Surveyors will now be enforcing those laws.

CONTACT THE BOARD

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Contact information for inquiries regarding Professional Engineering, Professional Land Surveying, and the Geologists and Geophysicists Program can be found at: http://www.pels.ca.gov/about_us/contact.shtml

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