



# Board for Professional Engineers, Land Surveyors, and Geologists

## Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Strategic Planning Session - Thursday, April 20, 2017  
beginning at 9:00a.m.

Board Meeting - Thursday, April 20, 2017 beginning at  
1:30 p.m. and continuing on Friday, April 21, 2017  
beginning at 9:00 a.m., if necessary

Department of Consumer Affairs  
HQ2 Hearing Room #186  
1747 North Market Boulevard  
Sacramento, CA 95834



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BOARD MEETING

APRIL 20-21, 2017

Department of Consumer Affairs  
HQ2 Hearing Room #186  
1747 North Market Boulevard  
Sacramento, CA 95834

### BOARD MEMBERS

Coby King, President; Mohammad Qureshi, Vice President; Natalie Alavi; Fel Amistad; Chelsea Esquibias; Kathy Jones Irish; Eric Johnson; Asha Lang; Betsy Mathieson; Karen Roberts; Jerry Silva; Robert Stockton; and Steve Wilson

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## **I. Roll Call to Establish a Quorum**

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## **II. Strategic Planning Session**

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**NOTE:** The Board will engage in a strategic planning session on Thursday, April 20, 2017, which is anticipated to take half the day.



### III. Adjourn

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**I. Roll Call to Establish a Quorum**

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## **II. Public Comment**

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**NOTE:** The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda.





### **III. Legislation**

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A. Legislative Calendar

B. Discussion of Legislation for 2017 (Possible Action):

AB 703 – Professions and vocations: licenses: fee waivers (military spouses)

AB 710 – Department of Consumer Affairs: boards: meetings

AB 769 – Professions and vocations (amendments to Business and Professions Code section 6713)

AB 1005 – Department of Consumer Affairs (Office of Professional Examination Services)

AB 1190 – Department of Consumer Affairs: BreEZe system: annual report

SB 27 – Professions and vocations: licenses: military service (fee waiver)



DEADLINES

JANUARY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

FEBRUARY						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

MARCH						
S	M	T	W	TH	F	S
			1	2	3	4
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19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL						
S	M	T	W	TH	F	S
						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

MAY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4

Legislature **reconvenes** (J.R. 51(a)(1)).
- Jan. 10

Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16

Martin Luther King, Jr. Day
- Jan. 20

Last day to submit **bill requests** to the Office of Legislative Counsel
- Feb. 17

Last day for bills to **be introduced** (J.R. 61(a),(1)(J.R. 54(a)).
- Feb. 20

Presidents’ Day
- Mar. 31

Cesar Chavez Day.
- Apr. 6

**Spring recess** begins upon adjournment of this day’s session (J.R. 51(a)(2)).
- Apr. 17

Legislature **reconvenes** from Spring recess (J.R. 51(a)(2)).
- Apr. 28

Last day for **policy committees** to hear and report to **fiscal** Committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).
- May 12

Last day for **policy committees** to hear and report **non-fiscal bills** introduced in their house to Floor (J.R. 61(a)(3))
- May 19

Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 26

Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).  
Last day for **fiscal committees** to meet prior to June 5 (J.R. 61(a)(6)).
- May 29

Memorial Day.
- May 30-June 2

**Floor Session Only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).

\*Holiday schedule subject to Senate Rules committee approval

JUNE						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

JULY						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

AUGUST						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

SEPTEMBER						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

**June 2** Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

**June 5** Committee meetings may resume (J.R. 61(a)(9)).

**June 15** Budget must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

**July 4** Independence Day observed.

**July 14** Last day for **policy committees** to hear and report fiscal bills to **fiscal** Committees (J.R. 61(a)(10)).

**July 21** Last day for **policy committees** to meet and report bills (J.R. 61(a)(11)).  
**Summer Recess** begins upon adjournment of session provided Budget Bill has been enacted (J.R. 51(a)(3)).

**Aug. 21** **Legislature Reconvenes** (J.R. 51(a)(3)).

**Sep. 1** Last day for **fiscal committees** to meet and report bills to Floor (J.R. 61(a)(12)).

**Sept. 4** Labor Day.

**Sept. 8** Last day to **amend** on the floor (J.R. 61(a)(14)).

**Sept. 5-15 Floor session only.** No committees, other than conference or Rules Committees, may meet for any purpose (J.R. 61(a)(13)).

**Sept. 15** Last day for **each house to pass bills** (J.R. 61(a)(15)).  
**Interim Study Recess** begins at end of this day’s session (J.R. 51(a)(4)).

\*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

**2017**  
 Oct. 15 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 15 and in his possession after Sept. 15 (Art. IV, Sec.10(b)(1)).

**2018**  
 Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).  
 Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).

## Introduced Legislation

### AB 703 (Flora R)

#### **Professions and vocations: licenses: fee waivers.**

(Application fee waiver for military spouses)

**Status:** 3/2/2017-Referred to Committee on Business & Professions

**Location:** 3/2/2017-Assembly Business & Professions

**Introduced:** 2/15/2017

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 4/6/17**

#### **Staff Analysis: AB 703**

**Bill Summary:** This bill would require every board within the Department of Consumer Affairs (DCA) to grant a fee waiver for application and issuance of an initial license for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States if the applicant holds a current license in the same profession or vocation in another state, district, or territory. The bill would require that an applicant be granted fee waivers for both the application for and issuance of a license if the board charges fees for both. The bill would prohibit fee waivers from being issued for renewal of a license, for an additional license, a certificate, a registration, or a permit associated with the initial license, or for the application for an examination.

**Staff Comment:** The financial impact of this bill is unknown. Currently, the Board has no reasonable means of tracking this information. Our Application Tracking System (ATS) cannot track this information. According to the U.S. Office of Personnel Management, California holds the largest population of active duty military. As of May 2016, California holds 190,160 active duty and reserve members of the military. Because of the large population of active duty military and the lack of accurate tracking, I cannot without doubt say that this bill is absorbable to our budget.

**Authors Comments:** AB 703 would ease administrative and financial burdens for families moving to California for military duty. The issue, according to the author, is the lack of license portability between states due to a multitude of variable, and often time-consuming, licensing differences across states.

**Staff Recommendation:** No recommendation

**Laws:** An act to add Section 115.7 to the Business and Professions Code, relating to professions and vocations.

**ASSEMBLY BILL**

**No. 703**

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**Introduced by Assembly Member Flora**

February 15, 2017

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An act to add Section 115.7 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 703, as introduced, Flora. Professions and vocations: licenses: fee waivers.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law requires a board within the department to expedite the licensure process for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States who is assigned to a duty station in this state if the applicant holds a current license in the same profession or vocation in another state, district, or territory. Existing law also requires a board to issue temporary licenses in specified professions to applicants as described above if certain requirements are met.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for application and issuance of an initial license for an applicant who is married to, or in a domestic partnership or other legal union with, an active duty member of the Armed Forces of the United States if the applicant holds a current license in the same profession or vocation in another state, district, or territory. The bill would require that an applicant be granted fee waivers for both the application for and issuance of a license if the board charges fees for both. The bill would prohibit fee waivers from being issued for

renewal of a license, for an additional license, a certificate, a registration, or a permit associated with the initial license, or for the application for an examination.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 115.7 is added to the Business and
- 2 Professions Code, to read:
- 3 115.7. (a) Notwithstanding any other law, every board within
- 4 the department of Consumer Affairs shall grant a fee waiver for
- 5 the application for and issuance of an initial license to an applicant
- 6 who does both of the following:
- 7 (1) Supplies satisfactory evidence of being married to, or in a
- 8 domestic partnership or other legal union with an active duty
- 9 member of the Armed Forces of the United States.
- 10 (2) Holds a current, active, and unrestricted license that confers
- 11 upon him or her the authority to practice, in another state, district,
- 12 or territory of the United States, the profession or vocation for
- 13 which he or she seeks a license from the board.
- 14 (b) If a board charges a fee for the application for a license and
- 15 another fee for the issuance of a license, the applicant shall be
- 16 granted fee waivers for both the application for and issuance of a
- 17 license.
- 18 (c) A fee waiver shall not be issued for any of the following:
- 19 (1) Renewal of an existing California license.
- 20 (2) The application for and issuance of an additional license, a
- 21 certificate, a registration, or a permit associated with the initial
- 22 license.
- 23 (3) The application for an examination.

O

## Introduced Legislation

### AB 710 (Wood D)

**Department of Consumer Affairs: boards: meetings.**

**Status:** 3/28/2017-Re-referred to Committee on Business & Professions:

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Location:** 3/23/2017-Assembly Business & Professions

**Last Amendment:** 3/27/2017

**Updated 4/6/17**

**Staff Analysis: AB 710**

**Bill Summary:** Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally requires these boards to meet at least 3 times each calendar year and at least once in northern California and once in southern California per calendar year.

This bill would require a board to meet once every other calendar year in rural northern California.

**Staff Comment:** It is unclear what guidelines are used to determine if a location is classified as a rural northern California area. The U.S. Department of Health and Human Service indicates that the federal government uses two major definitions of “rural,” one is produced by the U.S. Census Bureau and the other by the Office of Management and Budget. The U. S. Census Bureau does not actually define “rural.” However, it is assumed that “rural” encompasses all population, housing, and territory not included within an urban area; Urbanized Areas of 50,000 or more people or Urban Clusters of at least 2,500 and less than 50,000 people. Office of Management and Budget designates counties as Metropolitan (Metro), Micropolitan (Micro), or Neither. A Metro area contains a core urban area of 50,000 or more population, and a Micro area contains an urban core of at least 10,000 (but less than 50,000) population. All counties that are not part of a Metropolitan Statistical Area are considered rural. Micropolitan counties are considered non-Metropolitan or rural along with all counties that are not classified as either Metro or Micro. Since there is no clear definition of what is meant by “rural” in this bill, it would be difficult for the Board to ensure that it was in compliance.

**Staff Recommendation:** Watch

**Laws:** An act to amend Section 101.7 of the Business and Professions Code, relating to professions and vocations.



AMENDED IN ASSEMBLY MARCH 27, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

## ASSEMBLY BILL

No. 710

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**Introduced by Assembly Member Wood**

February 15, 2017

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An act to amend Section ~~101.6~~ 101.7 of the Business and Professions Code, relating to professions and vocations.

### LEGISLATIVE COUNSEL'S DIGEST

AB 710, as amended, Wood. Department of Consumer ~~Affairs~~.  
*Affairs: boards: meetings.*

*Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law generally requires these boards to meet at least 3 times each calendar year, and at least once in northern California and once in southern California per calendar year.*

*This bill would require a board to meet once every other calendar year in rural northern California.*

~~Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law provides that these boards are established to ensure that private businesses and professions are regulated to protect the people of this state.~~

~~This bill would make a nonsubstantive change to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

*SECTION 1. Section 101.7 of the Business and Professions Code is amended to read:*

101.7. (a) Notwithstanding any other provision of law, boards shall meet at least three times each calendar year. Boards shall meet at least once each calendar year in northern ~~California~~ *California, once every other calendar year in rural northern California*, and once each calendar year in southern California in order to facilitate participation by the public and its licensees.

(b) The director at his or her discretion may exempt any board from the requirement in subdivision (a) upon a showing of good cause that the board is not able to meet at least three times in a calendar year.

(c) The director may call for a special meeting of the board when a board is not fulfilling its duties.

(d) An agency within the department that is required to provide a written notice pursuant to subdivision (a) of Section 11125 of the Government Code, may provide that notice by regular mail, email, or by both regular mail and email. An agency shall give a person who requests a notice the option of receiving the notice by regular mail, email, or by both regular mail and email. The agency shall comply with the requester's chosen form or forms of notice.

(e) An agency that plans to Web cast a meeting shall include in the meeting notice required pursuant to subdivision (a) of Section 11125 of the Government Code a statement of the board's intent to Web cast the meeting. An agency may Web cast a meeting even if the agency fails to include that statement of intent in the notice.

~~SECTION 1. Section 101.6 of the Business and Professions Code is amended to read:~~

~~101.6. The boards, bureaus, and commissions in the department are established for the purpose of ensuring that those private businesses and professions deemed to engage in activities that have potential impact upon the public health, safety, and welfare are adequately regulated in order to protect the people of California.~~

~~To this end, they establish minimum qualifications and levels of competency and license persons desiring to engage in the occupations they regulate upon determining that such persons possess the requisite skills and qualifications necessary to provide safe and effective services to the public, or register or otherwise~~

1 ~~certify persons in order to identify practitioners and ensure~~  
2 ~~performance according to set and accepted professional standards.~~  
3 ~~They provide a means for redress of grievances by investigating~~  
4 ~~allegations of unprofessional conduct, incompetence, fraudulent~~  
5 ~~action, or unlawful activity brought to their attention by members~~  
6 ~~of the public and institute disciplinary action against persons~~  
7 ~~licensed or registered under the provisions of this code when such~~  
8 ~~action is warranted. In addition, they conduct periodic checks of~~  
9 ~~licensees, registrants, or otherwise certified persons in order to~~  
10 ~~ensure compliance with the relevant sections of this code.~~

## Introduced Legislation

### AB 769 (Brough R)

#### **Professions and vocations.**

**Status:** 2/16/2017-From printer. May be heard in committee March 18.

**Location:** 2/15/2017-Assembly Print

**Introduced:** 2/16/2017

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 4/6/17**

#### **Staff Analysis: AB 769**

**Bill Summary:** Existing law makes the Board for Professional Engineers, Land Surveyors, and Geologists responsible for the certification, licensure, and regulation of the practice of professional engineering and authorizes the Governor to remove a member of the board for misconduct, incompetency, or neglect of duty.

This bill would make a nonsubstantive change to these provisions.

**Staff Comment:** As presently written, it does not appear the bill would have an impact on the Board. However, staff will monitor AB 769 and bring it to future board meetings for review as appropriate.

**Staff Recommendation:** Watch

**Laws:** An act to amend Section 6713 of the Business and Professions Code, relating to professions and vocations.

**ASSEMBLY BILL**

**No. 769**

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**Introduced by Assembly Member Brough**

February 15, 2017

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An act to amend Section 6713 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 769, as introduced, Brough. Professions and vocations.

Existing law makes the Board for Professional Engineers, Land Surveyors, and Geologists responsible for the certification, licensure, and regulation of the practice of professional engineering and authorizes the Governor to remove a member of the board for misconduct, incompetency, or neglect of duty.

This bill would make a nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6713 of the Business and Professions
- 2 Code is amended to read:
- 3 6713. The Governor may remove any member of the board for
- 4 misconduct, ~~incompetency~~ *incompetency*, or neglect of duty.

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## Introduced Legislation

### AB 1005 (Calderon D)

#### Department of Consumer Affairs.

**Status:** 3/6/2017-Referred to Committee on Business & Professions.

**Location:** 3/6/2017-Assembly Business & Professions.

**Introduced:** 2/16/2017

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 4/6/17**

#### **Staff Analysis: AB 1005**

**Bill Summary:** Under existing law, there is the Office of Professional Examination Services within the Department of Consumer Affairs. Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

This bill would require the office to conduct an occupational analysis of every professions and vocations license subject to examination in this state to determine the licenses with a need for the examination to be offered in languages other than English. The bill would also require the office to report this analysis with recommendations to the Legislature by January 1, 2019.

**Staff Comment:** State policy instructs the Board to conduct an occupational analysis for each exam every five years. Expert Psychometrians in the industry recommend an occupational analysis be conducted every 5-7 years. The purpose of the occupational analysis is to define practice for a profession in terms of actual job tasks that new licensees must be able to perform safely and competently at the time of licensure. The results of this occupational analysis serve as the basis for the professional licensing examination(s) that are used to measure minimum competency. Occupational analyses performed by Office of Professional Examination Services do not typically include a section pertaining to examination language requirements.

The Board regularly contracts with vendors to provide expert psychometric services related to occupational analyses for all of the Board's exams developed in-house on a prescribed rotating schedule to comply with state law and industry standards. However, NCEES and ASBOG, both approved national examination providers, are responsible for performing occupational analyses for their respective national exams used by the Board. At the time of this analysis, there is no indication that NCEES or ASBOG have plans to develop/administer their respective examinations in any language other than English. Current NCEES policy states that all exams produced by their organization will only be developed/administered in English including exams used by other countries outside of the U.S.A. and territories.

AB 1005, as currently drafted, does not indicate which exams will be included in this requirement nor does it outline a source of funding. The cost to "re-develop" new test plans based on active occupational analyses for each exam offered by the Board solely for the purposes of evaluating additional languages would be redundant, disruptive to our current schedule, and not be absorbable in a single budget year appropriation. Nor can the Board dictate to either of the two national organizations what language(s) in which they will produce those exams.

**Staff Recommendation:** Watch

**Laws:** An act to add Section 139.2 to the Business and Professions Code, relating to professions and vocations.

**ASSEMBLY BILL**

**No. 1005**

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**Introduced by Assembly Member Calderon**

February 16, 2017

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An act to add Section 139.2 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as introduced, Calderon. Department of Consumer Affairs.

Under existing law, there is the Office of Professional Examination Services within the Department of Consumer Affairs. Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

This bill would require the office to conduct an occupational analysis of every professions and vocations license subject to examination in this state to determine the licenses with a need for the examination to be offered in languages other than English. The bill would also require the office to report this analysis with recommendations to the Legislature by January 1, 2019.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 139.2 is added to the Business and
- 2 Professions Code, to read:
- 3 139.2. (a) The Office of Professional Examination Services
- 4 shall conduct an occupational analysis of every license subject to

1 examination in this state to determine the licenses with a need for  
2 the examination to be offered in languages other than English.

3 (b) (1) Pursuant to Section 9795 of the Government Code, the  
4 office shall report this analysis with recommendations to the  
5 Legislature by January 1, 2019.

6 (2) This subdivision shall become inoperative on January 1,  
7 2022, pursuant to Section 10231.5 of the Government Code.



## Introduced Legislation

### AB 1190 (Obernolte R)

#### Department of Consumer Affairs: BreEZe system: annual report.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Status:** 3/9/2017-Referred to Committee on Business & Professions.

**Location:** 3/9/2017-Assembly Business & Professions.

**Introduced:** 2/17/2017

**Updated 4/6/17**

#### **Staff Analysis: AB 1190**

**Bill Summary:** Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprise wide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature. Existing law requires the amount of contract funds for the system to be consistent with costs approved by the Department of Technology, formerly known as the office of the State Chief Information Officer, based on information provided by the department in a specified manner.

This bill on and after July 1, 2018, would require the department to submit an annual report to the Legislature that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the department's 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation.

**Staff Comment:** The BreEZe system was created by DCA to serve as an online licensing and enforcement database for use by all DCA boards and bureaus. The primary purpose was to replace its present antiquated database systems, which house information on all DCA licensees. Due to the large scope of the project, including the number of boards and bureaus that would be transitioning to the system, a plan was formed to transition the boards in three phases, over a period of years. The first phase was primarily focused on the healing arts boards, with remaining boards and bureaus being placed in phases two and three. The Board was placed in phase three of the project. Currently, the Board has no projected date to implement the BreEZe system or another database system.

**Staff Recommendation:** Watch

**Laws:** An act to add Section 210.5 to the Business and Professions Code, relating to consumer affairs.

**ASSEMBLY BILL**

**No. 1190**

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**Introduced by Assembly Member Obernolte**

February 17, 2017

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An act to add Section 210.5 to the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

AB 1190, as introduced, Obernolte. Department of Consumer Affairs: BreEZe system: annual report.

Existing law authorizes the Department of Consumer Affairs to enter into a contract with a vendor for the licensing and enforcement of the BreEZe system, which is a specified integrated, enterprisewide enforcement case management and licensing system, no sooner than 30 days after written notification to certain committees of the Legislature. Existing law requires the amount of contract funds for the system to be consistent with costs approved by the Department of Technology, formerly known as the office of the State Chief Information Officer, based on information provided by the department in a specified manner.

This bill on and after July 1, 2018, would require the department to submit an annual report to the Legislature that includes, among other things, the department's plans for implementing the BreEZe system at specified regulatory entities included in the department's 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

*SECTION 1. Section 210.5 is added to the Business and Professions Code, immediately following Section 210, to read:*

*210.5. (a) On or before July 1 of each year, commencing July 1, 2018, the department shall submit an annual report to the Legislature that includes all of the following:*

*(1) The department's plan for implementing the BreEZe system at the regulatory entities in the department's third phase of the implementation project, including, but not limited to, a timeline for implementation.*

*(2) The total estimated costs of implementation of the BreEZe system at the regulatory entities in the department's third phase of the implementation project and the results of any cost-benefit analysis the department conducted for the third phase of the implementation project.*

*(3) A description of whether and to what extent the BreEZe system will achieve any operational efficiencies resulting from implementation by the boards and regulatory entities within the department's jurisdiction.*

*(b) The report described in subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.*

*(c) For purposes of this section, "the regulatory entities in the department's third phase of the implementation project" includes all of the following:*

*(1) Acupuncture Board.*

*(2) Board for Professional Engineers, Land Surveyors, and Geologists.*

*(3) Bureau of Automotive Repair.*

*(4) Bureau of Electronic and Appliance Repair, Home Furnishings, and Thermal Insulation.*

*(5) Bureau for Private Postsecondary Education.*

*(6) California Architects Board.*

*(7) California Board of Accountancy.*

*(8) California State Board of Pharmacy.*

*(9) Cemetery and Funeral Bureau.*

*(10) Contractors' State License Board.*

*(11) Court Reporters Board of California.*

*(12) Landscape Architects Technical Committee.*

*(13) Professional Fiduciaries Bureau.*

- 1     (14) *Speech-Language Pathology and Audiology and Hearing*
- 2     *Aid Dispensers Board.*
- 3     (15) *State Athletic Commission.*
- 4     (16) *State Board of Chiropractic Examiners.*
- 5     (17) *State Board of Guide Dogs for the Blind.*
- 6     (18) *Structural Pest Control Board.*
- 7     (19) *Telephone Medical Advice Services Bureau.*

# Introduced Legislation

## SB 27 (Morrell R)

### **Professions and vocations: licenses: military service.**

**Status:** 4/3/2017-From committee: Do pass and re-refer to Business, Professions and Economic Development (Ayes 9. Noes 0.) (April 3). Referred to Committee on Veterans Affairs

**Location:** 4/3/2017- Senate Veterans Affairs

**Introduced:** 12/5/2016

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Updated 4/6/17**

### **Staff Analysis: SB 27**

**Bill Summary:** Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes any licensee or registrant whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license or registration without examination or penalty if certain requirements are met. Existing law also requires the boards to waive the renewal fees, continuing education requirements, and other renewal requirements, if applicable, of any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard, if certain requirements are met. Existing law requires each board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law requires a board within the Department of Consumer Affairs to expedite, and authorizes a board to assist with, the initial licensure process for an applicant who has served as an active duty member of the United States Armed Forces and was honorably discharged.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an applicant who supplies satisfactory evidence, as defined, to the board that the applicant has served as an active duty member of the California National Guard or the United States Armed Forces and was honorably discharged. The bill would require that a veteran be granted only one fee waiver, except as specified.

**Staff Comment:** According to the author, “this bill would require boards within the DCA to grant one-time fee waivers for the application and issuance of licenses to honorable discharged veterans. Eliminating these fees will bring more veterans into the workforce, growing the skilled labor market in California, and taking a step to alleviate the growing problem of veteran homelessness.”

The financial impact of this bill is unknown. Currently, the Board has no reasonable means of obtaining this information. ATS does not track this information, and many times applicants do not fill-out the military section of the application. There is no statutory constraint requiring military to indicate their status. Moreover, we have no way to enforce if a person decides to claim their military status or not. In addition, since we are a special fund, if the Board grants a fee waiver to one group, other applicants will have to pay more to cover for that cost. Staff cannot without doubt say that this bill is absorbable to our budget.

**Staff Recommendation:** No recommendation

**Laws:** An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

**Introduced by Senator Morrell**

December 5, 2016

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An act to add Section 114.6 to the Business and Professions Code, relating to professions and vocations.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 27, as introduced, Morrell. Professions and vocations: licenses: military service.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes any licensee or registrant whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license or registration without examination or penalty if certain requirements are met. Existing law also requires the boards to waive the renewal fees, continuing education requirements, and other renewal requirements, if applicable, of any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard, if certain requirements are met. Existing law requires each board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law requires a board within the Department of Consumer Affairs to expedite, and authorizes a board to assist with, the initial licensure process for an applicant who has served as an active duty member of the United States Armed Forces and was honorably discharged.

This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an applicant who supplies satisfactory evidence, as defined, to the board that the applicant has served as an

active duty member of the California National Guard or the United States Armed Forces and was honorably discharged. The bill would require that a veteran be granted only one fee waiver, except as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 114.6 is added to the Business and  
2 Professions Code, to read:

3 114.6. (a) (1) Notwithstanding any other law, every board  
4 within the department shall grant a fee waiver for the application  
5 for and issuance of an initial license to an applicant who supplies  
6 satisfactory evidence to the board that the applicant has served as  
7 an active duty member of the California National Guard or the  
8 United States Armed Forces and was honorably discharged.

9 (2) For purposes of this section, "satisfactory evidence" means  
10 a completed "Certificate of Release or Discharge from Active  
11 Duty" (DD Form 214).

12 (b) (1) A veteran shall be granted only one fee waiver, except  
13 as specified in paragraph (2). After a fee waiver has been issued  
14 by any board within the department, the veteran is no longer  
15 eligible for a waiver.

16 (2) If a board charges a fee for the application for a license and  
17 another fee for the issuance of a license, the veteran shall be granted  
18 fee waivers for both the application for and issuance of a license.

19 (3) The fee waiver shall apply only to an application of and a  
20 license issued to an individual veteran and not to an application  
21 of or a license issued to an individual veteran on behalf of a  
22 business or other entity.

23 (4) A fee waiver shall not be issued for any of the following:

24 (A) Renewal of a license.

25 (B) The application for and issuance of an additional license, a  
26 certificate, a registration, or a permit associated with the initial  
27 license.

28 (C) The application for an examination.

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#### **IV. Administration**

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##### **A. Budget Summary**



# Board of Prof. Engineers, Land Surveyors, Geologist and Geophysicists

## Analysis of Fund Condition

(Dollars in Thousands)

**2017-18 Governor's Budget**

	Actual PY 2015-16	Budget Act CY 2016-17	BY 2017-18	BY+1 2018-19
<b>BEGINNING BALANCE</b>	\$ 8,113	\$ 9,395	\$ 12,066	\$ 11,026
Prior Year Adjustment	\$ 94	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 8,207	\$ 9,395	\$ 12,066	\$ 11,026
<b>REVENUES AND TRANSFERS</b>				
Revenues:				
125600 Other regulatory fees	\$ 95	\$ 143	\$ 143	\$ 143
125700 Other regulatory licenses and permits	\$ 2,985	\$ 2,477	\$ 2,266	\$ 2,289
125800 Renewal fees	\$ 6,852	\$ 6,203	\$ 6,955	\$ 6,203
125800 Delinquent fees	\$ 93	\$ 93	\$ 85	\$ 93
141200 Sales of documents	\$ 1	\$ 1	\$ -	\$ -
150300 Income from surplus money investments	\$ 38	\$ 45	\$ -	\$ -
150500 Interest Income from interfund loans	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 11	\$ 11	\$ 11	\$ 11
Miscellaneous revenues	\$ 2	\$ 1	\$ 2	\$ 2
Totals, Revenues	\$ 10,077	\$ 8,974	\$ 9,462	\$ 8,741
Transfers from Other Funds				
Revenue Transfer from Geology Fund	\$ -	\$ 672	\$ -	\$ -
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ 3,200	\$ -	\$ 800
Totals, Revenues and Transfers	\$ 10,077	\$ 12,846	\$ 9,462	\$ 9,541
Totals, Resources	\$ 18,284	\$ 22,241	\$ 21,528	\$ 20,567
<b>EXPENDITURES</b>				
Disbursements:				
1110 Engineers Program Expenditures (State Operations)	\$ 7,732	\$ -	\$ -	\$ -
1110 Geo Program Expenditures (State Operations)	\$ 1,136	\$ -	\$ -	\$ -
1111 Engineers, Land Surveyors & Geologists (State Operations)	\$ -	\$ 9,611	\$ 9,803	\$ 9,999
8880 Financial Information System for CA (State Operations)	\$ 21	\$ 13	\$ 15	\$ -
9900 Statewide Admin. (State Operations)	\$ -	\$ 551	\$ 684	\$ 684
Total Disbursements	\$ 8,889	\$ 10,175	\$ 10,502	\$ 10,683
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 9,395	\$ 12,066	\$ 11,026	\$ 9,884
<b>Months in Reserve</b>	11.1	13.8	12.4	11.1

**0770- Professional Engineers, Land Surveyors and Geologist**

**Financial Statement**

	<b>FY 2015-16 Month 8 (7/15-2/16)</b>	<b>FY 2016-17 Month 8 (7/16-2/17)</b>	<b>% Change</b>	<b>FY 2016-17 FM 1 Projections</b>	<b>FY 2016-17 Updated Projections</b>	<b>% Change</b>
<b>Revenue</b>						
<sup>1</sup> Applications/Licensing Fees (125700)	\$ 1,960,943	\$ 1,651,653	-16%	\$ 2,957,893	\$ 2,477,480	-16%
Renewal fees (125800)	\$ 6,103,006	\$ 5,470,178	-10%	\$ 6,221,146	\$ 6,203,462	0%
Delinquent fees (125900)	\$ 58,173	\$ 61,810	6%	\$ 76,000	\$ 92,715	22%
Interest	\$ 15,499	\$ 29,982	93%	\$ 28,056	\$ 44,973	60%
Other	\$ 206,023	\$ 201,857	-2%	\$ 127,922	\$ 301,036	135%
<b>Total Revenue:</b>	<b>\$ 8,343,644</b>	<b>\$ 7,415,480</b>	<b>-11%</b>	<b>\$ 9,411,017</b>	<b>\$ 9,119,666</b>	<b>-3%</b>
<b>Expense</b>						
<b>Personnel Services:</b>						
Civil Service-Perm	\$ 1,797,569	\$ 1,800,787	0%	\$ 2,894,399	\$ 2,753,565	-5%
Temp Help	\$ 48,821	\$ 90,730	86%	\$ 142,214	\$ 130,462	-8%
Exam Proctor			N/A			N/A
Allocated Proctor Cost	\$ 2,539	\$ 2,732	8%	\$ 4,948	\$ 4,948	0%
Board/Commission	\$ 3,000	\$ 4,500	50%	\$ 5,300	\$ 5,300	0%
Comm Member	\$ 2,900	\$ 1,500	-48%	\$ 3,700	\$ 3,700	0%
Overtime	\$ 2,127	\$ 862	-59%	\$ 2,186	\$ 2,186	0%
<b>Total Salaries and Wages</b>	<b>\$ 1,856,956</b>	<b>\$ 1,901,111</b>	<b>2%</b>	<b>\$ 3,052,748</b>	<b>\$ 2,900,161</b>	<b>-5%</b>
<b>Total Benefits</b>	<b>\$ 910,285</b>	<b>\$ 1,009,090</b>	<b>11%</b>	<b>\$ 1,516,518</b>	<b>\$ 1,513,635</b>	<b>0%</b>
<b>Total Personnel Services</b>	<b>\$ 2,767,241</b>	<b>\$ 2,910,201</b>	<b>5%</b>	<b>\$ 4,569,266</b>	<b>\$ 4,413,796</b>	<b>-3%</b>
<b>Operating Expense and Equipment:</b>						
Fingerprints	\$ 35,840	\$ 33,699	-6%	\$ 67,984	\$ 50,549	-26%
General Expense	\$ 28,201	\$ 30,411	8%	\$ 57,248	\$ 45,617	-20%
<sup>2</sup> Printing	\$ 98,037	\$ 15,063	-85%	\$ 31,447	\$ 22,595	-28%
Communication	\$ 15,128	\$ 16,072	6%	\$ 23,114	\$ 24,108	4%
Postage	\$ 63,828	\$ 33,641	-47%	\$ 46,328	\$ 46,328	0%
Travel Out-of-State	\$ 705	\$ 2,941	317%	\$ 6,000	\$ 4,412	-26%
Travel In State	\$ 63,444	\$ 56,786	-10%	\$ 116,892	\$ 85,179	-27%
Training			N/A			N/A
Facilities Operations	\$ 342,028	\$ 353,776	3%	\$ 352,333	\$ 353,776	0%
<sup>3</sup> C & P Services - Interdept.	\$ 200,000	\$ 400,000	100%	\$ 100,000	\$ 95,000	-5%
C & P Services - External	\$ 152,032	\$ 484,500	219%	\$ 850,062	\$ 657,062	-23%
Minor Equipment	\$ 2,573	\$ 17,642	586%	\$ 10,247	\$ 26,463	158%
Prorata	\$ 1,647,806	\$ 1,188,681	-28%	\$ 2,372,601	\$ 2,372,601	0%
<b>Total General Expenses:</b>	<b>\$ 2,649,622</b>	<b>\$ 2,633,212</b>	<b>-1%</b>	<b>\$ 4,034,257</b>	<b>\$ 3,783,688</b>	<b>-6%</b>
<b>Examinations:</b>						
Exam Rent - Non State	\$ 1,400		N/A	\$ 6,500	\$ 6,500	0%
Administrative External Svcs	\$ 757,992	\$ 857,115	13%	\$ 958,831	\$ 857,115	-11%
C/P Svcs - Ext Expert Examiners	\$ 66,270	\$ 136,890	107%	\$ 113,442	\$ 205,335	81%
Other Expense			N/A			N/A
<b>Total Examinations:</b>	<b>\$ 825,662</b>	<b>\$ 994,005</b>	<b>20%</b>	<b>\$ 1,078,773</b>	<b>\$ 1,068,950</b>	<b>-1%</b>
<b>Enforcement:</b>						
Attorney General	\$ 228,573	\$ 211,327	-8%	\$ 405,938	\$ 405,938	0%
Office Admin. Hearing	\$ 38,363	\$ 39,828	N/A	\$ 73,259	\$ 73,259	N/A
Evidence / Witness Fees	\$ 131,068	\$ 108,684	-17%	\$ 252,472	\$ 163,026	-35%
Court Reporters	\$ 83	\$ 2,867	3354%	\$ 1,747	\$ 4,301	146%
DOI - Investigation	\$ 168,750	\$ 211,336	25%	\$ 263,000	\$ 263,000	0%
<b>Total Enforcement:</b>	<b>\$ 566,837</b>	<b>\$ 574,042</b>	<b>1%</b>	<b>\$ 996,416</b>	<b>\$ 909,524</b>	<b>-9%</b>
<b>Total OE&amp;E</b>	<b>\$ 4,042,121</b>	<b>\$ 4,201,259</b>	<b>4%</b>	<b>\$ 6,109,446</b>	<b>\$ 5,762,162</b>	<b>-6%</b>
<b>Total Expense:</b>	<b>\$ 6,809,362</b>	<b>\$ 7,111,460</b>	<b>4%</b>	<b>\$ 10,678,711</b>	<b>\$ 10,175,958</b>	<b>-5%</b>

<b>Total Revenue:</b>	\$ 8,343,644	\$ 7,415,480	-11%	9,411,017	9,119,666	-3%
<b>Total Expense:</b>	\$ 6,809,362	\$ 7,111,460	4%	10,678,711	10,175,958	-5%
<b>Difference:</b>	<b>\$1,534,282</b>	<b>\$304,020</b>		<b>-\$1,267,694</b>	<b>-\$1,056,292</b>	

### **Notes for Financial Statement**

- (1) On January 1st, 2017, the Board stopped collecting an application fee for refile applicants. This change in operations will decrease the revenue collected from application fees.
- (2) In FY 15/16 the Board printed informational post cards for all licensees.
- (3) The bulk of C & P Services – Interdepartmental line item expenditures are allocated to Licensed State Employee Subject Matter Expert's (SME'S) for exam development. These SME's are contracted experts from other State Agencies. All internal State contracts must be encumbered at time of implementation. However, staff does not project the full amount of each contract will be expended during the fiscal year.

### **Expense Object Codes (line items)**

<b>Consultant/Professional Services - Internal</b>	Services provided by other state agencies or Interagency Agreements within the Department of Consumer Affairs.	State Subject Matter Experts- state employees for exam development
<b>Consultant/Professional Services - External</b>	External exam expenses - Engineers and Land Surveyors	Non-State Subject Matter Experts for exams + Credit Card Contracts +VIP+ Plastic Lic. Card
<b>Administrative – External Services</b>	National exam contracts, consultant services for exam development, and may include contract costs associated with preparation and scoring of examinations.	Exam contracts-Prometric Contracts, NCEES, ASBOG
<b>Consultant/Professional SVS - Expert Exam</b>	Wages for services provided by expert examiners in the oral/ written examination process. Includes travel expenses.	Geology Subject Matter Experts



## **V. Enforcement**

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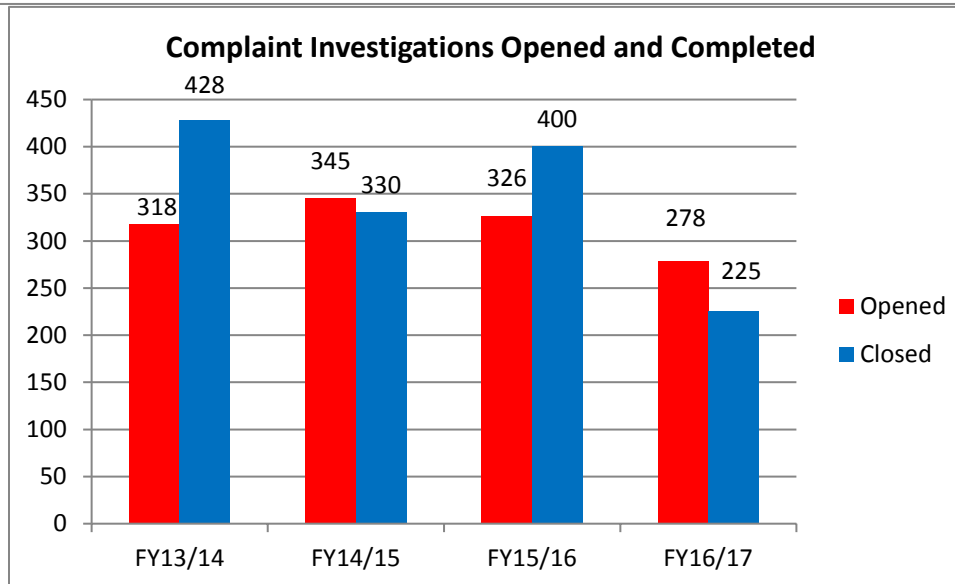
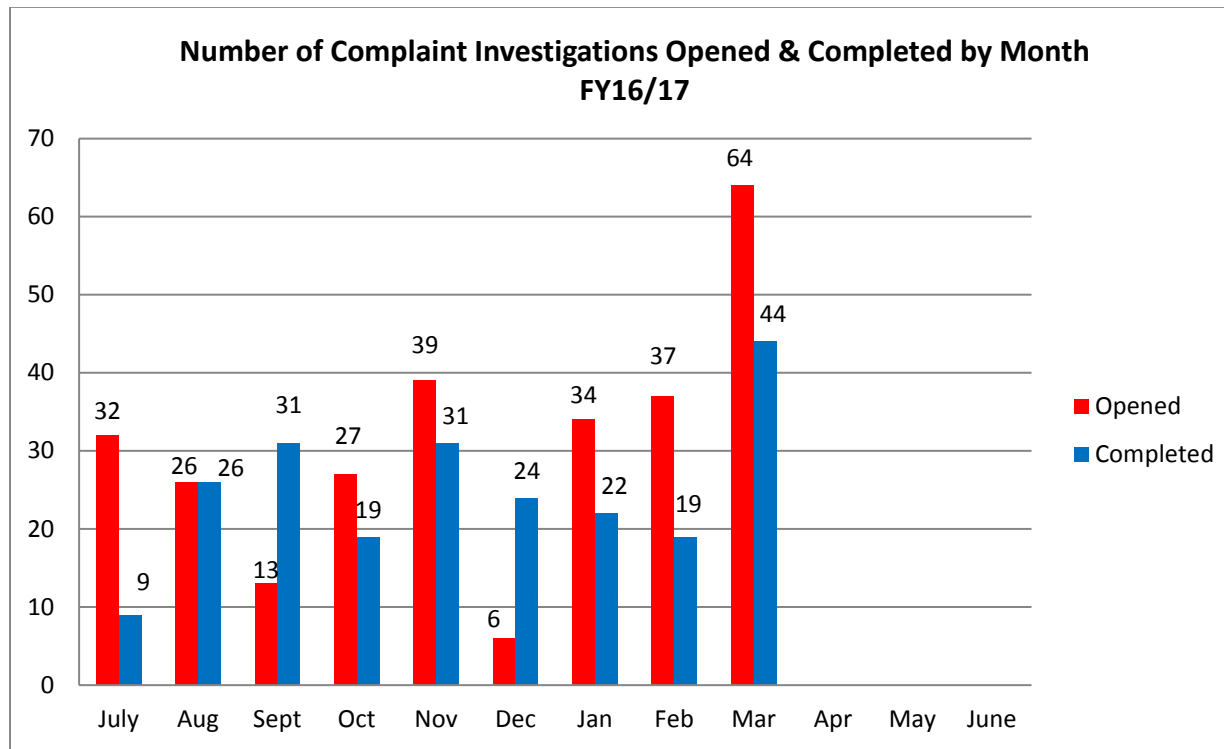
### **A. Enforcement Statistical Reports**

#### **1. Fiscal Year 2016/17 Update**



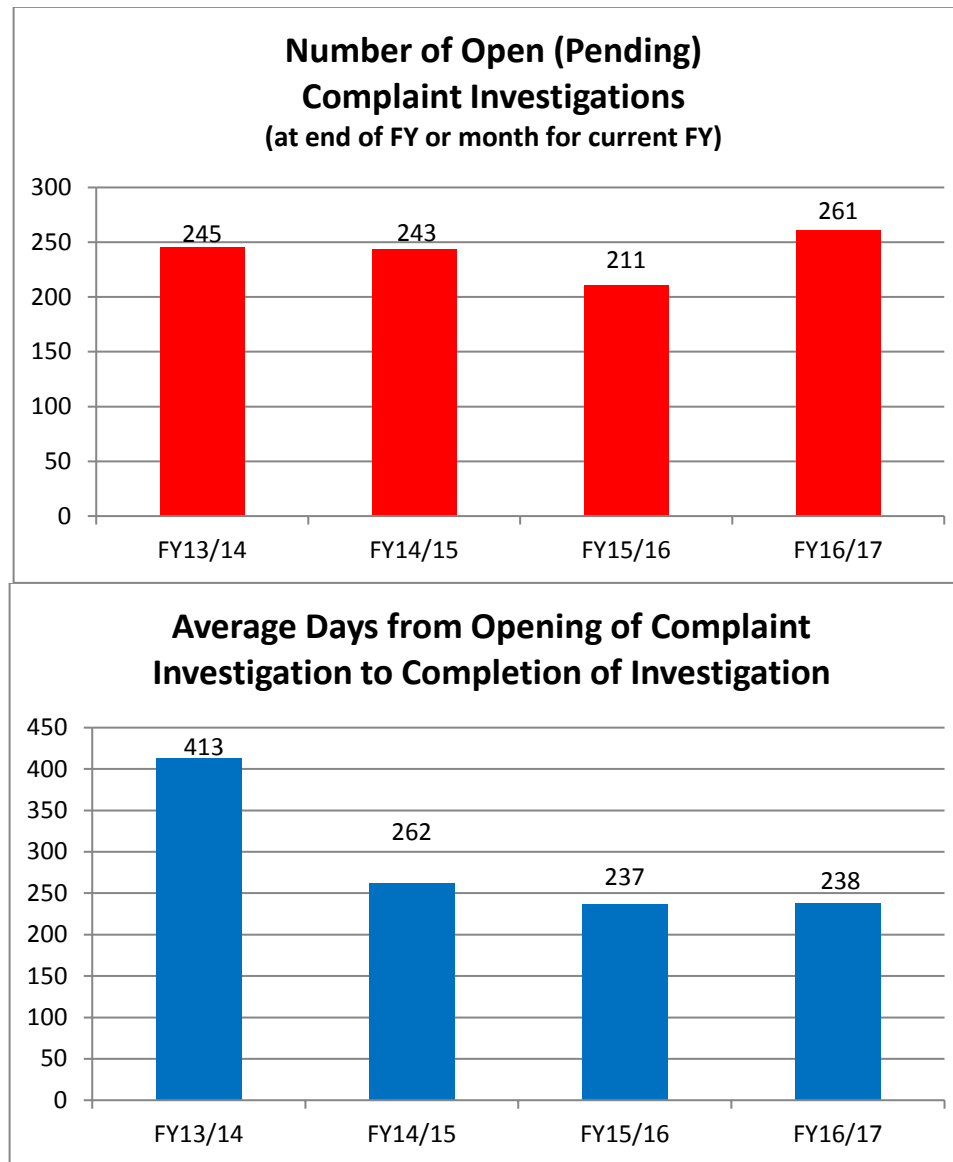


# Complaint Investigation Phase



NOTE: FY16/17 statistics are through March 31, 2017

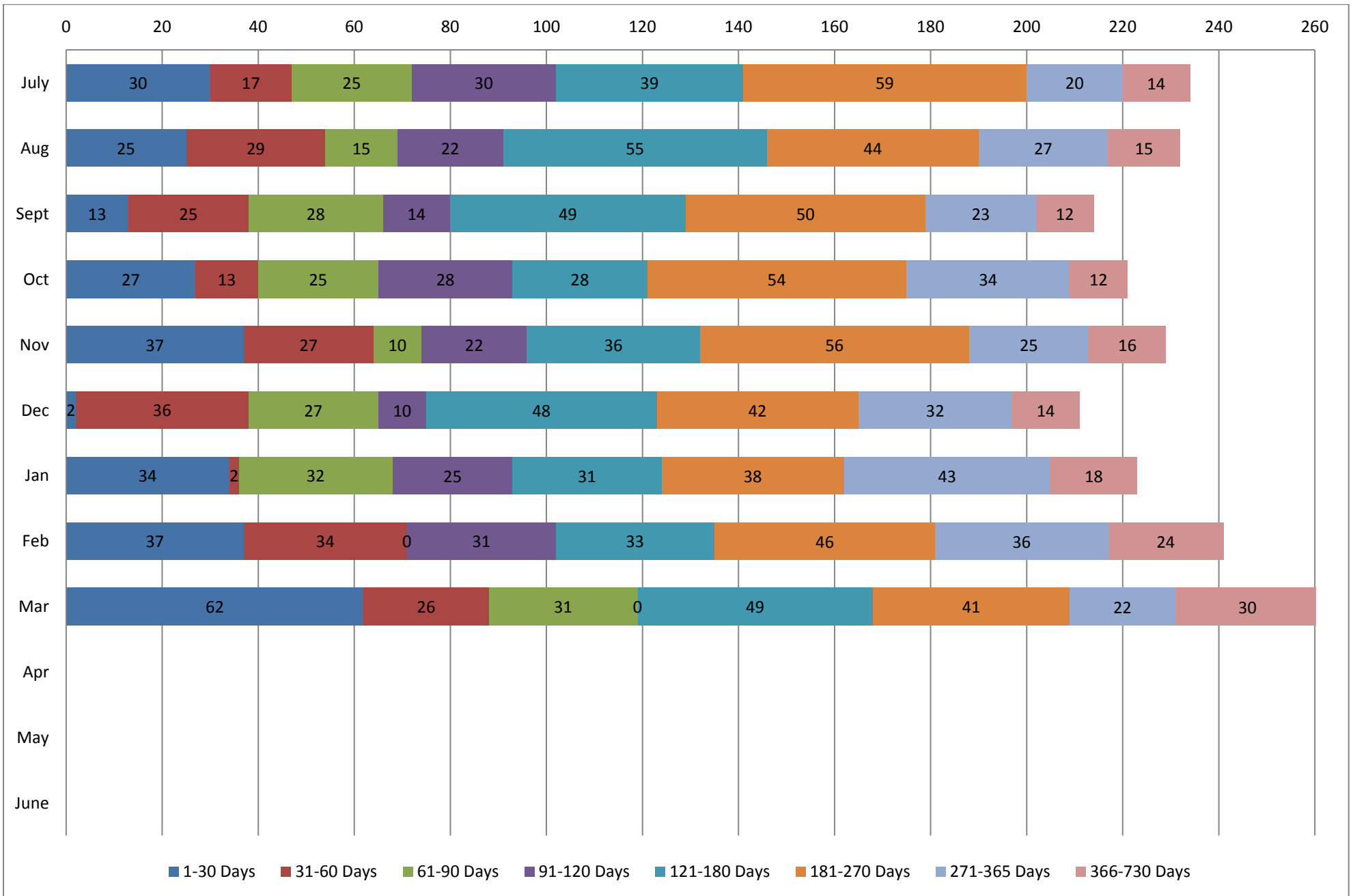
## Complaint Investigation Phase



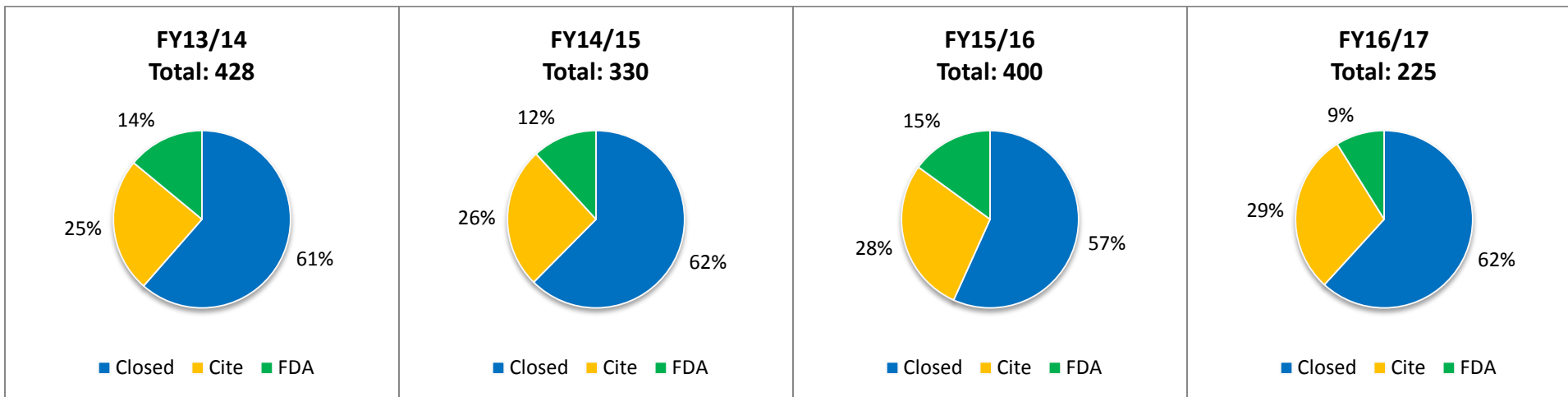
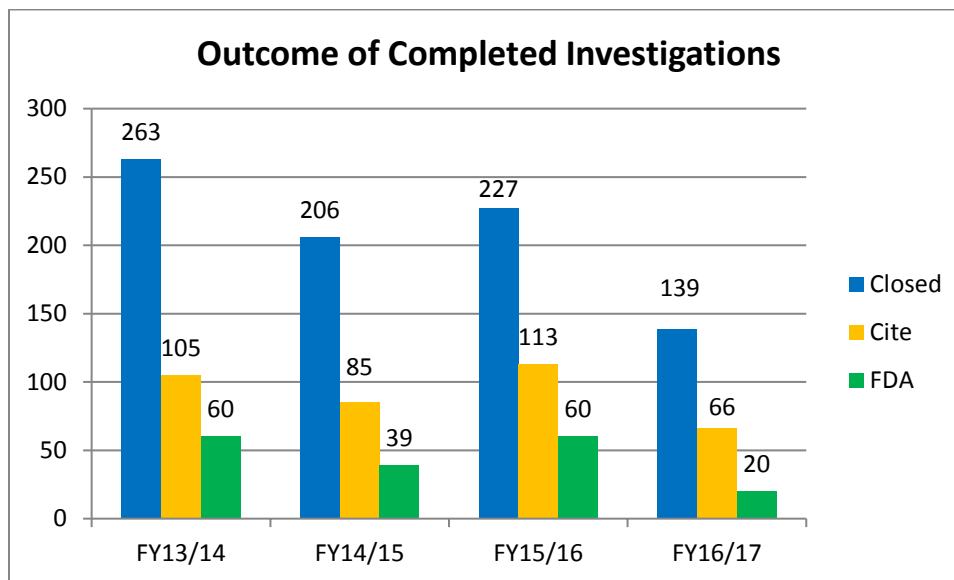
NOTE: FY16/17 statistics are through March 31, 2017

# Complaint Investigation Phase

## Aging of Open (Pending) Complaint Investigation Cases – FY16/17



## Complaint Investigation Phase Outcome of Completed Investigations



**NOTE: FY16/17 statistics are through March 31, 2017**

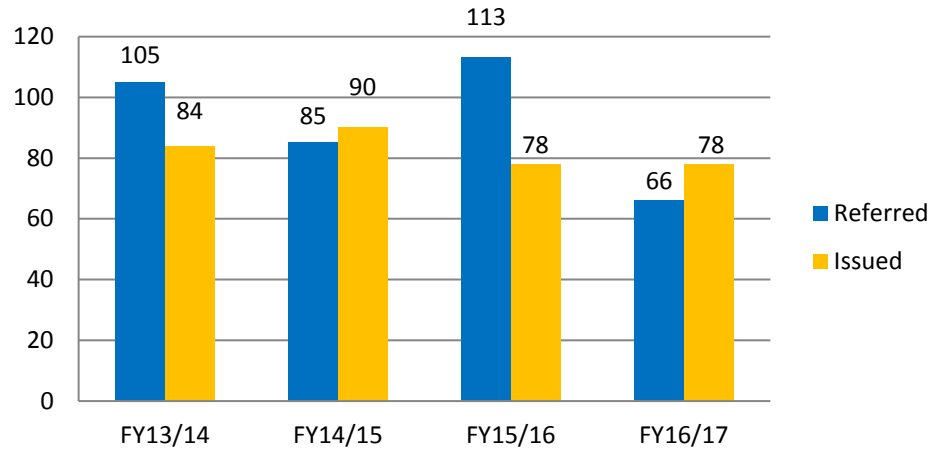
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

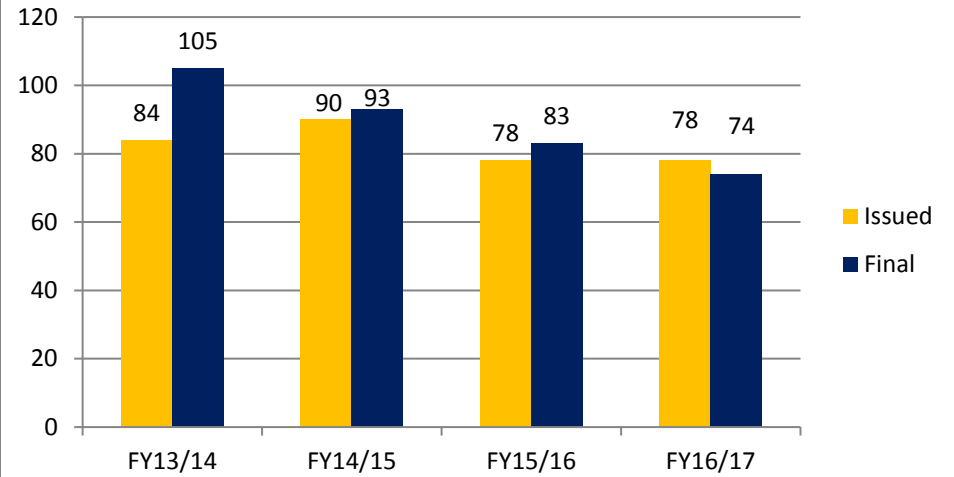
FDA = Referred for Formal Disciplinary Action

## Citations (Informal Enforcement Actions)

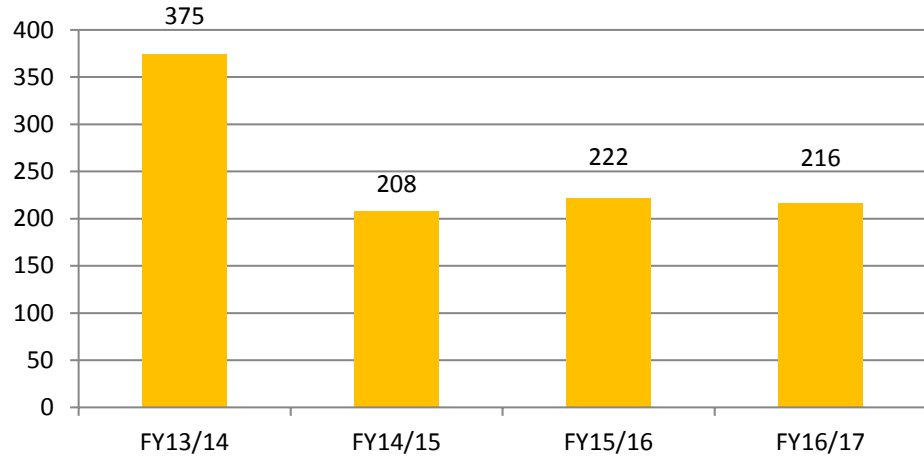
**Number of Complaint Investigations Referred and Number of Citations Issued**



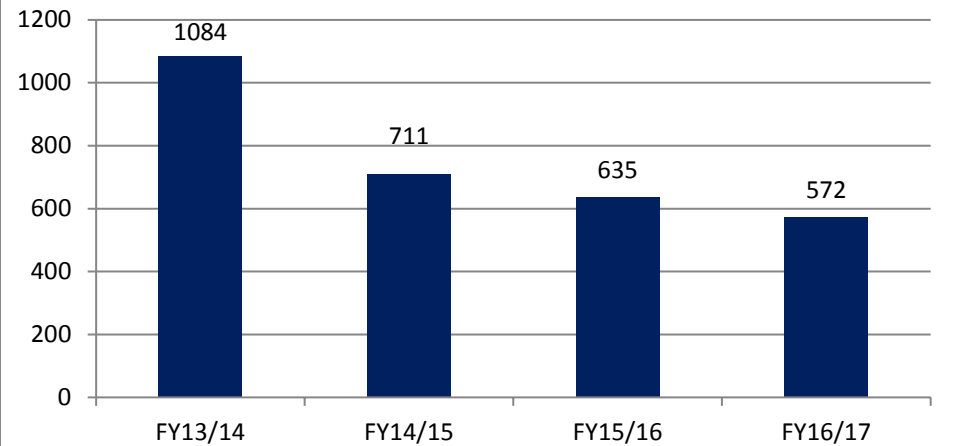
**Number of Citations Issued and Final**



**Average Days Between Date of Issuance of Citation and Date Citation Becomes Final**

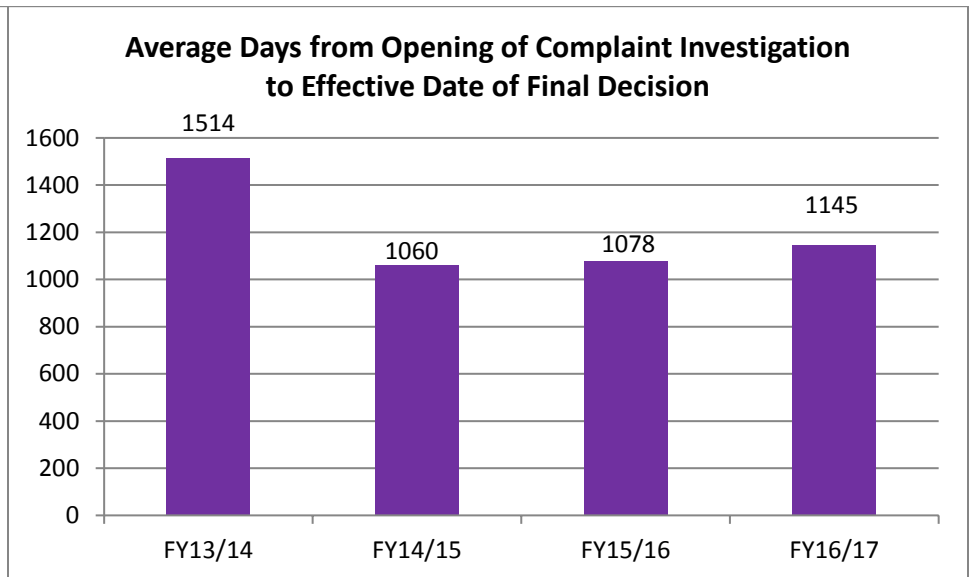
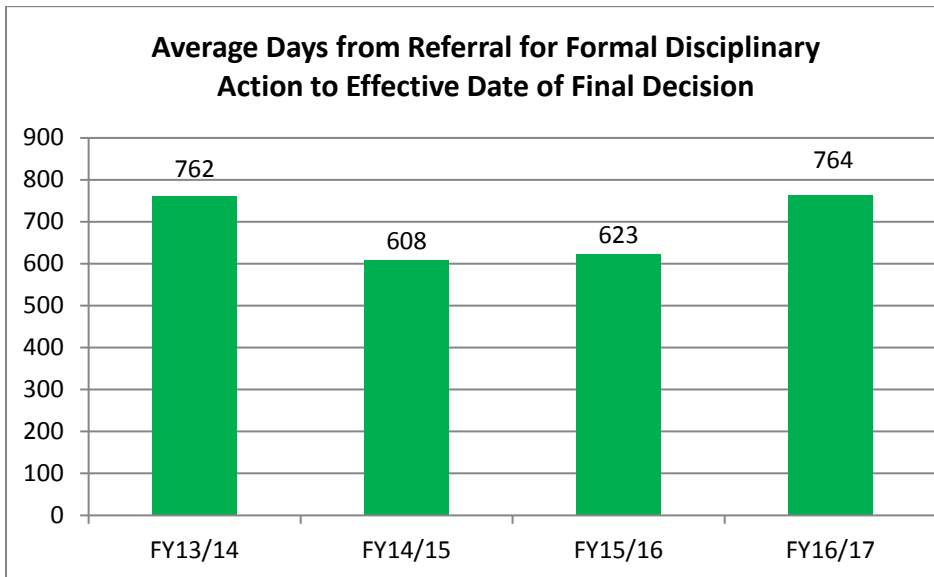
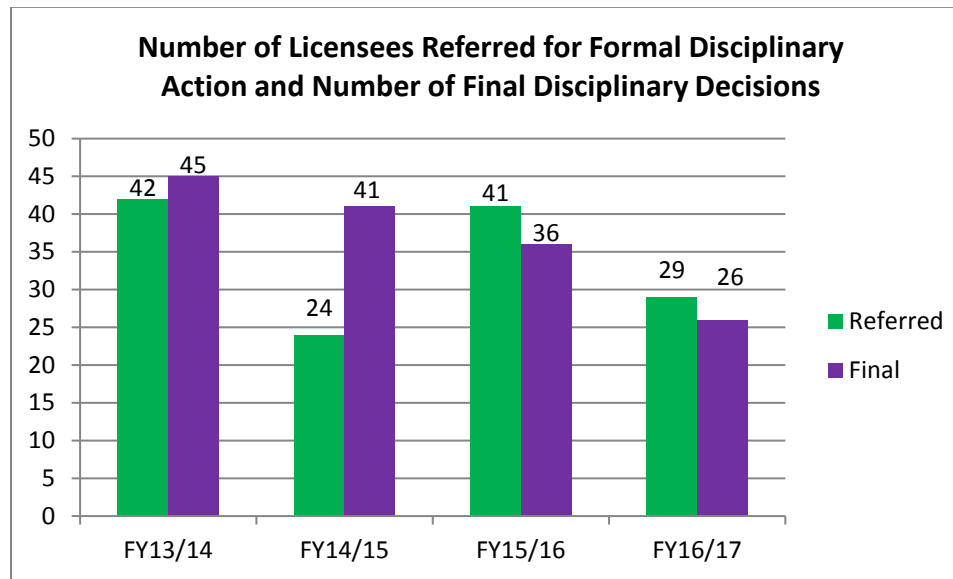


**Average Days from Opening of Complaint Investigation to Date Citation Becomes Final**



NOTE: FY16/17 statistics are through March 31, 2017

## Formal Disciplinary Actions Against Licensees



NOTE: FY16/17 statistics are through March 31, 2017

## **VI. Exams/Licensing**

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### **A. Update on Spring 2017 Examinations**





## **VII. Executive Officer's Report**

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- A. Legislation and Regulation Workgroup Summary
- B. Personnel
- C. ABET
- D. Association of State Boards of Geology (ASBOG)
- E. National Council of Examiners for Engineering and Surveying (NCEES)
  - 1. Nomination for Western Zone Secretary/Treasurer (Possible Action)
  - 2. Request for the Board to Support Inclusion of a Plumbing Engineer Option within the NCEES Mechanical Engineering Principles and Practice examination (Possible Action)
  - 3. Proposed Resolution to Revise Voting Procedures (Possible Action)
  - 4. Proposed Resolution for NCEES to Develop a Public Lands Survey System Module as a Depth Portion of the NCEES Principles and Practice of Surveying examination (Possible Action)
  - 5. Choose Funded Delegates to Attend NCEES Annual Meeting – August 23-26, 2017
- F. Outreach
- G. Update on Business Process Improvement Study



## **Legislation and Regulations Workgroup**

### **Legislation:**

Legislation can be found under the Legislation section in the Board meeting materials.

### **Regulations:**

#### **1. Citations (472-473.4/3062-3063.4)**

- Final Package approved by the Office of Administrative Law (OAL) on March 14, 2017. Regulations effective July 1, 2017.
  - Board approved initial rulemaking proposal on March 8, 2012.
  - Noticed to OAL on March 11, 2016, for 45-day Comment Period.
  - Noticed for 15-day Comment Period on June 22, 2016. Comment Period ended on July 7, 2016.
  - Final package sent to the Department of Consumer Affairs (DCA) for final review on August 12, 2016.
  - Package sent to OAL on January 31, 2017.

#### **2. Exam Appeals Repeal (443, 444, 3063.1, 3037.1)**

- Final Package at Department of Finance (DOF) for review, sent on March 27, 2017.
  - Board approved initial rulemaking proposal on March 7, 2013.
  - Noticed to (OAL) May 17, 2016, for 45-day Comment Period. OAL Comment Period ended on June 22, 2016.
  - Final package sent to DCA for final review September 6, 2016.
  - Package sent to Business, Consumer Services and Housing Agency (Agency) February 13, 2017

#### **3. SE, GE qualifications/experience (426.10/426.14/426.50).**

- Final Package sent to OAL on March 28, 2017.
  - Board approved initial rulemaking proposal on February 13, 2014.
  - Noticed to (OAL) May 6, 2016, for 45-day Comment Period. OAL Comment Period ended on June 20, 2016.
  - Final package sent to DCA for final review on September 9, 2016.
  - Final package sent to Agency on September 29, 2016

#### **5. Qualifying Experience Land Surveyor (425)**

- Final package sent to DCA for final review on November 3, 2016.
  - Board approved initial rulemaking proposal on April 9, 2016.
  - Noticed to OAL on August 12, 2016, for 45-day Comment Period.
  - Comment Period ended September 27, 2016.
  - Board approved final rulemaking package on October 13, 2016.

**Note:** Documents related to any rulemaking file listed as “noticed” can be obtained from the Board’s website at [http://www.bpelsg.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsg.ca.gov/about_us/rulemaking.shtml).





## BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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March 16, 2017

Memo to: Western Zone Board Members and Administrators

The California Board for Professional Engineers, Land Surveyors, and Geologists is nominating Ric Moore, P.L.S. for the position of Western Zone Secretary/Treasurer and is requesting the full support of the Western Zone at the May 18-20, 2017 Joint Central/Western Zone Interim Meeting in Denver, CO.

Mr. Moore initially served in the capacity of Secretary/Treasurer for the Western Zone Member Boards for the 2013-15 term and is currently serving a second two-year term which ends at the August 2017 Annual Meeting.

Mr. Moore has served on the NCEES Member Board Administrators (MBA) Task Force from 2011-13; the Examinations for Professional Surveyors (EPS) Committee from 2013-16; and is currently serving the Council as a Western Zone representative of the 2016-17 MBA Committee.

Mr. Moore has served as the Executive Officer for the California Board for Professional Engineers, Land Surveyors, and Geologists since July 2011 after serving as the Staff Land Surveyor Registrar and Examinations Manager at the Board since January 2007. Prior to his service at the Board, Mr. Moore enjoyed life as a Professional Land Surveyor in private practice in California from 1989-2006 after gaining previous experience performing many land surveys in New England, Arizona, and Colorado since 1980.

We believe that Mr. Moore's leadership, organizational and communication skills will greatly benefit NCEES and the Member Boards of the Western Zone.

Thank you in advance for your support of Mr. Moore as we nominate him for NCEES Western Zone Secretary/Treasurer.

Sincerely,

A handwritten signature in black ink, reading "Coby King", is positioned below the word "Sincerely,".

Coby King  
2016-2017 Board President



## **VII. Executive Officer's Report**

### **E. 2. Request for the Board to Support Inclusion of a Plumbing Engineer Option within the NCEES Mechanical Engineering Principles and Practice Examination (Possible Action)**

Recently, the Board received a request from a Professional Mechanical Engineer licensed in California and a member of American Society of Plumbing Engineers (ASPE) requesting the Board to "...support inclusion of a "Plumbing Option" within the Mechanical Engineering Principles and Practice examinations, as administered by NCEES."

In response to the request, I asked and received additional information relative to the Board's mission and NCEES's Examination Development Policy 5 which currently reads:

#### **EDP 5 Entry of New Discipline or Depth Module to PE Examination Status**

- A. No discipline shall be added to the examination program unless there is an EAC/ABET-accredited program in the discipline.
- B. No discipline shall be added as a Group II examination unless a technical society agrees to sponsor the examination. All technical societies that sponsor Group II examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.
- C. Requests for examinations and/or depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the examination or depth module in their jurisdiction. A request older than four years must be reaffirmed by the member board. Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new examination or module.
- D. No discipline or depth module shall be added to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question is composed of a unique set of knowledges important for safeguarding the health, safety, and welfare of the public.
- E. The request shall include a plan to develop the exam in CBT format.
- F. Member boards shall be notified one year in advance of the addition of any discipline or depth module to the PE examination program.

Currently, NCEES develops and administers three (3) separate Mechanical Engineering related PE examinations: HVAC and Refrigeration; Mechanical Systems and Materials; and Thermal and Fluid Systems. The California Board accepts passage of any of these three examinations towards licensure as a Mechanical Engineer in California. The most recent pass rates for first-

time takers of these examinations averages 75% and for repeat takers averages 40%, both of which are higher than the averages for the other NCEES PE examinations.

Checking with other NCEES Member Boards across the country, only Ohio and New York indicated they received similar letters with Ohio notifying NCEES that they support the request after Board discussion. Ohio is a generic PE licensure state.

**California Law Definition of Mechanical Engineering in the Professional Engineer's Act:**

**6731.6.**

Mechanical engineering is that branch of professional engineering described in Section 6734.2 that deals with engineering problems relating to generation, transmission, and utilization of energy in the thermal or mechanical form and also with engineering problems relating to the production of tools, machinery, and their products, and to heating, ventilation, refrigeration, and plumbing. It is concerned with the research, design, production, operational, organizational, and economic aspects of the above.

**Staff Recommendation:**

Staff recommends that the Board review this proposal, with due consideration given to the Board's licensing mission, and determine whether it wants to present any position on this proposal to NCEES.



Haig Demergian PE, CPD, FASPE  
8001 W. 4<sup>th</sup> Street  
Los Angeles CA 90048  
Tel: (323) 931-3770  
Email: [demergian@sbcglobal.net](mailto:demergian@sbcglobal.net)

To: California Board for Professional Engineers,  
Land Surveyors and Geologists  
2535 Capitol Oaks Drive, Suite 300  
Sacramento, CA 95833-2944

February 21, 2017  
Page 1 of 3

Subject: Plumbing Option, Mechanical Engineering-Principles and Practice exam.

I am a professional engineer, registered in California (M-17411) with over 45 years experience in designing Plumbing systems for various industrial, residential, high schools, colleges and Government facilities. Also for 10 years I worked for UCLA Extension teaching Plumbing design. I am an active member of Education Committee of American Society of Plumbing Engineers (ASPE) and Chair of Education Committee of ASPE Los Angeles Chapter.

During my long professional engineering activities, I have observed a lot of changes in the design and construction of Plumbing systems.

The practice of Engineering encompasses many disciplines, with many specific sub-disciplines rolled in. One such sub-discipline is Plumbing, within the discipline of Mechanical Engineering.

At one time, Plumbing was considered to be simplistic enough to be within the broad discipline of Mechanical Engineering. And, that any Mechanical Engineer with an ABET accredited Bachelor of Science degree, could adequately handle the demand of HVAC and Plumbing design. However, today Plumbing design is much more complex than it once was.

Consider that Plumbing design includes systems as potable hot and cold water, softened, deionized, distilled and reverse osmosis water, sanitary waste and vent, storm water, fuel gas, propane, gasoline, medical gas (medical air, instrument air, nitrogen, nitrous oxide, oxygen and waste anesthesia gas, etc.), and with design

and regulatory requirements that must be considered, Plumbing has achieved a complexity all its own.

Today no one individual can have education, expertise and time to deal efficiently and professionally with all aspects of HVAC, Plumbing and Fire protection of a modern building.

This condition was created by the remarkable proliferation of new materials and methods, along with new regulations imposed by the Authority Having Jurisdiction (AHJ) directed to save water and energy.

The engineering community has resolved the challenges, by dividing the work into specific sub disciplines: HVAC, Plumbing and Fire Protection. We find them in each Consulting Engineering offices, Contractor, Plan Checkers, etc. Designated individuals specialized in HVAC, or Plumbing or Fire Protection, are those responsible for protecting the public safety and welfare.

Each of these sub disciplines have separate technical organizations with membership, Conventions, Design Manuals, publications and monthly meetings directed specifically to promote that sub discipline. For instance ASHRAE (American Society of Heating, Refrigeration and Air Conditioning Engineers) represents professionals involved in HVAC, ASPE represents professionals involved in Plumbing and SFPE (Society of Fire Protection Engineers) represents professionals involved in Fire Protection.

California Professional Engineers Act dated January 1, 2016 Chapter 7, Section 6731.6 define mechanical Engineering as:

*“Mechanical Engineering is that branch of professional engineering that deals with engineering problems relating to generation, transmission and utilization of energy in the thermal or mechanical form and also with engineering problems relating to the production of tools, machinery, and their products, and to heating ventilation, refrigeration and **plumbing**. It is concerned with the research, design, production, operational, organizational and economic aspects of the above.”*

With complex Plumbing systems as listed above, required for modern buildings, it has become difficult, or impossible, for a typical Mechanical engineer specialized in HVAC to maintain the necessary level of competency within the Plumbing discipline. We believe that a plumbing option should be placed within the framework of the mechanical Principles and Practice examinations.

**I wish to make it clear**, that my entire proposal was done with input and full support of **American Society of Plumbing Engineers, Board of Directors**. Other registered professional engineers are requesting their respective Board's, to support inclusion of a "Plumbing Option" within the Mechanical Engineering Principles and Practice examinations, as administered by NCEES (**National Council of Examiners for Engineering and Surveying**).

**In conclusion**, I urge the **California Registration Board** to support inclusion of Plumbing option questions within the Mechanical Engineering examination and inform NCEEC of your support.

Thank you for your attention, consideration and support. I am available to answer any questions you may have.



*Haig Demergian*  
Haig Demergian PE, CPD, FASPE





## BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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March 10, 2017

Mr. Haig Demergian PE, CPD, FASPE  
8001 W. 4<sup>th</sup> Street  
Los Angeles CA 90048

Re: Inquiry pertaining to Plumbing Option, Mechanical Engineering-Principles and Practice Exam

Mr. Demergian,

We received your inquiry and request to the Board for Professional Engineers, Land Surveyors, and Geologists, as a Member Board of NCEES, to "support inclusion of a "Plumbing Option" within the Mechanical Engineering Principles and Practice examinations, as administered by NCEES." This request would need to be considered directly by the Board during one of its open meetings. However, before including this request on a future Board meeting agenda for the Members to consider, we are requesting that you provide additional information as listed below:

1. Please provide a clear rationale on how adding this module as an option of the national Mechanical Engineering exam would benefit the health, safety, and welfare of consumers in California.
2. Please provide evidence on how consumers in California are not currently protected by licensed Mechanical Engineers who obtained such license by passing the current examination offerings.
3. Please provide a clear rationale as to which aspects of the practice of mechanical engineering related to your request are not sufficiently covered in the current test plan specifications published by NCEES for the Mechanical Engineering exam.

Once we receive an adequate response to this request, we will proceed with adding your request on a future Board meeting agenda.

Respectively,

A handwritten signature in blue ink, appearing to read "Richard B. Moore", is written over the word "Respectively,".

Richard B. Moore  
Executive Officer

Cc: Coby King, 2016-17 Board President

Haig Demergian PE, CPD, FASPE  
 8001 W. 4<sup>th</sup> Street  
 Los Angeles CA 90048  
 Tel: (323) 931-3770  
 Email: [demergian@sbcglobal.net](mailto:demergian@sbcglobal.net)

To: Mr. Richard Moore  
 Executive Officer

California Board for Professional Engineers,  
 Land Surveyors and Geologists  
 2535 Capitol Oaks Drive, Suite 300  
 Sacramento, CA 95833-2944

March 22, 2017  
 Page 1 of 2

Subject: Plumbing Option, Mechanical Engineering-Principles and Practice exam.

Mr. Richard Moore,

Thank you for your response to my letter dated February 27, 2017 requesting the support of the California Board of Registration, for inclusion of a Plumbing Option within the Mechanical Engineering Principles and Practice (PP) exam.

In your response letter dated March 10, 2017 you requested several clarifications before my request can be scheduled, for a future Board meeting. I offer my answers to your requested clarifications:

1. Inclusion of Plumbing Option in the Mechanical Engineering exam will allow engineers/designers with a degree from an ABET accredited course of study and the required experience under the responsible charge of a registered engineer, to sit for the Mechanical Engineering PP exam., under "Plumbing Option". By providing a path to professional registration, those who choose to practice Plumbing Engineering will be attracted to the discipline. The need for new blood is becoming more acute, every day. This will provide a measurable level of competency and will enhance the protection of health, safety and welfare of general public.



We are aware that mistakes of the past in handling sanitation and water distribution, decimated and in some cases completely eliminated civilizations. Plumbing profession was, and still is, humanity's best protector against water borne diseases.

2. The Plumbing Industry has a legitimate need for individuals that meet the requirements of NCEES. These individuals deserve the right to prove their competency in the field of Plumbing. We believe that the time has come to elevate the Plumbing discipline to the same level as other professionals involved in the building industry. Mechanical engineers licensed under present protocols should be allowed to stamp and sign construction documents, but for the future, engineers licensed by taking the Plumbing Option exam, will slowly replace them. This is the path which will substantially improve, the quality of design and construction and better protect the health, safety and welfare of the consumers. Today and especially in the near future, the increasing complexity of HVAC and Plumbing systems, will not permit one person to be efficient and effective in both fields.
3. NCEES Principles and Practice of Engineering exam specifications for Mechanical - HVAC and Refrigeration includes in part I, some tangential questions related to Plumbing discipline. The balance of questions are specific to HVAC discipline. We propose to develop several specific questions related to plumbing. ASPE has the resources and willingness to help in preparation of these specific questions.

Also, please consider that several other PE registered in California will submit to you similar requests. Professional Engineers from Ohio, Arizona, Michigan and Georgia have already submitted similar requests to their respective Boards of Registration. And the list is adding every week, new States. Additionally ASPE has the support of the National Society of Professional Engineers.

I wish to thank you and your staff, for the time spent to help our organization in this very important issue. Should you have any additional questions or need clarifications, please contact me, at your convenience.

Sincerely yours,  
Haig Demergian PE, CPD, FASPE



## 2017 NCEES Western Zone Resolution

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### MOTION

Mr. President, I request the privilege of the floor to make the following resolution on behalf of the Western Zone:

WHEREAS: Section 6.02 of the bylaws establishes the rules for Quorum and Voting at the Annual Business Meeting and provides for each member board to have one vote;

WHEREAS: The current voting structure does not reflect the proportion of licensees represented by the member boards; therefore, be it

RESOLVED: That Section 6.02 under Article 6 should be amended as follows:

**Section 6.02 Quorum and Voting.** A quorum for the transaction of business at the Annual Business Meetings of the Council shall be delegates from a majority of Member Boards. A majority vote of the Member Boards represented shall be required for affirmative action unless otherwise provided for in the Bylaws.

~~Only Member Boards shall be entitled to vote.~~ Voting shall be by Member Boards, ~~with each board entitled to one vote.~~ Member boards that regulate one profession, either engineering or surveying, shall be entitled to one vote. Member boards that regulate both the professions of engineering and surveying shall be entitled to two votes. No state, as defined in Article 1, Section 1.02, shall be entitled to more than two votes with the exception of Illinois. The Illinois Board of Structural Engineering will retain its vote giving Illinois a total of 3 votes. If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish. An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

### Rationale

As regulatory boards our mission is to protect the health, safety and welfare of the public for whom we serve. Part of our duties and responsibilities in order to accomplish our mission is to represent our state or territory at the national level through our participation in NCEES. Representing the public includes representing our licensees, universities and colleges offering engineering and surveying programs and the students attending those colleges and universities.

NCEES is comprised of 70 member boards representing 54 states and territories. The current NCEES Bylaws provide one vote to each member board. Thirteen states have two boards, one representing engineers and another one representing surveyors. One state has three boards representing engineers, surveyors and structural engineers. Each member board, not each state or territory, has one equal vote. Under the current NCEES Bylaws 14 states have more than one vote on matters before the council. As an example, California has one member board — and one vote before council — representing 107,825 licensees and 35 colleges and universities offering accredited engineering and surveying programs. Vermont has two member boards- and two votes before council- representing 4,232 licensees and three colleges and universities offering accredited engineering and surveying programs.

Representation before the council should be reflective of the constituents served by the member boards. The ideal model would be the one used by the U.S. House of Representatives or NSPE, where each jurisdiction is represented based on the population of their constituents; however, this is probably not a model that is practical for use by NCEES. A more equitable and manageable model for representation in the council would be two votes per state/territory rather than one vote per member board.

Figures 1 to 3 show the relationships between the number licensees served and both the proposed and current voting structures by zone. Table 1 shows the numerical data used to create the figures.

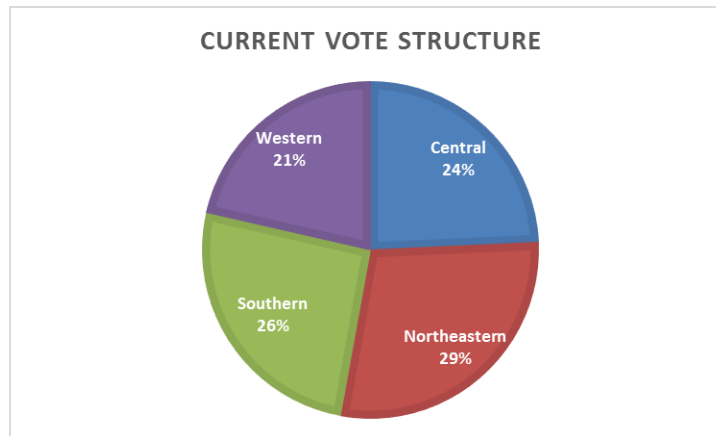
Impact on NCEES Member Boards if motion passes:

- The 13 states that currently have two boards representing engineering and surveying independently will realize no change. Each will have a vote and retain their funded delegates.
- Forty (41) states that currently have one board representing engineers and surveyors will add one vote.

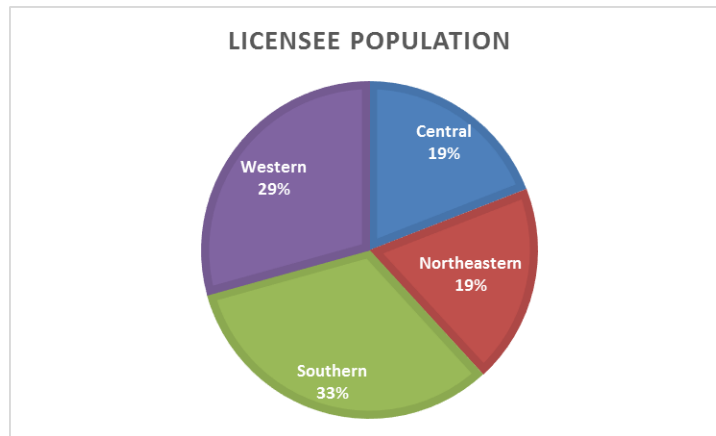
**Financial impact**

The proposal is expected to have a small financial impact. This impact will be to purchase additional voting devices for those states that will go from having one vote to two votes.

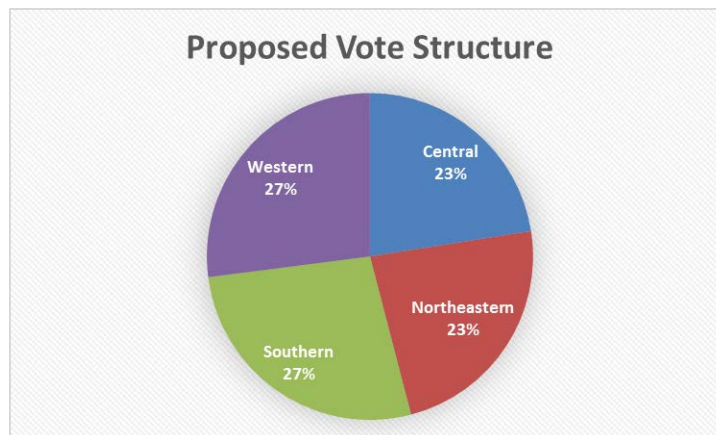




*Figure 1: Proportion of Current Votes by Zone*



*Figure 2: Proportion of Licensees by Zone*



*Figure 3: Proportion of Votes by Zone under Proposed Model*

*Table 1: Zone Data for Votes and Licensee Populations*

Zone	Current	Licensees	Proposed	Current	Licensees	Proposed
Central	17	179373	25	24%	19%	23%
Northeastern	20	179421	26	29%	19%	23%
Southern	18	305758	30	26%	33%	27%
Western	15	275351	30	21%	29%	27%
Totals	70	939903	111	100%	100%	100%



## **VII. Executive Officer's Report**

### **E. 4. Proposed Resolution for NCEES to Develop a Public Lands Survey System Module as a Depth Portion of the NCEES Principles and Practice of Surveying (PS) Examination (Possible Action)**

Over the last several years during various NCEES meetings, and coinciding with NCEES's decision to transfer the national PS Exam to computer-based-testing (CBT) format, two related discussions have continuously occurred by representatives of NCEES's various member boards:

1. Member Board Administrators and boards trying to figure out what to do with their respective State Specific land surveying exams (i.e., remain pencil/paper format or convert to CBT, etc.) given that many surveying boards are small in size and their applicant populations do not support the resources necessary to adequately maintain paper format or convert to CBT on their own.
2. Surveyor members (and former members) of NCEES Member Boards discussing possible evolution of the PS exam.

While alternatives such as multiple states collaborating and agreeing on joint state-specific exam development to mitigate costs have been expressed, no one is stepping up to lead any effort.

Several individuals from multiple states have collaborated on a solution that may directly or indirectly help in resolving both of these concerns and intend to provide a presentation at the upcoming Zone Interim meetings for all the Member Boards of NCEES to consider.

#### **Brief History of the PS Exam:**

- Began April 1974 – Known as PLS Exam (4 hours)
- 1986-1992 - Public Lands Module (3 hours) added
- 1987-1992 - Colonial States Module (3 hours) added
- Fall 1992 – PS Exam standardized (modules eliminated) with recommendation for States to supplement with state-specific exam
- April 2003 – California 1<sup>st</sup> began using the PS Exam
- Fall 2016 – Began CBT administration

The presentation will attempt to focus on several aspects related to the current makeup of the PS Exam and the current understanding for why states develop a state-specific surveying exam, as well as provide general recommendations. These aspects and recommendations are as follows:

- Certain aspects of land surveying practice is generally performed consistently regardless of which licensing jurisdiction it is occurring in (i.e., field methods to perform types of surveys, etc.)
- The 1992 standardization forces subject matter exam content on all candidates from all licensing jurisdictions regardless of whether the laws of a particular licensing jurisdiction require the candidate to demonstrate competency in those subject matters.
  - Ex. Approximately 30 states are part of the PLSS, yet candidates of all surveying jurisdictions are tested on PLSS subject matter. This could lead to legal challenges that the exam may be testing those candidates in subject matter areas that is beyond the legal scope of practice in their respective jurisdiction.
- Member Boards use State-specific surveying exams to supplement the national PS exam for multiple reasons: administrative laws/rules; minimum technical standards; combination of administrative laws/rules and standards; or national exam does not test at adequate cognitive level to support licensing as it is practiced in a specific jurisdiction.
- Recognition that some activities or tasks associated with land surveying are not generally universal (i.e., not a function of referring to a national code like IBC, etc.) but rather based on a highly experienced understanding, opinion, and application of jurisdictional statutes and case laws.
- Recognition that current concerns expressed by some NCEES Member Boards related to state-specific technical content could be mitigated or even eliminated by the addition of a PLSS module.
- Recognition that mobility across the nation is important while at the same time emphasizing that reliability for determining minimum competency could be improved with the appropriate implementation of depth modules.

### **Proposal:**

NCEES to evaluate and implement a plan to leverage the related subject matter content in the current PS Exam item bank related to PLSS to create a Depth Module that could measure candidates from the 30 applicable jurisdictions at an appropriate cognitive level and within the requirements as set forth in the respective jurisdictions. The remaining subject matter content can be evaluated and enhanced, if necessary, to address the common surveying content more fully. Benefits that can be realized by this plan include:

- Testing jurisdictional candidates nationwide at a more consistent cognitive level while adhering to the legal licensure requirements for each jurisdiction.
- Member Boards may be able to minimize or eliminate the PLSS-related content from their respective state-specific exams thereby serving a purpose of helping those boards to address their individual concerns.

- Improves mobility by allowing those candidates in non-PLSS states to become licensed based only what they need to be measured on to practice competently in their state while still allowing those seeking Comity licensure in a PLSS state the opportunity to pass the Depth Module thereby satisfying all member boards' various requirements.

**Current NCEES Examination Development Policy 5:**

**EDP 5 Entry of New Discipline or Depth Module to PE Examination Status**

- No discipline shall be added to the examination program unless there is an EAC/ABET-accredited program in the discipline.
- No discipline shall be added as a Group II examination unless a technical society agrees to sponsor the examination. All technical societies that sponsor Group II examinations shall sign an agreement with NCEES delineating the responsibilities of both parties in developing the examinations.
- Requests for examinations and/or depth modules shall be made by no fewer than 10 member boards collectively who can each demonstrate a need for the examination or depth module in their jurisdiction. A request older than four years must be reaffirmed by the member board. Requests shall include proof of such need, estimate of usage, and impact on safeguarding the health, safety, and welfare of the public. Proof of need shall include evidence that knowledge areas and skills are not adequately measured in an existing examination or module and that additional knowledge areas and skills required for the discipline are sufficient to support a new examination or module.
- No discipline or depth module shall be added to the examination program unless the number of candidates for an ongoing examination conforms to NCEES policies and procedures. If that is demonstrated, a professional activities and knowledge study (PAKS) shall be conducted to establish that the addition in question is composed of a unique set of knowledges important for safeguarding the health, safety, and welfare of the public.
- The request shall include a plan to develop the exam in CBT format.
- Member boards shall be notified one year in advance of the addition of any discipline or depth module to the PE examination program.

**Staff Recommendation:**

Staff recommends that the Board review this proposal, with due consideration given to the Board's licensing mission, and determine whether it wants to support any position on this proposal to NCEES for consideration at the Joint Central/Western Zone Interim Meeting in May 2017.





## BPELSG Outreach Program Update

### COLLEGE OUTREACH: Top 12 Programs (all Colleges with 8 or more ABET programs) targeted for 'on-campus' visits by Staff Senior Registrars:

UC Berkeley - *TBD*  
Cal Poly Pomona – *June 2 - Senior Project Review*  
Cal Poly San Luis Obispo – *June 2 - Senior Project Review*  
UC Davis - *June 8 – Senior Project Review*  
UCLA - *TBD*  
USC – *April 18 – First Presentation*  
UC Irvine – *May 19 – First Presentation*  
San Jose State University - *TBD*  
CSU Long Beach - *TBD*  
San Diego State University – *TBD*  
UC Riverside - *TBD*  
University of the Pacific - *TBD*

### SOCIAL MEDIA: Twitter – Top Tweets (with corresponding pictures, if posted) for January 1 – March 30, 2017



1. 877 Views – Posted February 9<sup>th</sup> -  
[#ThrowbackThursday](#) OROVILLE, CA, DAM – Tallest Dam  
in US, by Volume

2. 731 Views – Posted January 10<sup>th</sup> - ASBOG FG & PG exams will be @ CA State Univ Long Beach(CSULB) – No picture included.



3. 573 Views – Posted January 19<sup>th</sup> - [#ThrowbackThursday](#) Topographic Engineers operating a large planograph correlating contour lines on a map with elevations on a model, 1945.

4. 447 Views – Posted January 12<sup>th</sup> - Professional Engineers, Surveyors and Geologists Acts, and associated Regs are online: <http://www.bpelsg.ca.gov/laws/index.shtml> ... Printed edition coming soon!

5. 387 Impressions – Posted January 10<sup>th</sup> - The Winter edition of the Board Bulletin is now available: [bpelsg.ca.gov/pubs/bulletin](http://bpelsg.ca.gov/pubs/bulletin).

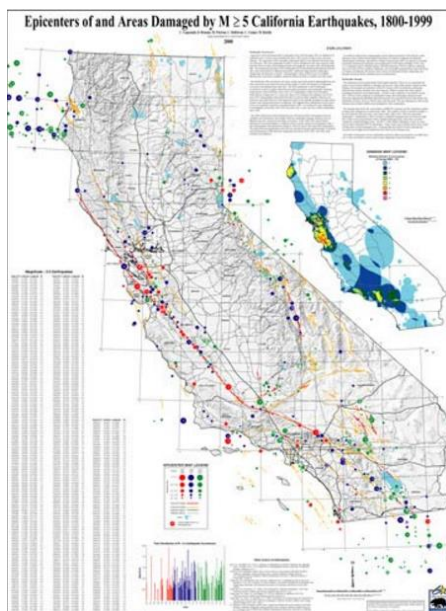


6. 366 Views – Posted January 5<sup>th</sup> - Point Pinos Lighthouse (1855)-oldest continuously operating lighthouse on West Coast-guides ships on central CA coast-even lens is original!



7. 354 Views – Posted March 9<sup>th</sup> - [#ThrowbackThursday](#): [@CA\\_Engineers](#) Some things sure have changed since 1956... [pic.twitter.com/UBomsKMPAJ](http://pic.twitter.com/UBomsKMPAJ)





8. 353 Views – Posted January 12<sup>th</sup> –  
Historical Map of major CA Earthquakes

9. 283 Views – Posted January 5<sup>th</sup> - Professional Engineers, Land Surveyors, and Geologists Acts, with associated regulations, are available online. No picture included.

10. 278 Views - Posted January 5<sup>th</sup> - Reminder to applicants taking NCEES exams:  
<http://www.bpelsg.ca.gov/applicants/reminder.to.applicants.ncees.exams.pdf...>

## WEBPAGE VIEWS: January 1 – March 30, 2017

Page Title	Page Views	Avg. Seconds on Page
License Lookup	102,357	141.54
Home Page	82,174	70.24
Instructions on How to Apply for a California Engineers License	42,960	74.13
Professional Engineer Application	38,961	94.37
Applicants Information	3,642	42.04
Examination Schedule	31,649	136.04
EIT/LSIT Certification: Information and Application	27,936	174.61
Licensee Information	20,659	27.14
Application Information	15,431	36.67
License Renewal Information	13,322	54.17



## VIDEO PRODUCTION: January 1 – March 30, 2017

- *Video #2– The Path to EIT/LSIT Certification - Posted to Website*

This video is a step-by-step tutorial that explains the ‘path’ to EIT and LSIT Certification.

[https://youtu.be/44Fpz3Tu\\_hI](https://youtu.be/44Fpz3Tu_hI)



## OUTREACH EVENTS: January 1 – March 30, 2017

January 4	Ric Moore and Dallas Sweeney presented a Webinar hosted by CLSA on Land Surveyor licensing requirements
January 7	Presentation with Dallas Sweeney at CLSA East Bay Chapter PLS Review Seminar on land surveyor licensing requirements
January 11	Presentation with Dallas Sweeney at CLSA East Bay Chapter on land surveyor practice
January 18	Presentation with Dallas Sweeney at CLSA Channel Islands Chapter PLS Review Seminar on land surveyor licensing requirements
January 19	Presentation with Dallas Sweeney at CLSA Channel Islands Chapter on land surveyor practice
January 25	Presentation with Dallas Sweeney at Northern Region League of California Surveying Organizations (LCSO) on Board update related to land surveying
January 27-28	Brooke Phayer manned the Board’s trade show booth at CSU Fresno’s Annual Geomatics Conference
March 20	Senate Resolution 24 Honored National Surveyor’s Week at the State Capitol
March 21	Ric Moore Presentation to ASCE Sacramento Capitol Branch

**VIII. Review and Adoption of Revised Board and Technical Advisory  
Committees Operating Procedures (Possible Action)**

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## **BOARD AND TECHNICAL ADVISORY COMMITTEES OPERATING PROCEDURES**

Staff has revised the Board Operating Procedures and Technical Advisory Committee (TAC) Operating Procedures as directed by the Board at the February 2017 meeting. The final drafts are included for review and adoption by the Board.

In the Board Operating Procedures, Article IV on Committees and Work Groups was revised to remove the references to the former Standing Committees so that the language is broad enough to allow for the creation of committees and work groups to address any issues as may be needed. Additionally, a section was added to Article V to indicate that the Board may nominate staff members to be appointed as Associate Members to NCEES. Furthermore, a new Article VI was added to provide guidance to Board members regarding how to handle communications they may receive from members of the public, including licensees.

In the TAC Operating Procedures, the number of terms that a TAC member may serve has been updated to three (from two). Many years ago, the Board approved changing the terms from two three-year terms to three two-year terms. However, the TAC Operating Procedures were not updated.

### **RECOMMENDED MOTION:**

Adopt the Board Operating Procedures and the Technical Advisory Committee Operating Procedures.





**Board for Professional Engineers,  
Land Surveyors, and Geologists**

**OPERATING PROCEDURES**

Adopted (INSERT DATE OF ADOPTION)

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**AND DOCUMENT IS FORMATTED**



## **ARTICLE I: BOARD OPERATING PROCEDURES**

### **1.0 PRIORITY OF LAWS AND OPERATING PROCEDURES**

- 1.0.1 All state laws and their associated regulations (e.g., the Bagley-Keene Open Meeting Act (Government Code section 11120, et seq.), the Professional Engineers Act (Business and Professions Code section 6700, et seq.)) govern the actions and procedures of the Board and its Committees or Work Groups for all meetings and take precedence over the Board Operating Procedures in case of any conflict.
- 1.0.2 The Board Operating Procedures will govern the actions to be taken by the Board and its Committees or Work Groups, with the exception of the Technical Advisory Committees, which shall be governed by the Technical Advisory Committees Operating Procedures. If a situation is not covered by the Board Operating Procedures, Robert's Rules of Order will govern the actions to be taken by the Board and its Committees or Work Groups.

### **1.1 SUSPENSION OF AN OPERATING PROCEDURE**

- 1.1.1 Any operating procedure of the Board may be suspended temporarily by a majority of the members present, provided that such temporary suspension shall apply only to the matter under immediate consideration and in no case shall it extend beyond adjournment.

### **1.2 AMENDMENT TO THE BOARD OPERATING PROCEDURES**

- 1.2.1 The Board Operating Procedures may be amended at a scheduled meeting of the Board by a majority of the members present, provided that the proposed amendment(s) has been placed on the agenda.

## **ARTICLE II: BOARD PRESIDENT AND VICE PRESIDENT**

### **2.0 SELECTION OF BOARD PRESIDENT, VICE PRESIDENT, AND TEMPORARY PRESIDENT**

- 2.0.1 The nomination for and selection of the Board President and Vice President shall be accomplished by the last scheduled meeting of each fiscal year.
- 2.0.2 The method of selection for the Board President and Vice President shall be by nomination from the members of the Board. The Board President may appoint a Nominating Committee to recommend to the Board a proposed Board President and Vice President. Members of the Board may suggest names to the Nominating Committee. Nominations from the floor shall also be accepted.

- 2.0.3 The terms for the Board President and Vice President shall be for a period of one year commencing July 1.
- 2.0.4 During the absence of the Board President, the Vice President shall preside, and, in the event that both the Board President and Vice President are absent, the members present shall select a member as Temporary President.
- 2.0.5 In the event that the office of the Board President and/or Vice President becomes vacant, the members present shall elect from its members to complete the term(s) of office.

## **2.1 ROLE OF BOARD PRESIDENT**

- 2.1.1 The Board President is considered to be an active participant in all Board matters. As such, the Board President may make or second motions and may vote on any motion.
- 2.1.2 The duties of the Board President are as follows:
  - a) Presiding over Board meetings as Chairperson and facilitating the process whereby the Board accomplishes its business.
  - b) Publicly representing the Board on policies made and actions taken by the Board and other factors affecting the Board.
  - c) Appointing members of the Ad Hoc Committees and work groups; Board Member liaisons to the Technical Advisory Committees; and representatives to NCEES and ASBOG meetings. [See 4.0.1, 4.1.1, 4.2.5, and 5.1.1 through 5.1.4.]
  - d) Approving public agenda notices for Board meetings.
  - e) The Board President shall schedule at least one annual performance appraisal of the Executive Officer at a Board meeting.
  - f) The Board President shall review and authorize the time sheets and travel claims of the Executive Officer.

## **2.2 ROLE OF BOARD VICE PRESIDENT**

- 2.2.1 The Vice President of the Board assumes the duties of the Board President in the full or temporary absence or temporary incapacitation of the Board President.

## **ARTICLE III: MEETINGS OF THE BOARD**

### **3.0 TIME AND PLACE OF BOARD MEETINGS**

- 3.0.1 Board meetings shall occur at times and places determined by the Board. As required by Business and Professions Code section 101.7, the Board shall hold at least three regular meetings each calendar year; at least one meeting shall be in northern California and at least one shall be in southern California.
- 3.0.2 Any meeting or session may be recessed or adjourned for cause, in accordance with the provisions of the Bagley-Keene Open Meeting Act, to any time or from time-to-time, when determined necessary by a majority of the Board or Committee for the expeditious transaction of business.

### **3.1 QUORUM**

- 3.1.1 Eight members of the Board shall constitute a quorum. Except as otherwise provided by law, the vote required for any action of the Board is a majority of the members present. No business shall proceed when the number of members present is reduced below a quorum with the exception of information items.

### **3.2 ROLL CALL**

- 3.2.1 A roll call to establish a quorum of members present shall be made at each Board meeting.

### **3.3 APPROVAL OF MINUTES**

- 3.3.1 The Executive Officer shall ensure that the Minutes of each scheduled meeting are included in the agenda of the next scheduled meeting. The Minutes of the preceding meeting shall not be read at any Board meeting unless a member shall request it, but the Board President shall inquire whether there are corrections to the Minutes. Any member may make recommendations for corrections; however, no corrections shall be made unless approved by a majority vote of the members present.

### **3.4 BOARD MEETING NOTICE AND AGENDA**

- 3.4.1 The Executive Officer shall prepare and issue a notice and agenda for each scheduled meeting.
- 3.4.2 Matters not contained on the agenda for a scheduled meeting shall not be considered or discussed by the Board at that meeting except to decide if placement on a future agenda is appropriate.
- 3.4.3 Matters on the agenda for scheduled meetings which have not been considered and acted upon, or specifically continued to a subsequent meeting, shall be deemed continued to the next scheduled meeting as an agenda item.

- 3.4.4 The agenda shall specifically designate items thereon that are scheduled for reconsideration.
- 3.4.5 The agenda shall be approved by the Board President. [See 2.1.2(d).]
- 3.4.6 Any member of the Board or the Executive Officer shall be authorized to place items on the Board agenda. The Executive Officer shall have the authority to consider requests from a member of the public to place items on the Board agenda.
- 3.4.7 The agenda may include, but is not limited to, the following items:

Roll Call	Legislative Report
Public Comment	Licensing Report
Closed Session	Executive Officer's Report
Open Session to Announce the Results of Closed Session	Committee Reports
Action Items	President's Report/Board Member Activities
Administrative/Budget Report	Approval of Consent Agenda
Enforcement Report	Approval of the Minutes of a Previous Meeting
Examinations Report	Other Items Not Requiring Board Action
	Adjournment

### 3.5 PROCEDURES GOVERNING MOTIONS

- 3.5.1 To make a motion, resolution, or any other call to action by the Board, a member must be recognized by the Board President. The member shall then state the motion, resolution, or call to action. Any other member may second the motion, resolution, or call to action. If there is no second, the motion, resolution, or call for action dies and shall be declared so by the Board President. If a second is declared, the matter is open for discussion or a call for a vote.
- 3.5.2 A motion, resolution, or any other call to action by the Board open for discussion may be amended any time prior to adoption or rejection by an amendatory motion made by any member. An amendatory motion may be in the form of a substitute motion so that it replaces the original motion and can be adopted with a majority vote or may be phrased as to amend the original motion. If the substitute motion fails to carry, the original motion shall be voted upon. If an amendment to the original motion is separately voted upon and is not adopted, the original motion shall then be voted upon. If the amendment is adopted, the original motion as amended shall then be voted upon.
- 3.5.3 A motion may be withdrawn by the maker at any time before adoption or rejection with the consent of the second. The second to a motion may be withdrawn by the seconding member at any time before adoption or rejection of the motion, and the

motion shall then be deemed dead for lack of a second unless seconded by another member.

3.5.4 After a motion has been seconded, any member may discuss or comment on the motion. When no member wishes to add further comment, the Board President shall call for a vote. In the event of a prolonged discussion, a motion to end debate shall take precedence over further debate.

3.5.5 A motion to reconsider the vote may be made by any member who voted with the prevailing side. No question can be reconsidered twice unless it was amended after its first consideration. Such a motion may be made at the meeting at which it was acted upon or at the continued session of the same meeting.

### **3.6 VOTING**

3.6.1 The Board President may vote on any call for a vote.

3.6.2 Members must be present to vote and shall cast only one vote at each call for a vote.

3.6.3 Pursuant to the Bagley-Keene Open Meeting Act, all votes shall be done as roll call votes. The results shall appear in the minutes, with the total votes on each side of the issue or abstaining and a listing of how each member voted.

### **3.7 PUBLIC COMMUNICATION DURING BOARD MEETINGS**

3.7.1 The PUBLIC COMMENT items on Board meeting agendas are provided to allow members of the public to speak on any item(s) related to Board business.

3.7.2 During deliberation of an agenda item, public comment may be solicited and shall always be entertained.

3.7.3 The Board President may establish a reasonable time limit for public comment, consistent with the conduct of business.

3.7.4 The Board President may limit the time available for public comment on an item before the Board. Insofar as possible, the agenda will identify when public comment will be limited.

### **3.8 DISRUPTION OF BOARD MEETINGS**

3.8.1 In the event that a meeting of the Board is deliberately interrupted so as to prevent the Board from conducting business in a timely or orderly manner, the Board President may, unless there is an objection by a majority of members present, order the offending person or persons to remove themselves or be removed from the meeting.

## **ARTICLE IV: COMMITTEES AND WORK GROUPS OF THE BOARD**

**Commented [EN1]:** Revised Article on Committees/Work Groups

### **4.0 AD HOC COMMITTEES**

- 4.0.1 The Board President may appoint Ad Hoc Committees as he or she determines necessary for the orderly and timely conduct of the Board's business.
- 4.0.2 Ad Hoc Committees may be comprised of Board members, Board staff, consumers, professionals, or any combination thereof.
- 4.0.3 The President of the Board shall report the appointment of any Ad Hoc Committee and specify its purpose and objectives at a regularly scheduled Board meeting.
- 4.0.4 Ad Hoc Committees appointed by the President shall be deemed temporary in nature and shall cease to exist when the function or mission for which they were created is achieved or abandoned.
- 4.0.5 The Board shall review all Ad Hoc Committees annually to determine their effectiveness and rationale for continuance. Following these reviews, the Board shall determine whether to continue or discontinue these committees.
- 4.0.6 Ad Hoc Committees shall operate in accordance with the Bagley-Keene Open Meeting Act and these Operating Procedures as appropriate.

### **4.1 WORK GROUPS**

- 4.1.1 A work group is an informal body assembled at the discretion of the Board President to perform designated tasks. Work groups may be comprised of Board members, Board staff, consumers, professionals, or any combination thereof.

### **4.2 TECHNICAL ADVISORY COMMITTEES**

- 4.2.1 The Board may establish Technical Advisory Committees (TAC) to advise and assist the Board in accordance with the provisions of Sections 6726 through 6726.4 (engineering), Sections 7826 through 7826.4 (geology and geophysics), and Sections 8715 through 8715.4 (land surveying) of the Business and Professions Code.
- 4.2.2 The Board may have Technical Advisory Committees in any discipline as needed.
- 4.2.3 The Technical Advisory Committees shall advise and assist the Board with respect to the following:

- a) Application review and verification for any level of registration, licensure, authority, or title.
  - b) Evaluation and investigation of potential violations of the Acts.
  - c) Amendment, repeal, adoption, or revision of Board rules, regulations and procedures.
- 4.2.4 The Board shall establish Technical Advisory Committees only as it determines them necessary for the orderly and timely conduct of the Board's business.
- 4.2.5 The Board President shall designate two Board members to serve as Board liaisons to the TAC, one of whom shall be the corresponding professional member and one who is a public member. The professional member will be the senior representative and will make reports to the Board and recommendations on matters calling for Board action. The public member will report to the Board in the professional member's absence. All transactions between the TAC and the Board, and the Board and the TAC shall be through a Board liaison member.
- 4.2.6 The TACs shall operate in accordance with the Board Operating Procedures and the most current "Technical Advisory Committees Operating Procedures" as adopted by the Board.

## **ARTICLE V: OTHER ACTIVITIES OF THE BOARD**

### **5.0 MEMBER ATTENDANCE AT BOARD AND COMMITTEE MEETINGS**

- 5.0.1 Each Board member will agree to commit to make their best effort to attend three-quarters of the scheduled Board meetings and meetings of any Committees to which they are appointed. In the event that a member cannot attend a scheduled meeting, he or she will advise either the Board President, or the Committee chairperson, or the Executive Officer with as much advance notice as possible.
- 5.0.2 If a Board member cannot meet the Board's policy for attendance at meetings within a fiscal year, the member shall advise the appropriate appointing authority.

### **5.1 NCEES AND ASBOG REPRESENTATION**

- 5.1.1 The Board President shall appoint representatives from the Board membership to attend the NCEES Annual and Western Zone meetings and the ASBOG Annual meetings.
- 5.1.2 In appointing representatives, priority shall be given to the Board President, the Vice President, and the Executive Officer.

- 5.1.3 As many members should be appointed by the Board President to represent the Board at NCEES and ASBOG meetings as are authorized by the Governor to attend.
- 5.1.4 The Board President may also appoint Associate Members and Emeritus Members to represent the Board at NCEES meetings.
- 5.1.5 All Board members may apply for membership on any of the committees, task forces, or other work groups as designated by NCEES or ASBOG.
- 5.1.6 Each Board member shall notify the Board President and the Executive Officer of application and acceptance of membership on NCEES or ASBOG committees, task forces, or other work groups.
- 5.1.7 The Board may recommend former Board members for appointment as NCEES Emeritus Members by formal motion and vote at any regularly-scheduled Board meeting.
- 5.1.8 The Board may recommend any staff member for appointment as NCEES Associate Members by formal motion and vote at any regularly-scheduled Board meeting.

Commented [EN2]: Added

## **5.2 RECOGNITION OF DEPARTING BOARD AND COMMITTEE/WORK GROUP MEMBERS**

- 5.2.1 A Board proclamation shall be presented to all Board members who served two full terms, as full terms are defined by statute.
- 5.2.2 The proclamation shall be presented at the last Board meeting of the Board member's second full term, prior to the Board member entering his or her grace period.
- 5.2.3 Letters of appreciation signed by the Board President, the Board Vice President, and the Executive Officer may be sent to any Board member who did not serve two full terms upon his or her departure from the Board.
- 5.2.4 Letters of appreciation signed by the Board member liaisons and the Executive Officer may be sent to Technical Advisory Committee members, Ad Hoc Committee members, and Work Group members upon the member's departure from the Committee or Work Group.

## **ARTICLE VI: PUBLIC COMMUNICATION WITH BOARD MEMBERS**

Commented [EN3]: Added Article

### **6.0 CONTACT BY MEMBERS OF THE PUBLIC**



- 6.0.1 If a Board Member is contacted by a member of the public (including licensees), the Board Member shall immediately advise the Executive Officer in order to determine the effect, if any, such contact may have on future actions of the Board as a whole or the Board Member individually.





**Board for Professional Engineers,  
Land Surveyors, and Geologists**

**TECHNICAL ADVISORY COMMITTEES  
OPERATING PROCEDURES**

Adopted (INSERT DATE OF ADOPTION)

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## **ARTICLE I: LEGAL AUTHORITY OF THE TECHNICAL ADVISORY COMMITTEES**

### **1.0 ESTABLISHMENT OF TECHNICAL ADVISORY COMMITTEES**

- 1.0.1 The Board may establish Technical Advisory Committees (TACs) to advise and assist the Board in accordance with the provisions of Sections 6726 through 6726.4 (engineering), Sections 7826 through 7826.4 (geology and geophysics), and Sections 8715 through 8715.4 (land surveying) of the Business and Professions Code.
- 1.0.2 The Board may have Technical Advisory Committees in any discipline as needed.
- 1.0.3 The Board shall establish Technical Advisory Committees only as it determines them necessary for the orderly and timely conduct of the Board's business.

### **1.1 ROLE OF TECHNICAL ADVISORY COMMITTEES**

- 1.1.1 The role of the TAC is to advise and assist the Board with respect to the following:
  - a) Application review and verification for any level of registration, licensure, authority, or title.
  - b) Evaluation and investigation of potential violations of the act.
  - c) Amendment, repeal, adoption, or revision of board rules, regulations, policies, and procedures.
- 1.1.2 All Technical Advisory Committees shall be advisory, and no Technical Advisory Committee nor individual TAC member shall have the power to bind or represent the Board except when specifically authorized by the Board.

## **ARTICLE II: TECHNICAL ADVISORY COMMITTEE OPERATING PROCEDURES**

### **2.0 PRIORITY OF LAWS AND OPERATING PROCEDURES**

- 2.0.1 All state laws and their associated regulations (e.g., the Bagley-Keene Open Meeting Act (Government Code section 11120, et seq.), the Professional Engineers Act (Business and Professions Code section 6700, et seq.)) govern the actions and procedures of the Technical Advisory Committees for all meetings and take precedence over the TAC Operating Procedures and the Board Operating Procedures in case of any conflict.

- 2.0.2 The TAC Operating Procedures and the Board Operating Procedures will govern the actions to be taken by the TACs. If a situation is not covered by the TAC Operating Procedures or the Board Operating Procedures, Robert's Rules of Order will govern the actions to be taken by the TAC.

## **2.1 AMENDMENT TO THE TAC OPERATING PROCEDURES**

- 2.1.1 The TAC Operating Procedures may be amended only by the Board at a scheduled meeting of the Board by a majority of the members present, provided that the proposed amendment has been placed on the agenda.

## **ARTICLE III: COMMITTEE MEMBERSHIP**

### **3.0 COMMITTEE COMPOSITION**

- 3.0.1 The Board shall solicit applications from interested parties for appointment to the TACs as it deems necessary.
- 3.0.2 The TACs shall be limited to five members.
- 3.0.3 To the extent practical, the membership of the TACs shall provide for broad representation of the licensees in the discipline represented by the TAC.
- 3.0.4 All TAC members shall have a current and valid license in the discipline represented throughout their tenure on the TAC.

### **3.1 TERMS OF APPOINTMENT**

- 3.1.1 Members of the TACs shall be appointed for a two-year term, beginning on July 1, and shall serve at the pleasure of the Board.
- 3.1.2 Appointments of TAC members shall be limited to ~~two~~ three terms.
- 3.1.3 The initial appointments to a newly-created TAC should be made so half of the appointees serve one-year terms and the remainder serve regular two-year terms.

**Commented [EN1]:** Many years ago, the Board changed the terms from two three-year terms to three two-year terms, but the Operating Procedures were not updated to reflect that change.

### **3.2 VACANCIES**

- 3.2.1 A vacancy in the membership of any TAC shall be filled by the Board.

### **3.3 BOARD LIAISONS**

- 3.3.1 The Board President shall designate two Board members to serve as Board Liaisons to the TAC, one of whom shall be the corresponding professional member and one who is a public member.

- 3.3.2 The Board Liaisons are not members of the TAC and do not have voting privileges at TAC meetings. The role of the Board Liaisons is to provide guidance to the TAC on the topics assigned to it by the Board and to report to the Board the actions and recommendations of the TAC.
- 3.3.3 The professional member will be the senior representative and will make reports to the Board and recommendations on matters calling for Board action, including recommendations on appointments of individuals to serve on the TAC. The public member will report to the Board in the professional member's absence.
- 3.3.4 All transactions between the TAC and the Board, and the Board and the TAC shall be through the Board Liaisons.

#### **ARTICLE IV: MEETINGS OF THE TECHNICAL ADVISORY COMMITTEES**

##### **4.0 SCHEDULE OF TAC MEETINGS**

- 4.0.1 TACs shall meet only when topics have been assigned to them by the Board. TACs shall not meet to discuss topics that have not been assigned by the Board.
- 4.0.2 The number of TAC meetings during the year will be governed by the approved budget and by approval of the Board. The locations of the TAC meetings shall be designated by the Chair of the TAC after coordination with the Board Liaisons and the Executive Officer.
- 4.0.3 TAC meetings in excess of those approved in the annual workplan may not be called unless approved by the Board President, the Board Liaisons, and the Executive Officer.

##### **4.1 QUORUM**

- 4.1.1 Three TAC members shall constitute a quorum for the transaction of TAC business. A quorum shall be present to conduct business.

##### **4.2 OFFICERS**

- 4.2.1 Each TAC shall elect a Chairperson and may designate a Vice-Chairperson or other such person to act in the Chairperson's absence.

##### **4.3 VOTING**

- 4.3.1 TAC Chairpersons may vote on all motions before their committees and may participate in the debate of questions and motion.

4.3.2 Only TAC members shall vote on matters pending in TAC meetings.

## **ARTICLE V: ROLE OF THE CHAIR AND VICE CHAIR**

### **5.0 DUTIES AND RESPONSIBILITIES OF THE CHAIRPERSON**

- 5.0.1 The Chairperson shall preside at all TAC meetings.
- 5.0.2 The Chairperson shall ensure compliance with the Bagley-Keene Open Meeting Act for all aspects of TAC meetings, including but not limited to preparing notices and agendas for and minutes of the meetings.
- 5.0.3 The Chairperson shall ensure the preparation of TAC reports and recommendations prior to the scheduled Board meetings and deliver these to the Board Liaisons.

### **5.1 DUTIES AND RESPONSIBILITIES OF THE VICE CHAIRPERSON**

- 5.1.1 The Vice President of the Board assumes the duties of the Board President in the full or temporary absence or temporary incapacitation of the Board President.

## **ARTICLE VI: ACTIONS OF THE TECHNICAL ADVISORY COMMITTEES**

### **6.0 WORKPLAN**

- 6.0.1 Each TAC shall submit a proposed annual workplan to the Board through the Board Liaisons no later than two months prior to the beginning of each fiscal year.
- 6.0.2 The workplan for each TAC should contain the number of meetings required to accomplish the next year's work load.
- 6.0.3 Issues or topics not in the approved workplan shall be brought by the Board Liaisons to the attention of the Board for discussion and possible assignment to the TAC before such issues or topics may be discussed by the TAC.

### **6.1 ACTIONS AND RECOMMENDATIONS BY THE TAC**

- 6.1.1 The TAC may take action to approve and adopt minutes of prior TAC meetings; to schedule future meetings; and to select items for discussion at future meetings.
- 6.1.2 Any other "action" taken by the TAC must be in the form of a recommendation to be presented to the Board since the TAC has no authority to act on behalf of the Board.



## **6.2 PRESENTATION OF TAC RECOMMENDATIONS TO THE BOARD**

- 6.2.1 The TAC members shall work with the Board Liaisons and the Executive Officer regarding the presentation of any recommendations from the TAC to the Board.
- 6.2.2 Recommendations from the TAC shall be considered by the Board at a regularly scheduled Board meeting with proper notice of such consideration.



## **IX. Technical Advisory Committees (TACs)**

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- A. Assignment of Items to TACs (Possible Action)
- B. Appointment of TAC Members (Possible Action)
- C. Reports from the TACs (Possible Action)



## **X. President's Report/Board Member Activities**



## **XI. Approval of Consent Items**

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(These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the February 8, 2017, Board Meeting





**DRAFT**

**MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND  
SURVEYORS, AND GEOLOGISTS**

California Department of Housing and Community Development  
2020 W. El Camino Avenue, #402  
Sacramento, CA 95833

Wednesday, February 8, 2017 beginning at 9:00 a.m. and continuing on  
Thursday, February 9, 2017 beginning at 9:00 a.m., if necessary

<b>Board Members Present:</b>	Coby King, President; Mohammad Qureshi, Vice President; Fel Amistad; Kathy Jones Irish; Betsy Mathieson; Karen Roberts; Jerry Silva; Robert Stockton; and Steve Wilson
<b>Board Members Absent:</b>	Natalie Alavi; Chelsea Esquibias; Eric Johnson; and Asha Lang
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Kara Williams (Legislative and Budget Analyst); Jeff Alameida (Administrative Manager); Larry Kereszt (Examination Manager); Laurie Racca (Registrar); Michael Donelson (Registrar); and Gary Duke (Legal Counsel)

**I. Roll Call to Establish a Quorum**

President King called the meeting to order at 9:07 a.m., and a quorum was established.

**II. Public Comment**

During public comment, John Konnan reported that in October 2016 he discovered his civil license had expired in 2007. He contacted the Board's Licensing Unit and was instructed to apply for a reinstatement as soon as possible as the law was going to change January 2017. The instructions included a final filing date of November 7, 2016. He received a call in January from the Civil Engineering Registrar stating she received his application approximately two months after the Licensing Unit had received it and was unable to process it. Mr. Konnan expressed his frustration to the Board and asked if there was anything that could be done to reinstate his license. Mr. Duke noted that the law now states that if the license is five or more years delinquent, the license could not be renewed, and the person would need to go through the application process to acquire a new license. The provisions in the law allowing for reinstatement have been removed, and there is no recourse.

Lawrence Rabellino stated that he is requesting a reinstatement of his mechanical engineer license which expired in 1989. He inquired about a reinstatement in October 2016, and he was provided requirements that included

a statement that the Board may or may not require that he take the examination. He questioned why the option to be reinstated without taking the examination is no longer available. He suggested the Board should reassess the new law and should provide for exceptions. He also indicated that he moved in 1988 and did not receive a renewal notification and was unaware that the Board provides them as a courtesy and is not required to mail them. The criteria for taking the examination was not in the instructions he had initially received. He is requesting the Board reinstate his license based on the requirements he was provided, or provide the criteria necessary to qualify for reinstatement without taking the examination, or update the law to allow separate evaluations by request on a case-by-case basis. He requested information to support the benefit of retaking the examination. President King thanked him for his comments and asked that staff research and respond.

### III. Consideration of Rulemaking Proposals

#### A. Requirements for Licensure - Geologists and Geophysicists, Title 16, California Code of Regulations sections 3031, et. seq. (Possible Action)

Ms. Racca reported that staff has been working on the geologist education requirements for licensure since 2012. She has conducted extensive research since 2015 when she first started working for the Board. She presented the proposal and asked that it be considered. She has received input from various universities. In general, the biggest issue that has been identified in the proposal is that many universities on quarter systems have concerns that the proposed language is biased towards a semester system. She met with colleagues at UC Davis, and they discussed their concerns. She invited them to attend the meeting to present their concerns and recommendations to the Board.

Nicolas Pinter and Michael Oskin, representing UC Davis, reviewed the proposed changes and offered their recommendations.

<b>MOTION:</b>	Ms. Mathieson and Dr. Qureshi moved to proceed with rulemaking as amended with changes to semester and quarter units.
<b>VOTE:</b>	9-0 Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Eric Johnson				X	
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				

Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

<b>MOTION:</b>	Mr. Wilson and Dr. Qureshi moved to amend with wording changes to reference knowledge in lieu of skills.
<b>VOTE:</b>	9-0, Motion carried

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Eric Johnson				X	
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

#### IV. Legislation

##### A. Legislative Calendar

Ms. Williams reviewed the legislative calendar and noted that the last day for bills to be introduced will be February 17, and the last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house will be April 28.

##### B. Discussion of Legislation for 2017: Budget Act of 2017

Ms. Williams explained the budget process. She noted that June 15 is the last day for the Legislature to act on the budget bills and submit them to the Governor. Mr. Stockton noted that the budget bill amount reflects the return of the loan.

#### V. Administration

##### A. Fiscal Year 2016/17 Budget Summary

Ms. Williams reviewed the fund condition and noted the Board is scheduled to have a loan repayment of \$3.2 million by the end of the Fiscal Year.

Ms. Williams added that another item that differs from past fund conditions is the addition of administrative pro rata.

Ms. Jones Irish suggested additional information on how expenses are projected.

Ms. Williams provided an overview of the Financial Statement by highlighting the revenue collected and projected to be collected and the Board's expenses broken down by line item.

## **VI. Enforcement**

### **A. Enforcement Statistical Reports**

#### **1. Fiscal Year 2016/17 Update**

Mr. Stockton commented that there continues to be cases that are over 365 days old. Ms. Criswell reported that there is a group of related complaints that are with the Division of Investigation. She is optimistic that they will be coming to a conclusion soon. She reported that two Enforcement staff vacancies were recently filled and that the Attorney General's Office is dealing with a staff shortage contributing to the aging. She reported that there will be more hearings that will add to the timeframe from the time of referral to the final decisions, which will add to the aging numbers.

## **VII. Exams/Licensing**

### **A. Fall 2016 Examination Results**

Mr. Kereszt reported that overall more people are applying and taking examinations. However, he did note that in 2015 there were 92 Geotechnical candidates that took the test with a 25% pass rate and in 2016 the candidate population dropped to 58 with a 40% pass rate. He will continue to monitor the candidate population through 2017.

Mr. Kereszt reported the Fundamentals of Engineering and Fundamentals of Surveying populations have increased. The next examination going to Computer Based Testing is the Chemical Engineer examination, which will happen beginning January, 2018.

Mr. Stockton expressed his concern with the civil pass rate and what could be done to bring results closer to those of the National examination. Mr. Moore suggested he could work with Board members to compose a letter to the professional societies to encourage review courses.

### **B. Update on Spring 2017 Examinations**

Mr. Kereszt reported that there is a need to initiate the occupational analyses that are used to develop the state specific examinations. They are completed every 5-7 years and over the course of the next few years each one of the nine examinations will complete a new occupational analysis. The civil examinations will be the first. A survey was disseminated to approximately 20,000 licensed civil engineers via e-mail with the survey link and over 500 responses have already been received, which is more than last time.

## **VIII. Executive Officer's Report**

### **A. Legislation and Regulation Workgroup Summary**

Ms. Eissler reviewed the regulation updates. She added the examination appeals repeal package and the qualifying experience for land surveyors package have both been sent from DCA to Agency for their review.

### **B. Personnel**

Mr. Moore reported on the latest staff hires: Somone Highbaugh in Licensing, Reiana Mayorga in Enforcement, and Jennifer Mueller, who was formally the fingerprinting coordinator, is now an Enforcement Analyst.

### **C. ABET**

No report given.

### **D. ASBOG**

Mr. Moore reported that the request to attend the Out-of-State examination development workshop is awaiting approval.

### **E. NCEES**

#### **1. Report from Board President's Assembly**

Mr. Moore and President King attended the Board President's Assembly meeting. This is the first opportunity to hear what charges the president has given the various committees and task forces. President King shared his experiences and expressed his concerns with the voting structure. Former Board Member Pat Tami's recommendation is to assemble a resolution to present at the Western Zone meeting.

#### **2. Joint Central Zone/Western Zone Interim Meeting**

Mr. Moore reported that he has to provide a list of the funded delegates within the next week. Those who expressed interest were Dr. Amistad, Mr. Wilson, Ms. Eissler, and Mr. Donelson. Dr. Qureshi reminded everyone that the Board had previously discussed the President and Vice President as having first right of refusal to attend NCEES meetings and that he would like to attend this meeting, particularly due to Mr. King not being able to. Ms. Eissler noted that both she and Mr. Donelson are Associate Members and therefore can be designated funded delegates. President King designated Dr. Qureshi, Dr. Amistad, and Mr. Donelson as funded delegates for this meeting.

### **F. Outreach**

Mr. Phayer distributed a handout that outlined the responsibilities of the Outreach program and the efforts being taken. Examples included social media, printed materials, outreach events to professional societies and colleges and universities.

Ms. Jones Irish would like to be advised of outreach events in the Los Angeles area.

G. 2015-2018 Strategic Plan

Ms. Eissler reported that the items highlighted in yellow are the updates from the last Board meeting, two of which pertain to rulemaking, and the other relates to developing a technical expert program for the Enforcement Unit. Mr. Moore added that the Board will meet with SOLID at the April Board meeting to perform a short Strategic Plan update for the purposes of extending the plan for another 2-3 years.

H. Discussion on Little Hoover Commission Report #234, October 2016 “Jobs for Californians: Strategies to Ease Occupational Licensing Barriers”

Mr. Moore provided his thoughts and recommendations. Based on his review, he believes the report was geared more towards occupational licensing than professional licensing. He is aware that DCA is looking at the military-based recommendations to see what could be done to address those. He reached out to Senators Roth and Canella, as both were on the commission when the report was compiled. Through his staff, Senator Canella provided some initial thoughts and did recommend no action be taken that would dilute the requirements for practice. President King indicated that we must be careful about ensuring that as a government that regulation of professions and occupations is not a barrier and it is important for the safety of the public that they be fully qualified, licensed, and regulated. Ms. Mathieson expressed her gratitude to Mr. Moore for providing his thoughts and recommendations.

I. Update on Business Process Improvement Study

Mr. Moore reported that during Phase 1 of the study, forty processes were identified overall throughout the organization. Because of the funding of the contract, thirty of the processes were prioritized. The contractor, VIP, did an excellent job. Due to State contracting requirements, it was necessary to request new proposals to initiate a new contract to complete Phase 1. Currently, responses are being collected from various contractors.

J. Surveyors’ Coalition Letter Pertaining to Concerns of Unlicensed Practice

Mr. Moore reviewed and provided a status update. He attended a couple of meetings in person and had several phone calls with members of the Coalition, which in his opinion were productive, and he will continue to be available as needed.

**IX. Board and Technical Advisory Committees Operating Procedures (Possible Action)**

Ms. Eissler reviewed the recommended changes provided by Dr. Qureshi, Mr. Wilson, and Mr. Santiago. After the discussion, Ms. Eissler confirmed the changes include the removal of 2.10.3 and maintain 2.10.1 and 2.10.2 and change *shall* to *may* in 4.2.3 and 4.2.4. She will prepare a final draft for the Board to review and approve at the April meeting.

**X. Technical Advisory Committees (TACs)**

A. Assignment of Items to TACs

- No report given.
- B. Appointment of TAC Members  
No report given
- C. Reports from the TACs  
No report given.

**XI. President's Report/Board Member Activities**

No report given.

**XII. Approval of Consent Items** (Possible Action)

(These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the December 8, 2017, Board Meeting

<b>MOTION:</b>	Ms. Mathieson and Ms. Jones Irish moved to approve the December minutes.
<b>VOTE:</b>	8-0-1

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi			X		
Natalie Alavi				X	
Fel Amistad	X				
Chelsea Esquibias				X	
Eric Johnson				X	
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

**XIII. Other Items Not Requiring Board Action**

Mr. Moore reported that mobility is an important issue with NCEES regarding multi-state licensure and trying to move to more states following the Model Law for licensure. There may be items in the future he may present to the Board for possible consideration and action

**XIV. Closed Session** – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126(e)(1), and 11126(e)(2)(B)(i)]

A. Civil Litigation

1. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
2. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334

**XV. Open Session to Announce the Results of Closed Session**

During Closed Session the Board took action on three stipulations, one proposed decision, and discussed litigation as noticed.

**XVI. Adjourn**

The meeting adjourned at 4:55 p.m.

**PUBLIC PRESENT**

Larry Rabellino  
Nicholas Pinter, UC Davis  
Michael Oskin, US Davis  
Steve Hao, Caltrans  
Don Schinske, SEAOC  
Thor Larsen, ASCE



**XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting  
(June 1-2, 2017, Eureka)**

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### **XIII. Closed Session**

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The Board will meet in Closed Session to discuss, as needed:

Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)];

Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)];

Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)];

Pending Litigation [Pursuant to Government Code section 11126(e)]

A. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)

B. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334



#### **XIV. Open Session to Announce the Results of Closed Session**



## XV. Adjourn

