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## REA II Promises to Refrain from Any Geologic Practice: Pays Board \$2,500

In settlement of a Citation and Fine issued by the Board for Geologists and Geophysicists, Donavan Tom – after close consultation with his attorney and without admitting to the Board's allegations – understood and agreed to conditions of the August 24, 2007 settlement of Case No. 01-2005-42. (For full details, see inserted copy of stipulated settlement.)

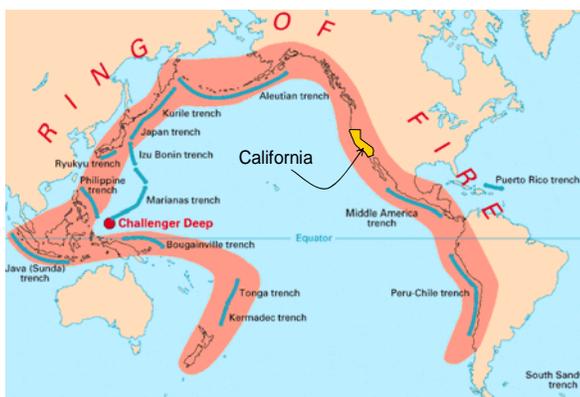
At issue was a geologic report signed by “Donavan G. Tom, M.B.A., R.E.A. II, Principal Consultant” submitted to the California State Underground Storage Tank Cleanup Fund. According to the citation, the report submittal demonstrated that Mr. Tom practiced and/or offered to provide geologic services when he stated, “[the] report has been prepared by the staff of Basics Environmental, Inc. under the professional supervision of the Principal Consultant.”

The citation also alleges he had further violated Business and Professions Code §7872(a) when he engaged in the practice of geology, interpreted the site geology, conducted and/or supervised subsurface site characterization sampling, interpreted environmental geologic datum and made recommendations based on environmental geologic interpretations documented in his report.

To settle this action Mr. Tom agreed to pay \$2,500 to the Board and not engage in any practice which constitutes the practice of geology, including: any determination of the existence or non-existence or qualities of surface of subsurface moisture (e.g., moisture flow direction) or the location and extent of surface or subsurface native or non-native materials (e.g., soil sampling localities).

**“Protection of the public shall be the highest priority of the Board for Geologists and Geophysicists in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”**

*(Business and Professions Code Section 7810.1)*



Modified after U.S. Geological Survey map of the Pacific Rim illustrating California's unique place in the world within the geologically dynamic and challenging “Ring of Fire” (<http://pubs.usgs.gov/gip/dynamic/fire.html>)

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## Executive Officer Report: Serious About Standards

By Rick Rempel

Public protection and professional standards go hand in hand.

True to its mission – *to serve and to protect the public* – the Board for Geologists and Geophysicists has demonstrated over the past eight months that it is serious about public protection and, therefore, serious about standards.

The Board initiated rigorous, systematic evaluation in January 2007 of each licensure applicant's qualifying education and experience to ensure that only those who meet statutory pre-requisites of graduation with a major in the geological sciences and five years of professional geological experience of a character satisfactory to the Board are admitted to a written examination.

This "serious-about-standards" initiative is now "Standard Operating Procedure" for all professional licenses and specialty certifications.

Systematic technical review of applications and supporting documents has already generated nearly two-dozen "warning letters" issued to licensed professional geologists who had provided woefully inadequate, substandard references for applicants under their responsible charge or of whom they had professional knowledge.

These warning letters serve as yet another wake up call to the fact this Board (a) is serious about standards and (b) will consistently apply them to every aspect of our statutory mandate:

*"Protection of the public shall be the highest priority for the Board for Geologists and Geophysicists in exercising its licensing, regulatory and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount."*

### Calendar of Upcoming Events

<b>Examinations</b>	September 28–29	Sacramento
Holiday – Columbus Day	October 8	
ASBOG® Annual Meeting	October 23–28	Denver
Technical Advisory Committee Meeting	October 26	Sacramento
Holiday – Veterans' Day	November 12	
<b>Board Meeting</b>	November 16	Los Angeles
Holiday – Thanksgiving	November 22–23	
Holiday – Christmas	December 25	

## Board Supports Senate Bill 1047

The Board for Geologists and Geophysicists is pleased to support SB 1047 amendments to the Business and Professions Code that would (a) require Department of Consumer Affairs boards to meet at least three times each calendar year and at least once in Northern California and Southern California and (b) authorize the Director to call a special meeting of the board when a board is not fulfilling its duties.

These provisions would establish very reasonable standards supporting open and accessible public meetings and holding appointed officials accountable to their Oath of Office to well and faithfully discharge their duties. (The bill was passed by the Senate and is currently pending action on the floor of the Assembly)

## New and Improved California Supplemental Exam

The Board for Geologists and Geophysicists has taken careful note of comments and suggestions from licensees and applicants regarding two very important issues.

First, many have requested that licensing examinations be scheduled more frequently than just once per year. Second, others have criticized the California Supplemental Examination (CSE) as “too little,” “too trivial,” “not representative of practice unique to California,” or “already covered by the national examination.”

Responding to this clear call for change from a variety of interests seeking to be promoted with respect to the CSE, the Board weighed, considered, and has implemented a now twice a year Professional Geologist examination. The two ASBOG component examinations (Fundamentals and Practice of Geology) and the CSE will be offered in Northern California on September 28<sup>th</sup> and 29<sup>th</sup>, respectively.

*“The Board has significantly re-vamped the CSE into a 75-question, 2½-hour examination”*

Those familiar with the former CSE (one-hour, 30-question, and same day as the two 4-hour national examinations) will be the first to appreciate the fact that the Board has moved the new and improved CSE to a separate day following the national examinations.

### ***These are not the only substantive changes.***

Acting on input from applicants, licensees, subject matter experts and psychometricians, the Board has significantly re-vamped the CSE into a 75-question, 2½-hour examination following the requirements of Business and Professions Code §7841(d) that the CSE “...shall test the applicant’s knowledge of state laws, rules and regulations, and of seismicity and geology unique to practice within this state.”

The Board is currently revising the application forms for the March 6–8, 2008 exams. The forms will be posted on the website as soon as the revisions are complete. Check back soon to begin work on your application as soon as possible. The **final filing date** for the March 6–8, 2008 exam is **November 27, 2007**.

Best of luck to all Fall 2007 and Spring 2008 examinees!

## Lapsed Registrations

Currently, the archaic licensee tracking system inherited from the ‘lower Pleistocene Epoch’ indicates 52 “delinquent” Professional Geophysicists, 422 “delinquent” Professional Geologists, 138 “delinquent” Engineering Geologists, and 32 “delinquent” Hydrogeologists.

Of course, things do get lost in the mail. Delays in cashiering and accounting at our end may also delay posting or acknowledgment of an otherwise timely receipt of payment.

California Code of Regulations, Title 16, §3005(c) addresses the delayed renewal fee scenario by stating that renewal fees **“...shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope containing the fee.”**

Finally, a large proportion of these lapsed registrations are people who simply do not wish to renew their license (e.g. they are retired). Unfortunately, they may still be reported as “delinquent” for up to five years after their last valid license expired and cancelled for non-payment after that. (We regret this current database limitation and are working to correct this artificial default descriptor.)

If you are in this category, please write to us to request cancellation and include your certificate(s) of registration. We will update our pre-historic database to reflect your choice rather than continue to misbrand you as “delinquent.”

Please review the following 180 “delinquent” PG’s whose most recent active license expired on or after June 30, 2005. If your name (or someone you know) appears, please contact us to make sure that either our record or the truly “delinquent” license is brought up to date.

Last Name	First Name	Initial	PG License No.				
ADAMS	DAVID	A	3570	COLLINS	WILLIAM	E	4004
ALBEE	ARDEN	L	2742	CONCORS	LAURENCE	E	6789
ALEXANDER	PAUL	B	3724	CORDES	GORDON	E	213
ALMENDINGER	PETER	A	4734	CRAWFORD	DONALD	B	209
AMUNDSON	BURTON	A	1630	CROUCH	ROBERT	L	513
BARNHART	JOHN	T	2002	DARROW	RICHARD	L	1438
BATES	DAVID	L	7292	DESHLER	RICHARD	M	5200
BEATTY	JENIFER	J	6650	DI MATTEO	EMIL		941
BEERS	CHARLES	A	3465	DIAZ	JAMES		563
BEHNKE	JEROLD	J	1246	DICKEY	STEPHEN	K	3615
BEJNAR	CRAIG	R	5224	DORSEY	RIDGELY	E	1040
BERRY	KEITH	D	1135	DUNKELMAN	THOMAS	J	5313
BLAMER	DUANE	W	6913	DUNWOODY	JOSEPH	A	183
BOWERSOX	JOHN	R	3514	DURHAM	KEVIN	M	7433
BOWMAN	JOHN	C	692	EAGEN	JACK	T	485
BRADSTREET	STEPHEN	E	4142	EDMONDSON	WILLIAM	F	29
BRAXTON	DAVID	P	7417	ESPENSCHIED	ERNEST	K	1872
BROWN	ROBERT	D	2188	FALL	EDWARD	W	3680
CALLISON	JOSEF	C	757	FARRELL	CLIFFORD	R	2044
CAPPS	MICHAEL	L	3921	FENZEL	FRANK	W	2388
CARTER	JACK	B	5755	FLOYD	LARRY	W	6520
CHIPPING	DAVID	H	3632	FORBES	JEFFREY	R	5807
CLARKE	CRAIG	W	3422	FRIZZELL	LLOYD	E	2446
CLOUGH	ANDREW	B	5736	FULTON	ROBERT	B	1191
COBARRUBIAS	JOSEPH	W	60	FUSSO	JOSEPH	W	3423
COLE	JOHN	F	1937	GALLEAR	DARRELL	C	2569
COLE	JEFFREY	E	5370	GALLUCCI	RICHARD	N	6581
COLLIGAN	THOMAS	H	4663	GARNER	ERIN	D	4750
				GARST	HUGH	C	1653

GERBER	GWEN		7500
GILMOUR	WILLIAM	B	4921
GIUSTI	ELIO	R	3052
GLOTFELTY	MARVIN	F	4988
GOLDMAN	HAROLD	B	1659
GRAY	G	D	5834
GREEN	MELVIN	G	395
GREGG	DEAN	O	4122
GUTZMAN	MYRON	E	3619
HALKET	RICHARD	M	6601
HAMAN	DREW		545
HARRIS	VICTOR	E	4364
HARRISON	ROBERT	L	6691
HART	PETER		663
HART	JEFFREY	S	7258
HASTINGS	DOUGLAS	D	3897
HILLMAN	ALEXIS	S	7357
HONEYCUTT	VALERIE	E	8191
HOUSER	MARK	D	7619
HUSTON	KENNETH	H	3637
JACKSON	WAYNE	P	7640
JACOB	GREGORY	C	4718
KALAGHAN	THERESA	A	5805
KAUFMANN	ROBERT	F	3222
KEMP	KENYON	E	2870
KINNEY	DAVID	M	6845
KIRK	MAHLON	V	1799
KNIGHT	REX	H	2976
KOLOSKI	JON	W	1701
LA VIOLETTE	JOHN	W	3592
LARSEN	WILLIAM	R	1832
LATKER	MARK		157
LEFKOFF	L	J	5833
LIND	DEBORAH	S	7126
LINEBACK	JERRY	A	8113
LITTLE	THOMAS	M	5410
LOMBARD	JAMES	P	5826
LONG	BERNARD	G	1769
LUNDEEN	EDGAR	W	984
MAGLEBY	DAVID	C	3042
MALLETTE	CHARLES	M	88
MARGASON	BUEL	E	3323
MATTHIEU	MARCIA	P	5823
MAYERS	CARL	F	7771
MC CREVEY	JOHN	A	3485
MC JANNET	GEORGE	S	1802
MC LEAN	THOMAS	C	2540
MC RAE	CYRIL	M	3143
MCCABE	STEVEN	M	6642
MCCOY	MELINDA	D	6361
MEANEY	KEVIN	E	6625
MEEKER	ANN	O	3736
MENACK	JULIE	S	4440
MIKLANCIC	FRED	J	2072
MINK	JOHN	F	364
MYHRE	CAROLINE	S	8061
NICHOLS	WENDELL	L	217
NILSEN	TOR	H	2857
OATES	OLEN	R	5548
OGLE	BURDETTE	A	883
O'LASKEY	ROBERT	H	6797

OLMSTED	TERRY	L	231
PANKHURST	DUANE	A	6185
PAVLOVICH	ROBERT	L	151
PEAK	WILFERD	W	2
PLAZIAK	MICHAEL	R	7289
PUGA	ROBERTO	E	6346
RADBRUCH-HALL	DOROTHY	H	2074
RAMSDEN	TODD		5687
REEDY	ROBERT	D	864
RICHMOND	WILLIAM	C	3698
RICHTER	RAYMOND	C	154
ROCHETTE	MICHAEL	B	6875
ROEHL	PERRY	O	344
ROGERS	DAVID	K	3369
ROTERT	JOHN	C	3869
SAGER	STEVEN	A	7079
SALTER	PAUL	A	7257
SANDERS	DONALD	R	3394
SANTI	PAUL	M	5310
SARA	MARTIN	N	6167
SARACINO	ANTHONY	M	4423
SAYERS	JOHN	A	3043
SCHELIGA	JOHN	T	396
SCHNAKE	DAVID	W	4031
SCHUTZE	JAN	H	5771
SHIPSTEAD	JOHN	B	7451
SIMS	DANNY	B	7561
SMITH	GARY	A	4636
SMITH	ERIC	L	5664
SMOLLEY	MARK	A	4650
SONES	PAUL	R	6195
SPONGBERG	MARTIN	E	7562
STERNFELD	JEFFREY	N	6005
STICKEL	JOHN	F	2999
STOCKTON	AARON	D	998
TAHSE	FREDERICK	W	1552
TARKOY	PETER	J	3505
TAYLOR	BRIAN	E	6759
THOMSEN	NEIL	A	3762
THURNBLAD	TIMOTHY	W	5226
TINGLEY	JOSEPH	V	1542
TOMPKINS	WILLIAM	S	558
TOWSE	DONALD	F	2140
VALENTINE	ROBERT	M	1853
VAN VELSOR	JOAN	E	4299
VANTINE	JAMES	V	1663
VINCENT	SEAN	D	6932
VONDER LINDEN	KARL		2677
WADDELL	RICHARD	K	4736
WALLIS	BETH		4791
WALLIS	CLAYBON	M	5215
WALSH	BARBARA	L	4075
WARNER	JEFFREY	L	5996
WENTWORTH	CARL	M	2424
WHALEN	TIMOTHY	N	7450
WILSON	THOMAS	A	1592
WONG	FLORENCE	L	3588
WOOLEY	ROBERT	T	3253
YELVERTON	CHARLES	A	27
ZELLMER	JOHN	T	3808
ZUGAY	ERIC	J	7545

## Accountability Corner

Business and Professions Code §7810.1 (i.e., the Geologists and Geophysicists Act) reads: **“Protection of the public shall be the highest priority of the Board for Geologists and Geophysicists in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”**

Here are a few reminders regarding our public protection mandate under the California Business and Professions Code.

### Geologists and Geophysicists Act §7860:

- The board may, upon its own initiative **or** upon the receipt of a complaint, investigate the actions of any professional geologist, geophysicist...and make findings thereon.
- By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any geologist or geophysicist registered hereunder, or may publicly reprove or revoke the temporary authorization granted to any person pursuant to §7848 or §7848.1, on any of the following grounds:
  - Misrepresentation, fraud, or deceit by a geologist or geophysicist in his or her practice.
  - Negligence or incompetence by a geologist or geophysicist in his or her practice.
  - Violation of any contract undertaken in the capacity of a geologist or geophysicist.
  - Fraud or deceit in obtaining a certificate to practice as a geologist or geophysicist, or in obtaining a temporary authorization to practice pursuant to §7848 or §7848.1.
- By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or may revoke the certificate of any geologist or geophysicist registered under this chapter for unprofessional conduct, including aiding or abetting any person in a violation of this chapter or any regulation adopted by the board pursuant to this chapter, violating this chapter or any regulation adopted by the board pursuant to this chapter, conduct in the course of practice as a geologist or geophysicist that violates professional standards adopted by the board [i.e., Code of Professional Standards of the Board, California Code of Regulations (CCR) Title 16, Division 29 §3065].

### Geologists and Geophysicists Act §7835:

- All geologic work, including your professional certification made under penalty of perjury, must be completed in accordance with the Act, and more specifically, CCR Title 16, §3065.

What this means in practice is when you certify a subordinate's qualifying experience for professional licensure you are giving your licensed professional opinion.

The Board has redesigned its application forms to obtain accurate characterization of applicants' qualifying experience (see our "Independent Evaluation of Scope, Character and Duration of Applicant's Qualifying Geologic Work Experience" forms). Failure to accurately characterize an applicant's qualifying experience is a violation of our Code of Professional Standards, CCR Title 16, §3065(b): "... (1) A registrant shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, affiliations, or purposes or those of the institutions, organizations or other businesses with which he or she is associated... (4) A registrant shall only express professional opinions that have a basis in fact or experience. (5) A registrant shall not plagiarize the professional work of others and shall attribute proper credit to others for their work or contribution... (7) A registrant shall not falsely or maliciously attempt to injure or in fact injure the reputation or business of others. ..."

A professional's signature and license number and declaration under penalty of perjury that information on a reference form is true and correct indicate professional responsibility for evaluations and descriptions of the applicant's responsible position work as representative, "qualifying" experience.

All geologic work, including your professional certification made under penalty of perjury, must be completed in accordance with the Act, and more specifically, CCR Title 16, §3065. A copy of the Geologist and Geophysicist Act and Rules and Regulations is posted on the Board's website at [www.geology.ca.gov](http://www.geology.ca.gov). If you need more information, clarification or have any questions, please feel free to call Professional Standards Unit at (916) 263-2113.

Thank you in advance for being part of public protection through professional licensure and accountability, George Dunfield.

# Public-Private Partnerships

The California Board for Geologists and Geophysicists (CBGG) is “devoted” – or, rather, is mandated by law – to protect the public from both unlicensed and substandard practice of geology and geophysics in their various environmental, engineering and groundwater branches.

Governor Schwarzenegger has championed public-private partnerships to better serve the people than old-style bureaucratic, top-down, command-and-control approaches.

California’s unique interface of geology and the public good – its health, safety, infrastructure, economic well-being and environmental diversity – is well-served by vigorous private associations such as the Associate of Environmental and Engineering Geologists (AEG) doing what it does best and a mission-driven CBGG.

*(Partnerships continued on page 8)*

## Geologist-In-Training (GIT): Not a Consolation Prize

Legislation signed into law in 2005 established California’s “GIT Program.”

Applicants who are recent (and not so recent) graduates with a major in the geological sciences may take the ASBOG® “Fundamentals of Geology” exam and, upon passing, receive official recognition from the Board for achieving that milestone.

One of the program’s earliest and strongest proponents, the late Dr. Robert Matthews, saw GIT as a bridge from the academic world to a professional career in a state where geological challenges abound and qualified geologists are ever in demand.

Forty years ago, the rock group Crosby, Stills and Nash harmonized “Teach Your Children Well.” Representing the future of geological practice in California, a GIT should be taught well by licensed professional geologists who are themselves serious about standards.

Although each GIT is ultimately responsible for meeting all the qualifications for licensure, those in responsible charge of GIT projects, work products and services also play a lead role in career development.

First, a GIT deserves recognition for academic achievement and examination success to date.

Second, a subordinate GIT needs both motivation and opportunity to gain hands-on geological work experience at the professional level – that is, beyond the normal routine sampling, drafting, and other non-qualifying work typically assigned in greater proportion to new hires just out of college.

Over time, a competent professional geologist in responsible charge and serious about standards will afford a competent GIT ever-increasing opportunities to take individual control and direction of geological projects and to exercise individual initiative, skill and judgment in the investigation and interpretation of geological features, or the supervision of such projects.

## Public Participation in Board Meetings Encouraged



You are encouraged to attend and to participate in Board meetings, which are held in barrier free facilities in accordance with the Americans with Disabilities Act. Times and order of business noted on the meeting agenda are approximate and subject to change.

Board meetings are governed by the Bagley-Keene Open Meeting Act (Government Code Section 11120, et seq), which sets forth the following:

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

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

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

If you wish to address the Board regarding any particular agenda item or during the “Public Forum” on an issue that is not on the agenda, please indicate your interest on a “Public Participation Card” available at the meeting and return it to a Board staff member so you may be heard at the appropriate time. The Board President may limit time allotted for public comments according to the number of people who wish to speak.

For additional information or assistance prior to the scheduled public meeting, please contact Christine Doering at (916) 263-2233 or write to the Board for Geologists and Geophysicists, 2535 Capitol Oaks Drive, Suite 300A, Sacramento, CA 95833-2926.

### *Partnerships* from page 7

Recent revisions to professional licensure application documentation, processes, and procedures provide an opportunity for AEG and similar non-profit organizations to share in the responsibility of

promoting, maintaining and enforcing ever-higher (and therefore acceptable) professional standards of practice in California to the benefit of all.