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CONTENTS

Executive Officer's Report	1
Professional Geophysicist Name Change.....	2
Annual Examinations.....	2
New Regulations.....	3
Updated Regulations.....	4
New Board Members.....	7
Notification of Address Change.....	7
Address Change Affidavit.....	8
Enforcement Actions.....	9
New Staff Members.....	15
ASBOG® Exam Questions Welcome!.....	15
ASBOG® Geologist Item Writing Suggestions/Form.....	16
Letter to CCGO.....	19
SWRCB Notice.....	21
Calendar of Events.....	22



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EXECUTIVE OFFICER'S REPORT

When Governor Ronald Reagan signed legislation creating the Board of Registration for Geologists and Geophysicists in 1968, he initiated the beginning of professional licensure for the geoscience professions in California. Subsequently, geologists, geophysicists, engineering geologists, and hydrogeologists would become licensed and regulated under the renamed Board for Geologists and Geophysicists (Board) within the California Department of Consumer Affairs.

Since its inception, the Board has accomplished many things, including: realization of a national examination for geologic licensure, implementation of a rigorous enforcement program and streamlining and improving the functional operation of the Board and its staff. These improvements occurred through enhanced personnel selection and implementation of many statutory and regulatory improvements.

The Board is at the forefront of mitigating the unsatisfactory practice of geology and geophysics by both licensed and unlicensed practitioners by significantly utilizing its Cite and Fine authority as well as working with the Attorney General's Office in enforcing the Geologist and Geophysicist Act to revoke licenses when necessary and to enforce Permanent Injunctions against unlicensed individuals. The Board's mission statement, developed through an extensive Strategic Planning process, states:

“The mission of the Board for Geologists and Geophysicists is to continuously enhance the quality, significance, and availability of geological and geophysical services offered to the people of California.”

In any profession, a strong enforcement program helps achieve a level playing field in the marketplace. If an unlicensed or incompetent practitioner of geology or geophysics is allowed to engage in the profession unchecked, then the health and safety of the public/consumer is at greater risk. Lack of enforcement also penalizes those who play by the rules, which is usually the great majority of professionals. If there is a strong enforcement presence, consumers and licensed professionals can assist the Board by being effective watchdogs because the public is confident that appropriate action will be taken against those who violate the law.

The demand for licensed and competent geoscience professionals has never been greater. Whether that is due to increased regulatory requirements at the federal, state and local level and/or due to an improved recognition by the public (through the Internet or other means) of the specialized skills of professional geologists and professional geophysicists, it will continue to be a priority of the Board for Geologists and Geophysicists to actively pursue compliance with its legislative authority and the spirit of its mission statement.

Paul Sweeney, Executive Officer

Professional Geophysicist Name Change

On January 1, 2006, all previously titled "Registered Geophysicist" (RGP) will have their license retitled to "Professional Geophysicist" (PGP). This is a result of Governor Schwarzenegger's signing of SB 228 (Figueroa) into law in September 2005.

All license numbers will remain the same, however, all future wall certificates and pocket licenses will show the name change.

The Board strongly recommends that licensed Professional Geophysicists incorporate the new name change into their stamps, letterheads, business cards and other appropriate identification methodologies.

Annual Examinations

The Board's licensing examinations were held in Sacramento and Carson on Friday, March 3, 2006. Three-hundred seventy-six (376) individuals took the ASBOG® Fundamentals of Geology exam, 313 took the ASBOG® Practice of Geology exam, and 271 took the California-Specific examination. Additionally, 55 individuals took the Certified Hydrogeologist exam, 92 took the Certified Engineering exam and 7 took the Professional Geophysicist exam. Release of the results of the examinations is anticipated by the end of May 2006.



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NEW REGULATIONS

§3005. Fees.

(a) All fees required by provisions of the code and rules of the board shall be transmitted by money order, bank draft or check, payable to the Board for Geologists and Geophysicists.

(b) Fees.

The following schedule of fees is hereby adopted pursuant to Section 7887 of the Code:

- (1) Each application for registration as a geologist or a geophysicist \$250.00
- (2) Each application for registration as a specialty geologist or specialty geophysicist \$250.00
- (3) The temporary registration fee for a geologist, geophysicist or specialty geologist or specialty geophysicist \$80.00
- (4) Each examination including both sections of the national examination and the California specific supplemental examination for registration as a geologist \$300.00
- (5) Each examination including only the practice of geology portion of the national examination for registration as a geologist \$150.00
- (6) Each examination including only the fundamentals of geology portion of the national examination for registration as a geologist \$150.00
- (7) Each examination including only the practice of geology portion of the national examination and the supplemental examination covering California specific subjects for registration as a geologist \$250.00
- (8) Each examination including only the fundamentals of geology portion of the national examination and the supplemental examination covering California specific subjects for registration as a geologist \$250.00
- (9) Each supplemental examination covering California specific subjects for registration as a geologist \$100.00
- (10) Each examination for registration as a geophysicist \$100.00
- (11) Each examination for registration as a specialty geologist or specialty geophysicist \$100.00
- (12) The duplicate certificate fee \$6.00
- (13) The renewal fee for a geologist or for a geophysicist \$270.00
- (14) The renewal fee for a specialty geologist or for a specialty geophysicist \$67.50

NEW REGULATIONS

§3005 Continued...

(15) The delinquency fee for renewal of certificate of registration as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist is 50% of the renewal fee in effect on the last regular renewal date.

(c) When transmitted through the mail, fees required under provisions of this rule shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope containing the fee.

(d) An applicant for registration as a geologist or geophysicist or an applicant for certification as a specialty geologist or specialty geophysicist who fails an examination shall pay only the examination fees pursuant to subsections (b)(4), (5), (6), (7), (8), (9), (10) and (11) to reapply to take the examination within four years of the failed examination.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Section 7887, Business and Professions Code.

UPDATED REGULATIONS

§3067 – Public Information System – Disclosure

a) The Board has established and maintains a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against professional geologists, geophysicists and unlicensed persons subject to the Board's jurisdiction. Such a system also provides the public with information regarding the license status of the Board's licensees and registrants.

Information subject to the public information system shall be disclosed to members of the public, upon request, by telephone, in person, or in writing (including fax or e-mail). Such information, when feasible and to the extent required or permitted by law, shall be made available by the Board in writing or by telephone. Requests for information shall be responded to within 10 days.

(b) The Board shall disclose the following information regarding past and current licensees:

- (1) The name of the licensee, as it appears in the Board's records;
- (2) The license number;
- (3) The address of record;
- (4) The license issue date;
- (5) The license expiration date; and

UPDATED REGULATIONS

§3067 Continued...

(6) The license status and history.

(c) Unless otherwise required by law, the Board shall disclose the following information regarding disciplinary or enforcement action taken against licensees and unlicensed persons, if applicable:

(1) Total number of disciplinary and enforcement actions taken by the Board;

(2) Brief summary of disciplinary and enforcement actions taken by the Board; citations that have been satisfactorily resolved shall be disclosed as such;

(3) Current status of pending Accusations, Statements of Issues, and Citations filed by the Board. Disclosure of pending actions shall contain a disclaimer stating that any pending administrative action against the person is alleged and no final legal determination has yet been made. Further disclaimers or cautionary statements regarding such pending actions may also be made; and

(4) Information which is statutorily mandated to be disclosed.

(d) The Board shall disclose complaint information when the Executive Officer has determined that:

(1) The complaint information has a direct and immediate relationship to the health and safety of another person; and

(2) One or more of the following have occurred:

(A) A complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in a death, bodily injury, or severe consequences, and disclosure may protect the consumer or prevent additional harm to the public;

(B) A series of complaints against a party alleging a pattern of unlawful activity have been received by the Board and it has been determined that disclosure may protect the consumer or prevent additional harm to the public;

(C) A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or

(D) A complaint has been referred to other law enforcement entity for prosecution.

(e) Complaint information that is determined to meet the conditions for disclosure listed in subsection (d) shall be incorporated into the public information system no later than 10 days after the conditions for disclosure have been met.

(f) Information about a complaint shall not be disclosed if it is determined by the Executive Officer that any of the following apply:

UPDATED REGULATIONS

§3067 Continued...

- (1) Disclosure is prohibited by statute or regulation;
 - (2) Disclosure might compromise an investigation or prosecution; or
 - (3) Disclosure might endanger or injure the complainant or third party.
- (g) When conditions for disclosure have been met, the Board shall disclose the following information regarding complaints received against licensees and unlicensed persons, if applicable:
- (1) Total number of complaints meeting conditions of disclosure;
 - (2) Date of receipt and nature of any complaint;
 - (3) Disposition of each complaint by indicating whether the matter has been:
 - (A) Referred to formal disciplinary action;
 - (B) Disposed of through any other action, formal or informal; or
 - (C) Other disposition.
 - (4) Information which is statutorily mandated to be disclosed;
 - (5) Current status of criminal prosecution resulting from a complaint received by the Board;
 - (6) A description of the type of public information not included in the system (i.e., civil judgments, criminal convictions, unsubstantiated complaints); and
 - (7) Disclaimers indicating that the system does not constitute endorsement or non-endorsement of a person, and that the system may not contain all available information.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 129 and 7819, Business and Professions Code; and Section 6253, Government Code.

New Board Member - Cecilia Yu

Assembly Speaker Fabian Nuñez announced the appointment of Cecilia L. Yu as a member of the Board for Geologists and Geophysicists on December 15, 2005. Speaker Nunez said “Cecilia Yu possesses extensive experience in the field of engineering and will be a tremendous asset to the Board for Geologists and Geophysicists.”

Ms. Yu, 54, of Rolling Hills, previously served as Program Manager for EMAX Laboratories, as well as CKY Incorporated. Prior to that, she was a Senior Engineer for Bechtel Power Corporation. Ms. Yu earned a Bachelor of Science degree from the University of California, Berkeley, and a Master of Science degree from the University of Southern California. Ms. Yu’s term will expire June 1, 2007.

New Board Member - Rick Blake

Governor Arnold Schwarzenegger announced the appointment of Rick Blake, Professional Geologist No. 5550, to the Board for Geologists and Geophysicists as a petroleum geologist on May 25, 2006. Mr. Blake has spent the last 26 years exploring for oil and natural gas in the Sacramento and San Joaquin Valleys.

Mr. Blake, 53, of Pleasanton, has worked for Livermore National Laboratory for the past 13 years as an Environmental Scientist in the Environmental Protection Department. He is the current President of the Sacramento Petroleum Association and previously served as President of the California Council of Geosciences Organizations. Mr. Blake earned both a Bachelor’s and Master’s degree from California State University, Los Angeles. Mr. Blake’s term will expire June 1, 2007.

Notification of Address Change

Section 3009 of the California Code of Regulations requires that licensees notify the Board of a change of address within 60 days.

This regulation was enacted for several reasons. Governmental agencies should have current addresses for their licensees for public information. As a regulatory agency, current addresses are necessary in the event a complaint is filed against a licensee.

It is also beneficial to the licensee to receive new policy statements and other information from the Board and to receive biennial license renewal notices.

Many renewal notices are returned to the office because licensees have moved and the Post Office does not forward mail after six months. As a result, a number of licensees are required to pay a delinquency fee of 50 percent of the renewal rate.

(See next page for “Address Change Affidavit” Form)



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ADDRESS CHANGE AFFIDAVIT

I, _____, declare under penalty of perjury that the following
 (Name)

information is true and correct:

I have changed my address of record for all intents and purposes **from:**

 (Street) (City) (State) (Zip)

to the following new address of record:

 (Street) (City) (State) (Zip)

Date change is effective: _____

Please enter the number(s) and expiration date(s) for **each** license/certification that you hold:

Branch of Licensure or Certification	Number	Expiration Date
Professional Geologist		
Registered Geophysicist		
Certified Hydrogeologist		
Certified Engineering Geologist		

E-mail Address (optional): _____ Daytime Telephone Number (optional): _____

 (Signature)

 (Date Signed)

 (Social Security Number)

When completed and signed, forms should be mailed or faxed to:

Board for Geologists and Geophysicists
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The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California

ENFORCEMENT ACTIONS: Unlicensed Practice

Teri Jo Barber

The Board for Geologists and Geophysicists (Board) issued a citation and fine of \$2,500.00 to Teri Jo Barber for violation of section 7872(a) (Bus. & Prof. Code §7872(a), practice of geology without legal authority) of the Business and Professions Code (Geologist and Geophysicist Act). According to Board records, Teri Jo Barber was at all times relevant not licensed by the Board as a Professional Geologist (PG), Certified Hydrogeologist (CHG) or a licensed Civil Engineer (RCE).

The citation was issued to Teri Jo Barber for unlicensed practice of geology for signing a report making geologic interpretations. Teri Jo Barber prepared a report entitled "A Sanitary Survey of Greenwood Creek," dated October 7, 2002, signed and sealed as Teri Jo Barber, PH# 00H-1535, and submitted to the Elk County Water District.

The aforementioned report prepared and certified by Teri Jo Barber, Professional Hydrologist with American Institute of Hydrology, PH# 00H-1535, demonstrate that she conducted analyses and made interpretations, conclusions and recommendations constituting geologic practice in the State of California. Consequently, Teri Jo Barber violated Business and Professions Code section 7872(a) when she engaged in the practice of geology, interpreted the site geology, interpreted geologic datum, and made recommendations based on geologic interpretations.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Teri Jo Barber agreed to pay the fine and the case was closed on May 13, 2005. Teri Jo Barber stated that she intends to certify her professional geologic work product through taking and passing the next available Professional Geologist examination.

Norman Eke

The Board for Geologists and Geophysicists (Board) issued a citation and fine of \$2,500.00 to Norman Eke for violation of section 7872(a) (Bus. & Prof. Code §7872(a), practice of geology without legal authority) of the Business and Professions Code (Geologist and Geophysicist Act). According to Board records, Norman Eke was at all times relevant not licensed by the Board as a Professional Geologist (PG).

Norman Eke prepared a report entitled "Phase II Environmental Site Assessment," dated September 15, 2003, signed as Norman Eke, REA, Managing Officer and subsequently submitted to the County of San Diego. The aforementioned report

Norman Eke continued...

demonstrates that Mr. Eke conducted analyses and made interpretations, conclusions and recommendations constituting geologic practice in the State of California. Consequently, Mr. Eke violated Business and Professions Code section 7832 and 7872(a) when he engaged in the practice of geology, interpreted the site geology, interpreted geologic datum, and made recommendations based on geologic interpretations.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Norman Eke agreed to pay the fine and the case was closed on July 15, 2005.

Eric Hetrick

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 on September 22, 2005 to Mr. Eric Hetrick for violation of sections 7832 and 7872(a) (unlicensed practice of geology) of the Business and Professions Code.

Mr. Eric Hetrick signed a report entitled "Quarterly Summary Report - Fourth Quarter 2004," dated February 25, 2005, which was subsequently submitted to the Solano County Department of Environmental Health. The aforementioned report, for a site located at 2269 Tennessee Street, Vallejo, California, shows that he conducted analyses and made interpretations, conclusions and recommendations constituting professional geologic practice in the State of California.

Board records show that Mr. Eric Hetrick has not held registration as a Professional Geologist or Professional Engineer on or about the time of the letter report submittal to the County of Solano Department of Environmental Health. Therefore, at all times relevant Mr. Eric Hetrick was not licensed to practice geology or offer to practice geology for others in the State of California.

Mr. Hetrick violated Business and Professions Code section 7832 and 7872(a) when he engaged in the practice of geology, interpreted the site geology, interpreted geologic datum, and made recommendations based on geologic interpretations. These violations constitute grounds for disciplinary action under Business and Professions Code section 7832 and 7872(a) (unlicensed practice of geology).

In accordance with section 125.9(d) of the Business and Professions Code payment of fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Mr. Hetrick agreed to pay the fine and the case was closed on October 17, 2005.

ENFORCEMENT ACTIONS: Unlicensed Practice

Dr. Mara Johnson

The Board for Geologists and Geophysicists (Board) issued a citation and fine of \$2,500 to Dr. Mara Johnson for violation of sections 7832 and 7872(a) of the Business and Professions Code (practicing or offering to practice geology or geophysics without a license).

The Argus Technologies website under “Key Personnel” described, Dr. Johnson’s professional role with Argus Technology in part as “... directs our geo-sciences program, overseeing the geophysical surveys and drilling work, conducting borehole logging, and analysis of data collected.” Consequently, Dr. Johnson violated Business and Professions Code section 7832 and 7872(a), which constitute grounds for disciplinary action under Business and Professions Code section 7872(a).

Title 16, California Code of Regulations, section 3062.1 of the Business and Professions Code authorizes assessment of administrative fines up to \$2,500 for violations of sections 7832 and 7872(a) of the Business and Professions Code.

In accordance with section 125.9(d) of the Business and Professions Code specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Dr. Johnson agreed to pay the fine and the case was closed on December 14, 2005.

Julie Marshall

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 on September 22, 2005 to Ms. Julie Marshall for violation of sections 7832 and 7872(a) of the Business and Professions Code (unlicensed practice of geology).

Ms. Julie Marshall prepared a letter report entitled “Permit # LMON102873 Request for Modification of Permit for Four Borings to Groundwater FF Kearney Mesa LLC, 3540 Aero Court, San Diego, California,” dated July 13, 2005, signed as “Julie Welch Marshall, REA II, Senior Associate” and subsequently submitted to the County of San Diego Department of Environmental Health on July 14, 2005.

The aforementioned letter report signed by Ms. Julie Marshall, demonstrates that she conducted analyses and made interpretations, conclusions and recommendations constituting geologic practice in the State of California. Consequently, Ms. Marshall violated Business and Professions Code section 7832 and 7872(a) when she engaged in the practice of geology, interpreted the site geology, interpreted geologic datum, and made recommendations based on geologic interpretations.

Julie Marshall continued....

Pursuant to CCR Title 14, Chapter 3, Sections 19041(e) of the Registered Environmental Assessor (REA) program regulations which state “... if other registered professional perform engineering, geologic or other professional services which are included in, or form the basis of the report or opinion, the signature and registration number of each shall be included in the report or opinion.” (emphasis added).

These violations constitute grounds for disciplinary action under Business and Professions Code section 7832 and 7872(a) (unlicensed practice of geology).

In accordance with section 125.9(d) of the Business and Professions Code payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Ms. Marshall agreed to pay the fine and the case was closed on October 25, 2005.

Laura Tanaka

The Board for Geologists and Geophysicists (Board) issued a citation and fine of \$2,500.00 to Laura Tanaka for violation of section 7872(a) (Bus. & Prof. Code §7872(a), practice of geology without legal authority) of the Business and Professions Code (Geologist and Geophysicist Act). According to Board records, Laura Tanaka was at all times relevant not licensed by the Board as a Professional Geologist (PG).

Laura Tanaka prepared a report entitled “Phase II Environmental Site Assessment,” dated September 15, 2003, signed as Laura Tanaka, REA, Senior Environmental Scientist and subsequently submitted to the County of San Diego. The aforementioned report demonstrates that Ms. Tanaka conducted analyses and made interpretations, conclusions and recommendations constituting geologic practice in the State of California. Consequently, Ms. Tanaka violated Business and Professions Code section 7832 and 7872(a) when she engaged in the practice of geology, interpreted the site geology, interpreted geologic datum, and made recommendations based on geologic interpretations.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Laura Tanaka agreed to pay the fine and the case was closed on July 15, 2005.

ENFORCEMENT ACTIONS: Unlicensed Practice

Daniel Tims

The Board for Geologists and Geophysicists (Board) issued a citation and fine of \$2,500 to Daniel Tims for violation of section 7872(a) of the Business and Professions Code (Geologist and Geophysicist Act). Mr. Tims prepared and "Quality Controlled" a report entitled "Limited Phase II Environmental Site Assessment" (Report), dated March 19, 2004 signed as "Daniel G. Tims B.S. Geology, 1983 State of California Registered Environmental Assessor #06284 State of California Licensed Water Well Contractor #757494 Certified E.P.A. Asbestos Inspector #101977" which was subsequently submitted to US Bank 633 West Fifth Street, 30th Floor, Los Angeles, California. Board records show that Daniel Tims did not hold licensure as a Professional Geologist on or about the time of the submittal of the above-referenced Report.

The Report submittal of Mr. Tims, President of Assessco, Inc., showed evidence that the electronic signature of Dan Herlihy, Professional Geologist (PG) No. 4388, Certified Hydrogeologist (CHG) No. 107 and Certified Engineering Geologist (CEG) No. 1378 was affixed to the Report as the licensed Professional Geologist in responsible charge of the work but without Mr. Herlihy's knowledge or consent. Daniel Tims violated Business and Professions Code section 7830.1 section 7832 and section 7872 subsections (a) and (d) when he impersonated a licensed Professional Geologist by unlawfully using Professional Geologist Dan Herlihy's professional title and license numbers, PG No. 4388, CHG No. 107 and CEG No. 1378, and signed his name as described above to page 17 of the Report under "VIII. CERTIFICATION." Assessco, Inc. has subsequently corrected its internal professional license certification procedure to eliminate future report errors.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Mr. Tims agreed to pay the fine and the case was closed on November 23, 2005.



Jordan Wilby

The Board for Geologists and Geophysicists (Board) issued a citation and fine of \$2,500.00 to Jordan Wilby for violation of section 7872(a) (Bus. & Prof. Code §7872(a), practice of geology without legal authority) of the Business and Professions Code (Geologist and Geophysicist Act). According to Board records, Jordan Wilby was at all times relevant not licensed by the Board as a Professional Geologist (PG).

Jordan Wilby prepared a report entitled "Phase II Environmental Site Assessment," dated September 15, 2003, signed as Jordan Wilby, Staff Environmental Scientist and subsequently submitted to the County of San Diego. The aforementioned report demonstrates that Mr. Wilby conducted analyses and made interpretations, conclusions and recommendations constituting geologic practice in the State of California. Consequently, Mr. Wilby violated Business and Professions Code section 7832 and 7872(a) when he engaged in the practice of geology, interpreted the site geology, interpreted geologic datum, and made recommendations based on geologic interpretations.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Jordan Wilby agreed to pay the fine and the case was closed on July 15, 2005.

ENFORCEMENT ACTIONS: Licensed Practice

Dr. Robin Chang PG 5333,CEG 91

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 to Dr. Robin Chang for violation of sections 7872(h) and 7860 of the Business and Professions Code and for violation of subsection 3065(a)(2), subsection (b)(1) and subsection (b)(3) of the California Code of Regulations (requiring a Professional Geologist to practice with competence and without misrepresentation).

Dr. Chang signed a report entitled "Preliminary Soil Investigation" for Del Mar Cleaners, 2644 Del Mar Heights Road, dated June 24, 2005, that was date-stamped received by the San Diego County Environmental Health Department on August 31, 2005. The aforementioned report professionally signed and stamped by Dr. Chang as "Dr. Robin Chang, P.H.D., Senior Geologist Senior California Registered Geologist" demonstrate that Dr. Chang professionally certified that he was in 'Responsible Charge' of the professional geologic work completed during the subsurface geologic characterization at the Del Mar Cleaners site and documented in the above-referenced report.

Geologic work apparently completed by Dr. Chang and documented in the aforementioned professionally signed and stamped June 24, 2005 report demonstrate that he took responsibility for maintaining professional responsible charge, constituting professional geologic practice in the State of California. In an e-mail communication of January 10, 2006 to Board enforcement staff Dr. Chang stated that "Since I (sic. Dr. Chang) did not maintain licensed professional responsibly for the report, I certainly did not maintain responsible charge for field works, data interpretation, and report preparation prior to my review/stamp on the report."

Title 16 CCR subsection 3065(a)(2) makes it a ground for disciplinary action for any registrant to fail to act with competence and reasonable care in applying the technical knowledge and skill which is ordinarily applied by registrants of good standing and under similar circumstances practicing in this state. Title 16 CCR subsection (b)(1) and subsection (b)(3) make it grounds for disciplinary action for any registrant to misrepresent or permit the misrepresentation of his professional affiliations or scope of responsibility while providing professional geologic services in the state of California.

The standard of practice of a Professional Geologist or Certified Hydrogeologist working under similar circumstances as described above requires that a reasonable professional maintain adequate responsible charge of unlicensed staff (including administrative project managers such as Registered Environmental Assessors or REA's) in order to insure that all

Dr. Robin Chang continued...

substantive environmental interpretations and evaluations are conducted under clear and direct responsible charge of the California licensed professional. In this case, Dr. Chang's failure to maintain responsible charge of the REA II departed from the standard of practice of a Professional Geologist or Certified Hydrogeologist and constituted professional negligence and incompetence.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, Dr. Chang agreed to pay the fine and the case was closed on February 9, 2006.

David DeMent PG 5874

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500.00 to David DeMent (Professional Geologist license No. 5874) for violation of Business and Professions Code section 7872(h) and section 7860(a)(b) and for violation of sections 3065(a)(b)(4)(6) and (8) of the California Code of Regulations (expression of opinions shall have a basis in fact or experience and shall not misrepresent data and its relative significance in any geologic report).

Mr. DeMent prepared site characterization reports relating to a site known as the "Metropolitan Apartments Site" in San Mateo, California and entitled "Subsurface Investigation Report," dated May 24, 2001, "Subsurface Investigation Report," dated September 24, 2001, "Soil Characterization Report," dated March 12, 2002, and "Clarification Letter," dated May 8, 2003, signed/certified as David DeMent RG or RG, REA II and subsequently submitted to the San Mateo County Public Health and Environmental Protection Division (Agency) to satisfy the requirements of the Agency published Groundwater Protection Program (GPP). The above-referenced reports submitted by Mr. DeMent provided various professional environmental services including, subsurface characterization of the extent of contamination in site soils from site drilling operations without proper notification of the drilling operations to the Agency, asserted that the extent of possible soil contamination was localized without supporting soil test datum, and transported contaminated soil off-site for unconditional reuse as artificial fill material. Mr. DeMent also claimed in his reporting that local groundwater was under confining conditions but then states that soil in the "capillary fringe" and "in contact with groundwater do not indicate impact from petroleum hydrocarbons volatile organic compounds (VOCs)" in his September 24, 2001 report. By

ENFORCEMENT ACTIONS: Licensed Practice

David DeMent continued...

definition, the term “capillary fringe” applies to water table conditions where groundwater is overlain by unsaturated, permeable material. Therefore, Mr. DeMent mischaracterized the site geologic conditions.

Business and Professions Code section 7872(h) and section 7860 and Title 16 CCR of section 3065(a)(b)(4)(6)(8) makes it a ground for disciplinary action for any licensee to fail to act with competence and reasonable care in applying the technical knowledge and skill which is ordinarily applied by licensees of good standing and under similar circumstances practicing in this state. In the circumstances of this case, a reasonable Professional Geologist would understand and follow the minimum notification and submittal requirements prepared under professionally licensed certification by the local Agency.

The standard of practice of licensed Professional Geologist (PG) conducting site evaluations under similar circumstances, requires that the PG complete a competent analysis in accordance with GPP requirements for such reporting which specify notification requirements and procedures for environmental site characterization and evaluation. Mr. DeMent’s apparent failures to clearly and accurately present the potential contamination in subsurface geologic materials and give appropriate notice to the Agency departs from the standard of practice of a Professional geologist and therefore constitutes professional negligence and/or incompetence. Further, Title 16 CCR sections 3065(a)(b)(4)(6) and (8) require that a licensee shall only express opinions that have a basis in fact or experience, not allow data publication for unlawful purposes, and shall not misrepresent data and its relative significance in any geologic report.

In accordance with section 125.9(d) of the Business and Professions Code which specifies that payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter, David DeMent agreed to pay the fine and the case was closed on July 27, 2005.

William (Bill) Dugan PG 6253

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 to Mr. William Dugan, Professional Geologist (PG), for violation of sections 7872(h) and 7860 of the Business and Professions Code and for violation of section 3065(a)(2) of the California Code of Regulations (requiring a Professional Geologist to practice geology with competence and due care).

William (Bill) Dugan continued...

William Dugan engaged in providing professional geologic services for the Rainer Service Station site at 1905 East Bayshore Road, East Palo Alto, California from January 2001 to October of 2005. The professional geologic work and opinions provided by Mr. Dugan were submitted to San Mateo County Health Services Agency (HSA). The project site documentation completed by Mr. Dugan interpreted the site geology, interpreted geologic datum, and made recommendations based on geologic interpretations and therefore constituted the professional practice of geology in California.

Mr. Dugan has chronically submitted substandard project site work for the above-referenced site including inaccurate boring logs, lack of adherence to proper field sampling protocols and incomplete reports. On multiple different occasions the HSA required Mr. Dugan to provide corrections of technically substandard boring logs, maps, cross-sections, proposed well and construction designs and installations for this site.

Title 16 California Code of Regulations section 3065(a)(2) makes it grounds for disciplinary action for any licensee to fail to act with competence and reasonable care while expressing opinions that have a basis in fact or experience in applying the technical knowledge and skill which is ordinarily applied by licensees of good standing and under similar circumstances and conditions.

The standard practice of a licensed Professional Geologist (PG) conducting an environmental site assessment under similar circumstances and conditions requires that the reasonable PG submit complete project documentation based upon proper field protocols and field data (e.g., boring logs; which are critical for developing an accurate Site Conceptual Model or SCM). The reasonable PG understands that s/he is not relieved of the duty to expend adequate effort to properly collect, evaluate and report subsurface data so that technically sound recommendations can be provided to conduct meaningful environmental site cleanup for a particular beneficial use. Further, a reasonable PG understands the requirement that technical data shall also be provided for use by the State Water Resources Control Board Geotracker database.

In accordance with section 125.9(d) of the Business and Professions Code payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Mr. Dugan agreed to pay the fine and the case was closed on November 23, 2005.

ENFORCEMENT ACTIONS: Licensed Practice

Randal Irwin PG 4582, CEG1521

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 to Mr. Randal Irwin for violation of sections 7872(h) and 7860 of the Business and Professions Code and for violation of section 3065 subsections (a)(2) and (b)(4) of the California Code of Regulations.

Mr. Irwin sealed a report entitled "Preliminary Geotechnical Feasibility Study for O'Byrnes Ferry Bridge", prepared for Stantec Consulting, 2590 Venture Oaks Way, Sacramento, California, dated July 13, 2005 and revised August 12, 2005. This report was made part of a submittal to the California Department of Transportation (Caltrans) and received on August 16, 2005. In part, the report provided professional interpretations of the geologic materials on which a proposed Caltrans bridge rehabilitation/reconstruction is planned.

The report by Mr. Irwin misinterpreted the geologic materials upon which the bridge is built as "... Mehrten and Table Mountain Latite Formation materials..." potentially impacting the proposed rehabilitation/reconstruction (i.e., two geologic Formations identified). Additional existing geologic metavolcanic and metasedimentary materials underlying the western bridge foundation at the site were not identified or characterized (i.e., three fully distinct geologic Formations actually present).

Title 16 CCR section 3065 subsections (a)(2) and (b)(4) makes it grounds for disciplinary action for any licensee to fail to act with competence and reasonable care while expressing opinions that have a basis in fact or experience in applying the technical knowledge and skill which is ordinarily applied by licensees of good standing and under similar circumstances and conditions.

The standard practice of a licensed Professional Engineer (PE), Professional Geologist (PG) or Certified Engineering Geologist (CEG) conducting a site geologic and/or geotechnical evaluation under similar circumstances and conditions, requires that the responsible PE, PG or CEG fully consider and accurately identify existing bedrock and soil conditions to insure that an accurate geologic and/or geotechnical investigation are completed in a technically defensible manner for proposed construction projects.

In accordance with section 125.9(d) of the Business and Professions Code payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Mr. Irwin agreed to pay the fine and the case was closed on December 9, 2005.

Bernard Luther PG 4356, CEG 1356, CHG 379

The Board for Geologists and Geophysicists (Board) issued a Citation and Fine of \$2,500 on September 21, 2005 to Bernard Luther for violation of sections 7872(h) and 7860 of the Business

Bernard Luther continued...

and Professions Code and for violation of section 3065(a)(2) of the California Code of Regulations (requiring a Professional Geologist to practice geology with competence and due care).

Mr. Luther signed various reports providing professional groundwater quality characterization, monitoring and remediation services relating to two sites in San Diego County; the former California Lien Supply, 101 16th Street in the city of San Diego, California, and the Seven-Day Tire and Brake, 2001 Oceanside Boulevard in Oceanside, California. The report specifically signed and/or stamped by Mr. Luther for the California Lien Supply site is entitled "Semi-Annual Groundwater Sampling Report by Applied Consultants, Inc.," dated January 12, 2005. Documentation specifically signed and/or stamped by Mr. Luther for the Seven-Day Tire and Brake site include the April 15, 2003 "Workplan for Future Work by Applied Consultants, Inc.," the July 10, 2002 "Quarterly Monitoring Report (Q2-02)," the August 12, 2002 "Revised Quarterly Monitoring Report (Q2-02)" and a series of seven undated "Potentiometric Maps" and associated cover letters. All reporting completed under the responsible charge of Mr. Luther was submitted by Applied Consultants, Inc. to San Diego County, Site Assessment and Mitigation program staff.

The above-referenced documents submitted by Mr. Luther failed to accurately characterize monitoring well elevations and did not provide field logs and documentation to prove that site monitoring wells were properly purged - thereby failing to document a valid groundwater sampling procedure - in accordance with the San Diego County Site Assessment and Mitigation Program Manual (SAM Manual) resulting in erroneous groundwater flow directions and unreliable groundwater sample water quality testing results.

Title 16 California Code of Regulations section 3065(a)(2) makes it a ground for disciplinary action for any licensee to fail to act with competence and reasonable care in applying the technical knowledge and skill which is ordinarily applied by licensees of good standing and under similar circumstances and conditions.

The standard practice of a licensed Professional Geologist (PG) conducting site evaluations under similar circumstances and conditions, requires that the reasonable PG present an accurate and properly documented wellhead survey plan and insure that groundwater sampling is completed in a technically defensible manner so as to provide evidence of a valid groundwater sampling procedure (e.g., insuring properly completed and documented groundwater monitoring well sample purging logs) for project document submittals.

In accordance with section 125.9(d) of the Business and Professions Code payment of the fine does not constitute admission of the violation charged and represents satisfactory resolution of the matter. Bernard Luther agreed to pay the fine and the case was closed on October 21, 2005.

NEW STAFF MEMBERS

Mike Luksic is the board's new Enforcement Program Engineering Geologist. He is new to state service and comes to the board with more than 10 years of experience performing geological work. Mike is a licensed Professional Geologist (PG No. 7310) and has a B.S. in Geology from Western State College. Mike started with the board on October 3, 2005.

Corrine Gray is the board's new Staff Services Analyst (promotion) for the Enforcement Unit. She comes from the Bureau of Security and Investigative Services with more than 17 years of experience working for the State of California. Her knowledge of enforcement policies and procedures is extensive as well as her expertise with the Consumer Affairs System (CAS). Corrine started with the board on October 13, 2005.

Christine Doering is the board's new Staff Services Analyst for the Administrative Unit. She is new to state service with a background in insurance and risk management and has a B.S. in Business Administration from the University of Phoenix. Christine started with the board on November 1, 2005.



ASBOG® National Exam Suggestions Welcome!

The National Association of State Boards of Geology (ASBOG®) is always on the lookout for new questions to continuously improve their examinations. Please refer to the “ASBOG® Geologist Item Writing Suggestions” and “ASBOG® Item Evaluation Criteria” for details on the types of considerations that need to be addressed prior to submission of questions. An “Item Writing Form” is also included in this newsletter. Please contact ASBOG® directly for additional information. Item writing suggestions should be submitted to Dr. Jack Warner, Ph.D., at the following address:

Dr. Jack Warner, Ph.D.
c/o ASBOG®
P.O. Box 11591
Columbia, SC 29211-1591
Voice: 803/739-5676
Fax: 803/739-8874
Website: www.asbog.org

ASBOG® GEOLOGIST ITEM WRITING SUGGESTIONS

Jack L. Warner, Ph.D.
Steven P. Warner, Ph.D.

I. GENERAL SUGGESTIONS

1. Each item should have only one correct answer. Problems are likely to result if competent geologists cannot agree on which is the correct or best answer.
2. Use language that is simple and direct. Examinations are more accurate if they do not become tests of reading ability.
3. Keep the overall purpose of the question clearly in mind. If you intend to write an item which measures candidates' knowledge of determining physical properties of rocks, be sure not to write a question which assesses a different knowledge (e.g., determining chemical properties of rocks).
4. Avoid writing trick items. Items which are developed for the purpose of tricking candidates only serve to reduce the validity of the examination. Ambiguous or misleading questions should be avoided.
5. Avoid writing items which assess candidates' knowledge of trivial information.
6. Items should be written at an entry level of difficulty to reflect the amount and type of training and experience received by candidates.

II. SUGGESTIONS FOR THE STEM (QUESTION)

7. The stem of the question should adequately describe a problem or situation. If important information is missing from the stem, some candidates will make assumptions which are not true, and consequently, they will miss the question even though they may understand the concept being tested.
8. The stem should contain as much of the item's content as possible. This makes it easier for candidates to scan the options after reading the stem. Also, it is best to include in the stem any words that otherwise would need to be repeated in each option.
9. Avoid negatively worded stems, if possible. This type of phrasing can confuse candidates who would otherwise easily select the correct option. If negatives are used, however, underline the word NOT and put it in capital letters.

ASBOG® GEOLOGIST ITEM WRITING SUGGESTIONS Continued...

III. SUGGESTIONS FOR THE OPTIONS (ANSWERS)

10. Place options at the end of the stem rather than in the middle. Candidates have more difficulty reading stems which have “gaps” in the middle.
11. Each option should be grammatically consistent with the item’s stem.
12. Make all options plausible to the candidate who lacks the necessary knowledge or skill tested by the item.
13. Avoid making the correct answer substantially longer or shorter than the distractors.
14. Avoid words like “always”, “never”, “only”, “every”, etc. Candidates often realize that statements like these are rarely universally true.
15. Options should be independent and mutually exclusive.
16. Common misconceptions and errors make good distractors.
17. Options which are not relevant make good distractors.
18. Good distractors can be developed by anticipating how candidates could independently arrive at logical though incorrect responses.

ASBOG® Item Evaluation Criteria

Things to consider prior to submission of items

1. Does the item have only one correct or best answer?
2. Is the item related to the practice of the profession?
3. Does the item relate to public protection?
4. Is the language clear and direct?
5. Is the item written at an “entry-level” of difficulty?
6. Does the stem of the problem adequately describe a problem or situation?
7. Is the item free of trickery?
8. Does the item avoid assessing “trivia”?

NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY

Item Writing Form

Name: _____ **State:** _____ **Exam (FG or PG):** _____ **Task #:** _____

STEM: _____

OPTIONS (Place * before Key):

A. _____

B. _____

C. _____

D. _____

Reference/Source (if applicable): _____

Signature **Date**

Signature **Date**

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

2535 CAPITOL OAKS DRIVE, SUITE 300A, SACRAMENTO, CA 95833-2926

TELEPHONE: (916) 263-2113

FAX: (916) 263-2099

E-mail: geology@dca.ca.gov

Website: www.geology.ca.gov



January 30, 2006

Jason Preece, President
California Council of Geoscience Organizations
10366 South Flynn Road
Livermore, CA 94550

Dear Mr. Preece:

RE: Annual Review for the Board for Geologists and Geophysicists

Thank you for the opportunity to address the 2005 successes of the Board for Geologists and Geophysicists (Board) as part of your annual review of State Government and its regulation of the geological and geophysical professions. During this last year, Senator Figueroa, who chairs the Business and Professions Committee, sponsored the "Sunset" bill on the Board's behalf. Senate Bill 228 initially extended the Board's Sunset date until 2012, but was subsequently amended, with the input from Governor Schwarzenegger's administration, to sunset on January 1, 2009. That means that the Board, its staff, licensees and the public will have to undergo the rigorous Sunset Review process again in fall 2006.

Attempts by the Schwarzenegger Administration to merge the Board with the Board for Professional Engineers and Land Surveyors were successfully stopped. The efforts of CCGO played a significant role in this effort, and the Board appreciates your support.

The Enforcement Unit continues to aggressively pursue enforcement activity among licensees and non-licensees in the fields of environmental geology, engineering geology, site assessments and seismic mitigation. The Board was able to hire two new staff (Mike Luksic, Engineering Geologist and Corrine Gray, Staff Services Analyst) to augment the Enforcement Unit. (We also welcomed Christine Doering to the Board staff, replacing DeLesa Swanigan who accepted a promotion with another unit within the Department of Consumer Affairs).

The Board continues to administer the national examination for Professional Geologists with an additional California-Specific Test (CSE). The number of these and Certified Engineering Geologist, Certified Hydrogeologist and Professional Geophysicist applicants showed a substantial increase from previous years. Approximately 250 new licenses (PG, CEG, CHG and PGP) were issued this past year. After a year of study, hearings and focus groups, the Board unanimously voted to rescind the CSE as a licensure requirement for new applicants. Legislation to change the necessary language from existing statute should be considered by the Legislature in the spring and summer 2006 Legislative session. If the legislation is successful, then the CSE will no longer be a requirement for licensure as a California Professional Geologist.

The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Significance, and Availability of Geological and Geophysical Services Offered to the People of California

Jason Preece
Page Two

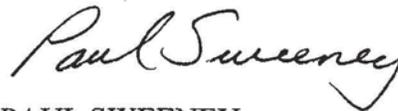
In lieu of a CSE, the Board is pursuing a comprehensive Candidate's Handbook which will be required to be completed and notarized by all new applicants for licensure. A copy of this notarization will be placed in all new licensees' files, in case the need should ever arise to utilize this verification of California geology, laws and regulations for enforcement purposes. Two eight-person Focus Group participants will be working with the Department of Consumer Affairs' Office of Examination Resources this spring to create a technically defensible handbook. Some of your membership may have already submitted a CV/resume for consideration to participate in the focus group!

Outreach for consumers, students and the geologic community was enhanced with the improvement of the Board's website, which continues to be a significant source of information to the public about the Board's many activities. Presentations on the value of geological and geophysical licensure were given several times this past year by the Executive Officer and his staff.

Finally, the licensed geophysicists in California can now be legally called Professional Geophysicist, due to language included in the same bill referenced above. This name change became effective on January 1, 2006.

Again, thank you for continuing to monitor the Board's progress!

Sincerely,



PAUL SWEENEY
Executive Officer

cc: Board Members



State Water Resources Control Board



Ian C. Lloyd, Ph.D.
Agency Secretary

Division of Financial Assistance
1001 I Street • Sacramento, California 95814
P.O. Box 944212 • Sacramento, California • 94244-2120
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Arnold Schwarzenegger
Governor

Updated: July 2005

PROPER LICENSING FOR PROFESSIONAL ENGINEERING AND GEOLOGY SERVICES

Background:

The Business and Professions Code and regulatory agencies require licensed professionals to sign reports and workplans. A licensed professional must be in responsible charge of all corrective action activities, and must direct the design and implementation of any corrective action.

The Underground Storage Tank (UST) Cleanup Fund will only reimburse for the activities of firms that are properly licensed and maintain necessary licenses for legal operations in the State of California.

Acceptable Professional Licenses:

The activities of professional engineers and geologists are subject to the provisions of the Business and Professions Code.

Firms whose primary activity consists of geologic services must have a professional geologist as a partner or officer of the firm. A professional engineer must be an "owner, part owner, or officer in charge of the engineering practice" of an engineering business.

Acceptable professional licenses include:

- Professional Civil Engineer (PE)
- Professional Geologist (PG)
- Certified Engineering Geologist (CEG)
- Certified Hydrogeologist (CHG)
- Professional Petroleum Engineer (PE)

Unacceptable Registrations and Certifications:

The UST Cleanup Fund and most regulatory officials do not accept registrations and certifications from private associations and other states for the purposes of being in responsible charge of UST corrective action activities in California.

For the purposes of being in responsible charge of UST corrective action activities, unacceptable registrations include:

- Registered Environmental Assessor (REA)
- Registered Environmental Manager (REM)
- Registered Environmental Professional (REP)
- Certified Environmental Investigator (CEI)
- Certified Environmental Specialist (CES)

For example, REAs, in some circumstances, may assist in the review of operations and practices to ensure compliance with environmental regulations. REAs can specialize in different fields, including air and water quality, emergency preparedness, hazard communications, and occupational safety and health. (See Chapter 6.98 of the Health and Safety Code.) An REA designation does not, however, qualify a person to be in responsible charge of corrective action activities.

Please note that it is the claimant's responsibility to hire qualified consultants and to follow applicable state laws in hiring licensed professional services.

Additional Information:

- State Board for Geologists and Geophysicists
<http://www.geology.ca.gov>
- State Board for Professional Engineers and Land Surveyors
<http://www.dca.ca.gov/pels/>

California Environmental Protection Agency



BOARD FOR GEOLOGISTS AND GEOPHYSICISTS

2006 CALENDAR OF EVENTS

<u>EVENT</u>	<u>DATE</u>	<u>LOCATION</u>
Holiday – New Year’s Day (observed)	January 2	
Holiday – Martin Luther King, Jr.	January 16	
Joint Board/Examination Committee	January 20	Sacramento
Technical Advisory Committee	February 3	Sacramento
Holiday – Lincoln’s Birthday (observed)	February 13	
Board Meeting	February 17	Sacramento
Holiday – Washington’s Birthday	February 20	
Examinations	March 3	Carson
Examinations	March 3	Sacramento
Board Meeting	March 24	Sacramento
Holiday – Cesar Chavez Day	March 31	
Technical Advisory Committee	May 5	Sacramento
Board Meeting	May 19	Sacramento
Holiday – Memorial Day	May 29	
Holiday – 4 th of July	July 4	
Technical Advisory Committee	July 28	Los Angeles
Board Meeting	August 11	Los Angeles
Holiday – Labor Day	September 4	
Holiday – Columbus Day	October 9	
ASBOG® Annual Meeting	November 1-4	Salt Lake City
Technical Advisory Committee	November 3	Sacramento
Holiday – Veteran’s Day (observed)	November 10	
Board Meeting	November 17	Sacramento
Holiday – Thanksgiving	November 23-24	
Holiday – Christmas	December 25	

To have an item considered at a Board or Committee meeting, please submit the request to the Board’s Executive Officer no later than three weeks prior to the meeting date. For example, to have an item considered for the February 17 Board Meeting, the request should be made by January 27.