



Governor Edmund G. Brown

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

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, June 1, 2017 beginning at 9:00 a.m. and
continuing on Friday, June 2, 2017 beginning at 9:00
a.m., if necessary



Wharfinger Building
1 Marina Way, Great Room
Eureka, CA 95501

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MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

BOARD MEETING

JUNE 1-2, 2017

Wharfinger Building
1 Marina Way, Great Room
Eureka, CA 95501

BOARD MEMBERS

Coby King, President; Mohammad Qureshi, Vice President; Natalie Alavi; Fel Amistad; 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

II. Public Comment

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

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 1005 – Professions and vocations: fines: relief

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
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FEBRUARY						
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MARCH						
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APRIL						
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MAY						
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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
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JULY						
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AUGUST						
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SEPTEMBER						
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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)).

No Position

AB 703 (Flora R)

Professions and vocations: licenses: fee waivers.

(Application fee waiver for military spouses)

Status: 4/28/2017-Failed Deadline pursuant to Rule 61(a)(2). (Last location was B.&P. on 3/2/2017)(May be acted upon Jan 2018)

Location: 4/28/2017-Assembly 2 Year

Introduced: 2/15/2017

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

Updated 5/22/17

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: Staff propose to postpone further discussion on this bill until Jan 2018.

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

ASSEMBLY BILL

No. 703

Introduced by Assembly Member Flora

February 15, 2017

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

Watched Legislation

AB 710 (Wood D)

Department of Consumer Affairs: boards: meetings.

Status: 5/11/2017-Read third time. Passed. Ordered to the Senate. In Senate. Read first time. To Com. on Rules for assignment.

Location: 5/11/2017-Senate Desk

Last Amendment: 4/27/2017

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

Updated 5/22/17

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 California.

Staff Comment: Staff has continued to reach out to the author's office for clarification on a number of concerns pertaining to this bill. However it is still, unclear what guidelines are used to determine if a location is classified as a rural 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 position as amended 4/27/2017.

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

AMENDED IN ASSEMBLY APRIL 27, 2017
AMENDED IN ASSEMBLY MARCH 27, 2017
CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 710

Introduced by Assembly Member Wood

February 15, 2017

An act to amend Section 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: 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.

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 101.7 of the Business and Professions
- 2 Code is amended to read:
- 3 101.7. (a) Notwithstanding any other provision of law, boards
- 4 shall meet at least three times each calendar year. Boards shall

1 meet at least once each calendar year in northern California, once
2 every other calendar year in rural ~~northern~~ California, and once
3 each calendar year in southern California in order to facilitate
4 participation by the public and its licensees.

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

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

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

18 (e) An agency that plans to Web cast a meeting shall include in
19 the meeting notice required pursuant to subdivision (a) of Section
20 11125 of the Government Code a statement of the board's intent
21 to Web cast the meeting. An agency may Web cast a meeting even
22 if the agency fails to include that statement of intent in the notice.

No Position
AB 1005 (Calderon D)

Department of Consumer Affairs.

Status: 5/17/2017-In committee: Set, first hearing. Referred to Appropriations suspense file.

Location: 5/17/2017-Assembly Appropriations Suspense File

Amended: 5/2/2017

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

Updated 5/22/17

Staff Analysis: AB 1005

Bill Summary: Under existing law, any board within the Department of Consumer Affairs is authorized to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board where the licensee is in violation of the applicable law. Existing law requires the system, whenever appropriate, to include a provision requiring the citation to contain an order of abatement fixing a reasonable time for abatement of the violation.

This bill, except with regard to healing arts licensees, would instead require a citation containing an order to pay an administrative fine to contain an order of abatement fixing a period of no less than 30 days for correction of the violation before the administrative fine becomes effective, as provided. The fine would then be waived if the violation is corrected within the 30 days.

Staff Comment: The Board's current regulations provide for the issuance of an administrative citation containing an order to abate, or correct, the violation, an order to pay an administrative fine, and/or both. The cited person has 30 days from issuance to appeal the citation, either by requesting an informal conference with the Executive Officer or a formal appeal hearing or both. If the citation is not appealed, it becomes final after the 30-day period; however, if it is appealed, it does not become final until all appeals are final.

Staff has many concerns with the language of this bill, as amended 5/2/17. Staff concurs with the concerns expressed in the analyses prepared by the Assembly Business and Professions Committee staff and the Assembly Appropriations Committee staff. Rather than reiterating the concerns, these two analyses are included for the Board's review.

Staff Recommendation: Staff recommends the Board take an Oppose unless Amended position on AB 1005, as amended 5/2/2017. The bill needs to be amended to address the concerns expressed in the Assembly B&P Committee analysis under Implementation Issues and Policy Concerns and those expressed in the Assembly Appropriations Committee analysis under Staff Comments.

Laws: An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.

AMENDED IN ASSEMBLY MAY 2, 2017

AMENDED IN ASSEMBLY APRIL 17, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1005

Introduced by Assembly Member Calderon

February 16, 2017

~~An act to amend Section 12.5 of the Business and Professions Code, relating to professions and vocations. An act to amend Section 125.9 of the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1005, as amended, Calderon. Professions and vocations: fines: relief.

Under existing law, the Department of Consumer Affairs is under the control of the Director of Consumer Affairs and is comprised of various ~~boards, bureaus, commissions, committees, and similarly constituted agencies~~ *boards* that license and regulate the practice of various professions and vocations. A violation of a regulatory act by a licensee can subject a licensee to discipline, including administrative penalties or citations, suspension, or revocation of the license. Existing law specifies that whenever any provision of law governing businesses and professions grants authority to issue a citation for a violation of a code provision, that authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to code.

~~This bill would authorize boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate professions and vocations, when granted the authority to issue a citation, to instead~~

~~issue a fix-it ticket in lieu of a fine. The bill would specify that any person who is issued a fix-it ticket in lieu of a citation would have 30 days in which to correct the violation before being issued the fine.~~

Under existing law, any board within the Department of Consumer Affairs, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, is authorized to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board where the licensee is in violation of the applicable law. Existing law requires the system, whenever appropriate, to include a provision requiring the citation to contain an order of abatement fixing a reasonable time for abatement of the violation.

This bill, except with regard to healing arts licensees, would instead require a citation containing an order to pay an administrative fine to contain an order of abatement fixing a period of no less than 30 days for abatement of the violation before the administrative fine becomes effective, as provided.

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 125.9 of the Business and Professions
- 2 Code is amended to read:
- 3 125.9. (a) Except with respect to persons regulated under
- 4 Chapter 11 (commencing with Section 7500), any board, bureau,
- 5 or commission within the department, the board created by the
- 6 Chiropractic Initiative Act, and the Osteopathic Medical Board of
- 7 California, may establish, by regulation, a system for the issuance
- 8 to a licensee of a citation which may contain an order of abatement
- 9 or an order to pay an administrative fine assessed by the board,
- 10 bureau, or commission where the licensee is in violation of the
- 11 applicable licensing act or any regulation adopted pursuant thereto.
- 12 (b) The system shall contain the following provisions:
- 13 (1) Citations shall be in writing and shall describe with
- 14 particularity the nature of the violation, including specific reference
- 15 to the provision of law determined to have been violated.
- 16 (2) ~~Whenever~~ Except as provided in paragraph (3), whenever
- 17 appropriate, the citation shall contain an order of abatement fixing
- 18 a reasonable time for abatement of the violation.

1 (3) Notwithstanding paragraph (2), except with respect to
2 healing arts licensees licensed pursuant to Division 2 (commencing
3 with Section 500, the board created by the Chiropractic Initiative
4 Act, and the Osteopathic Medical Board of California, a citation
5 containing an order to pay an administrative fine shall contain
6 the following:

7 (A) An order of abatement fixing a period of no less than 30
8 days for abatement of the violation before the administrative fine
9 becomes effective.

10 (B) If the licensee successfully abates the violation within the
11 30-day period, the licensee shall not be responsible for payment
12 of the administrative fine.

13 (C) If the licensee fails to abate the violation within the 30-day
14 period, the licensee shall pay the administrative fine.

15 ~~(3)~~

16 (4) In no event shall the administrative fine assessed by the
17 board, bureau, or commission exceed five thousand dollars (\$5,000)
18 for each inspection or each investigation made with respect to the
19 violation, or five thousand dollars (\$5,000) for each violation or
20 count if the violation involves fraudulent billing submitted to an
21 insurance company, the Medi-Cal program, or Medicare. In
22 assessing a fine, the board, bureau, or commission shall give due
23 consideration to the appropriateness of the amount of the fine with
24 respect to factors such as the gravity of the violation, the good
25 faith of the licensee, and the history of previous violations.

26 ~~(4)~~

27 (5) A citation or fine assessment issued pursuant to a citation
28 shall inform the licensee that if he or she desires a hearing to
29 contest the finding of a violation, that hearing shall be requested
30 by written notice to the board, bureau, or commission within 30
31 days of the date of issuance of the citation or ~~assessment~~.
32 ~~assessment or the date the administrative fine becomes effective~~
33 ~~pursuant to paragraph (3)~~. If a hearing is not requested pursuant
34 to this section, payment of any fine shall not constitute an
35 admission of the violation charged. Hearings shall be held pursuant
36 to Chapter 5 (commencing with Section 11500) of Part 1 of
37 Division 3 of Title 2 of the Government Code.

38 ~~(5)~~

39 (6) Failure of a licensee to pay a fine within 30 days of the date
40 of ~~assessment~~, ~~assessment or the date the administrative fine~~

1 *becomes effective pursuant to paragraph (3) unless the citation is*
2 *being appealed, may result in disciplinary action being taken by*
3 *the board, bureau, or commission. Where a citation is not contested*
4 *and a fine is not paid, the full amount of the assessed fine shall be*
5 *added to the fee for renewal of the license. A license shall not be*
6 *renewed without payment of the renewal fee and fine.*

7 (c) The system may contain the following provisions:

8 (1) A citation may be issued without the assessment of an
9 administrative fine.

10 (2) Assessment of administrative fines may be limited to only
11 particular violations of the applicable licensing act.

12 (d) Notwithstanding any other ~~provision of law~~, if a fine is paid
13 to satisfy an assessment based on the finding of a violation,
14 payment of the fine shall be represented as satisfactory resolution
15 of the matter for purposes of public disclosure.

16 (e) Administrative fines collected pursuant to this section shall
17 be deposited in the special fund of the particular board, bureau, or
18 commission.

19 ~~SECTION 1. Section 12.5 of the Business and Professions~~
20 ~~Code is amended to read:~~

21 ~~12.5. (a) Whenever any provision of this code grants authority~~
22 ~~to issue a citation for a violation of any provision of this code, that~~
23 ~~authority also includes the authority to issue a citation for the~~
24 ~~violation of any regulation adopted pursuant to any provision of~~
25 ~~this code.~~

26 ~~(b) The authority to issue a citation for a violation of any~~
27 ~~provision of this code also includes the authority to issue a fix-it~~
28 ~~ticket, in lieu of a fine. Any person who is issued a fix-it ticket in~~
29 ~~lieu of a citation and fine shall have 30 days in which to correct~~
30 ~~the violation before being issued the fine.~~

Date of Hearing: April 25, 2017

ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS

Evan Low, Chair

AB 1005 (Calderon) – As Amended April 17, 2017

SUBJECT: Professions and vocations: fines: relief.

SUMMARY: Authorizes agencies that enforce provisions of the Business and Professions Code (BPC) to issue a fix-it ticket, in lieu of a fine, for violations of the BPC.

EXISTING LAW:

- 1) Establishes licensing and regulatory programs for professions, vocations, and business, including attorneys under the State Bar, clinical laboratories under the Department of Public health, alcohol under the Department of Alcoholic Beverage Control, and business licensing and regulation under cities, counties, and the Office of the Attorney General. (BPC §§ 1-26211)
- 2) Specifies that, whenever a provision of the BPC authorizes an entity to issue a citation for a violation of the code, the authority also includes the authority to issue a citation for the violation of any regulation adopted pursuant to the code. (BPC § 12.5)
- 3) Provides for the licensure and regulation of various professions and vocations by boards, bureaus, and other entities within the Department of Consumer Affairs (DCA). (BPC §§ 22, 100-144.5)
- 4) Specifies that each of the entities comprising the department exists as a separate unit, and has the functions of setting standards, holding meetings, and setting dates thereof, preparing and conducting examinations, passing upon applicants, conducting investigations of violations of laws under its jurisdiction, issuing citations and holding hearings for the revocation of licenses, and the imposing of penalties following those hearings, insofar as these powers are given by statute to each respective entity. (BPC § 108)
- 5) Authorizes, except for the Bureau of Security and Investigative Services with respect to repossession agencies, any entity within the DCA, including those established by initiative acts, to establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the entity where the licensee or unlicensed individual is in violation of the applicable licensing act or any regulation adopted pursuant the act. (BPC §§ 125.9(a), 148)
- 6) Requires a citation system adopted under the authority to meet the following: (BPC § 125.9(b))
 - a) Citations must be in writing and describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.
 - b) Whenever appropriate, the citation must contain an order of abatement fixing a reasonable time for abatement of the violation.

- c) The administrative fine assessed by the entity may not exceed \$5,000 for each inspection or each investigation made with respect to the violation, or \$5,000 for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare.
 - d) In assessing a fine, the entity must give due consideration to the appropriateness of the amount of the fine with respect to factors that include the gravity of the violation, the good faith of the licensee, and the history of previous violations.
 - e) The citation or fine assessment issued pursuant to a citation must inform the licensee that if the licensee desires a hearing to contest the finding of a violation, the licensee must request the hearing in writing to the issuing entity within 30 days of the date the citation or assessment was issued, as specified.
 - f) Failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.
- 7) The system may contain the following provisions: (BPC § 125.9(c))
- a) A citation may be issued without the assessment of an administrative fine.
 - b) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.
- 8) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure. (BPC § 125.9(d))

THIS BILL:

- 1) Specifies that the authority to issue a citation for a violation of any provision of the BPC also includes the authority to issue a fix-it ticket, in lieu of a fine.
- 2) Provides a person who is issued a fix-it ticket in lieu of a fine 30 days in which to correct the violation before being issued a fine.

FISCAL EFFECT: Unknown. This bill is keyed fiscal by the Legislative Counsel.

COMMENTS:

Purpose. This bill is sponsored by the author. According to the author, "According to the U.S. Small Business Administration report, California has over 3.7 million small businesses, which is 1.3 million more than any other state, and also employs half of the state's private workforce. While small businesses often function as an economic engine for the state's economy, small businesses suffer as they are often unable to meet the multitude of regulations while running the daily operation of their business."

In order to ease the burden of excessive fines on businesses whose goal is to achieve a regulatory safe environment, [this bill] seeks to have investigative agencies offer a correctable citation should a business be found with a non-serious violations before being fined. This solution is a way California can move in the right direction to spur economic growth and create jobs."

Background. The BPC contains the California laws pertaining to the regulation of businesses and licensed professions. The BPC is generally divided up by topic, including professional licensing and consumer affairs under the DCA and the State Bar, standards for weighing and measuring, business contracts and rights, consumer rights and remedies, antitrust, advertising, arts and entertainment, online privacy, standards for gas stations, tobacco licensing and regulation, alcohol licensing and regulation, and cannabis licensing and regulation. The BPC also contains provisions implementing several initiative acts, including the Chiropractic Initiative Act, the Osteopathic Initiative Act, and the Adult Use of Marijuana Act.

Various governmental entities are authorized to administer and enforce the provisions, including the Department of Justice, the Department of General Services, the Department of Alcoholic Beverage Control, the Board of Equalization, the DCA, the licensing entities under the DCA, the California Horse Racing Board, cities, and localities, among others. This bill extends any authority to issue a citation for a violation of the provisions of the BPC to also include the authority to issue a "fix-it ticket," under which the person who is issued the citation has thirty days to correct before the issuing authority may issue a fine.

DCA Licensing Entities. In California, many professions require a license to legally practice. Many of the licensing programs are administered by licensing boards, bureaus, and other entities within the DCA. A large number of the entities authorized to issue citations under the BPC are the DCA licensing entities.

The DCA licensing entities are established to protect the people of California through adequate regulation of businesses and professions that engage in activities that risk harm to the health, safety, and welfare of the public (BPC § 101.6). Each profession and entity generally has a "practice act," or a chapter within a practice act, which serves as the entity's enacting statute and establishes the requirements and authorities specific to the profession covered by the practice act.

The professions and entities under the DCA are divided into "healing arts" and "professions and vocations generally" (non-healing arts). The healing arts entities are as follows:

- 1) Acupuncture Board
- 2) Board of Behavioral Sciences
- 3) Board of Chiropractic Examiners
- 4) Dental Board of California
- 5) Dental Hygiene Committee of California
- 6) Medical Board of California
- 7) Naturopathic Medicine Committee
- 8) California Board of Occupational Therapy
- 9) Board of Optometry
- 10) Osteopathic Medical Board of California
- 11) Board of Pharmacy
- 12) Physical Therapy Board of California

- 13) Physician Assistant Board
- 14) Board of Podiatric Medicine
- 15) Board of Psychology
- 16) Board of Registered Nursing
- 17) Respiratory Care Board
- 18) Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
- 19) Veterinary Medical Board
- 20) Board of Vocational Nursing and Psychiatric Technicians

The non-healing arts entities are as follows:

- 1) Board of Accountancy
- 2) Arbitration Certification Program
- 3) California Architects Board
- 4) Athletic Commission of California
- 5) Bureau of Automotive Repair
- 6) Board of Barbering and Cosmetology
- 7) Cemetery and Funeral Bureau
- 8) Contractors State License Board
- 9) Court Reporters Board
- 10) Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation
- 11) Board for Professional Engineers, Land Surveyors, and Geologists
- 12) Board of Guide Dogs for the Blind
- 13) Landscape Architects Technical Committee
- 14) Bureau of Medical Cannabis Regulation
- 15) Bureau for Private Postsecondary Education
- 16) Professional Fiduciaries Bureau
- 17) Bureau of Real Estate
- 18) Bureau of Real Estate Appraisers
- 19) Bureau of Security and Investigative Services
- 20) Structural Pest Control Board

The DCA supports these entities by providing centralized administrative, investigative, and technological support services. Further, the DCA itself is technically a licensing entity as the bureaus are under the direct control and supervision of the director. The DCA also houses the Consumer Information Center and Complaint Resolution Program, which mediates consumer complaints involving industries regulated by the following programs:

- 1) Bureau of Security and Investigative Services
- 2) Bureau of Electronic and Appliance Repair and Home Furnishings and Thermal Insulation
- 3) Bureau of Automotive Repair
- 4) Cemetery and Funeral Bureau

DCA Licensing Enforcement. Existing law authorizes the licensing entities to enforce the practice requirements to ensure licensees provide safe and effective services to the public and prevent unlicensed practice. Some of the authorities are located under the BPC's general provisions while others are specific to an entity and located in the entity's practice act.

In general, the enforcement authority includes administrative actions that are tied to a license, such as the ability to issue a citation, assess a fine, place a license on probationary status (including suspension), and ultimately license revocation. For unlicensed practice and criminal violations rising above administrative action, the licensing entities may seek an injunction or other equitable remedies in a court of law (BPC § 125.5) or refer the case for criminal prosecution (BPC § 160). Most licensing violations are misdemeanors.

Like other state enforcement agencies, DCA entities are authorized to determine the appropriate penalty based on the nature of the violation, including the relation to a licensee's practice, the level of consumer harm, number of offenses, remedial steps taken, and other relevant factors. To that end, DCA entities are authorized to investigate potential violations to confirm whether a violation has occurred and determine the nature of the violation.

As state agencies, all DCA entities are subject to the Administrative Procedure Act (APA) (Government Code (GOV) §§ 11340-11500), which establishes rulemaking procedures and standards, fosters public participation, and ensures agencies comply with state law. The APA's administrative adjudication provisions ensure licensee due process rights, including notice, an opportunity for fair hearing, administrative review (agency appeal), and judicial review (court appeal) (GOV §§ 11400-11475.70).

Cite and Fine. With regard to DCA entities, this bill clarifies that the entities that are authorized to issue citations may also issue a "fix-it ticket." The DCA's general provisions authorize DCA entities (except for the BSIS with regard to repossession agencies) to establish a citation program for violations of the laws and regulations within each entity's jurisdiction. In addition, each DCA entity's practice act usually contains specific citation authority. DCA entities typically use citations for minor violations that do not warrant formal discipline, such as failure to notify of a change of address, failure to renew a license in time, or other procedural violations.

A citation is a written document issued to a licensee who is found to be in violation of an applicable licensing law. A citation must describe the nature of a violation and cite to the violated provision of law or regulation. The citation may include an order of abatement (order for corrective action), an order to pay an administrative fine, neither, or both. Existing law requires that all citations include, if appropriate, an order of abatement fixing a reasonable amount of time to correct the violation.

A licensee has 30 days to contest a citation or a fine by requesting a hearing. If the licensee does not request a hearing, the licensee must correct the violation within the time noted in any included order of abatement and pay any assessed fines within 30 days. Usually the minimum fine is \$50 and the maximum is \$5,000 (typically reserved for egregious, intentional, or repeated violations). The ranges are often specified in each entity's practice act, and some practice acts establish specific amounts for particular violations.

AMENDMENTS:

According to the author:

California's business climate is crucial to the state's international trade and is an important factor for dispersing the positive economic impacts of trade within the

state's economy. It is common to hear the challenges small businesses face when meeting the multitude of state regulations, as noted in a study by the National Federation of Independent Business (NFIB).

Often time, business owners are unaware of the multitude of regulations they must follow and it is not uncommon to have owners act as their own compliance officer. Despite businesses being not nearly as knowledgeable on every hundreds of regulations in statute, the state does bear some responsibility in educating and assisting businesses to comply.

NFIB stated in their study that regulations are a problem for businesses and their members have voiced concerns that regulations are costly, confusing, and makes it difficult for them to operate their business.

The intent of [this bill] is to give business owners, especially small businesses, a chance to correct their non-serious violations before being fined excessive amounts that can impact the business ability to grow, hire new employees, or potentially force their business into closure.

To that end, the bill should be amended to do the following:

- 1) Narrow the applicable entities to non-healing arts entities under the DCA.
- 2) Require all citations with a fine assessment to also contain an abatement period in which the licensee has the opportunity to correct the violation before being required to pay a fine.
- 3) Require the abatement period to be at least 30 days instead of a "reasonable period."

The amendment is as follows:

Strike the current language of the bill and insert:

SECTION 1. *Section 125.9 of the Business and Professions Code is amended to read:*

125.9. (a) Except with respect to persons regulated under Chapter 11 (commencing with Section 7500), any board, bureau, or commission within the department, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, may establish, by regulation, a system for the issuance to a licensee of a citation which may contain an order of abatement or an order to pay an administrative fine assessed by the board, bureau, or commission where the licensee is in violation of the applicable licensing act or any regulation adopted pursuant thereto.

(b) The system shall contain the following provisions:

(1) Citations shall be in writing and shall describe with particularity the nature of the violation, including specific reference to the provision of law determined to have been violated.

(2) ~~Whenever~~ Except as provided in paragraph (3), whenever appropriate, the citation shall contain an order of abatement fixing a reasonable time for abatement of the violation.

(3) Notwithstanding paragraph (2), except with respect to persons and facilities regulated under Division 2 (commencing with Section 500) relating to healing arts and clinical laboratories, the board created by the Chiropractic Initiative Act, and the Osteopathic Medical Board of California, a citation containing an order to pay an administrative fine shall contain the following:

(A) An order of abatement fixing a period of no less than 30 days for abatement of the violation before the fine assessment becomes effective.

(B) If the licensee successfully abates the violation within the 30-day period, the licensee shall not be responsible for payment of the assessment.

(C) If the licensee fails to abate the violation within the 30-day period, the licensee shall pay the assessed fine.

(3) In no event shall the administrative fine assessed by the board, bureau, or commission exceed five thousand dollars (\$5,000) for each inspection or each investigation made with respect to the violation, or five thousand dollars (\$5,000) for each violation or count if the violation involves fraudulent billing submitted to an insurance company, the Medi-Cal program, or Medicare. In assessing a fine, the board, bureau, or commission shall give due consideration to the appropriateness of the amount of the fine with respect to factors such as the gravity of the violation, the good faith of the licensee, and the history of previous violations.

(4) A citation or fine assessment issued pursuant to a citation shall inform the licensee that if he or she desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board, bureau, or commission within 30 days of the date of issuance of the citation or ~~assessment~~. assessment or the date an assessment becomes effective pursuant to paragraph (3). If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(5) Failure of a licensee to pay a fine within 30 days of the date of ~~assessment~~, or the date the assessment becomes effective pursuant to paragraph (3), unless the citation is being appealed, may result in disciplinary action being taken by the board, bureau, or commission. Where a citation is not contested and a fine is not paid, the full amount of the assessed fine shall be added to the fee for renewal of the license. A license shall not be renewed without payment of the renewal fee and fine.

(c) The system may contain the following provisions:

(1) A citation may be issued without the assessment of an administrative fine.

(2) Assessment of administrative fines may be limited to only particular violations of the applicable licensing act.

(d) Notwithstanding any other provision of law, if a fine is paid to satisfy an assessment based on the finding of a violation, payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

(e) Administrative fines collected pursuant to this section shall be deposited in the special fund of the particular board, bureau, or commission.

IMPLEMENTATION ISSUES:

There are concerns raised with this amendment, including:

- 1) The amendment requires non-healing arts entities to include an order for abatement in all citations with a fine assessment instead of “whenever appropriate” as specified under BPC § 125.9(b)(2). However, some citable violations are not correctable or can be corrected before the entity finds out about it. In one common example, if a licensee is late in submitting a renewal, the licensing entity may not find out until it has received the delinquent renewal.

Even after the renewal is processed and the licensee is in good standing, there may have been a period of time where the licensee practiced on the expired license. Therefore, the entity may investigate to determine whether the licensee should be penalized, considering factors such as consumer harm, good faith, or prior violations. Procedural violations like this do not normally rise to the level of formal discipline and typically result in a warning or small fine for a first offense, with increasing fine assessments for aggravating factors.

As amended, this bill requires a citation that contains a fine assessment to also include an abatement period, even if there is nothing to correct. If this bill passes this Committee, the author may wish to remedy this issue.

- 2) The amendment may conflict with existing citation authorities under the general provisions or within the specific practice acts of each entity. For instance, BPC § 136 requires a licensee to notify the issuing entity of mailing address changes within 30 days of the change, unless the entity has specified by regulations a shorter time period. It also specifies that the failure to comply with the requirement is grounds for the issuance of a citation and administrative fine if the entity is authorized to issue a citation or fine.

As amended, this bill requires that a non-healing arts entity choosing to issue a citation that contains a fine assessment pursuant to that authority also include a 30-day abatement period. This may create a loophole in the 30-day notice requirement. If an entity discovers that a licensee has not submitted an address change, the amendment may allow the licensee to avoid a fine by submitting the notice within 30 days of the citation instead of when the address change occurred. If this bill passes this Committee, the author may wish to harmonize the language with conflicting provisions in the BPC.

- 3) As amended, this bill may require certain entities to send additional investigators in cases where a fine is assessed in order to determine timely compliance with the abatement order (for instance where a real estate licensee has posted a sign without the proper license number). This could potentially increase enforcement costs and impact enforcement caseloads.

POLICY CONCERNS:

- 1) If all fine assessments allow licensees to correct the violation, the fine assessments may lose their deterrent effect. As amended, this bill allows any assessed fine to be corrected, even fines assessed at the statutory maximum of \$5,000. This may incentivize boards to skip the fine and instead impose formal discipline or criminal prosecution (which can still include a fine).
- 2) As amended, this bill removes the entities' discretion to determine a reasonable period for correction. Due to the wide range of violations and variation in ways a violation may occur, the DCA entities are authorized to investigate cases and make determinations on a case-by-case basis. For example, some violations may require immediate correction, such as in cases of accidental misrepresentation of a title or scope of practice. Under the amended language, the licensee could in theory continue to misrepresent the ability to practice for 29 more days. This period could be extended further by requesting an appeal on the 29th day.

This could create different issues for different entities. If a non-specialty contractor submits a bid for a roof repair requiring a specialty license, the Contractors State License Board could issue a citation ordering the contractor to withdraw the bid and assess a fine for unlicensed practice. Under the amended language, the contractor would have 30 days to withdraw the bid. If the bid was for a sub-contract as part of a larger renovation and the bid was accepted within the 30 day window, the harm to the consumer and other contractors has already occurred. However, the Board would be prevented from fining or disciplining the licensee for this behavior because the licensee was in compliance with the 30-day requirement. This may again incentivize boards to skip citations altogether in situations where formal discipline or criminal prosecution may not initially be warranted.

- 3) As amended, this bill gives all non-healing arts licensees a 30-day window to correct a violation resulting in a fine. Existing law already authorizes licensees to appeal a citation they believe may be unfair or improperly issued (which would halt enforcement of the citation). If the licensee wins on appeal, the fine does not need to be paid. If the licensee loses the administrative appeal, the licensee may appeal to a court of law.

In addition, if DCA licensing entities are being overly harsh or punitive to licensees, this is often revealed during the Joint Sunset Review process held by this Committee in partnership with the Senate Committee on Business, Professions, and Economic Development. The Committees thoroughly review enforcement data, solicit input from stakeholders, make extensive recommendations, and author "sunset bills." Due process issues like the one raised under this bill are often addressed as a part of that process.

- 4) Applying this to non-healing arts licensees while excluding healing arts licensees raises both fairness and constitutional concerns (equal protection — treating two similarly situated classes differently). Even as amended, this bill covers a large number and wide variation of license types within both classes of licensees. It is not currently clear that healing arts licensees as a whole are so different from non-healing arts licensees, in practice and in potential consumer harms, that one group merits the categorical application of this policy over the other.

REGISTERED SUPPORT:

None on file.

REGISTERED OPPOSITION:

None on file.

Analysis Prepared by: Vincent Chee / B. & P. / 916-319-3301

Date of Hearing: May 17, 2017

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez Fletcher, Chair

AB 1005 (Calderon) – As Amended May 2, 2017

Policy Committee: Business and Professions Vote: 16 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires non-healing arts entities within the Department of Consumer Affairs (DCA) to issue a fix-it ticket, with a 30-day cure period, before an administrative fine becomes effective for a Business and Professions Code violation.

It also specifies if the licensee successfully abates the violation within the 30-day period, the licensee is not responsible for payment of the administrative fine.

FISCAL EFFECT:

- 1) Significant penalty revenue loss. DCA has identified at least \$4.2 million in projected revenue losses (various special funds). Because citations are used to help pay the cost of enforcement programs, in order to compensate for revenue losses, DCA entities may have to raise fees or curtail enforcement as a result of revenue loss.
- 2) Increased enforcement costs for various entities under DCA, in the range of hundreds of thousands of dollars at a minimum, across the department (various special funds).

COMMENTS:

- 1) **Purpose.** The author cites challenges small businesses face when meeting the multitude of state regulations. According to the author, the intent of this bill is to give business owners, especially small businesses, a chance to correct their non-serious violations before being fined excessive amounts that can impact business operations
- 2) **Background.** The DCA's general provisions authorize most DCA entities to establish a citation program for violations of the laws and regulations within each entity's jurisdiction. In addition, each DCA entity's practice Act usually contains specific citation authority. DCA entities typically use citations for minor violations that do not warrant formal discipline, such as failure to notify of a change of address, failure to renew a license in time, or other procedural violations.

A citation is a written document issued to a licensee who is found to be in violation of an applicable licensing law. A citation must describe the nature of a violation and cite the violated provision of law or regulation. The citation may include an order of abatement (order for corrective action), an order to pay an administrative fine, neither, or both. Existing law requires that all citations include, if appropriate, an order of abatement fixing a reasonable amount of time to correct the violation.

A licensee has 30 days to contest a citation or a fine by requesting a hearing. If the licensee does not request a hearing, the licensee must correct the violation within the time noted in any included order of abatement, and pay any assessed fines, within 30 days. Usually the minimum fine is \$50 and the maximum is \$5,000 (typically reserved for egregious, intentional, or repeated violations). The ranges are often specified in each entity's practice Act, and some practice Acts establish specific amounts for particular violations.

This bill applies to twenty non-healing arts entities within DCA, including the new Bureau of Medical Cannabis Regulation, the Board of Barbering and Cosmetology, the Court Reporters Board, the Bureau of Automotive Repair, and the Contractors State License Board, the Bureau of Real Estate, and the Bureau for Private Postsecondary Education, among others.

- 3) **Staff Comments.** This bill may alleviate the financial pressure fines place on businesses, but may have some unintended consequences. Numerous concerns raised in the Business and Professions committee analysis remain unaddressed. These concerns included the following:
- a) Fine assessments may lose their deterrent effect and lead to bad behavior. Enforcement entities may have incentive to pursue more aggressive discipline.
 - b) The removal of discretion to determine a reasonable period for correction undermines the entities' authority; 30 days may be inappropriate for some violations.
 - c) Existing law already authorizes licensees to appeal a citation they believe may be unfair or improperly issued. Due process concerns, as well as enforcement actions that are perceived as overly harsh or punitive, are carefully considered during the sunset review process every four years.
 - d) Healing arts licensees are excluded from this bill; it is unclear that one group merits the categorical application of this policy over the other.
 - e) This bill requires a citation that contains a fine assessment also include an abatement period, even if there is nothing to correct (such as a late submittal of a renewal application).
 - f) This bill may conflict with existing citation authorities under the general provisions or within the specific practice Acts of each entity.
 - g) This bill may require certain entities to send additional investigators in cases where a fine is assessed, in order to determine timely compliance with the abatement order.

Analysis Prepared by: Lisa Murawski / APPR. / (916) 319-2081

Watched Legislation

AB 1190 (Obernolte R)

Department of Consumer Affairs: BreEZe system: annual report.

Status: 5/17/2017-In committee: Set, first hearing. Referred to Appropriations suspense file.

Location: 5/17/2017-Assembly Appropriations Suspense File

Last Amend: 5/2/2017

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

Updated 5/22/17

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 would require the Department of Consumer Affairs to publish, a minimum of once quarterly, prescribed information relating to BreEZe on its Internet Web site, including the estimated start and completion date of the Department of Technology's Project Approval Lifecycle (PAL) process for programs that were previously scheduled for the 3rd release of BreEZe, the status of programs that have started the process, and the results and recommendations made for each program that has completed the PAL process.

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 as amended 5/2/2017.

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

AMENDED IN ASSEMBLY MAY 2, 2017

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 1190

Introduced by Assembly Member Obernolte

February 17, 2017

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

LEGISLATIVE COUNSEL’S DIGEST

AB 1190, as amended, Obernolte. Department of Consumer Affairs: ~~BreEZe system; annual report. system.~~

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.~~

This bill would require the Department of Consumer Affairs to publish, a minimum of once quarterly, prescribed information relating

to BreEZe on its Internet Web site, including the estimated start and completion date of the Department of Technology's Project Approval Lifecycle (PAL) process for programs that were previously scheduled for the 3rd release of BreEZe, the status of programs that have started the process, and the results and recommendations made for each program that has completed the PAL process.

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 210.5 is added to the Business and
2 Professions Code, to read:

3 210.5. (a) In connection with the department's ongoing
4 commitment to provide quarterly and monthly updates to the
5 Legislature on the entities that were previously scheduled for the
6 third release of BreEZe, the department shall publish on its Internet
7 Web site the following:

8 (1) The estimated start and completion date of the Department
9 of Technology's Project Approval Lifecycle process for the
10 programs that were previously scheduled for the third release of
11 BreEZe.

12 (2) The status of the programs that have started the project
13 approval process, including the programs' current stage in the
14 process.

15 (3) The results and recommendations made for each program
16 that has completed the Department of Technology's Project
17 Approval Lifecycle process, including the results of the alternatives
18 and cost-benefit analyses made during Stage 2 of the process.

19 (b) The department shall publish the information specified in
20 subdivision (a) a minimum of once quarterly.

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

23 ~~210.5. (a) On or before July 1 of each year, commencing July~~
24 ~~1, 2018, the department shall submit an annual report to the~~
25 ~~Legislature that includes all of the following:~~

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

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

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

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

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

15 ~~(1) Acupuncture Board.~~

16 ~~(2) Board for Professional Engineers, Land Surveyors, and~~
17 ~~Geologists.~~

18 ~~(3) Bureau of Automotive Repair.~~

19 ~~(4) Bureau of Electronic and Appliance Repair, Home~~
20 ~~Furnishings, and Thermal Insulation.~~

21 ~~(5) Bureau for Private Postsecondary Education.~~

22 ~~(6) California Architects Board.~~

23 ~~(7) California Board of Accountancy.~~

24 ~~(8) California State Board of Pharmacy.~~

25 ~~(9) Cemetery and Funeral Bureau.~~

26 ~~(10) Contractors' State License Board.~~

27 ~~(11) Court Reporters Board of California.~~

28 ~~(12) Landscape Architects Technical Committee.~~

29 ~~(13) Professional Fiduciaries Bureau.~~

30 ~~(14) Speech-Language Pathology and Audiology and Hearing~~
31 ~~Aid Dispensers Board.~~

32 ~~(15) State Athletic Commission.~~

33 ~~(16) State Board of Chiropractic Examiners.~~

34 ~~(17) State Board of Guide Dogs for the Blind.~~

35 ~~(18) Structural Pest Control Board.~~

36 ~~(19) Telephone Medical Advice Services Bureau.~~

Watched Legislation

SB 27 (Morrell R)

Professions and vocations: licenses: military service.

Status: 5/15/2017-May 15 hearing: Placed on Appropriations suspense file.

Location: 5/15/2017-Senate Appropriations Suspense File

Last Amend: 4/17/2017

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

Updated 5/22/17

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: Watch as amended 4/17/2017.

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

AMENDED IN SENATE APRIL 17, 2017

SENATE BILL

No. 27

Introduced by Senator Morrell

(Coauthors: Senators Bates, Berryhill, Nguyen, and Wilk)

*(Coauthors: Assembly Members Acosta, Baker, Chávez, Cunningham,
Lackey, Mathis, and Patterson)*

December 5, 2016

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 amended, 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~~ a 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.

- 1 (B) The application for and issuance of an additional license, a
- 2 certificate, a registration, or a permit associated with the initial
- 3 license.
- 4 (C) The application for an examination.

O

IV. Administration

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
BEGINNING BALANCE	\$ 8,113	\$ 9,395	\$ 11,648	\$ 10,382
Prior Year Adjustment	\$ 94	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 8,207	\$ 9,395	\$ 11,648	\$ 10,382
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 95	\$ 133	\$ 133	\$ 133
125700 Other regulatory licenses and permits	\$ 2,985	\$ 2,156	\$ 2,178	\$ 2,199
125800 Renewal fees	\$ 6,852	\$ 6,207	\$ 6,921	\$ 6,269
125800 Delinquent fees	\$ 93	\$ 92	\$ 93	\$ 92
141200 Sales of documents	\$ 1	\$ 1	\$ -	\$ -
150300 Income from surplus money investments	\$ 38	\$ 53	\$ -	\$ -
150500 Interest Income from interfund loans	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 11	\$ 11	\$ 11	\$ 11
Miscellaneous revenues	\$ 2	\$ 2	\$ 2	\$ 2
Totals, Revenues	\$ 10,077	\$ 8,655	\$ 9,337	\$ 8,706
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	\$ 12,527	\$ 9,337	\$ 9,506
Totals, Resources	\$ 18,284	\$ 21,922	\$ 20,985	\$ 19,889
EXPENDITURES				
Disbursements:				
1110 Engineers Program Expenditures (State Operations)	\$ 7,732	\$ -	\$ -	\$ -
1110 Geo Program Expenditures (State Operations)	\$ 1,136	\$ -	\$ -	\$ -
1111 Engineers, Land Surveyors & Geologists (State Operations)	\$ -	\$ 9,710	\$ 9,904	\$ 10,102
8880 Financial Information System for CA (State Operations)	\$ 21	\$ 13	\$ 15	\$ -
9900 Statewide Admin. (State Operations)	\$ -	\$ 551	\$ 684	\$ 684
Total Disbursements	\$ 8,889	\$ 10,274	\$ 10,603	\$ 10,786
FUND BALANCE				
Reserve for economic uncertainties	\$ 9,395	\$ 11,648	\$ 10,382	\$ 9,103
Months in Reserve	11.0	13.2	11.6	10.1

0770- Professional Engineers, Land Surveyors and Geologist
Financial Statement

	FY 2015-16 Month 10 (7/15-4/16)	FY 2016-17 Month 10 (7/16-4/17)	% Change	FY 2016-17 FM 1 Projections	FY 2016-17 Updated Projections	% Change
Revenue						
¹ Applications/Licensing Fees (125700)	\$ 2,151,422	\$ 1,796,329	-17%	\$ 2,957,893	\$ 2,155,595	-27%
Renewal fees (125800)	\$ 6,728,132	\$ 6,003,766	-11%	\$ 6,221,146	\$ 6,207,321	0%
Delinquent fees (125900)	\$ 79,996	\$ 76,514	-4%	\$ 76,000	\$ 91,817	21%
Interest	\$ 25,592	\$ 44,342	73%	\$ 28,056	\$ 53,210	90%
Other	\$ 237,564	\$ 238,270	0%	\$ 127,922	\$ 284,894	123%
Total Revenue:	\$ 9,222,706	\$ 8,159,221	-12%	\$ 9,411,017	\$ 8,792,837	-7%
Expense						
Personnel Services:						
Civil Service-Perm	\$ 2,230,431	\$ 2,262,622	1%	\$ 2,894,399	\$ 2,720,797	-6%
Temp Help	\$ 63,485	\$ 121,046	91%	\$ 142,214	\$ 145,255	2%
Exam Proctor			N/A			N/A
Allocated Proctor Cost	\$ 4,500	\$ 2,732	-39%	\$ 4,948	\$ 4,948	0%
Board/Commission	\$ 4,700	\$ 6,000	28%	\$ 5,300	\$ 7,000	32%
Comm Member	\$ 3,700	\$ 1,500	-59%	\$ 3,700	\$ 3,700	0%
Overtime	\$ 2,127	\$ 862	-59%	\$ 2,186	\$ 2,186	0%
Total Salaries and Wages	\$ 2,308,943	\$ 2,394,762	4%	\$ 3,052,748	\$ 2,883,886	-6%
Total Benefits	\$ 1,135,119	\$ 1,266,981	12%	\$ 1,516,518	\$ 1,520,377	0%
Total Personnel Services	\$ 3,444,062	\$ 3,661,743	6%	\$ 4,569,266	\$ 4,404,264	-4%
Operating Expense and Equipment:						
Fingerprints	\$ 44,415	\$ 39,756	-10%	\$ 67,984	\$ 47,707	-30%
General Expense	\$ 37,564	\$ 47,520	27%	\$ 57,248	\$ 57,024	0%
² Printing	\$ 103,288	\$ 25,081	-76%	\$ 31,447	\$ 30,097	-4%
Communication	\$ 19,068	\$ 20,362	7%	\$ 23,114	\$ 24,434	6%
Postage	\$ 73,714	\$ 39,040	-47%	\$ 46,328	\$ 46,328	0%
Travel Out-of-State	\$ 1,382	\$ 3,360	143%	\$ 6,000	\$ 6,000	0%
Travel In State	\$ 85,336	\$ 66,398	-22%	\$ 116,892	\$ 79,678	-32%
Training		\$ 209	N/A		\$ 209	N/A
Facilities Operations	\$ 343,350	\$ 358,640	4%	\$ 352,333	\$ 358,640	2%
³ C & P Services - Interdept.	\$ 300,000	\$ 400,000	33%	\$ 100,000	\$ 166,693	67%
C & P Services - External	\$ 208,457	\$ 510,289	145%	\$ 850,062	\$ 684,246	-20%
Minor Equipment	\$ 5,007	\$ 17,642	252%	\$ 10,247	\$ 21,170	107%
Prorata	\$ 1,652,146	\$ 1,471,678	-11%	\$ 2,372,601	\$ 2,372,601	0%
Total General Expenses:	\$ 2,873,727	\$ 2,999,975	4%	\$ 4,034,257	\$ 3,894,828	-3%
Examinations:						
Exam Rent - Non State	\$ 1,150		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	\$ 87,897	\$ 152,253	73%	\$ 113,442	\$ 182,704	61%
Other Expense		\$ 63	N/A		\$ 84	N/A
Total Examinations:	\$ 847,039	\$ 1,009,431	19%	\$ 1,078,773	\$ 1,046,403	-3%
Enforcement:						
Attorney General	\$ 297,638	\$ 276,827	-7%	\$ 405,938	\$ 332,192	-18%
Office Admin. Hearing	\$ 47,323	\$ 45,476	N/A	\$ 73,259	\$ 73,259	N/A
Evidence / Witness Fees	\$ 175,432	\$ 164,210	-6%	\$ 252,472	\$ 197,052	-22%
Court Reporters	\$ 240	\$ 3,776	1473%	\$ 1,747	\$ 4,531	159%
⁴ DOI - Investigation	\$ 168,750	\$ 264,170	57%	\$ 263,000	\$ 308,198	17%
Total Enforcement:	\$ 689,383	\$ 754,459	9%	\$ 996,416	\$ 915,233	-8%
Total OE&E	\$ 4,410,149	\$ 4,763,865	8%	\$ 6,109,446	\$ 5,856,463	-4%
Total Expense:	\$ 7,854,211	\$ 8,425,608	7%	\$ 10,678,711	\$ 10,260,727	-4%

Total Revenue:	\$ 9,222,706	\$ 8,159,221	-12%	9,411,017	8,792,837	-7%
Total Expense:	\$ 7,854,211	\$ 8,425,608	7%	10,678,711	10,260,727	-4%
Difference:	\$1,368,495	-\$266,387		-\$1,267,694	-\$1,467,891	

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.

(4) Enforcement staff has recently closed an abnormally large case, which increased the cost to the Boards investigation costs.

Expense Object Codes (line items)

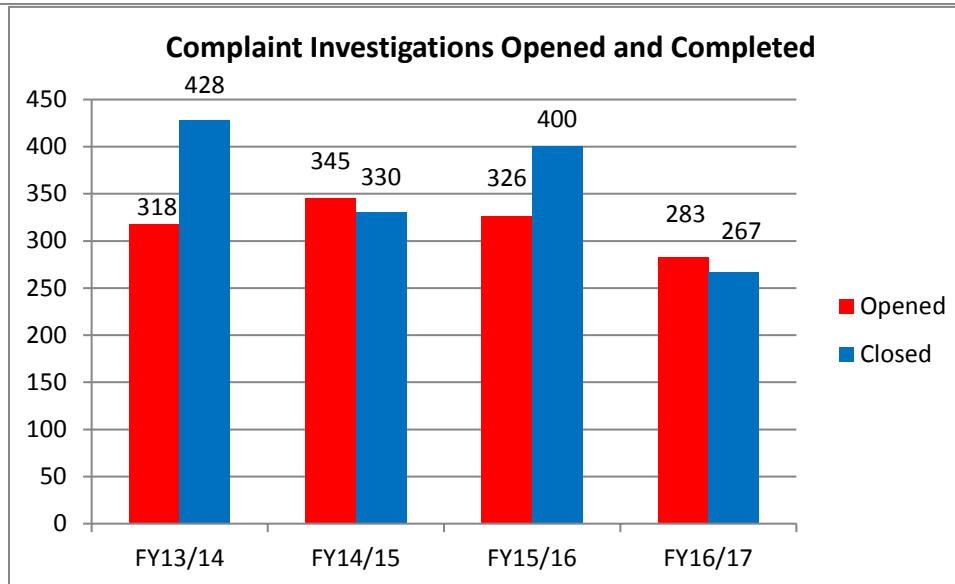
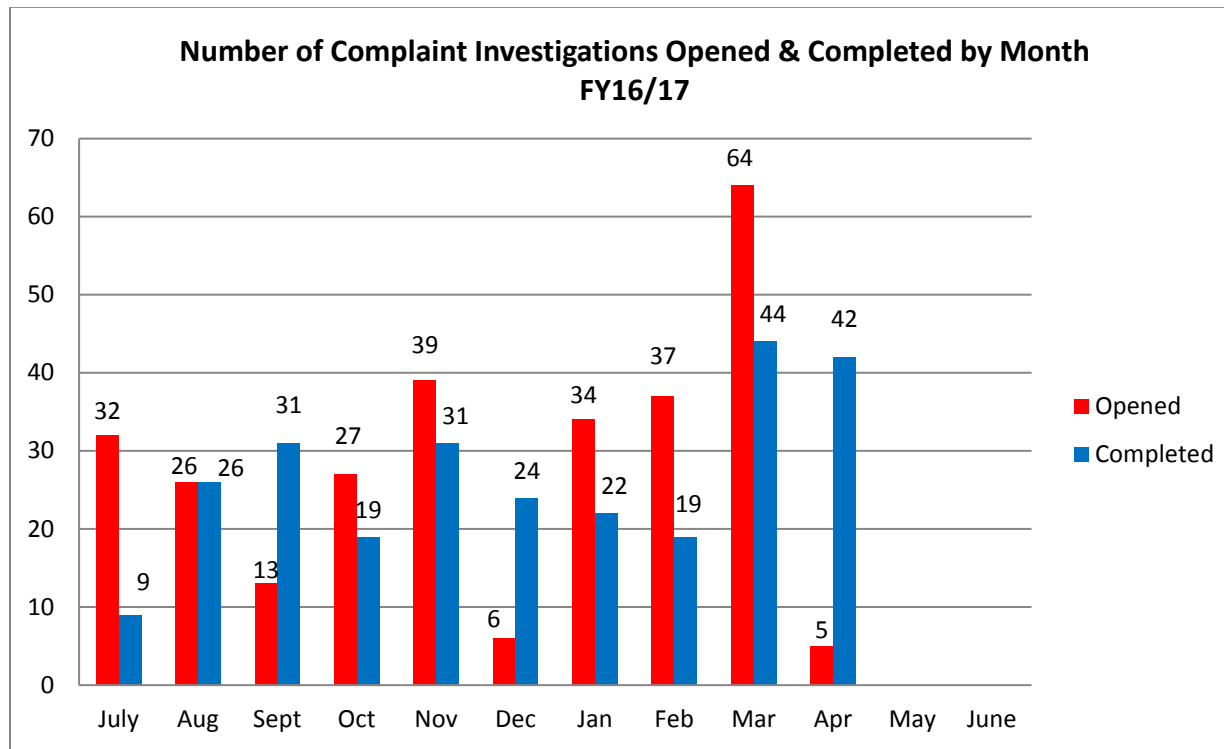
Consultant/Professional Services - Internal	Services provided by other state agencies or Interagency Agreements within the Department of Consumer Affairs.	State Subject Matter Experts- state employees for exam development
Consultant/Professional Services - External	External exam expenses - Engineers and Land Surveyors	Non-State Subject Matter Experts for exams + Credit Card Contracts +VIP+ Plastic Lic. Card
Administrative – External Services	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
Consultant/Professional SVS - Expert Exam	Wages for services provided by expert examiners in the oral/ written examination process. Includes travel expenses.	Geology Subject Matter Experts

V. Enforcement

A. Enforcement Statistical Reports

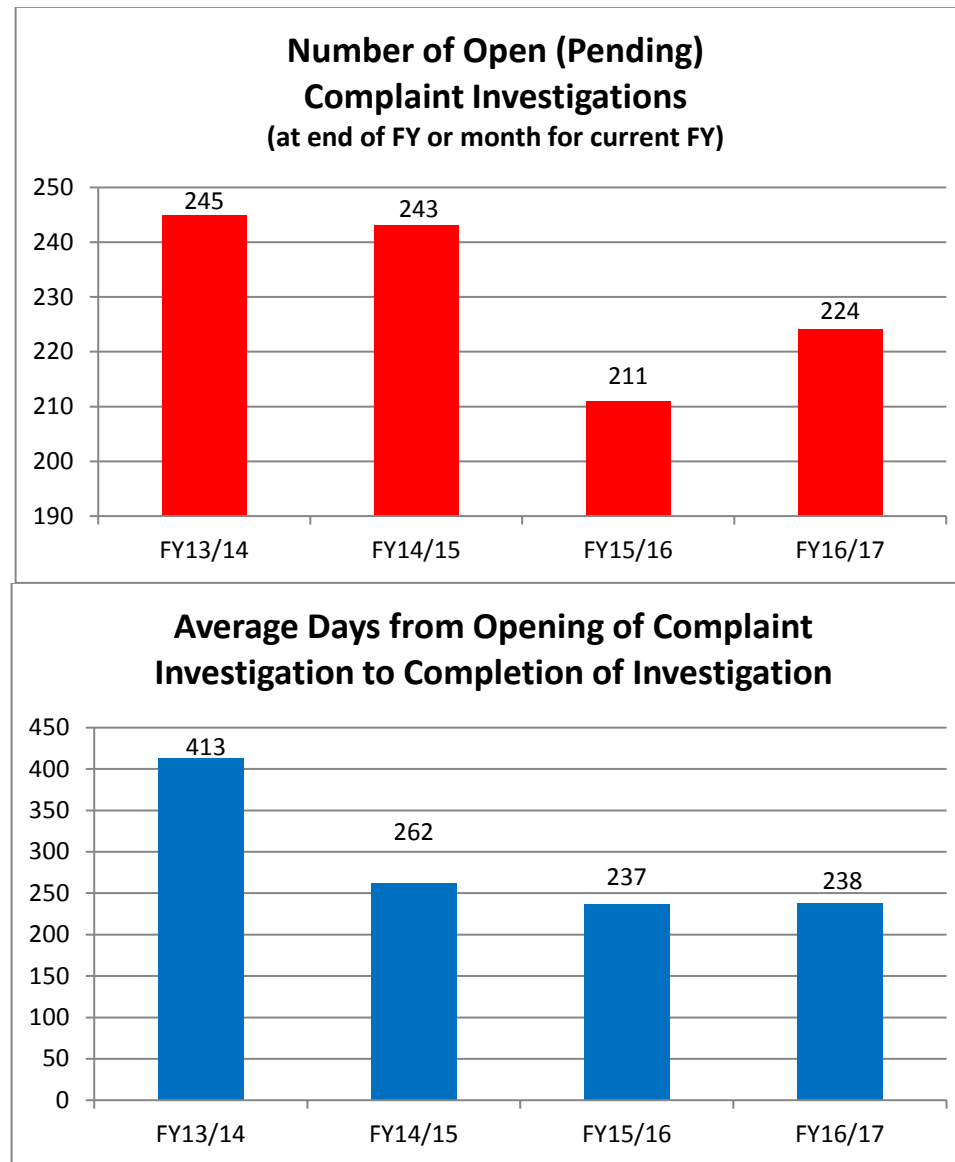
1. Fiscal Year 2016/17 Update

Complaint Investigation Phase



NOTE: FY16/17 statistics are through April 30, 2017

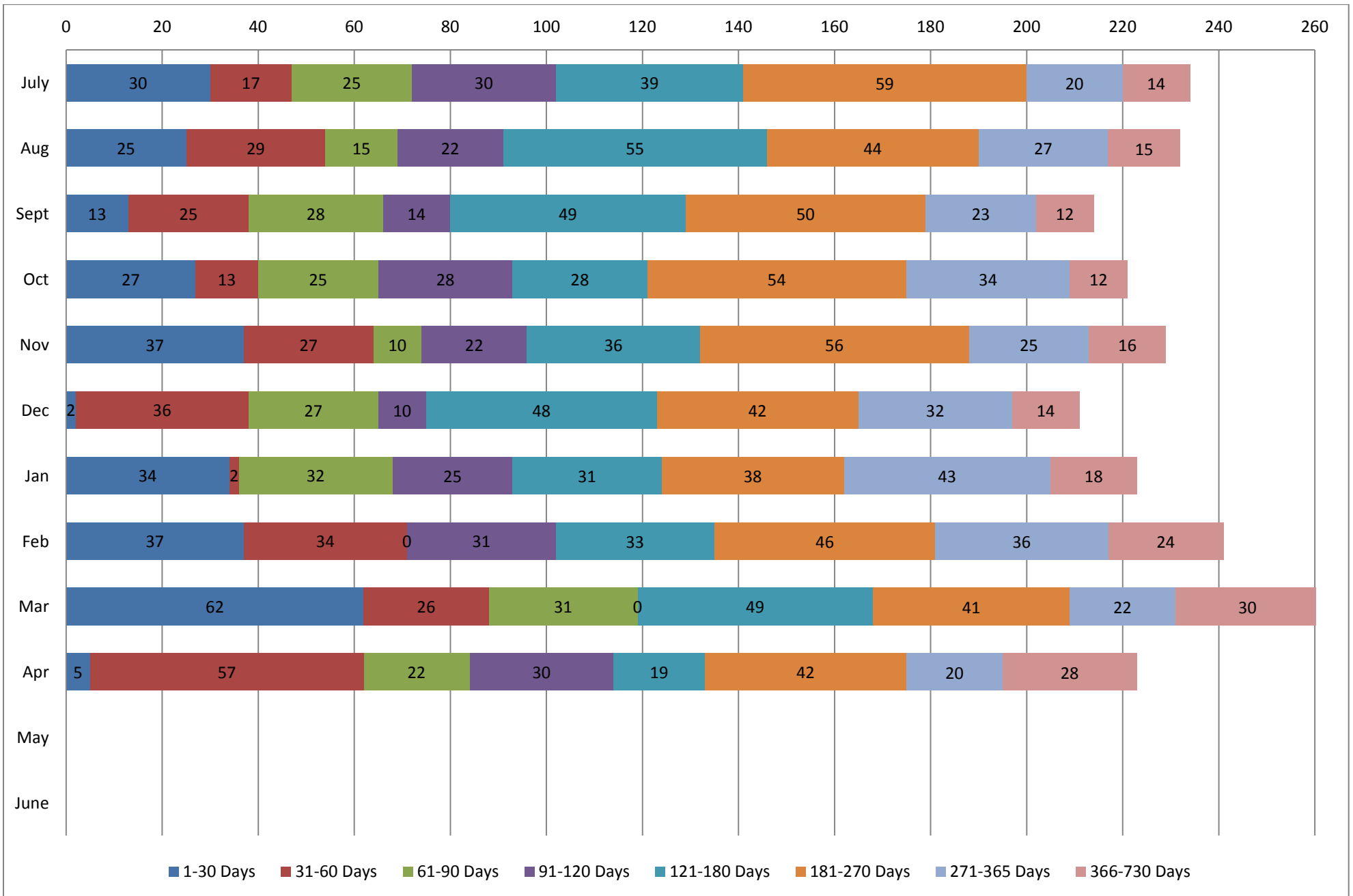
Complaint Investigation Phase



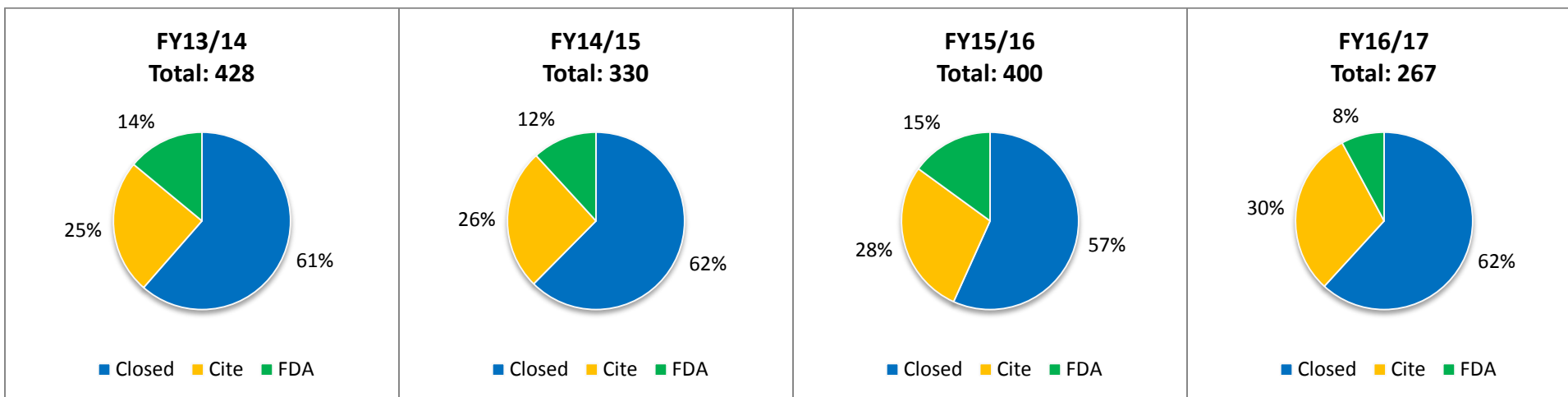
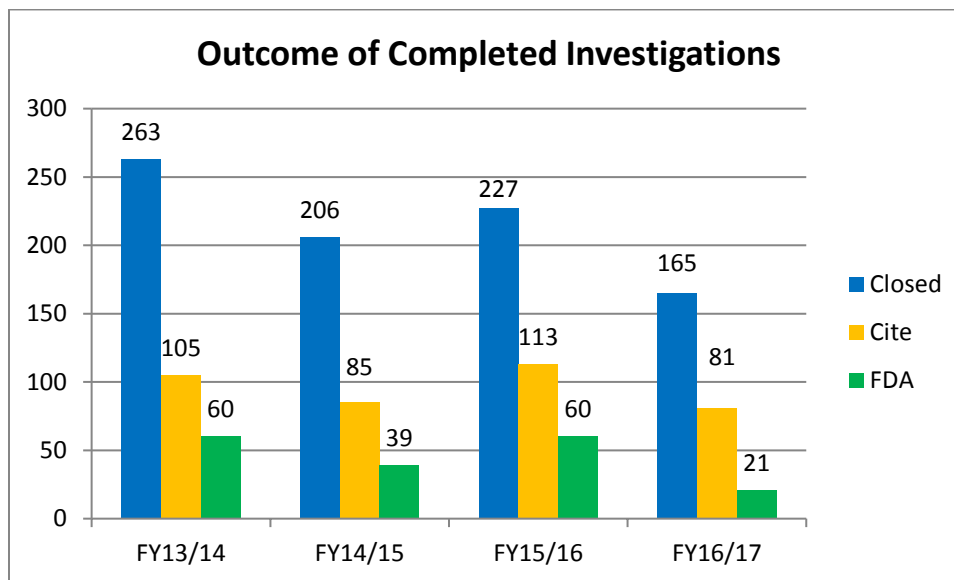
NOTE: FY16/17 statistics are through April 30, 2017

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 April 30, 2017

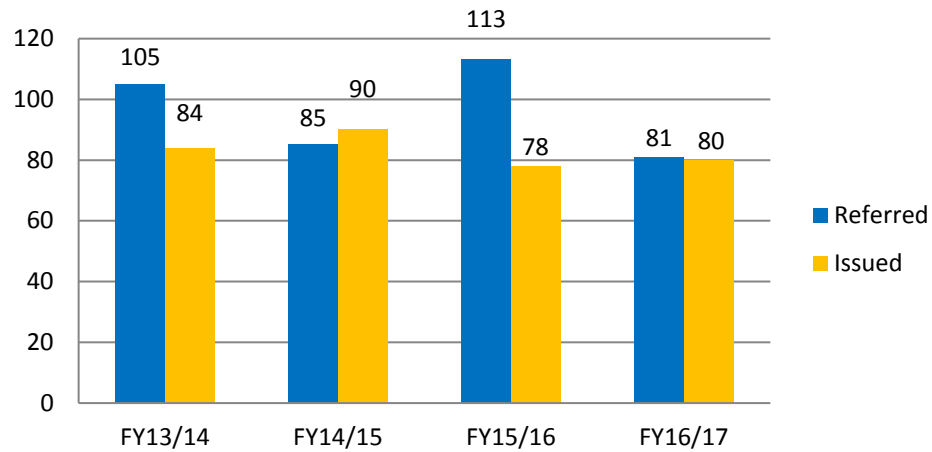
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

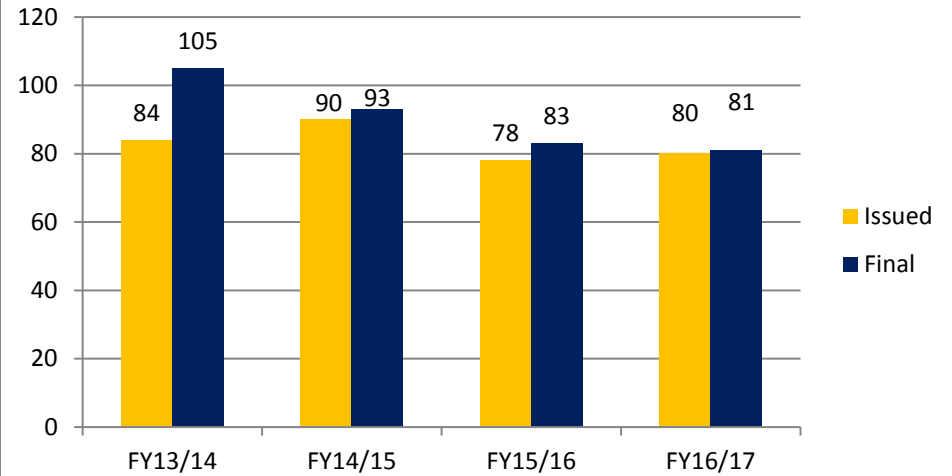
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)

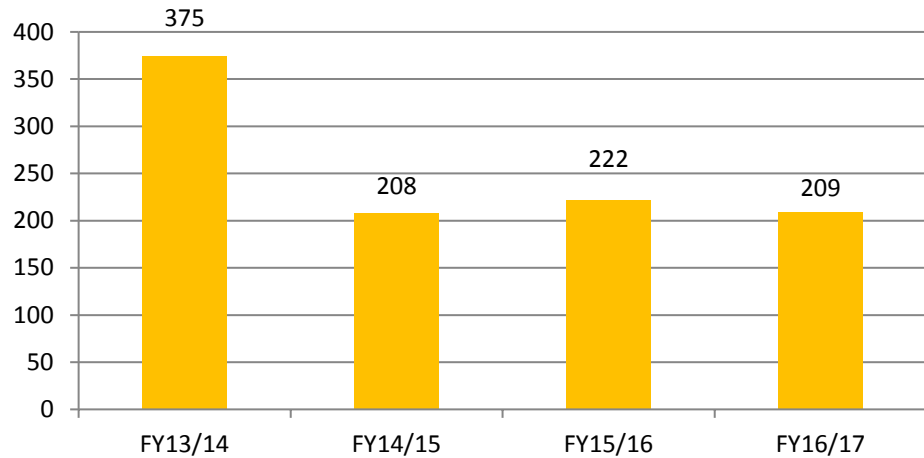
Number of Complaint Investigations Referred and Number of Citations Issued



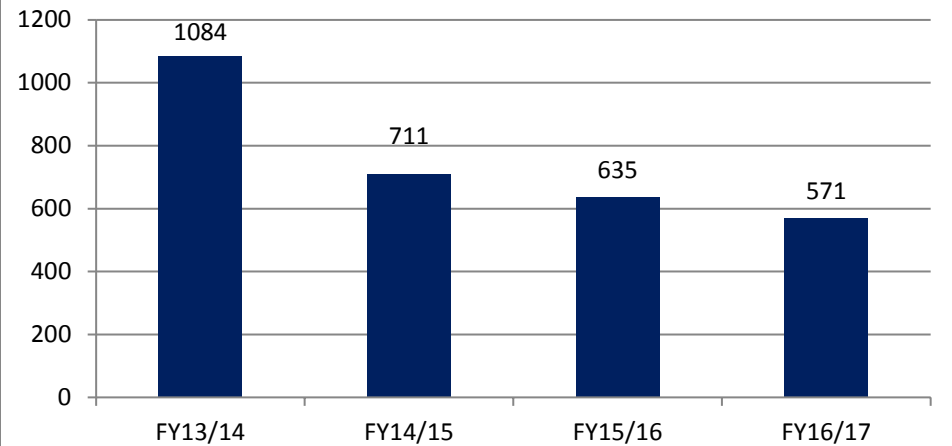
Number of Citations Issued and Final



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

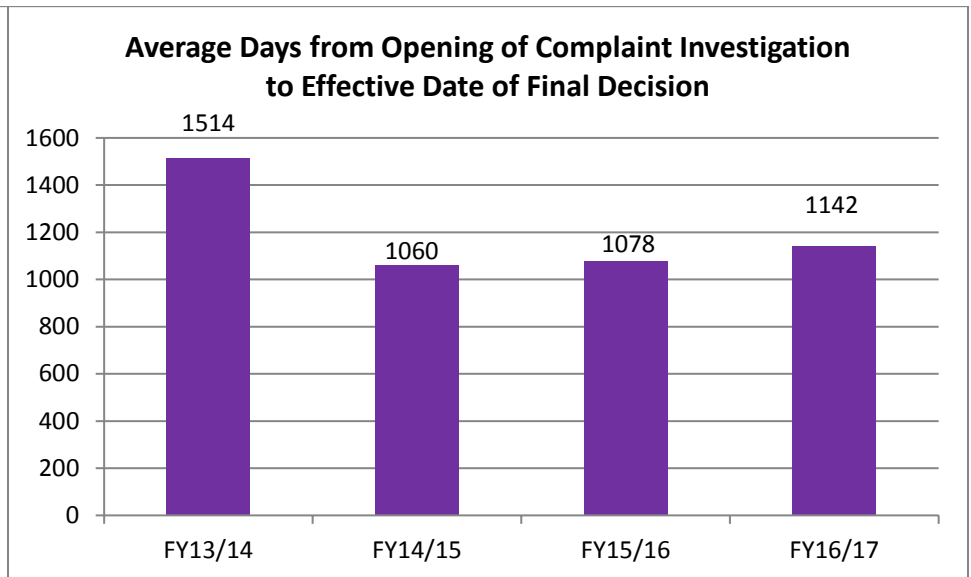
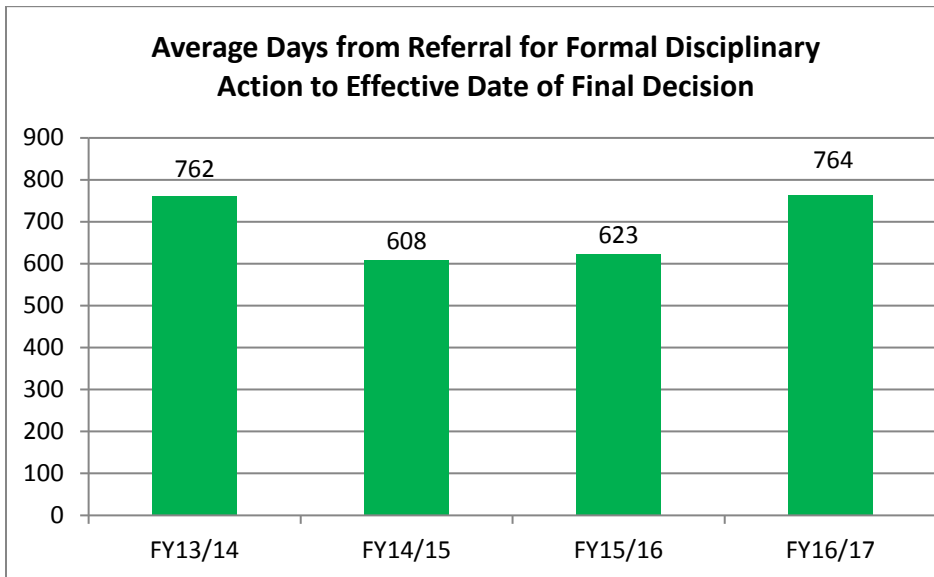
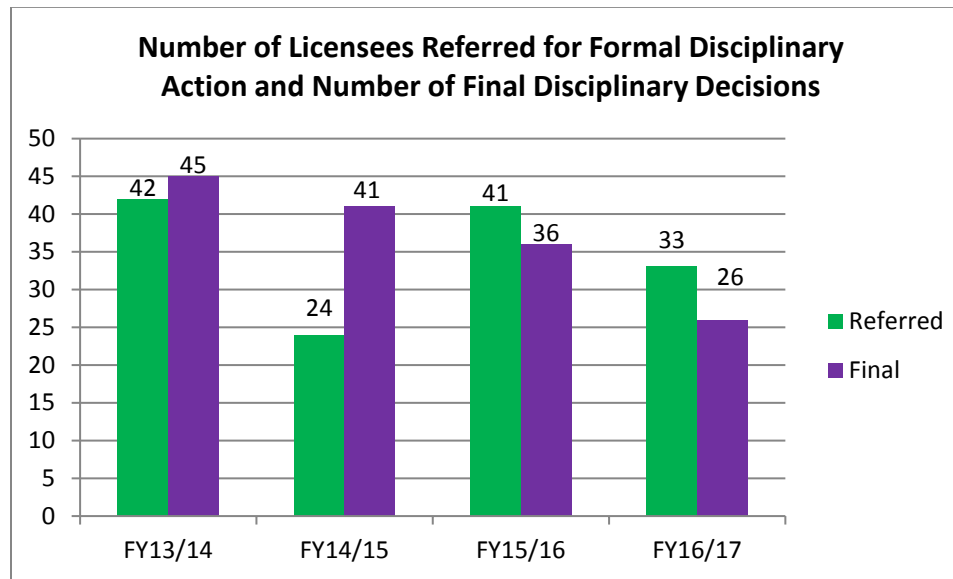


Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



NOTE: FY16/17 statistics are through April 30, 2017

Formal Disciplinary Actions Against Licensees



NOTE: FY16/17 statistics are through April 30, 2017

VI. Exams/Licensing

A. Update on Spring 2017 Examinations

VII. Executive Officer's Report

- 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. Report on the Interim Zone Meeting
 - 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)
- F. 2015-2018 Strategic Plan Update
- G. Outreach
- H. Update on Business Process Improvement Study
State Mining and Geology Board (SMGB) – Notice of Proposed Regulations
(OAL File No. Z2017-0418-01)

Legislation and Regulations Workgroup

Legislation:

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

Regulations:

1. Exam Appeals Repeal (443, 444, 3063.1, 3037.1)

- Final Package at Office of Administrative Law (OAL), sent on April 19, 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 the Department of Consumer Affairs (DCA) for final review September 6, 2016.
 - Package sent to Business, Consumer Services and Housing Agency (Agency) February 13, 2017.
 - Final Package at Department of Finance (DOF) for review, sent on March 27, 2017.

2. SE, GE qualifications/experience (426.10/426.14/426.50).

- Final Package approved by OAL on May 10, 2017. Regulations effective July 1, 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
 - Final Package sent to OAL on March 28, 2017.

3. Qualifying Experience Land Surveyor (425)

- Final package at DCA for final review, updated regulation file documents on April 26, 2017.
 - 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.
 - Final package sent to DCA for final review on November 3, 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.

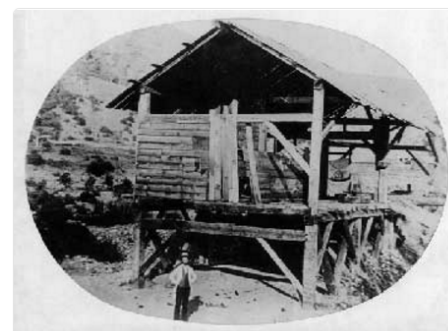


OUTREACH REPORT

SOCIAL MEDIA April, 2017

Top 5 Twitter "Tweets" of April

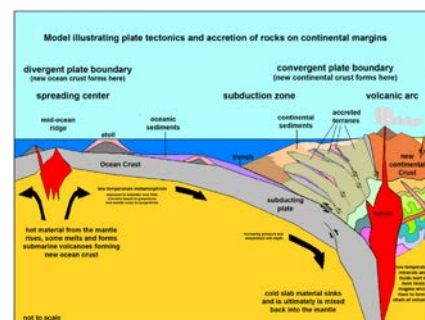
Twitter "Tweets"	Date Posted	Views
1. Spring <i>Bulletin</i> Release	April 10	452
2. Notice of June Board Meeting	April 10	363
3. Throwback Thursday-Sutter's Mill	April 27	307
4. Final Filing Date Fall '17 Exams	April 27	292
5. Traffic Program Occupational Analysis	April 8	274



Sutter's Mill – Posted April 27th, 2017

Top 5 Facebook Posts of April

Facebook Posts	Date Posted	Views
1. Throwback Thursday –Geologic History	April 20	953
2. Spring <i>Bulletin</i> Release	April 10	841
3. Throwback Thursday-Sutter's Mill	April 27	832
4. Final Filing Date for Fall '17	April 27	786
5. Trivia Tuesday- "Hermetically Sealed"	April 8	461



Geologic History – Posted April 20th, 2017

University Outreach Events Since April 20-21 Board Meeting

UNIVERSITY OUTREACH - Schedule for "Top 12" Targeted College Programs:

- April 18 – USC - FE Presentation by S. Christ, M. Donelson, B. Phayer
- May 6 – UOP - Senior Project Day – L. Racca, D. Sweeney attended
- May 16 – CSU Long Beach - Senior Project Day – B. Phayer attended
- May 17 - UCLA – Engineers Day Event – B. Phayer attended
- May 19 - UC Irvine – Student Presentation about FE Exam and "Path to PE" – B. Phayer presented
- June 8 – UC Davis – Senior Project Day – S. Christ, M. Donelson to attend
- June 15 - Camp Pendleton Day - M. Donelson to attend

E.O. and Registrar OUTREACH EVENTS: April 1 – May 23, 2017

- April 12 Laurie Racca presented to the SDSU Geology department, professors, department chair, and students regarding FG exam and ASBOG curriculum performance assessment tool (CPAT). About 25 in attendance.
- April 13 Ric Moore and Dallas Sweeney spoke to Stanislaus County, in Turlock, about monument preservation. About 20 in attendance.
- April 24 Laurie Racca performed an applications workshop at the Department of Water Resources to present the steps, requirements, and materials necessary to provide a complete application package.
- April 27 Ric Moore and Dallas Sweeney spoke to CELSA, in Walnut Creek, about Land Surveyors regulations. Approximately 6 in attendance.
- May 6 Laurie Racca and Mike Donelson attended the University of Pacific (UOP) Senior Project Day in Stockton.
- May 10 Ric Moore accompanied by Board Members Steve Wilson and Dr. Mohammad Qureshi, presented BPELSG 2017 Update at Joint meeting of the Monterey Area CLSA and ACEC-CA Chapters. Approximately 35 in attendance.
- May 16 Ric Moore and Dallas Sweeney spoke to Caltrans District 10, in Stockton, about monument preservation. About 50 in attendance.
- May 17 Ric Moore presented BPELSG Update to ASCE Region 9 representatives on ASCE's Legislative Day. Approximately 50 in attendance.

Proposed Amended Regulations

DEPARTMENT OF CONSERVATION STATE MINING AND GEOLOGY BOARD

Surface Mining Operation Annual Inspections

Status: Notice of proposed rulemaking published April 28, 2017.

Calendar: Written comment period closes at 5 pm on June 12, 2017.

Proposed Regulatory Action: The State Mining and Geology Board (SMGB) proposes to amend §3504.5 of Article 1 of the California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Subchapter 1 pertaining to conduct of annual surface mine inspections.

Summary: At the November 5, 2015 BPELSG meeting, the Board voted to take a “Support” position on SB 209 (later amended to AB 1142). This bill’s main purpose was to retain the existing components of SMARA but to enact modifications that improve the workability of those components so that the law works better for industry, local governments, state government, and the public. This bill required that, when obliged, tasks associated with the inspection of surface mining operations be performed by an appropriately licensed California professional.

The proposed amended regulation would ensure inspections are conducted by California state-licensed persons or qualified lead agency employees, would clarify the term “qualified lead agency employee,” and would make specific that those conducting inspections seek input from a California state-licensed person or specialist when an aspect or condition requires such.

Staff Comment: It is anticipated that this is one of several rulemaking packages associated with SB 209/AB 1142 that will be coming forth from SMGB. This proposed regulation specifically references the professional licenses under the Board’s authority. At the Board’s direction, staff has been providing ongoing technical support to SMGB as necessary and Staff believes the language currently in the proposed amended regulations is consistent with the Board’s licensing laws.

VIII. Revised Board and Technical Advisory Committees Operating Procedures
– Information Only

BOARD OPERATING PROCEDURES



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

Adopted April 21, 2017

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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 Approval of 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

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 and/or Board staff 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.

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

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 April 21, 2017

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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 SUSPENSION OF AN OPERATING PROCEDURE

- 2.1.1 Any operating procedure of the TAC 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.

2.2 AMENDMENT TO THE TAC OPERATING PROCEDURES

- 2.2.1 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 should be limited to 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.

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 Chairperson of the TAC assumes the duties of the TAC Chairperson in the full or temporary absence or temporary incapacitation of the TAC Chairperson.

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)

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

REAPPOINTMENTS TO THE GEOLOGIST AND GEOPHYSICIST TECHNICAL ADVISORY COMMITTEE

RECOMMENDED MOTION:

Reappoint the following Geologist and Geophysicist TAC Members to a second term expiring June 30, 2019.

- Bill Owen
- Mark Riches

BACKGROUND:

There are currently two members of the Geology and Geophysics Technical Advisory Committee (G&G TAC) whose terms will expire as of June 30, 2017. The GGTAC reappointments have been submitted by Board Member Betsy Mathieson, PG, CEG.

Mr. Owen is a licensed geologist, certified engineering geologist, and a licensed geophysicist. He is the Chief of the Geology and Geophysics Branch at the California Department of Transportation. Mr. Owen has over 25 years of experience, has participated as a subject matter expert for the Board and has published extensively. He has served on the G&G TAC since 2011, and works in Northern California.

Mr. Riches is a licensed geophysicist with more than 25 years of professional experience. He is the Senior Geophysicist and Vice President of *GeoVision* Geophysical Services. He has extensive practical and technical experience conducting hi-resolution geophysical surveys in support of a variety of environmental and engineering investigations. Mr. Riches has served on the G&G TAC since 2011, and works in Southern California.

The reappointment of these two G&G TAC members will provide continuity of expertise and experience on the committee as well as maintaining a diverse TAC membership.

**APPOINTMENT TO THE LAND SURVEYING
TECHNICAL ADVISORY COMMITTEE**

RECOMMENDED MOTION:

Appoint the following Traffic TAC Member to a second term expiring June 30, 2019.

- Michael S. Butcher, P.L.S.

BACKGROUND:

The Land Surveying-TAC appointment has been submitted by Board Member Steve Wilson, P.L.S. The appointment of this candidates will help ensure the continuance and enhancement of the professional land surveying expertise and advice provided by the TAC.

**APPOINTMENT TO THE STRUCTURAL ENGINEER
TECHNICAL ADVISORY COMMITTEE**

RECOMMENDED MOTION:

Reappoint the following Structural Engineer TAC Members to a One-year term expiring June 30, 2018:

- Alireza Azgari
- Douglas Hohbach
- Ryan Huxley
- Gregg Brandow

Appoint the following Structural Engineer TAC Members to a One-year term expiring June 30, 2018:

- Carl Josephson

BACKGROUND:

The Structural Engineer TAC appointment has been submitted by Board Member Karen Roberts, P.E., S.E. The appointment of these candidates will help ensure the continuance and enhancement of the professional land surveying expertise and advice provided by the TAC.

APPOINTMENTS TO THE TRAFFIC ENGINEERING TECHNICAL ADVISORY COMMITTEE

RECOMMENDED MOTION:

Appoint the following Traffic TAC Members to a second term expiring June 30, 2019.

- Mahmoud Khodr
- Maurice Palumbo
- Walter Okitsu
- Jason Pack
- Troy Arseneau

BACKGROUND:

The Traffic-TAC appointments have been submitted by Board Member Dr. Mohammad Qureshi, P.E. The appointment of these candidates will help ensure the continuance and enhancement of the professional traffic engineering expertise and advice provided by the TAC.

X. President's Report/Board Member Activities

**XI. Nomination and Election of President and Vice President for Fiscal Year
2017/18**

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 April 20-21, 2017, Board Meeting

DRAFT

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

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

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.

Thursday, April 20, 2017

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

Strategic Planning Session

I. Roll Call to Establish a Quorum

President King called the meeting to order at 9:05 a.m., and a quorum was established.

II. Strategic Planning Session

The Board engaged in a Strategic Planning Session.

III. Adjourn

The Strategic Planning Session adjourned at 11:32 a.m.

Board Meeting

I. Roll Call to Establish a Quorum

President King called the meeting to order at 1:30 p.m., and a quorum established.

II. Public Comment

Bob DeWitt, representing ACEC, reported that there will be a joint meeting with CLSA Monterey Bay Chapter, in a couple of weeks. He extended the invitation to Mr. Wilson, Dr. Qureshi, and Mr. Moore.

Rob McMillan, representing CLSA, thanked the Board members and staff for working with CLSA. They are looking forward to working with Board staff as they update the examination guide for land surveyors.

III. Legislation

A. Legislative Calendar

Ms. Williams reviewed the Legislative Calendar. She noted that April 28 is the last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.

May 12 is the last day for policy committees to hear and report non-fiscal bills introduced in their house to floor.

June 2 is the last day for bills to be passed out of the house of origin.

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

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

Ms. Williams reported that the Author's office indicated the bill would not be moving forward this year.

AB 710 – Department of Consumer Affairs: boards: meetings

MOTION:	Dr. Qureshi and Mr. Johnson moved to take a watch position.
VOTE:	10-0, 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				
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AB 769 – Professions and vocations (amendments to Business and Professions Code section 6713)

Ms. Williams reported that the Author's office indicated the bill would not be moving forward this year.

MOTION:	Dr. Qureshi and Ms. Mathieson moved to take a watch position.
VOTE:	10-0, 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				

AB 1005 – Department of Consumer Affairs (Office of Professional Examination Services)
This bill has been completely amended.

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

MOTION:	Ms. Alavi and Mr. Johnson moved to take a watch position.
VOTE:	10-0, 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				

SB 27 – Professions and vocations: licenses: military service (fee waiver)
The Board did not take a position.

IV. Administration

A. Budget Summary

Ms. Williams reported that at the end of the last fiscal year the Board acquired a fund balance of \$9.4 million. At the end of this year, she anticipates a fund balance of \$12 million, which equates to 13 months in reserve. In budget year 2017/18, she anticipates a fund balance of \$11 million and in fiscal year 2018/19, she anticipates a fund balance of \$9.8 million.

This fiscal year the Board is scheduled to receive \$3.2 million in our general fund loan repayment. The remaining \$800,000 in the general fund loan repayment is scheduled for fiscal year 2018/19.

In reference to the Financial Statement, Dr. Qureshi requested the items specifically in bold, to see the calculation of fiscal month column divided by the updated projections column. Staff indicated they will look into how to include this in an appropriate manner.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2016/17 Update

Ms. Criswell reviewed the enforcement statistics and reported that several more cases were closed in April, some of which were over a year old.

President King commended staff on reducing the amount of open cases.

Mr. McMillian, representing CLSA, noted that he finds the statistics helpful and informative and incorporates them into his reports to their Board of Directors.

VI. Exams/Licensing

A. Update on Spring 2017 Examinations

Mr. Kereszt reported that the spring examination administration is ending. He reviewed the various examinations that were conducted and reported that the Culver City CBT site had a plumbing issue that resulted in flooding. Some

examinees had to relocate whereas others opted to postpone their examination. To the best of our knowledge, 49 candidates were affected.

VII. Executive Officer's Report

B. Personnel

Mr. Moore reported that Jen Mueller is now an Analyst with the Enforcement Unit and Arsha Qasmi will fill her vacancy as the new fingerprint coordinator. As of May 1, the Licensing and Examination Unit will be restructured so that Mr. Kereszt will be the Examination Unit manager and Ms. Candace Cummins will be the Licensing Unit manager.

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that the Exam Appeals Repeal package was submitted to Office of Administrative Law. It should become effective October 2017.

C. ABET

Mr. Moore reported that by the July Board meeting the Board will possibly be notified by ABET to participate in serving as observers.

D. Association of State Boards of Geology (ASBOG)

Ms. Racca attended the ASBOG meeting in Flagstaff, AZ. The primary purpose of the spring meeting is to grade the fall examinations and prepare for the following exam administration. A record number of Subject Matter Experts participated which enabled ASBOG to divide participants into groups to focus on item writing. California will host the Annual ASBOG meeting in November 2018, which coincides with the 50th anniversary of the geology licensing law in California. Examination results are anticipated to be released in mid-May.

E. National Council of Examiners for Engineering and Surveying (NCEES)

1. Nomination for Western Zone Secretary/Treasurer (Possible Action)

Ms. Eissler reported as part of the NCEES Western Zone structure, there is a Vice-President, Assistant Vice-President, and a Secretary/Treasurer. Mr. Moore is currently serving as Secretary/Treasurer of the Western Zone. This is the year that the position is up for election at the upcoming Western Zone meeting in Denver. Mr. Moore is willing to continue serving in that capacity. She is asking the Board to officially make the nomination.

MOTION:	Mr. Stockton and Ms. Mathieson moved to nominate Ric Moore as NCEES WZ Secretary/Treasurer
VOTE:	10-0, 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				

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

Mr. Moore presented a letter requesting the Board's support to add an additional plumbing module within the Mechanical Engineering Principles and Practice examination administered by NCEES. After much discussion, Mr. Moore suggested the Board continue to watch and be open to considering any further information that might be presented before taking any formal action.

3. Proposed Resolution to Revise Voting Procedures (Possible Action)

Mr. Moore reviewed the proposed 2017 NCEES California Resolution and recommended that it be presented for consideration and discussion to all of the zones prior to the zone meetings.

MOTION:	President King and Mr. Wilson moved to adopt as California Board's draft and direct the Executive Officer to distribute to all four zones and direct representatives to present it to the joint Western and Central Zone meeting with the request that it be adopted as a joint resolution.
VOTE:	10-0, 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				

5. Selection of Funded Delegates to Attend NCEES Annual Meeting – August 23-26, 2017

Mr. Moore requested direction to determine who would be the three funded delegates for the NCEES Annual Meeting assuming that the existing Out-of-state travel request will be approved. It was decided that Dr. Amistad would be funded as a first time attendee, and Dr. Quereshi, Mr. Wilson, and Mr. Stockton would attend as funded delegates. Ms. Jones Irish would be an alternate.

F. Outreach

Mr. Moore reviewed the Outreach report and reported on the top 12 programs with eight or more ABET programs. He provided the Board's top Tweets and the top 10 webpages with the most views.

Mr. Sweeney reported on the Land Surveying outreach efforts specifically for monument preservation, which included San Joaquin County, Stanislaus County, and reported that he and Mr. Moore will be meeting with CalTrans District 10 and Merced County. He is also looking to extend this outreach to Long Beach and San Diego in conjunction with future Board meetings.

G. Update on Business Process Improvement Study

Mr. Moore reported that the contract with Visionary Integration Professionals (VIP) was completed. It was a very informative process, and it was reported that there were more business processes than were initially accounted for. Mr. Alameida is currently working on the next phase contract which would be to define system requirements and then to select a system based on those requirements. Mr. Alameida is working with OIS to ensure that the system will be in compliance with the California Department of Technology requirements. Mr. Moore will provide an update at the July meeting.

IX. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

Nothing to report

B. Appointment of TAC Members

Mr. Moore reported that several TAC members' terms are expiring at the end of June. There may be reappointments or appointments at the June meeting.

C. Reports from the TACs

Nothing to report

The Board recessed at 4:49 p.m.

Friday, April 21, 2017

Board Members Present:	Coby King, President; Mohammad Qureshi, Vice President; Natalie Alavi; Fel Amistad; Kathy Jones Irish; Eric Johnson; Betsy Mathieson; Karen Roberts; Robert Stockton; and Steve Wilson
Board Members Absent:	Chelsea Esquibias; Asha Lang; and Jerry Silva
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dallas Sweeney (Senior Registrar); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President King called the meeting to order at 9:01 a.m., and a quorum established.

VII. Executive Officer's Report (Cont.)

A. Legislation and Regulation Workgroup Summary

Mr. Moore followed up on the 425 regulation package which was submitted to the Office of Administrative Law (OAL) at the end of March. It should be approved by July 1, 2017.

E. National Council of Examiners for Engineering and Surveying (NCEES)

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

Mr. Moore explained that ever since the Principles of Surveying examination went to computer-based-testing (CBT) many states have had concerns trying to figure out what to do with their state specific land surveyor exams. There has been a conversation about whether the PS examination needs to be more in depth in terms of modules for certain aspects. Mr. Moore recognized that many of the other states developed their exams and then provided it to NCEES to administer. Many states have offered to collaborate to share content and development but they have not expressed any interest. Individuals from representing surveyor board members or member board staff members have joined together in preparing a proposal to resolve these concerns and intend to provide a presentation at the Zone meetings for all boards to consider and discuss and possibly direct NCEES to take action.

MOTION:	President King and Ms. Alavi moved to support the proposal.
VOTE:	10-0; motion carried.

Member Name	Yes	No	Abstain	Absent	Recusal
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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				

VIII. Review and Adoption of Revised Board and Technical Advisory Committees Operating Procedures

Mr. Moore presented into public comment written correspondence that was submitted to President King. Ms. Eissler assembled the revised documents and referenced 3.1.2 in the TAC Operating Procedures. She provided some history that 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. She wanted confirmation that the Board wanted to change the language. President King confirmed. Dr. Qureshi suggested taking a more flexible approach and change the language from *shall* to *should*. Legal Counsel recommended removing 3.1.2 entirely or say *should be* without other language.

Ms. Mathieson asked for clarification regarding 3.3.1 in the Board Operating Procedures citing, “The Executive Officer shall ensure that the Minutes of each scheduled meeting are included in the agenda of the next scheduled meeting.” Ms. Eissler explained that the “meeting materials” were historically referred to as the “agenda”. President King suggested changing the language to, “... shall ensure that Approval of the Minutes....”

Ms. Mathieson suggested changing the language for 5.1.1 to add Board staff to read, “The Board President shall appoint representatives from the Board membership and Board staff to attend.”

Ms. Mathieson suggested changing the language for 5.1.1 in the TAC Operating Procedures from “Vice President” to “Vice Chair” and “TAC Chair”.

Dr. Qureshi asked if the Board can vote to overrule any of the guidelines by Board vote is included in the Board Operating Procedures. Ms. Eissler confirmed that it is located in 1.1 Suspension of an Operating Procedure and 1.2 Amendment to the Board Operating Procedures. President King suggested it appear in the TAC procedures as well. Ms. Eissler noted that it appears in 2.1 Amendment to the TAC

Operating Procedures. President King clarified the “Suspension” language should be added to the TAC Operating Procedures”.

President King asked to bring back updated copy purely for informational purposes.

MOTION:	President King and Mr. Stockton moved to approve with amendments.
VOTE:	10-0; 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				

X. President’s Report/Board Member Activities

Mr. Stockton and Ms. Jones Irish were appointed to serve as the Nominating Committee for the election of new officers at the next Board meeting.

Mr. Wilson reported that on March 23, 2017, he and Mr. Moore took part in a ceremony with the Senate to Approve the Resolution proclaiming National Surveyors Week. The proclamation was presented to the California Land Surveyors Association (CLSA) President.

XI. Approval of Consent Items

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

Ms. Mathieson suggested referring to “the loan” as the “General Fund loan”.

MOTION:	President King and Dr. Qureshi moved to approve the minutes as amended.
VOTE:	8-0-2; 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				

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

The Board reviewed the 2017 Board meeting dates and locations.

- XIII. Closed Session** – 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

During Closed Session, the Board took action on seven stipulations, one default decision, five Proposed Decisions, and one decision after Rejection of Proposed Decision and discussed litigation as noticed.

XV. Adjourn

The meeting adjourned at 11:21 a.m.

PUBLIC PRESENT

Rob McMillan, CLSA
Bob DeWitt, ACEC
Steve Hao, CalTrans

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting (July 27-28, 2017, Long Beach)

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

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 2. Executive Officer Performance Evaluation
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 3. 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)
 - 4. 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

XVI. Adjourn
