



Governor Edmund G. Brown

Board for Professional Engineers, Land Surveyors, and Geologists

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



Thursday, July 27, 2017 beginning at 9:00 a.m.
and continuing on Friday, July 28, 2017
beginning at 9:00 a.m., if necessary

Long Beach Gas and Oil Auditorium
2400 E. Spring Street
Long Beach, CA 90806

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BOARD MEETING

JULY 27-28, 2017

Long Beach Gas & Oil Auditorium
2400 E. Spring Street
Long Beach, CA 90806

BOARD MEMBERS

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

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I. Roll Call to Establish a Quorum

II. Public Comment for Items Not on the Agenda

III. Legislation

A. Legislative Calendar

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

AB 710 Department of Consumer Affairs: boards: meetings

AB 1005 Department of Consumer Affairs: fines: relief

AB 1190 Department of Consumer Affairs: BreEZe system (annual report)

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

SB 547 Professions and vocations: weights and measures (BreEZe annual report)

SB 715 Department of Consumer Affairs: regulatory boards: removal of board members

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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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)).

New Legislation

SB 547 (Hill D)

Professions and vocations: weights and measures.

Status: 7/11/2017-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 1.) (July 11). Re-referred to Com. on APPROPRIATIONS.

Location: 7/11/2017-A. APPROPRIATIONS

Last Amend: 7/5/2017

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

Updated 7/12/17

Staff Analysis: SB 547

Bill Summary: Existing law establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency and provides that the department is under the control of the Director of Consumer Affairs. Existing law establishes within the department a Division of Consumer Services under the supervision and control of a chief who is appointed by the Governor. 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. This bill would repeal the provision establishing the Division of Consumer services. The bill would require the director to report progress on release 3 entities' transition to the new licensing technology platform to the appropriate committees of the Legislature, as specified. This bill contains other related provisions and other existing laws.

Staff Comment: SB 547 amends many different sections of the Business and Professions Code. The only section which concerns our board is Section 156 of the Business and Professions Code. This section of the bill mandates the Director of DCA report the progress on release 3 entities transition to a new licensing technology platform to the Legislature by December 31 of each year. The progress reports must include updated plans and timelines for completing all of the business process documentation, cost benefit analyses of IT options, IT system development and implementation in addition to any other relevant IT needs or requests from the legislature.

Staff Recommendation: Staff believes this legislation does not merit a support nor oppose position. This legislation does not directly affect the way in which the board operates. Therefore, staff recommends the board take a **Watch** position as amended 7/5/2017.

Laws: An act to amend Sections 156, 2499.5, 2715, 2760.1, 2987, 4008, 4887, 5063.3, 5096.9, 5810, 7332, 7635, 11302, 11320.5, 11321, 11323, 11324, 11345, 11345.2, 11345.6, 11422, 12241, 12304, 12305, 12310, and 12500 of, to add Sections 11345.5 and 11345.8 to, to repeal Section 303 of, and to repeal and add Section 11345.3 of, the Business and Professions Code, relating to professions and vocations.

AMENDED IN ASSEMBLY JULY 5, 2017

AMENDED IN SENATE APRIL 17, 2017

SENATE BILL

No. 547

Introduced by Senator Hill

February 16, 2017

An act to amend Sections 156, 2499.5, 2715, 2760.1, 2987, 4008, 4887, 5063.3, 5096.9, 5810, 7332, 7635, 11302, 11320.5, 11321, 11323, 11324, 11345, 11345.2, 11345.6, 11422, 12241, 12304, 12305, 12310, and 12500 of, to add Sections 11345.5 and 11345.8 to, to repeal Section 303 of, and to repeal and add Section 11345.3 of, the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 547, as amended, Hill. Professions and vocations: weights and measures.

(1) Existing law ~~provides~~ *establishes the Department of Consumer Affairs within the Business, Consumer Services, and Housing Agency and provides that the department is under the control of the Director of Consumer Affairs. Existing law establishes within the department a Division of Consumer Services under the supervision and control of a chief who is appointed by the Governor. 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.*

This bill would repeal the provision establishing the Division of Consumer services. The bill would require the director to report

progress on release 3 entities' transition to the new licensing technology platform to the appropriate committees of the Legislature, as specified.

(2) Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs.

(A) Existing law provides for the certification and regulation of podiatrists by the California Board of Podiatric Medicine within the jurisdiction of the Medical Board of California and requires certain fees to be paid to the board, including a fee for the application and issuance of a certificate to practice podiatric medicine.

This bill would revise the fees, as specified.

(B) Existing law, the Nursing Practice Act, establishes the Board of Registered Nursing within the Department of Consumer Affairs and sets forth its powers and duties regarding the licensure and regulation of registered nurses. That act authorizes a registered nurse whose license has been revoked or suspended or who has been placed on probation to petition the board for reinstatement or modification of penalty.

This bill would authorize the board to hear the petition or to assign the petition to an administrative law judge, as specified.

(C) Existing law, the Psychology Licensing Law, establishes the Board of Psychology to license and regulate the practice of psychology and authorizes the board to collect specified fees, including a delinquency fee of \$25.

This bill would instead make the delinquency fee 50 percent of the renewal fee for each license type, not to exceed \$150.

(D) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacists by the California State Board of Pharmacy and authorizes the board to employ inspectors of pharmacy.

This bill would also authorize the board to employ legal counsel.

(E) Existing law, the Veterinary Medicine Practice Act, provides for the licensure and regulation of veterinarians and the practice of veterinary medicine by the Veterinary Medical Board and authorizes a person whose license or registration has been revoked or placed on probation to petition the board for reinstatement or modification of penalty after a period of not less than one year.

This bill would instead provide that a person may petition the board for reinstatement or modification of penalty after at least 3 years for reinstatement of a surrendered or revoked license, at least 2 years for early termination or modification of probation of 3 years or more, or

at least one year for modification of a condition or termination of probation of less than 3 years. The bill would authorize the board, upon a showing of good cause, to specify in an order imposing probation of more than 3 years that the person may petition for reissuement, modification, or termination of probation after one year.

~~(A)~~

(F) Existing law provides for the licensure and regulation of accountants by the California Board of Accountancy, which is within the Department of Consumer Affairs. Existing law prohibits confidential information obtained by a licensee concerning a client from being disclosed by the licensee without the written permission of the client, except when the disclosure is made by a licensee or a licensee's duly authorized representative to another licensee in connection with a proposed sale or merger of the licensee's professional practice.

This bill would additionally authorize that disclosure in that same connection to another person, provided the parties enter into a written nondisclosure agreement.

Existing law, until January 1, 2019, authorizes an individual otherwise meeting a condition for a practice privilege to perform certain audit and financial statement review services only through a firm of certified public accountants that is required to be registered with the board and authorizes such an individual qualified for the practice privilege to practice public accountancy in this state without the imposition of a notice, fee, or any other requirements. Existing law authorizes the board to adopt regulations to carry out the practice privilege provisions and regulations have been adopted, which become inoperative on January 1, 2019.

To ensure uninterrupted implementation of the practice privilege provisions, this bill would authorize the board to adopt or amend regulations to remove or extend the inoperative date of these regulations. The bill would require the Office of Administrative Law to consider the board's action to remove or extend the inoperative dates of these regulations as a change without regulatory effect and would exempt the board from complying with the Administrative Procedure Act with respect to that removal or extension.

~~(B)~~

(G) Existing law authorizes a certified interior designer, as defined, to obtain a stamp from an interior design organization, as defined, that uniquely identifies the designer and certifies that he or she meets certain qualifications and requires the use of that stamp on all drawings and

documents submitted to any governmental agency by the designer. Existing law provides that these provisions are repealed on January 1, 2018.

This bill would instead repeal those provisions on January 1, 2022.

(C)

(H) Existing law, the Barbering and Cosmetology Act, provides for the licensing and regulation of persons engaging in the practice of barbering, cosmetology, or electrolysis, as specified. Existing law authorizes an apprentice, as defined, to perform services under the supervision of a licensee approved by the State Board of Barbering and Cosmetology, as specified. Practicing barbering, cosmetology, or electrolysis without being properly licensed is a crime.

This bill would define the term “under the supervision of a licensee” for these provisions to mean a person supervised at all times by a licensee while performing services in a licensed establishment. The bill would also prohibit an apprentice from being the only person working in an establishment and would deem an apprentice who is not being supervised by a licensee to be practicing under the act without a license. Because this bill would expand the scope of a crime, it would impose a state-mandated local program.

(I) The Cemetery and Funeral Act provides for the licensure and regulation of cemeteries, crematories, funeral establishments, and their personnel by the Cemetery and Funeral Bureau, and requires any person employed by, or an agent of, a licensed funeral establishment who consults with the family or representatives of the family of a deceased person for the purpose of arranging certain services to receive documented training, as specified.

This bill would require that training to be completed at least once every 3 years.

(D)

(J) Existing state law, the Real Estate Appraisers’ Licensing and Certification Law, provides for the licensure, certification, and regulation of real estate appraisers and appraisal management companies by the Bureau of Real Estate Appraisers within the Department of Consumer Affairs, which is headed by the Chief of the Bureau of Real Estate Appraisers. Existing state law prohibits a person from engaging in federally related real estate appraisal activity without an active license. Existing state law defines “federally related transaction” as any real estate-related financial transaction which a federal financial institutions

regulatory agency engages in, contracts for, or regulates, and which requires the services of a state licensed real estate appraiser.

Existing state law prohibits a person or entity from acting in the capacity of an appraisal management company without first obtaining a certificate of registration from the bureau. Existing state law defines an “appraisal management company” as a person or entity that maintains an approved list or lists, containing 11 or more independent contractor licensed or certified appraisers, or employs 11 or more licensed or certified appraisers, receives requests for appraisals from one or more clients, and for a fee paid by one or more of its clients, delegates appraisal assignments for completion by its independent contractor or employee appraisers.

Existing federal law, the Dodd-Frank Wall Street Reform and Consumer Protection Act, requires the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, the Federal Housing Finance Agency, and the Bureau of Consumer Financial Protection to jointly, by rule, establish minimum requirements to be applied by a state in the registration of appraisal management companies. These minimum requirements include a requirement that an appraisal management company (1) register with and be subject to supervision by a state appraiser certifying and licensing agency in each state in which that company operates, (2) verify that only licensed or certified appraisers are used for federally related transactions, (3) require that appraisals coordinated by an appraisal management company comply with the Uniform Standards of Professional Appraisal Practice, and (4) require that appraisals are conducted independently and free from inappropriate influence and coercion, as provided. Existing federal law does not prohibit states from establishing additional requirements.

Existing federal law prohibits an appraisal management company from being registered by a state or included on the national registry if the company is owned by any person whose appraiser license or certificate was refused, denied, canceled, surrendered in lieu of revocation, or revoked in any state.

This bill would conform to federal law by, among other things, redefining an “appraisal management company” as a person that (1) provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates, (2) provides those services in connection with valuing a consumer’s principal dwelling as

security for a consumer credit transaction or incorporating such transactions into securitizations, and (3) within a given 12-month period, oversees an appraiser panel of more than 15 State-certified or State-licensed appraisers in a State or 25 or more State-certified or State-licensed appraisers in two or more States. The bill would define “appraiser panel” and prescribe the method for determining whether an appraiser is a part of the appraisal management company’s appraiser panel. *The bill would additionally prohibit a person or entity from representing itself to the public as an appraisal management company, either in advertising or through its business name, without a certificate of registration.*

Existing state law prohibits a person other than a licensee from signing an appraisal and authorizes a specified trainee to sign an appraisal if it is also signed by the licensee. Existing law authorizes an individual who is not a licensee to assist in the preparation of an appraisal under certain conditions.

This bill would prohibit a person other than a licensee from signing an appraisal in a federally related transaction. The bill would authorize a trainee to sign an appraisal in such a transaction if it is also signed by a licensee. The bill would authorize an individual who is not a licensee to assist in the preparation of an appraisal in a federally related transaction under certain conditions.

Existing state law prohibits the chief from issuing a certificate of registration to an appraisal management company unless the appraisal management company confirms in its application for registration that all of its contracts with clients include specified standard business practices.

This bill would delete that provision and require all appraisal management companies to, among other things, direct the appraiser to perform the assignment in accordance with the Uniform Standards of Professional Appraisal Activity and engage appraisal panel members with an engagement letter that shall include terms of payment.

Existing federal law requires a federally regulated appraisal management company to report to the State or States in which it operates the information required to be submitted by the State pursuant to the policies of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council regarding the determination of the fee imposed by the AMC National Registry, which is the registry of State-registered appraisal management companies and federally

regulated appraisal management companies maintained by the Appraisal Subcommittee.

This bill would require a federally regulated appraisal management company operating in California to report to the bureau the information required to be submitted by the bureau to the Appraisal Subcommittee. The bill would authorize the bureau to charge the federally regulated appraisal management company a fee in an amount not exceed the reasonable regulatory cost to the board for processing the information.

This bill would also define various other terms for purposes of carrying out these provisions.

This bill would make various other nonsubstantive and technical changes.

(2)

(3) (A) Existing law provides for the regulation of commercial weighing and measuring devices by the Department of Food and Agriculture, and provides for the enforcement of those provisions by the State Sealer and by county sealers of weights and measures in each county. Existing law requires the department to keep the standards of the state for weights and measures in a suitable laboratory location or, if transportable, to maintain the standards under appropriate environmental conditions and requires the department to have the standards directly certified by the National Institute of Standards and Technology or by any measurement assurance procedures approved by that institute. Existing law requires the department to use the standards of the state to certify similar standards and any dissimilar standards which are dependent on the values represented by the state standards. Existing law requires the department, or a certified laboratory designated by the department, to certify standards of the county sealers at specified intervals.

Existing law, until January 1, 2019, requires the Secretary of Food and Agriculture to establish by regulation an annual administrative fee to recover reasonable administrative and enforcement costs incurred by the Department of Food and Agriculture for exercising supervision over and performing investigations in connection with specified activities performed by sealers, and requires the administrative fee to be collected for every device registered with each county office of weights and measures and paid annually to the Department of Food and Agriculture Fund.

This bill would additionally require the annual administrative fee to be used to recover reasonable costs incurred by the department for the

safekeeping and certification of the state standards, for using the state standards to certify other standards, and for certifying the standards of county sealers.

(B) Existing law defines various terms for purposes of regulating weighing and measuring devices, including the term “commercial purposes.”

This bill would provide that commercial purposes does not include the determination of the weight of any animal or human by a ~~healing arts licensee~~ *qualified health provider, licensed doctor of veterinary medicine, licensed physician and surgeon, or staff members within the business operations of and under the supervision of a licensed doctor of veterinary medicine or licensed physician and surgeon* for the purposes of determining the appropriate dosage of any medication or ~~medical treatment of~~ *or the volume, duration, or application of any medical procedure.*

(3)

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 156 of the Business and Professions Code
2 is amended to read:

3 156. (a) The director may, for the department and at the request
4 and with the consent of a board within the department on whose
5 behalf the contract is to be made, enter into contracts pursuant to
6 Chapter 3 (commencing with Section 11250) of Part 1 of Division
7 3 of Title 2 of the Government Code or Chapter 2 (commencing
8 with Section 10290) of Part 2 of Division 2 of the Public Contract
9 Code for and on behalf of any board within the department.

10 (b) In accordance with subdivision (a), the director may, in his
11 or her discretion, negotiate and execute contracts for examination
12 ~~purposes~~ *purposes*, which include provisions ~~which~~ *that* hold
13 harmless a contractor where liability resulting from a contract

1 between a board in the department and the contractor is traceable
2 to the state or its officers, agents, or employees.

3 *(c) The director shall report progress on release 3 entities'*
4 *transition to a new licensing technology platform to all the*
5 *appropriate committees of the Legislature by December 31 of each*
6 *year. Progress reports shall include updated plans and timelines*
7 *for completing all of the following:*

8 *(1) Business process documentation.*

9 *(2) Cost benefit analyses of IT options.*

10 *(3) IT system development and implementation.*

11 *(4) Any other relevant steps needed to meet the IT needs of*
12 *release 3 entities.*

13 *(5) Any other information as the Legislature may request.*

14 *SEC. 2. Section 303 of the Business and Professions Code is*
15 *repealed.*

16 ~~303. There is in the department a Division of Consumer~~
17 ~~Services under the supervision and control of a chief. The chief~~
18 ~~shall be appointed by the Governor and shall serve at his pleasure.~~
19 ~~His compensation shall be fixed by the director in accordance with~~
20 ~~law.~~

21 *SEC. 3. Section 2499.5 of the Business and Professions Code*
22 *is amended to read:*

23 2499.5. The following fees apply to certificates to practice
24 podiatric medicine. The amount of fees prescribed for doctors of
25 podiatric medicine shall be ~~those set forth in this section unless a~~
26 ~~lower fee is established by the board in accordance with Section~~
27 ~~2499.6: determined by the board and shall be as described below.~~
28 Fees collected pursuant to this section shall be fixed by the board
29 in amounts not to exceed the actual costs of providing the service
30 for which the fee is collected.

31 (a) Each applicant for a certificate to practice podiatric medicine
32 shall pay an application fee of ~~twenty dollars (\$20)~~ *no more than*
33 *one hundred dollars (\$100)* at the time the application is filed. If
34 the applicant qualifies for a certificate, he or she shall pay a fee
35 ~~which shall be fixed by the board at an amount~~ not to exceed one
36 hundred dollars (\$100) nor less than five dollars (\$5) for the
37 issuance of the certificate.

38 (b) The oral examination fee shall be seven hundred dollars
39 (\$700), or the actual cost, whichever is lower, and shall be paid
40 by each applicant. If the applicant's credentials are insufficient or

1 if the applicant does not desire to take the examination, and has
2 so notified the board 30 days prior to the examination date, only
3 the examination fee is returnable to the applicant. The board may
4 charge an examination fee for any subsequent reexamination of
5 the applicant.

6 (c) Each applicant who qualifies for a certificate, as a condition
7 precedent to its issuance, in addition to other fees required by this
8 section, shall pay an initial license fee. The initial license fee shall
9 be eight hundred dollars (\$800). The initial license shall expire
10 the second year after its issuance on the last day of the month of
11 birth of the licensee. The board may reduce the initial license fee
12 by up to 50 percent of the amount of the fee for any applicant who
13 is enrolled in a postgraduate training program approved by the
14 board or who has completed a postgraduate training program
15 approved by the board within six months prior to the payment of
16 the initial license fee.

17 (d) The biennial renewal fee shall be nine hundred dollars
18 (\$900). Any licensee enrolled in an approved residency program
19 shall be required to pay only 50 percent of the biennial renewal
20 fee at the time of his or her first renewal.

21 (e) The delinquency fee ~~is shall be~~ one hundred fifty dollars
22 (\$150).

23 (f) The duplicate wall certificate fee ~~is forty dollars (\$40). shall~~
24 ~~be no more than one hundred dollars (\$100).~~

25 (g) The duplicate renewal receipt fee ~~is forty dollars (\$40). shall~~
26 ~~be no more than fifty dollars (\$50).~~

27 (h) The endorsement fee ~~is shall be~~ thirty dollars (\$30).

28 (i) The letter of good standing fee or for loan deferment ~~is thirty~~
29 ~~dollars (\$30). shall be no more than one hundred dollars (\$100).~~

30 (j) There shall be a fee of ~~sixty dollars (\$60) no more than one~~
31 ~~hundred dollars (\$100)~~ for the issuance of a resident's license
32 under Section 2475.

33 ~~(k) The application fee for ankle certification under Section~~
34 ~~2472 for persons licensed prior to January 1, 1984, shall be fifty~~
35 ~~dollars (\$50). The examination and reexamination fee for this~~
36 ~~certification shall be seven hundred dollars (\$700).~~

37 ~~(l)~~

38 (k) The filing fee to appeal the failure of an oral examination
39 shall be ~~twenty-five dollars (\$25). no more than one hundred~~
40 ~~dollars (\$100).~~

1 ~~(m)~~

2 (l) The fee for approval of a continuing education course or
3 program shall be ~~one hundred dollars (\$100)~~; *no more than two*
4 *hundred fifty dollars (\$250)*.

5 SEC. 4. *Section 2715 of the Business and Professions Code is*
6 *amended to read:*

7 2715. (a) The board shall prosecute all persons guilty of
8 violating this chapter.

9 (b) Except as provided by Section 159.5, the board, in
10 accordance with the Civil Service Law, may employ ~~the personnel~~
11 *personnel, including legal counsel, as it deems necessary to carry*
12 into effect this chapter.

13 (c) The board shall have and use a seal bearing the name “Board
14 of Registered Nursing.” The board may adopt, amend, or repeal,
15 in accordance with the Administrative Procedure Act (Chapter 3.5
16 (commencing with Section 11340) of Part 1 of Division 3 of Title
17 2 of the Government Code), the rules and regulations that may be
18 reasonably necessary to enable it to carry into effect this chapter.

19 SEC. 5. *Section 2760.1 of the Business and Professions Code*
20 *is amended to read:*

21 2760.1. (a) A registered nurse whose license has been revoked
22 or suspended or who has been placed on probation may petition
23 the board for reinstatement or modification of penalty, including
24 reduction or termination of probation, after a period not less than
25 the following minimum periods has elapsed from the effective
26 date of the decision ordering that disciplinary action, or if the order
27 of the board or any portion of it is stayed by the board itself or by
28 the superior court, from the date the disciplinary action is actually
29 implemented in its entirety, or for a registered nurse whose initial
30 license application is subject to a disciplinary decision, from the
31 date the initial license was issued:

32 (1) Except as otherwise provided in this section, at least three
33 years for reinstatement of a license that was revoked, except that
34 the board may, in its sole discretion, specify in its order a lesser
35 period of time provided that the period shall be not less than one
36 year.

37 (2) At least two years for early termination of a probation period
38 of three years or more.

1 (3) At least one year for modification of a condition, or
2 reinstatement of a license revoked for mental or physical illness,
3 or termination of probation of less than three years.

4 (b) The board shall give notice to the Attorney General of the
5 filing of the petition. The petitioner and the Attorney General shall
6 be given timely notice by letter of the time and place of the hearing
7 on the petition, and an opportunity to present both oral and
8 documentary evidence and argument to the board. The petitioner
9 shall at all times have the burden of proof to establish by clear and
10 convincing evidence that he or she is entitled to the relief sought
11 in the petition.

12 (c) The hearing may be continued from time to time as the board
13 deems appropriate.

14 ~~(d) (1) The board itself shall hear the petition and the~~
15 ~~administrative law judge shall prepare a written decision setting~~
16 ~~forth the reasons supporting the decision. petition may be heard~~
17 ~~by the board or the board may assign the petition to an~~
18 ~~administrative law judge, as specified in Section 11371 of the~~
19 ~~Government Code.~~

20 *(2) If the board assigns the petition to an administrative law*
21 *judge, the administrative law judge shall submit a proposed*
22 *decision to the board for its consideration, which shall include*
23 *reasons supporting the proposed decision.*

24 (e) The board may grant or deny the petition, or may impose
25 any terms and conditions that it reasonably deems appropriate as
26 a condition of reinstatement or reduction of penalty.

27 *(f) In considering a petition for reinstatement or modification*
28 *of a penalty, the board or the administrative law judge shall*
29 *evaluate and consider evidence of rehabilitation submitted by the*
30 *petitioner using criteria specified in regulations promulgated by*
31 *the board.*

32 *(g) The board may impose, or the administrative law judge may*
33 *recommend, terms and conditions on the petitioner in reinstating*
34 *a license, certificate, or permit or in modifying a penalty.*

35 ~~(f)~~

36 *(h)* The petitioner shall provide a current set of fingerprints
37 accompanied by the necessary fingerprinting fee.

38 ~~(g)~~

39 *(i)* No petition shall be considered while the petitioner is under
40 sentence for any criminal offense, including any period during

1 which the petitioner is on court-imposed probation or parole, or
2 subject to an order of registration pursuant to Section 290 of the
3 Penal Code. No petition shall be considered while there is an
4 accusation or petition to revoke probation pending against the
5 petitioner.

6 ~~(h)~~

7 (j) Except in those cases where the petitioner has been
8 disciplined pursuant to Section 822, the board may in its discretion
9 deny without hearing or argument any petition that is filed pursuant
10 to this section within a period of two years from the effective date
11 of a prior decision following a hearing under this section.

12 *SEC. 6. Section 2987 of the Business and Professions Code is*
13 *amended to read:*

14 2987. The amount of the fees prescribed by this chapter shall
15 be determined by the board, and shall be as follows:

16 (a) The application fee for a psychologist shall not be more than
17 fifty dollars (\$50).

18 (b) The examination and reexamination fees for the
19 examinations shall be the actual cost to the board of developing,
20 purchasing, and grading of each examination, plus the actual cost
21 to the board of administering each examination.

22 (c) The initial license fee is an amount equal to the renewal fee
23 in effect on the last regular renewal date before the date on which
24 the license is issued.

25 (d) The biennial renewal fee for a psychologist shall be four
26 hundred dollars (\$400). The board may increase the renewal fee
27 to an amount not to exceed five hundred dollars (\$500).

28 (e) The application fee for registration ~~and supervision of~~ as a
29 psychological assistant ~~by a supervisor under Section 2913, which~~
30 ~~is payable by that supervisor, 2913~~ shall not be more than
31 seventy-five dollars (\$75).

32 (f) The annual renewal fee for registration of a psychological
33 assistant shall not be more than seventy-five dollars (\$75).

34 (g) The duplicate license or registration fee is five dollars (\$5).

35 (h) The delinquency fee is ~~twenty-five dollars (\$25). 50 percent~~
36 ~~of the renewal fee for each license type, not to exceed one hundred~~
37 ~~fifty dollars (\$150).~~

38 (i) The endorsement fee is five dollars (\$5).

1 Notwithstanding any other provision of law, the board may
2 reduce any fee prescribed by this section, when, in its discretion,
3 the board deems it administratively appropriate.

4 *SEC. 7. Section 4008 of the Business and Professions Code is*
5 *amended to read:*

6 4008. (a) Except as provided by Section 159.5, the board may
7 employ *legal counsel and* inspectors of pharmacy. The inspectors,
8 whether the inspectors are employed by the board or the
9 department's Division of Investigation, may inspect during business
10 hours all pharmacies, wholesalers, dispensaries, stores, or places
11 where drugs or devices are compounded, prepared, furnished,
12 dispensed, or stored.

13 (b) Notwithstanding subdivision (a), a pharmacy inspector may
14 inspect or examine a physician's office or clinic that does not have
15 a permit under Section 4180 or 4190 only to the extent necessary
16 to determine compliance with and to enforce either Section 4080
17 or 4081.

18 (c) (1) (A) A pharmacy inspector employed by the board or in
19 the department's Division of Investigation shall have the authority,
20 as a public officer, to arrest, without warrant, any person whenever
21 the officer has reasonable cause to believe that the person to be
22 arrested has, in his or her presence, violated a provision of this
23 chapter or of Division 10 (commencing with Section 11000) of
24 the Health and Safety Code.

25 (B) If the violation is a felony, or if the arresting officer has
26 reasonable cause to believe that the person to be arrested has
27 violated any provision that is declared to be a felony, although no
28 felony has in fact been committed, he or she may make an arrest
29 although the violation or suspected violation did not occur in his
30 or her presence.

31 (2) In any case in which an arrest authorized by this subdivision
32 is made for an offense declared to be a misdemeanor, and the
33 person arrested does not demand to be taken before a magistrate,
34 the arresting inspector may, instead of taking the person before a
35 magistrate, follow the procedure prescribed by Chapter 5C
36 (commencing with Section 853.5) of Title 3 of Part 2 of the Penal
37 Code. That chapter shall thereafter apply with reference to any
38 proceeding based upon the issuance of a citation pursuant to this
39 authority.

(d) There shall be no civil liability on the part of, and no cause of action shall arise against, a person, acting pursuant to subdivision (a) within the scope of his or her authority, for false arrest or false imprisonment arising out of an arrest that is lawful, or that the arresting officer, at the time of the arrest, had reasonable cause to believe was lawful. An inspector shall not be deemed an aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

(e) Any inspector may serve all processes and notices throughout the state.

(f) A pharmacy inspector employed by the board may enter a facility licensed pursuant to subdivision (c) or (d) of Section 1250 of the Health and Safety Code to inspect an automated drug delivery system operated pursuant to Section 4119 or 4119.1.

SEC. 8. Section 4887 of the Business and Professions Code is amended to read:

4887. (a) (1) A person whose license or registration has been revoked or who has been placed on probation may petition the board for reinstatement or modification of penalty including modification or termination of probation after ~~a the period of not less than one year as described below in subparagraphs (A) to (C), inclusive,~~ has elapsed from the effective date of the decision ordering the disciplinary action. The petition shall state ~~such~~ facts as ~~may be~~ required by the board. *The period shall be as follows:*

(A) *At least three years for reinstatement of a surrendered or revoked license.*

(B) *At least two years for early termination or modification of probation of three years or more.*

(C) *At least one year for modification of a condition or termination of probation of less than three years.*

(2) *Notwithstanding paragraph (1), the board may, upon a showing of good cause, specify in a revocation order, a surrender order, or an order imposing probation of more than three years that the person may petition the board for reinstatement or modification or termination of probation after one year.*

(b) The petition shall be accompanied by at least two verified recommendations from veterinarians licensed by the board who have personal knowledge of the activities of the petitioner since the disciplinary penalty was imposed. The petition shall be heard

1 by the board. The board may consider all activities of the petitioner
2 since the disciplinary action was taken, the offense for which the
3 petitioner was disciplined, the petitioner's activities since the
4 license or registration was in good standing, and the petitioner's
5 rehabilitation efforts, general reputation for truth, and professional
6 ability. The hearing may be continued from time to time as the
7 board finds necessary.

8 (c) The board reinstating the license or registration or modifying
9 a penalty may impose terms and conditions as it determines
10 necessary. To reinstate a revoked license or registration or to
11 otherwise reduce a penalty or modify probation shall require a
12 vote of five of the members of the board.

13 (d) The petition shall not be considered while the petitioner is
14 under sentence for any criminal offense, including any period
15 during which the petitioner is on court-imposed probation or parole.
16 The board may deny without a hearing or argument any petition
17 filed pursuant to this section within a period of two years from the
18 effective date of the prior decision following a hearing under this
19 section.

20 **SECTION 1.**

21 *SEC. 9.* Section 5063.3 of the Business and Professions Code
22 is amended to read:

23 5063.3. (a) No confidential information obtained by a licensee,
24 in his or her professional capacity, concerning a client or a
25 prospective client shall be disclosed by the licensee without the
26 written permission of the client or prospective client, except the
27 following:

28 (1) Disclosures made by a licensee in compliance with a
29 subpoena or a summons enforceable by order of a court.

30 (2) Disclosures made by a licensee regarding a client or
31 prospective client to the extent the licensee reasonably believes it
32 is necessary to maintain or defend himself or herself in a legal
33 proceeding initiated by the client or prospective client.

34 (3) Disclosures made by a licensee in response to an official
35 inquiry from a federal or state government regulatory agency.

36 (4) Disclosures made by a licensee or a licensee's duly
37 authorized representative to another licensee or person in
38 connection with a proposed sale or merger of the licensee's
39 professional practice, provided the parties enter into a written

1 nondisclosure agreement with regard to all client information
2 shared between the parties.

3 (5) Disclosures made by a licensee to either of the following:

4 (A) Another licensee to the extent necessary for purposes of
5 professional consultation.

6 (B) Organizations that provide professional standards review
7 and ethics or quality control peer review.

8 (6) Disclosures made when specifically required by law.

9 (7) Disclosures specified by the board in regulation.

10 (b) In the event that confidential client information may be
11 disclosed to persons or entities outside the United States of America
12 in connection with the services provided, the licensee shall inform
13 the client in writing and obtain the client's written permission for
14 the disclosure.

15 ~~SEC. 2.~~

16 *SEC. 10.* Section 5096.9 of the Business and Professions Code
17 is amended to read:

18 5096.9. (a) The board is authorized to adopt regulations to
19 implement, interpret, or make specific the provisions of this article.

20 (b) The board shall adopt emergency regulations in accordance
21 with the Administrative Procedure Act (Chapter 3.5 (commencing
22 with Section 11340) of Part 1 of Division 3 of Title 2 of the
23 Government Code) to establish policies, guidelines, and procedures
24 to initially implement this article as it goes into effect on July 1,
25 2013. The adoption of the regulations shall be considered by the
26 Office of Administrative Law to be necessary for the immediate
27 preservation of the public peace, health and safety, or general
28 welfare. The emergency regulations shall be submitted to the Office
29 of Administrative Law for filing with the Secretary of State in
30 accordance with the Administrative Procedure Act.

31 (c) (1) Notwithstanding any other law, to ensure uninterrupted
32 implementation of this article, the board may adopt or amend
33 regulations consistent with Section 100 of Title 1 of the California
34 Code of Regulations to remove or extend the inoperative date of
35 its regulations in Article 3 (commencing with Section 18) of
36 Division 1 of Title 16 of the California Code of Regulations, or to
37 remove the inoperative dates for the regulations in Article 4
38 (commencing with Section 26) of Division 1 of Title 16 of the
39 California Code of Regulations.

(2) Notwithstanding any other law, the Office of Administrative Law shall consider the board's action to remove or extend the inoperative dates of these regulations as a change without regulatory effect as described in Section 100 of Title 1 of the California Code of Regulations that exempts the board from complying with the rulemaking procedure specified in the Administrative Procedure Act (Article 5 (commencing with Section 11346) of Chapter 3.5 Part 1 of Division 3 of Title 2 of the Government Code).

~~SEC. 3.~~

SEC. 11. Section 5810 of the Business and Professions Code is amended to read:

5810. (a) This chapter shall be subject to review by the appropriate policy committees of the Legislature.

(b) This chapter shall remain in effect only until January 1, 2022, and as of that date is repealed.

~~SEC. 4.~~

SEC. 12. Section 7332 of the Business and Professions Code is amended to read:

7332. (a) An apprentice is any person who is licensed by the board to engage in learning or acquiring a knowledge of barbering, cosmetology, skin care, nail care, or electrology, in a licensed establishment under the supervision of a licensee approved by the board.

(b) For purposes of this section, "under the supervision of a licensee" means that the apprentice shall be supervised at all times by a licensee approved by the board while performing services in a licensed establishment. At no time shall an apprentice be the only individual working in the establishment. An apprentice that is not being supervised by a licensee, that has been approved by the board to supervise an apprentice, shall be deemed to be practicing unlicensed under this chapter.

SEC. 13. Section 7635 of the Business and Professions Code is amended to read:

7635. (a) Any person employed by, or an agent of, a licensed funeral establishment, who consults with the family or representatives of a family of a deceased person for the purpose of arranging for services as set forth in subdivision (a) of Section 7615, shall receive documented training and instruction which instruction, at least once every three years, that results in a

1 demonstrated knowledge of all applicable federal and state laws,
2 rules, and regulations including those provisions dealing with vital
3 statistics, the coroner, anatomical gifts, and other laws, rules, and
4 regulations pertaining to the duties of a funeral director. A written
5 outline of the training program, including documented evidence
6 of the training time, place, and participants, shall be maintained
7 in the funeral establishment and shall be available for inspection
8 and comment by an inspector of the bureau.

9 (b) This section shall not apply to anyone who has successfully
10 passed the funeral director's examination pursuant to Section 7622.

11 ~~SEC. 5.~~

12 *SEC. 14.* Section 11302 of the Business and Professions Code
13 is amended to read:

14 11302. For the purpose of applying this part, the following
15 terms, unless otherwise expressly indicated, shall mean and have
16 the following definitions:

17 (a) "Affiliate" means any entity that controls, is controlled by,
18 or is under common control with another entity.

19 (b) "Appraisal" means the act or process of developing an
20 opinion of value for real property.

21 The term "appraisal" does not include an opinion given by a real
22 estate licensee or engineer or land surveyor in the ordinary course
23 of his or her business in connection with a function for which a
24 license is required under Chapter 7 (commencing with Section
25 6700) or Chapter 15 (commencing with Section 8700) of Division
26 3, or Chapter 3 (commencing with Section 10130) or Chapter 7
27 (commencing with Section 10500) and the opinion shall not be
28 referred to as an appraisal. This part does not apply to a probate
29 referee acting pursuant to Sections 400 to 408, inclusive, of the
30 Probate Code unless the appraised transaction is federally related.

31 (c) "Appraisal Foundation" means the Appraisal Foundation
32 that was incorporated as an Illinois not-for-profit corporation on
33 November 30, 1987.

34 (d) (1) "Appraisal management company" means any person
35 or entity that satisfies all of the following conditions:

36 (A) Provides appraisal management services to creditors or to
37 secondary mortgage market participants, including affiliates.

38 (B) Provides those services in connection with valuing a
39 consumer's principal dwelling as security for a consumer credit
40 transaction or incorporating such transactions into securitizations.

1 (C) Within a given 12 calendar month period oversees an
2 appraiser panel of more than 15 State-certified or State-licensed
3 appraisers in a state or 25 or more State-certified or State-licensed
4 appraisers in two or more States, as described in Section 11345.5.

5 (2) An appraisal management company does not include a
6 department or division of an entity that provides appraisal
7 management services only to that entity.

8 (3) An appraisal management company that is a subsidiary of
9 an insured depository institution and regulated by a federal
10 financial institution is not required to register with the bureau.

11 (e) “Appraisal management services” means one or more of the
12 following:

13 (1) Recruiting, selecting, and retaining appraisers.

14 (2) Contracting with state-certified or state-licensed appraisers
15 to perform appraisal assignments.

16 (3) Managing the process of having an appraisal performed,
17 including providing administrative services such as receiving
18 appraisal orders and appraisal reports, submitting completed
19 appraisal reports to creditors and secondary market participants,
20 collecting fees from creditors and secondary market participants
21 for services provided, and paying appraisers for services performed.

22 (4) Reviewing and verifying the work of appraisers.

23 (f) “Appraiser panel” means a network, list, or roster of licensed
24 or certified appraisers approved by an appraisal management
25 company to perform appraisals as independent contractors for the
26 appraisal management company. Appraisers on an appraisal
27 management company’s “appraiser panel” under this part include
28 both appraisers accepted by the appraisal management company
29 for consideration for future appraisal assignments in covered
30 transactions or for secondary mortgage market participants in
31 connection with covered transactions, and appraisers engaged by
32 the appraisal management company to perform one or more
33 appraisals in covered transactions or for secondary mortgage
34 market participants in connection with covered transactions. An
35 appraiser is an independent contractor for purposes of this part if
36 the appraiser is treated as an independent contractor by the
37 appraisal management company for purposes of federal income
38 taxation.

1 (g) “Appraisal Subcommittee” means the Appraisal
2 Subcommittee of the Federal Financial Institutions Examination
3 Council.

4 (h) “Consumer credit” means credit offered or extended to a
5 consumer primarily for personal, family, or household purposes.

6 (i) “Controlling person” means one or more of the following:

7 (1) An officer or director of an appraisal management company,
8 or an individual who holds a 10 percent or greater ownership
9 interest in an appraisal management company.

10 (2) An individual employed, appointed, or authorized by an
11 appraisal management company that has the authority to enter into
12 a contractual relationship with clients for the performance of
13 appraisal services and that has the authority to enter into
14 agreements with independent appraisers for the completion of
15 appraisals.

16 (3) An individual who possesses the power to direct or cause
17 the direction of the management or policies of an appraisal
18 management company.

19 (j) “Course provider” means a person or entity that provides
20 educational courses related to professional appraisal practice.

21 (k) “Covered transaction” means any consumer credit transaction
22 secured by the consumer’s principal dwelling.

23 (l) “Creditor” means:

24 (1) A person who regularly extends consumer credit that is
25 subject to a finance charge or is payable by written agreement in
26 more than four installments, not including a down payment, and
27 to whom the obligation is initially payable, either on the face of
28 the note or contract, or by agreement when there is no note or
29 contract.

30 (2) A person regularly extends consumer credit if, in any
31 12-month period, the person originates more than one credit
32 extension for transactions secured by a dwelling.

33 (m) “Department” means the Department of Consumer Affairs.

34 (n) “Director” or “chief” means the Chief of the Bureau of Real
35 Estate Appraisers.

36 (o) “Dwelling” means:

37 (1) A residential structure that contains one to four units,
38 whether or not that structure is attached to real property. The term
39 includes an individual condominium unit, cooperative unit, mobile
40 home, and trailer, if it is used as a residence.

(2) A consumer can have only one “principal” dwelling at a time. Thus, a vacation or other second home is not a principal dwelling. However, if a consumer buys or builds a new dwelling that will become the consumer’s principal dwelling within a year or upon the completion of construction, the new dwelling is considered the principal dwelling for purposes of this section.

(p) “Federal financial institutions regulatory agency” means the Federal Reserve Board, Federal Deposit Insurance Corporation, Office of the Comptroller of the Currency, Federal Home Loan Bank System, National Credit Union Administration, and any other agency determined by the director to have jurisdiction over transactions subject to this part.

(q) “Federally regulated appraisal management company” means an appraisal management company that is owned and controlled by an insured depository institution, as defined in Section 1813 of Title 12 of the United States Code and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.

(r) “Federally related real estate appraisal activity” means the act or process of making or performing an appraisal on real estate or real property in a federally related transaction and preparing an appraisal as a result of that activity.

(s) “Federally related transaction” means any real estate-related financial transaction which a federal financial institutions regulatory agency engages in, contracts for or regulates and which requires the services of a state licensed real estate appraiser regulated by this part. This term also includes any transaction identified as such by a federal financial institutions regulatory agency.

(t) “License” means any license, certificate, permit, registration, or other means issued by the bureau authorizing the person to whom it is issued to act pursuant to this part within this state.

(u) “Licensure” means the procedures and requirements a person shall comply with in order to qualify for issuance of a license and includes the issuance of the license.

(v) “Office” or “bureau” means the Bureau of Real Estate Appraisers.

(w) “Registration” means the procedures and requirements with which a person or entity shall comply in order to qualify to conduct business as an appraisal management company.

(x) “Secondary mortgage participant” means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. Secondary mortgage market participant only includes an individual investor in a mortgage-backed security if that investor also serves in the capacity of a guarantor, insurer, underwriter, or issuer for the mortgage-backed security.

(y) “State licensed real estate appraiser” is a person who is issued and holds a current valid license under this part.

(z) “Uniform Standards of Professional Appraisal Practice” are the standards of professional appraisal practice established by the Appraisal Foundation.

SEC. 15. Section 11320.5 of the Business and Professions Code is amended to read:

11320.5. No person or entity shall act in the capacity of an appraisal management company *or represent itself to the public as an appraisal management company, either in its advertising or through its business name*, without ~~first obtaining~~ a certificate of registration from the office.

~~SEC. 6.~~

SEC. 16. Section 11321 of the Business and Professions Code is amended to read:

11321. (a) No person other than a state licensed real estate appraiser may assume or use that title or any title, designation, or abbreviation likely to create the impression of state licensure as a real estate appraiser in this state.

(b) No person other than a licensee may sign an appraisal in a federally related transaction. A trainee licensed pursuant to Section 11327 may sign an appraisal in a federally related transaction if it is also signed by a licensee.

(c) No person other than a licensee holding a current valid license at the residential level issued under this part to perform, make, or approve and sign an appraisal may use the abbreviation SLREA in his or her real property appraisal business.

(d) No person other than a licensee holding a current valid license at a certified level issued under this part to perform, make, or approve and sign an appraisal may use the term “state certified

1 real estate appraiser” or the abbreviation SCREA in his or her real
2 property appraisal business.

3 ~~SEC. 7.~~

4 *SEC. 17.* Section 11323 of the Business and Professions Code
5 is amended to read:

6 11323. No licensee shall engage in any appraisal activity if his
7 or her compensation is dependent on or affected by the value
8 conclusion generated by the appraisal.

9 ~~SEC. 8.~~

10 *SEC. 18.* Section 11324 of the Business and Professions Code
11 is amended to read:

12 11324. An individual who is not a licensee may assist in the
13 preparation of an appraisal in a federally related transaction under
14 the following conditions:

15 (a) The assistance is under the direct supervision of an individual
16 who is a licensed appraiser and the final conclusion as to value is
17 made by a licensed appraiser.

18 (b) The final appraisal document in a federally related
19 transaction is approved and signed, with acceptance of full
20 responsibility, by the supervising individual who is licensed by
21 the state pursuant to this part, identifies the assisting individual,
22 and identifies the scope of work performed by the individual who
23 assisted in preparation of the appraisal in a federally related
24 transaction.

25 ~~SEC. 9.~~

26 *SEC. 19.* Section 11345 of the Business and Professions Code
27 is amended to read:

28 11345. The director shall adopt regulations governing the
29 process and procedure of applying for registration as an appraisal
30 management company. Applications for a certificate of registration
31 shall require, at a minimum, all of the following:

32 (a) The name of the person or entity seeking registration.

33 (b) The business address and telephone number of the person
34 or entity seeking registration.

35 (c) If the applicant is not a person or entity domiciled in this
36 state, the name and contact number of a person or entity acting as
37 agent for service of process in this state, along with an irrevocable
38 consent to service of process in favor of the office.

39 (d) The name, address, and contact information for each
40 controlling person—associated with of the applicant who has

operational authority to direct the management of, and establish policies for, the applicant. ~~If the applicant employs more than 10 individuals meeting the criteria of this subdivision, the applicant may list the names, addresses, and contact information for the 10 individuals meeting the criteria who hold the greatest level of management responsibility within its organization.~~

SEC. 20. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) ~~No individual may~~ An individual shall not act as a controlling person for a registrant if any of the following apply:

(1) The individual has entered a plea of guilty or no contest to, or been convicted of, a felony. *Notwithstanding subdivision (c) of Section 480, if the individual's felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code, the bureau may allow the individual to act as a controlling person.*

(2) The individual has had a license or certificate to act as an appraiser or to engage in activities related to the transfer of real property refused, denied, canceled, or revoked in this state or any other state.

(b) Any individual who acts as a controlling person of an appraisal management company and who enters a plea of guilty or no contest to, or is convicted of, a felony, or who has a license or certificate as an appraiser refused, denied, canceled, or revoked in any other state shall report that fact or cause that fact to be reported to the office, in writing, within 10 days of the date he or she has knowledge of that fact.

~~SEC. 10.~~

SEC. 21. Section 11345.3 of the Business and Professions Code is repealed.

~~SEC. 11.~~

SEC. 22. Section 11345.3 is added to the Business and Professions Code, to read:

11345.3. All appraisal management companies shall do all of the following:

(a) Ensure that all contracted appraisal panel members possess all required licenses and certificates from the office.

(b) Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite license, education,

1 expertise, and experience necessary to competently complete the
2 appraisal assignment for the particular market and property type.

3 (c) Direct the appraiser to perform the assignment in accordance
4 with the Uniform Standards of Professional Appraisal Activity.

5 (d) Establish and comply with processes and controls reasonably
6 designed to ensure that the appraisal management company
7 conducts its appraisal management services in accordance with
8 the requirements of Section 129E(a) through (i) of the Truth in
9 Lending Act, 15 U.S.C. 1639e(a) through (i), and regulations
10 thereunder.

11 (e) Engage appraisal panel members with an engagement letter
12 that shall include terms of payment.

13 (f) *Appraisal management companies shall maintain all of the*
14 *following records for each service request:*

15 (1) *Date of receipt of the request.*

16 (2) *Name of the person from whom the request was received.*

17 (3) *Name of the client for whom the request was made, if*
18 *different from the name of the person from whom the request was*
19 *received.*

20 (4) *The appraiser or appraisers assigned to perform the*
21 *requested service.*

22 (5) *Date of delivery of the appraisal product to the client.*

23 (6) *Client contract.*

24 (7) *Engagement letter.*

25 (8) *The appraisal report.*

26 ~~SEC. 12.~~

27 *SEC. 23.* Section 11345.5 is added to the Business and
28 Professions Code, to read:

29 11345.5. For purposes of subdivision (d) of Section 11302 and
30 determining whether, within a 12-month period, an appraisal
31 management company oversees an appraiser panel of more than
32 15 State-certified or State-licensed appraisers in a State or 25 or
33 more State certified or State licensed appraisers in two or more
34 States:

35 (a) An appraiser is deemed part of the appraisal management
36 company's appraiser panel as of the earliest date on which the
37 appraisal management company does either of the following:

38 (1) Accepts the appraiser for the appraisal management
39 company's consideration for future appraisal assignments in

1 covered transactions or for secondary mortgage market participants
2 in connection with covered transactions.

3 (2) Engages the appraiser to perform one or more appraisals on
4 behalf of a creditor for a covered transaction or secondary mortgage
5 market participant in connection with covered transactions.

6 (b) An appraiser who is deemed part of the appraisal
7 management company's appraiser panel pursuant to subdivision
8 (a) is deemed to remain on the panel until the date on which the
9 appraisal management company does either of the following:

10 (1) Sends written notice to the appraiser removing the appraiser
11 from the appraiser panel, with an explanation of its action.

12 (2) Receives written notice from the appraiser asking to be
13 removed from the appraiser panel or notice of the death or
14 incapacity of the appraiser.

15 (c) If an appraiser is removed from an appraisal management
16 company's appraiser panel pursuant to subdivision (b), but the
17 appraisal management company subsequently accepts the appraiser
18 for consideration for future assignments or engages the appraiser
19 at any time during the 12 months after the appraisal management
20 company's removal, the removal will be deemed not to have
21 occurred, and the appraiser will be deemed to have been part of
22 the appraisal management company's appraiser panel without
23 interruption.

24 ~~SEC. 13.~~

25 *SEC. 24.* Section 11345.6 of the Business and Professions Code
26 is amended to read:

27 11345.6. (a) No appraisal management company may alter,
28 modify, or otherwise change a completed appraisal report submitted
29 by an appraiser.

30 (b) No appraisal management company may require an appraiser
31 to provide it with the appraiser's digital signature or seal. However,
32 nothing in this subdivision shall be deemed to prohibit an appraiser
33 from voluntarily providing his or her digital signature or seal to
34 another person, to the extent permissible under the Uniform
35 Standards of Professional Appraisal Practice.

36 ~~SEC. 14.~~

37 *SEC. 25.* Section 11345.8 is added to the Business and
38 Professions Code, to read:

39 11345.8. A federally regulated appraisal management company
40 operating in California shall report to the bureau the information

1 the bureau is required to submit to the Appraisal Subcommittee,
2 pursuant to the Appraisal Subcommittee's policies regarding the
3 determination of the Appraisal Management Company Registry
4 fee. The bureau may charge the federally regulated appraisal
5 management company a state fee in an amount not exceed the
6 reasonable regulatory cost to the board for processing and
7 submitting the information. This fee shall be deposited in the Real
8 Estate Appraisers Regulation Fund.

9 ~~SEC. 15.~~

10 *SEC. 26.* Section 11422 of the Business and Professions Code
11 is amended to read:

12 11422. The office shall, on or before February 1, 1994, and at
13 least annually thereafter, transmit to the appraisal subcommittee
14 specified in subdivision (g) of Section 11302 a roster of persons
15 licensed pursuant to this part.

16 ~~SEC. 16.~~

17 *SEC. 27.* Section 12241 of the Business and Professions Code
18 is amended to read:

19 12241. The secretary shall establish by regulation an annual
20 administrative fee to recover reasonable administrative and
21 enforcement costs incurred by the department for exercising
22 supervision over and performing investigations in connection with
23 the activities performed pursuant to Sections 12210 and 12211
24 and to recover reasonable costs incurred by the department for the
25 safekeeping and certification of the state standards pursuant to
26 Section 12304 and for certification services provided pursuant to
27 Sections 12305 and 12310. This administrative fee shall be
28 collected for every device registered with each county office of
29 weights and measures, and paid to the Department of Food and
30 Agriculture Fund.

31 ~~SEC. 17.~~

32 *SEC. 28.* Section 12304 of the Business and Professions Code
33 is amended to read:

34 12304. The department shall keep the standards of the state in
35 a suitable laboratory location or, if transportable, shall maintain
36 the standards under environmental conditions appropriate for
37 maintaining the integrity of the unit of measure represented by the
38 standard. The department shall have the standards directly certified
39 by the National Institute of Standards and Technology or by any

1 measurement assurance procedures approved by the National
2 Institute of Standards and Technology.

3 ~~SEC. 18.~~

4 *SEC. 29.* Section 12305 of the Business and Professions Code
5 is amended to read:

6 12305. The department shall use the standards of the state to
7 certify similar standards and any dissimilar standards that are
8 dependent on the values represented by the state standards. Copies
9 of the standards that have been compared and certified against the
10 state standards shall become working standards that shall be used
11 in the certification, calibration, and sealing of county field
12 standards, and in the certification, calibration, and sealing of
13 measurement devices submitted by state and local government
14 agencies or by industry.

15 ~~SEC. 19.~~

16 *SEC. 30.* Section 12310 of the Business and Professions Code
17 is amended to read:

18 12310. The department, or a laboratory designated by the
19 department that has been certified pursuant to Section 12314, shall
20 certify the standards of the county sealers as often as may be
21 deemed by the secretary to be necessary, based upon a review of
22 statistical data resulting from previous certifications, but in no
23 event shall the period of time between certifications exceed 10
24 years. In the absence of statistical data, standards shall be certified
25 at least every two years. Sealers shall, upon the request of the
26 department, deliver for testing those standards in their possession
27 that are used in the discharge of their duties. Direct expenses
28 incurred in the certification process shall be borne by the state or
29 recovered pursuant to Section 12241, while any incidental expense,
30 such as the cost of transportation, shall be borne by the county
31 whose standards have been certified.

32 ~~SEC. 20.~~

33 *SEC. 31.* Section 12500 of the Business and Professions Code
34 is amended to read:

35 12500. As used in this chapter the following terms mean:

36 (a) "Weighing instrument" means any device, contrivance,
37 apparatus, or instrument used, or designed to be used, for
38 ascertaining weight and includes any tool, appliance, or accessory
39 used or connected therewith.

(b) “Measuring instrument” means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.

(c) “Correct” means any weight or measure or weighing, measuring, or counting instrument which meet all of the tolerance and specification requirements established by the director pursuant to Section 12107.

(d) “Incorrect” means any instrument which fails to meet all of the requirements of Section 12107.

(e) “Commercial purposes” include the determination of the weight, measure, or count of any commodity or thing which is sold on the basis of weight, measure, or count; or the determination of the weight, measure, or count of any commodity or thing upon which determination a charge for service is based. Devices used in a determination upon which a charge for service is based include, but are not limited to, taximeters, odometers, timing devices, parcel scales, shipping scales, and scales used in the payment of agricultural workers.

“Commercial purposes” do not include the determination of the weight, measure, or count of any commodity or thing which is performed within a plant or business as a part of the manufacturing, processing, or preparing for market of that commodity or thing, or the determination of charges for the transmission of letters or parcels of less than 150 pounds, except when that determination is made in the presence of the customer charged for the service, or the determination of the weight of any animal or human by a ~~healing arts licensee~~ *qualified health provider, licensed doctor of veterinary medicine, licensed physician and surgeon, or staff members within the business operations of, and under the supervision of, a licensed doctor of veterinary medicine or licensed physician and surgeon* for the purposes of determining the appropriate dosage of any medication or *medical treatment* ~~of or~~ the volume, duration, or application of any medical procedure.

~~SEC. 21.~~

SEC. 32. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section 17556 of
2 the Government Code, or changes the definition of a crime within
3 the meaning of Section 6 of Article XIII B of the California
4 Constitution.

O

New Legislation

SB 715 (Newman D)

Department of Consumer Affairs: regulatory boards: removal of board members.

Status: 6/29/2017-Ordered to inactive file on request of Assembly Member Bonta.

Location: 6/29/2017-A. Inactive File

Last Amend: 4/25/2017

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

Updated 7/12/17

Staff Analysis: SB 715

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 the Governor to remove from office any member of any board within the department appointed by him or her, on specific grounds, including continued neglect of duties required by law. This bill adds failure to attend board meetings to the reasons that the Governor may choose to remove one of his or her appointed board members from office.

Staff Comment: According to the author, "Discretion for the removal of board members for instances of absences is a good government approach to ensuring the effectiveness and efficiency of the important regulatory boards within the DCA. Member absences can impact the professions and public alike, as key decisions are made and votes taken at board meetings directly related to oversight of licensees. The Governor should have authority to remove board members from their position when their absences impact their ability to successfully serve."

Staff Recommendation: No recommendation.

Laws: An act to amend Section 106 of the Business and Professions Code, relating to consumer affairs.

AMENDED IN SENATE APRIL 25, 2017

SENATE BILL

No. 715

Introduced by Senator Newman

February 17, 2017

~~An act to amend Section 5503 of the Public Resources Code, relating to park districts. An act to amend Section 106 of the Business and Professions Code, relating to consumer affairs.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 715, as amended, Newman. ~~Park and open-space districts.~~ *Department of Consumer Affairs: regulatory boards: removal of board members.*

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes the Governor to remove from office any member of any board within the department appointed by him or her, on specific grounds, including continued neglect of duties required by law.

This bill would specifically include the failure to attend meetings of the board as one example of continued neglect of duties required by law that the Governor can use as a reason to remove a member from a board.

~~Existing law provides a procedure for the formation of a regional park district, regional park and open-space district, or a regional open-space district.~~

~~This bill would make nonsubstantive changes to one of those provisions.~~

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

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

1 *SECTION 1. Section 106 of the Business and Professions Code*
2 *is amended to read:*

3 106. The Governor has power to remove from office at any
4 time, any member of any board appointed by him *or her* for
5 continued neglect of duties required by law, *which may include*
6 *the failure to attend board meetings*, or for incompetence, or
7 unprofessional or dishonorable conduct. Nothing in this section
8 shall be construed as a limitation or restriction on the power of the
9 Governor, conferred on him *or her* by any other ~~provision of law,~~
10 to remove any member of any board.

11 ~~SECTION 1. Section 5503 of the Public Resources Code is~~
12 ~~amended to read:~~

13 ~~5503. Whenever it is desired to form a district under this article,~~
14 ~~a petition requesting the creation and maintenance of a district,~~
15 ~~and describing the exterior boundaries of the proposed district~~
16 ~~shall be signed by at least 5,000 electors residing within the~~
17 ~~territory proposed to be included in the district. The petition shall~~
18 ~~be presented to the board of supervisors of the county containing~~
19 ~~the largest area within the proposed district.~~

O

Watched Legislation

AB 710 (Wood D)

Department of Consumer Affairs: boards: meetings.

Status: 6/19/2017-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 5/24/2017- Senate Business, Professions and Economic Development

Last Amendment: 4/27/2017

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

Updated 7/12/17

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: The author's office has indicated that they do not plan to move forward with this legislation.

Staff Recommendation: No vote needed. Staff recommends to stop tracking this legislation.

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.

Watched Legislation

AB 1190 (Obernolte R)

Department of Consumer Affairs: BreEZe system: annual report.

Status: 7/11/2017-From committee: Do pass and re-refer to Appropriations Committee.

Location: 7/10/2017-Senate Appropriations.

Last Amend: 6/13/2017

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

Updated 7/12/17

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, 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 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. The bill would also delete an obsolete provision relating to budget augmentation for BreEZe project costs.

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 6/13/2017.

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

AMENDED IN SENATE JUNE 13, 2017

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 *amend Section 210 of, and 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.

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 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. *The bill would also delete an obsolete provision relating to budget augmentation for BreEZe project costs.*

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 of the Business and Professions Code
2 is amended to read:

3 210. (a) (1) The department may enter into a contract with a
4 vendor for the BreEZe system, the integrated, enterprisewide
5 enforcement case management and licensing system described in
6 the department's strategic plan, no sooner than 30 days after
7 notification in writing to the chairpersons of the Appropriations
8 Committees of each house of the Legislature and the Chairperson
9 of the Joint Legislative Budget Committee.

10 (2) The amount of BreEZe system vendor contract funds,
11 authorized pursuant to this section, shall be consistent with the
12 project costs approved by the office of the State Chief Information
13 Officer based on its review and approval of the most recent BreEZe
14 Special Project Report to be submitted by the department prior to
15 contract award at the conclusion of procurement activities.

16 (3) Paragraph (2) shall apply to all Budget Act items for the
17 department that have an appropriation for the BreEZe system.

18 (b) (1) If the department enters into a contract with a vendor
19 for the BreEZe system pursuant to subdivision (a), the department
20 shall, by December 31, 2014, submit to the Legislature, the Senate
21 Committee on Business, Professions and Economic Development,
22 the Assembly Committee on Business, Professions and Consumer
23 Protection, and the budget committees of each house, a report
24 analyzing the workload of licensing personnel employed by boards
25 within the department participating in the BreEZe system.

26 (2) A report to the Legislature pursuant to this subdivision shall
27 be submitted in compliance with Section 9795 of the Government
28 Code.

29 (3) This subdivision shall become inoperative on December 1,
30 2018, pursuant to Section 10231.5 of the Government Code.

~~(e) (1) Notwithstanding any other provision of law, upon the request of the Department of Consumer Affairs, the Department of Finance may augment the budgets of the boards, bureaus, commissions, committees, programs, and divisions that comprise the Department of Consumer Affairs, as defined in Section 101, for expenditure of non-General Fund moneys to pay BreEZe project costs. The augmentation may be made no sooner than 30 days after notification in writing to the chairpersons of the committees in each house of the Legislature that consider appropriations and the Chairperson of the Joint Legislative Budget Committee, or no sooner than whatever lesser time the chairperson of the joint committee may in each instance determine. The amount of funds augmented pursuant to the authority of this subdivision shall be consistent with project cost increases approved by the Secretary of California Technology based on the secretary's review and approval of the most recent BreEZe Special Project Report to be submitted at the conclusion of procurement activities. This subdivision shall apply to all Budget Act items for the boards, bureaus, commissions, committees, programs, and divisions that comprise the Department of Consumer Affairs, as defined in Section 101, that have an appropriation for the BreEZe system in the Budget Act of 2011.~~

~~(2) This subdivision shall become inoperative upon enactment of the Budget Act of 2012.~~

SECTION 1.

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

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

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

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

- 1 (3) The results and recommendations made for each program
- 2 that has completed the Department of Technology's Project
- 3 Approval Lifecycle process, including the results of the alternatives
- 4 and cost-benefit analyses made during Stage 2 of the process.
- 5 (b) The department shall publish the information specified in
- 6 subdivision (a) a minimum of once quarterly.

O

Watched Legislation

SB 27 (Morrell R)

Professions and vocations: licenses: military service.

Status: 5/26/2017-Failed Deadline pursuant to Rule 61(a)(5).

Location: 5/26/2017- Senate 2 YEAR

Last Amend: 4/17/17

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

Updated 7/12/17

Staff Analysis: SB 27

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

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

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

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

Staff Recommendation: No vote needed.

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

Oppose Unless Amended

AB 1005 (Calderon D)

Department of Consumer Affairs.

Status: 5/26/2017-Failed Deadline pursuant to Rule 61(a)(5).

Location: 5/26/2017-Assembly 2 Year

Amended: 5/2/2017

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

Updated 7/12/17

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: No vote needed.

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.

(3) Notwithstanding paragraph (2), except with respect to healing arts licensees licensed pursuant to Division 2 (commencing with Section 500, 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 administrative fine 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 administrative fine.

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

~~(3)~~

(4) 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)~~

(5) 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 the administrative fine 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)~~

(6) Failure of a licensee to pay a fine within 30 days of the date 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: 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

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 to 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

IV. Administration

- A. Fiscal Year 2016-2017 Budget Summary Review
- B. Fiscal Year 2017-2018 Introduction to New Budget

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	\$ 11,538	\$ 9,417
Prior Year Adjustment	\$ 94	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 8,207	\$ 9,395	\$ 11,538	\$ 9,417
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 95	\$ 127	\$ 127	\$ 127
125700 Other regulatory licenses and permits	\$ 2,985	\$ 2,420	\$ 2,178	\$ 2,199
125800 Renewal fees	\$ 6,852	\$ 6,677	\$ 6,921	\$ 6,744
125800 Delinquent fees	\$ 93	\$ 90	\$ 93	\$ 90
150300 Income from surplus money investments	\$ 38	\$ 49	\$ -	\$ -
150500 Interest Income from interfund loans	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 11	\$ 12	\$ 12	\$ 12
Miscellaneous revenues	\$ 2	\$ 3	\$ 2	\$ 2
Totals, Revenues	\$ 10,077	\$ 9,378	\$ 9,332	\$ 9,174
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	\$ 13,250	\$ 9,332	\$ 9,974
Totals, Resources	\$ 18,284	\$ 22,645	\$ 20,870	\$ 19,391
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)	\$ -	\$ 10,543	\$ 10,754	\$ 10,969
8880 Financial Information System for CA (State Operations)	\$ 21	\$ 13	\$ 15	\$ -
9900 Statewide Admin. (State Operations)	\$ -	\$ 551	\$ 684	\$ 684
Total Disbursements	\$ 8,889	\$ 11,107	\$ 11,453	\$ 11,653
FUND BALANCE				
Reserve for economic uncertainties	\$ 9,395	\$ 11,538	\$ 9,417	\$ 7,738
Months in Reserve	10.2	12.1	9.7	8.0

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

	FY 2015-16 Month 11 (7/15-5/16)	FY 2016-17 Month 11 (7/16-5/17)	% Change	FY 2016-17 FM 1 Projections	FY 2016-17 Updated Projections	% Change
Revenue						
¹ Applications/Licensing Fees (125700)	\$ 2,639,028	\$ 2,218,514	-16%	\$ 2,957,893	\$ 2,420,197	-18%
Renewal fees (125800)	\$ 6,822,967	\$ 6,160,646	-10%	\$ 6,221,146	\$ 6,677,098	7%
Delinquent fees (125900)	\$ 84,686	\$ 82,206	-3%	\$ 76,000	\$ 89,679	18%
Interest	\$ 25,592	\$ 44,609	74%	\$ 28,056	\$ 48,664	73%
Other	\$ 261,062	\$ 254,881	-2%	\$ 127,922	\$ 278,261	118%
Total Revenue:	\$ 9,833,335	\$ 8,760,856	-11%	\$ 9,411,017	\$ 9,513,900	1%
Expense						
Personnel Services:						
Civil Service-Perm	\$ 2,462,858	\$ 2,576,824	5%	\$ 2,894,399	\$ 2,848,692	-2%
Temp Help	\$ 79,934	\$ 147,877	85%	\$ 142,214	\$ 196,079	38%
Exam Proctor			N/A			N/A
Allocated Proctor Cost	\$ 4,948	\$ 5,215	5%	\$ 4,948	\$ 5,689	15%
Board/Commission	\$ 4,700	\$ 6,400	36%	\$ 5,300	\$ 7,600	43%
Comm Member	\$ 3,700	\$ 1,500	-59%	\$ 3,700	\$ 3,700	0%
Overtime	\$ 2,127	\$ 862	-59%	\$ 2,186	\$ 1,100	-50%
Total Salaries and Wages	\$ 2,558,267	\$ 2,738,678	7%	\$ 3,052,748	\$ 3,062,860	0%
Total Benefits	\$ 1,253,586	\$ 1,404,320	12%	\$ 1,516,518	\$ 1,531,985	1%
Total Personnel Services	\$ 3,811,853	\$ 4,142,998	9%	\$ 4,569,266	\$ 4,594,845	1%
Operating Expense and Equipment:						
Fingerprints	\$ 51,128	\$ 43,559	-15%	\$ 67,984	\$ 47,519	-30%
General Expense	\$ 48,791	\$ 51,297	5%	\$ 57,248	\$ 55,960	-2%
² Printing	\$ 61,308	\$ 25,081	-59%	\$ 31,447	\$ 27,361	-13%
Communication	\$ 21,286	\$ 22,477	6%	\$ 23,114	\$ 24,520	6%
³ Postage	\$ 84,965	\$ 40,148	-53%	\$ 46,328	\$ 46,328	0%
Travel Out-of-State	\$ 2,435	\$ 3,970	63%	\$ 6,000	\$ 4,331	-28%
Travel In State	\$ 93,327	\$ 72,534	-22%	\$ 116,892	\$ 85,000	-27%
Training	\$ 420	\$ 209	N/A		\$ 209	N/A
Facilities Operations	\$ 344,012	\$ 358,209	4%	\$ 352,333	\$ 358,209	2%
⁴ C & P Services - Interdept.	\$ 300,000	\$ 180,000	-40%	\$ 100,000	\$ 215,000	115%
⁵ C & P Services - External	\$ 235,471	\$ 555,495	136%	\$ 850,062	\$ 1,149,055	35%
Minor Equipment	\$ 10,247	\$ 17,642	72%	\$ 10,247	\$ 19,246	88%
⁶ Prorata	\$ 2,190,206	\$ 1,619,366	-26%	\$ 2,372,601	\$ 1,801,617	-24%
⁷ Architectural Revolving Fund	\$ -	\$ 175,000	N/A	\$ -	\$ 175,000	N/A
Total General Expenses:	\$ 3,443,596	\$ 3,164,987	-8%	\$ 4,034,257	\$ 4,009,356	-1%
Examinations:						
Exam Rent - Non State	\$ 1,150		N/A	\$ 6,500	\$ 6,500	0%
Administrative External Svcs	\$ 757,992	\$ 797,115	5%	\$ 958,831	\$ 797,115	-17%
C/P Svcs - Ext Expert Examiners	\$ 100,374	\$ 184,747	84%	\$ 113,442	\$ 201,542	78%
Other Expense		\$ 63	N/A		\$ 84	N/A
Total Examinations:	\$ 859,516	\$ 981,925	14%	\$ 1,078,773	\$ 1,005,241	-7%
Enforcement:						
Attorney General	\$ 335,203	\$ 309,827	-8%	\$ 405,938	\$ 337,993	-17%
Office Admin. Hearing	\$ 54,651	\$ 50,614	N/A	\$ 73,259	\$ 73,259	N/A
Evidence / Witness Fees	\$ 191,511	\$ 192,473	1%	\$ 252,472	\$ 209,971	-17%
Court Reporters	\$ 572	\$ 3,933	588%	\$ 1,747	\$ 4,291	146%
DOI - Investigation	\$ 225,000	\$ 290,587	29%	\$ 263,000	\$ 308,198	17%
Total Enforcement:	\$ 806,937	\$ 847,434	5%	\$ 996,416	\$ 933,712	-6%
Total OE&E	\$ 5,110,049	\$ 4,994,346	-2%	\$ 6,109,446	\$ 5,948,308	-3%
Total Expense:	\$ 8,921,902	\$ 9,137,344	2%	\$ 10,678,711	\$ 10,543,154	-1%

Total Revenue:	\$ 9,833,335	\$ 8,760,856	-11%	9,411,017	9,513,900	1%
Total Expense:	\$ 8,921,902	\$ 9,137,344	2%	10,678,711	10,543,154	-1%
Difference:	\$911,433	-\$376,488		-\$1,267,694	-\$1,029,254	

Notes for Financial Statement

- (1) Applications/Licensing Fees (125700)- On January 1st, 2017, the Board stopped collecting an application fee for refile applicants. This change in operations has decreased the revenue collected from application fees.
- (2) Printing- In FY 15/16 the Board printed informational post cards for all licensees.
- (3) Postage- In FY 15/16 the Board mailed informational post cards to all licensees.
- (4) 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 anticipate the full amount of each contract will be expended during the fiscal year.
- (5) C & P Services External– National exam contracts, consultant services for exam development, and contract costs associated with preparation and scoring of examinations.
- (6) Pro Rata - The central service costs portion of this line item is now charged at the fund level. This change in distribution has decreased the expenditures allocated to this line item for FY 16/17.
- (7) Architectural Revolving Fund (ARF) - The fund is a depository of money appropriated for the construction, alteration, repair, and improvement of state buildings.

Expense Object Codes (line items)

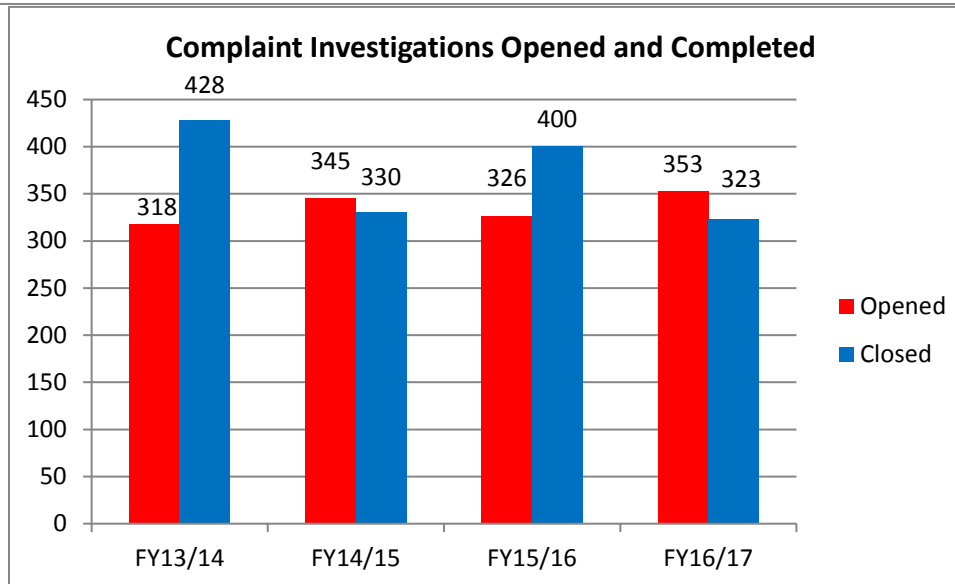
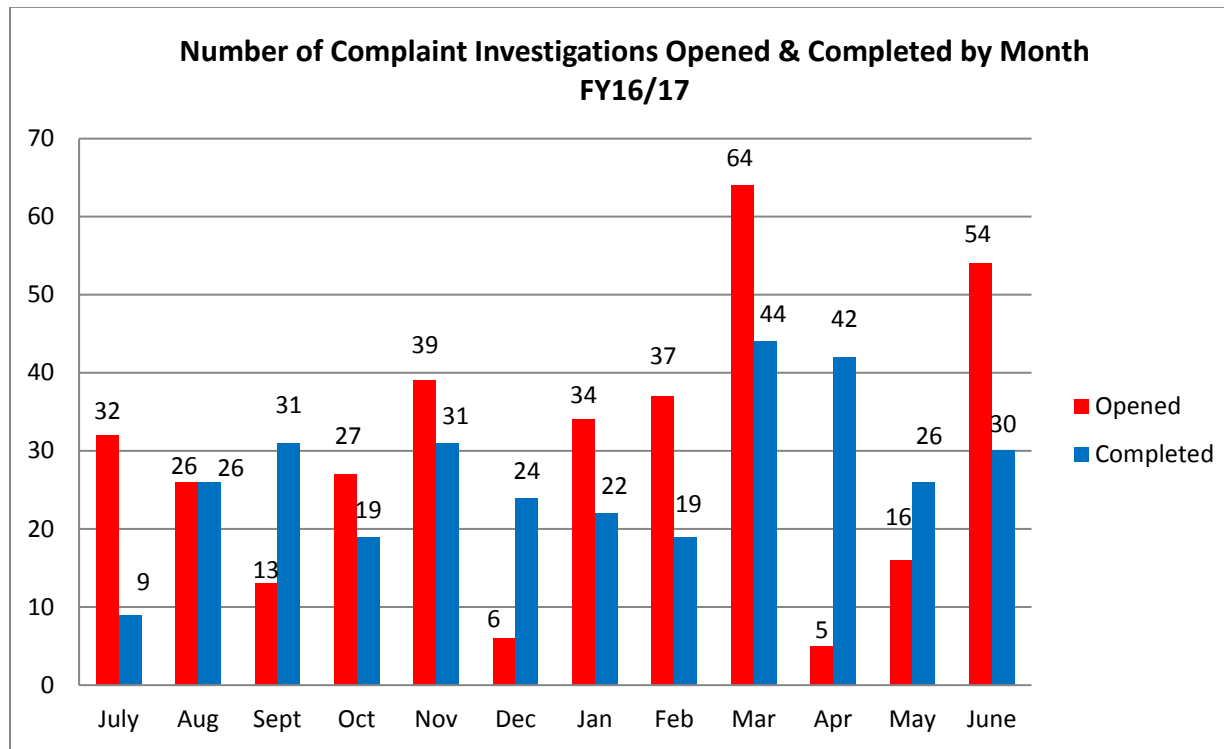
Consultant/Professional Services - Internal	Services provided by other state agencies or Interagency Agreements within the Department of Consumer Affairs.	State Subject Matter Experts- state employees for exam development
Consultant/Professional Services - External	External exam expenses - Engineers 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

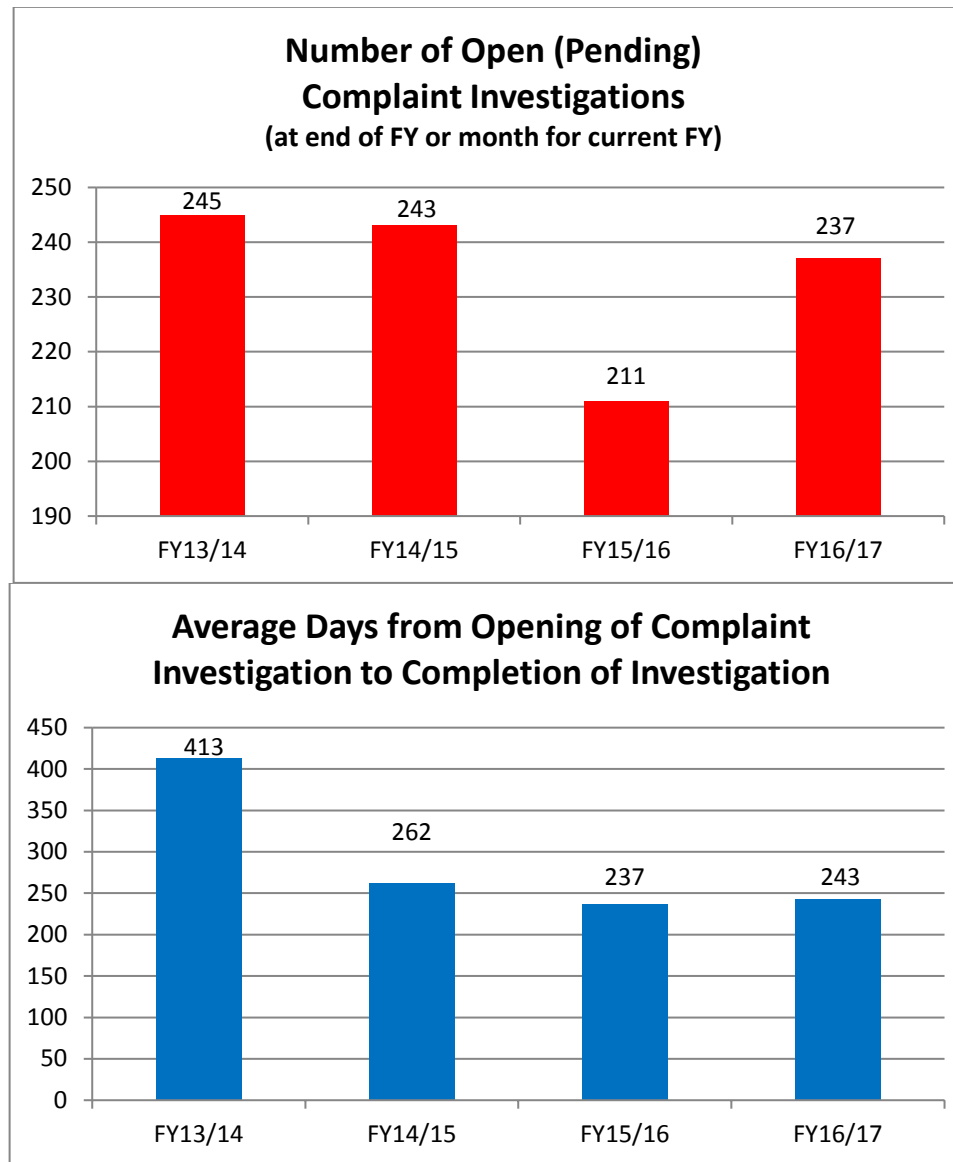
1. Fiscal Year 2016/17 Update

Complaint Investigation Phase



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

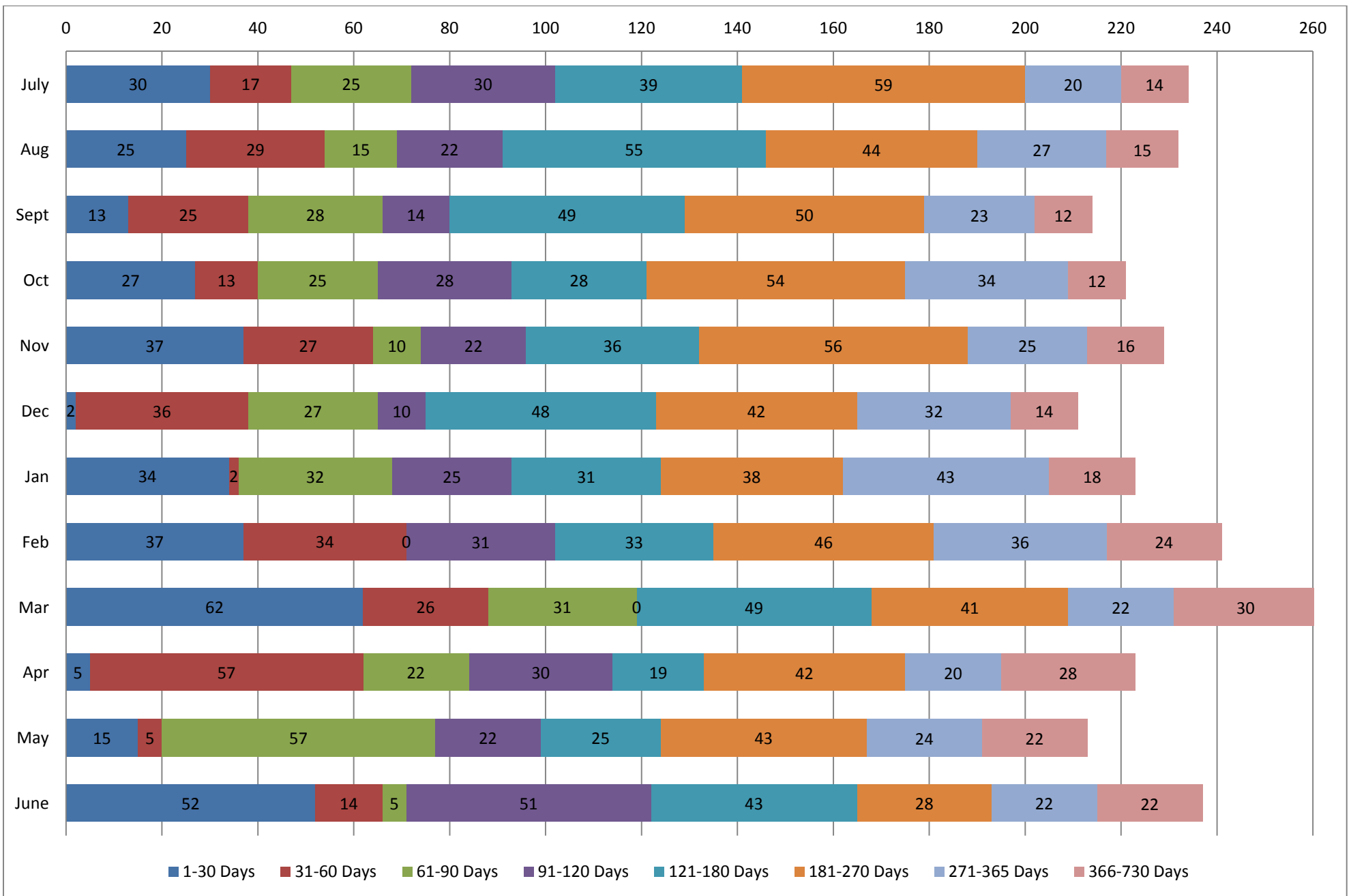
Complaint Investigation Phase



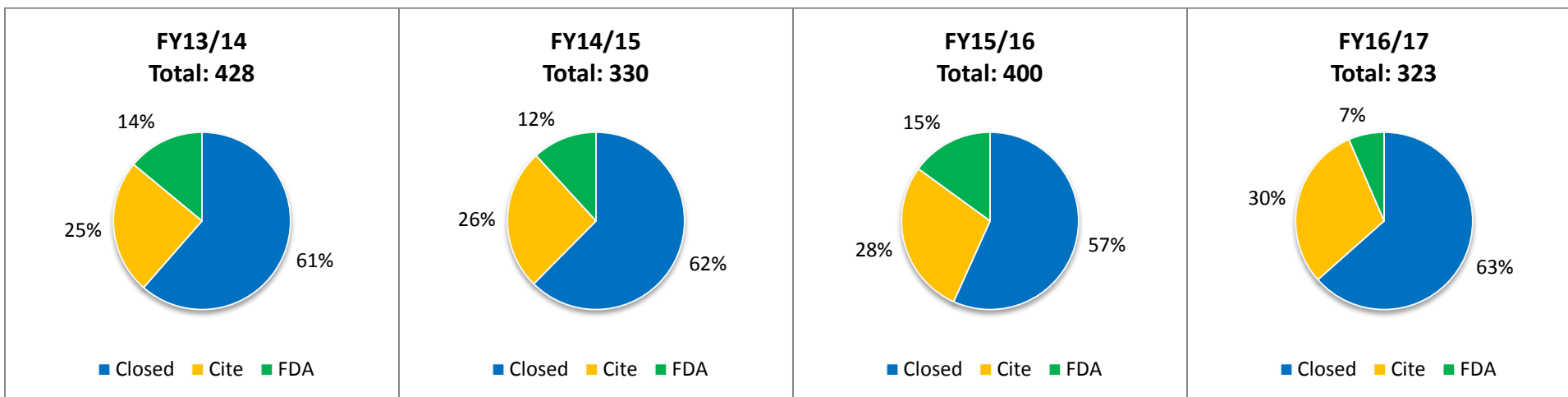
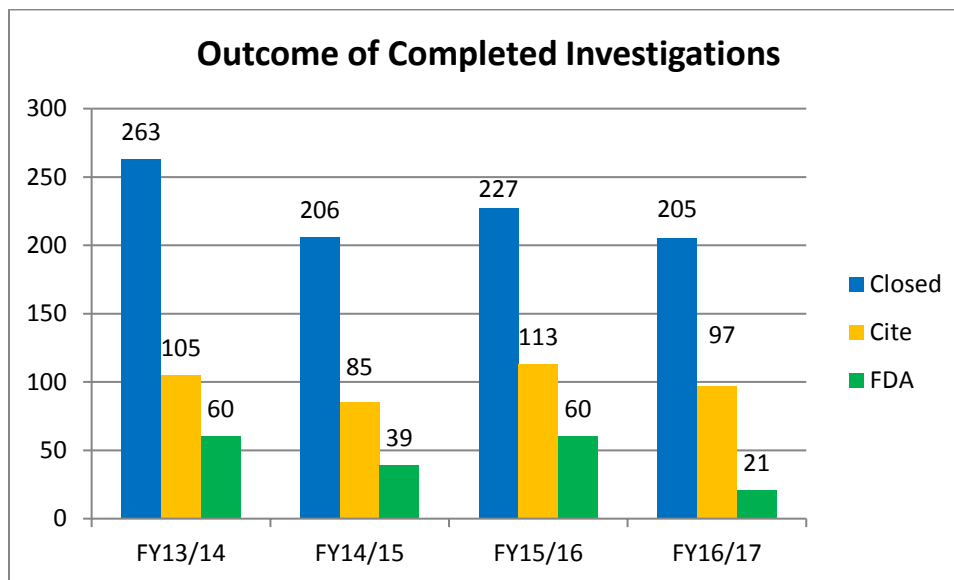
NOTE: FY16/17 statistics are through June 30, 2017

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 June 30, 2017

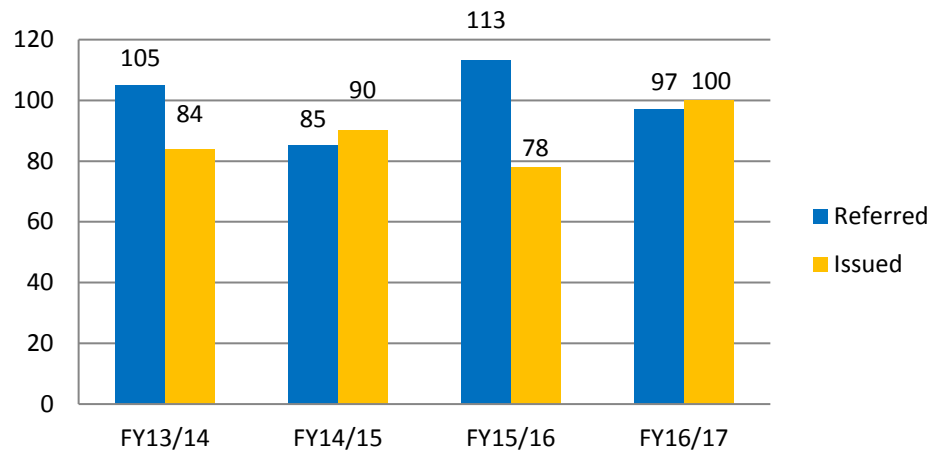
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

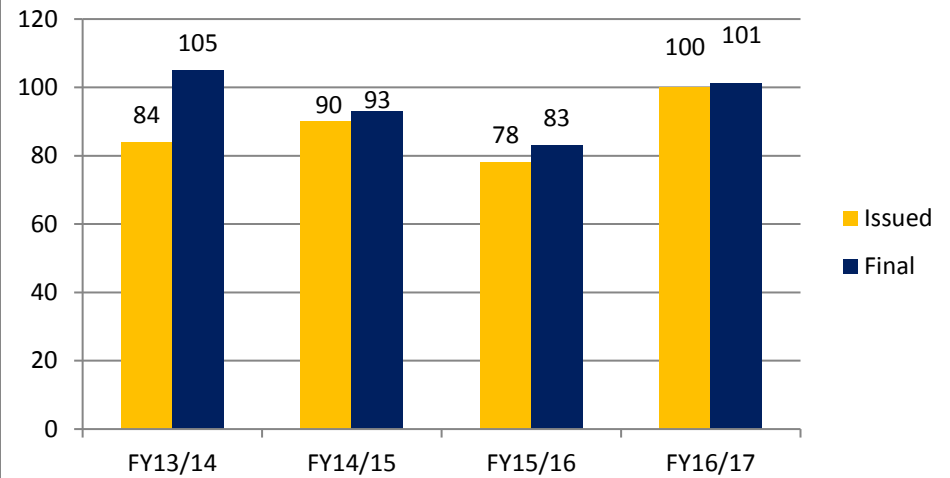
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)

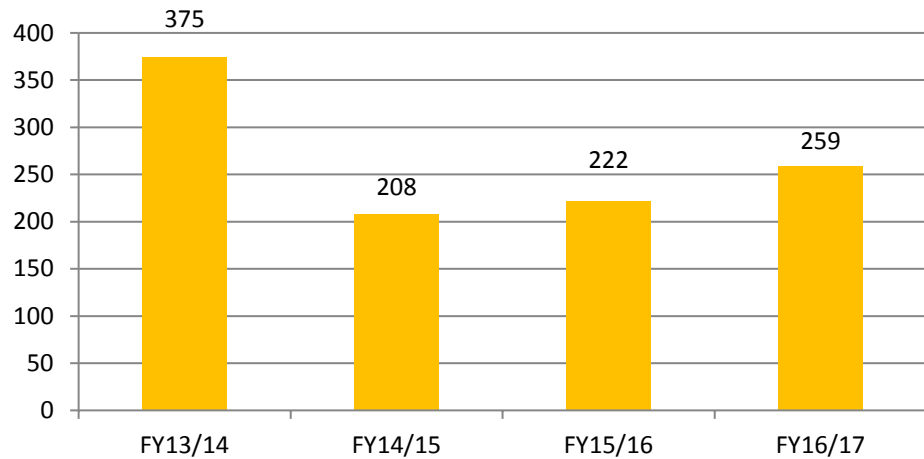
Number of Complaint Investigations Referred and Number of Citations Issued



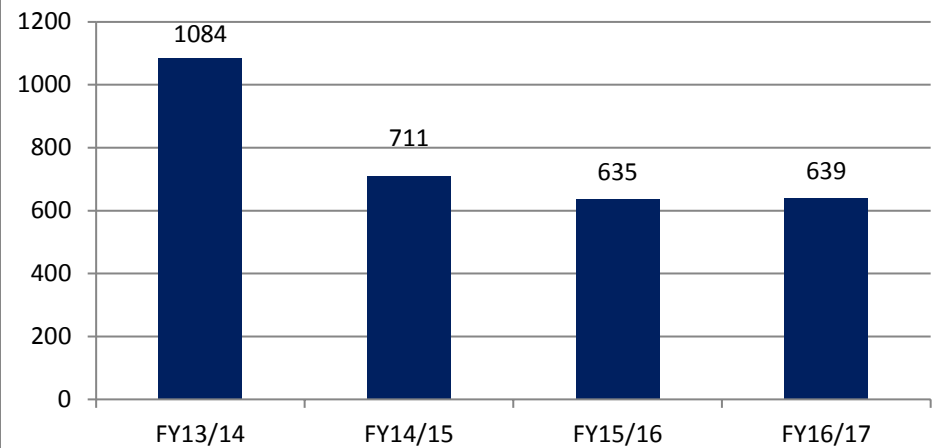
Number of Citations Issued and Final



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

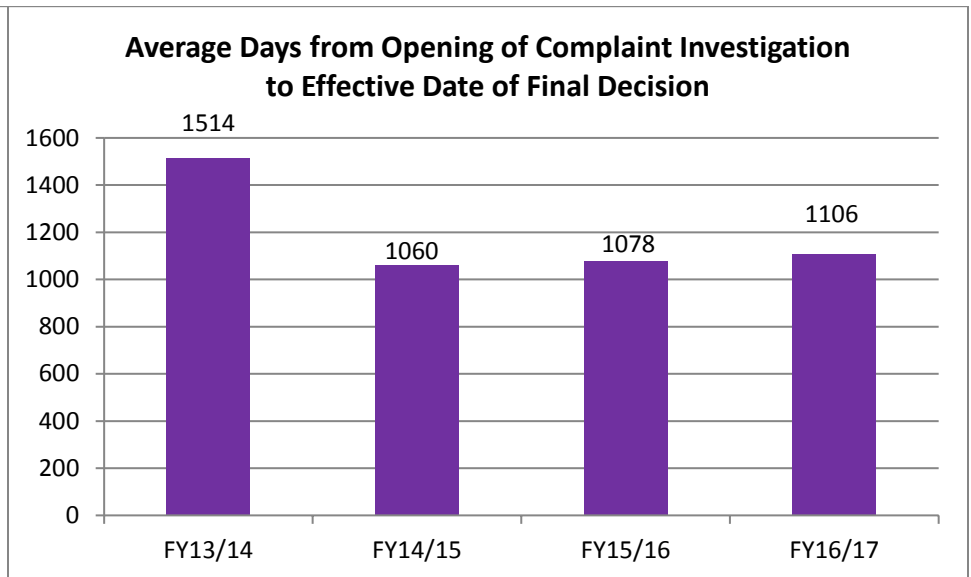
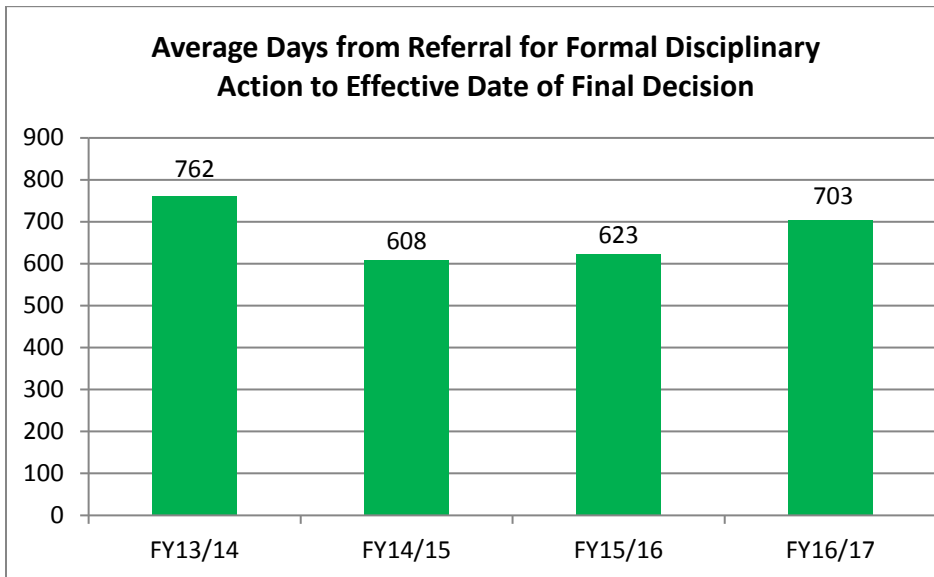
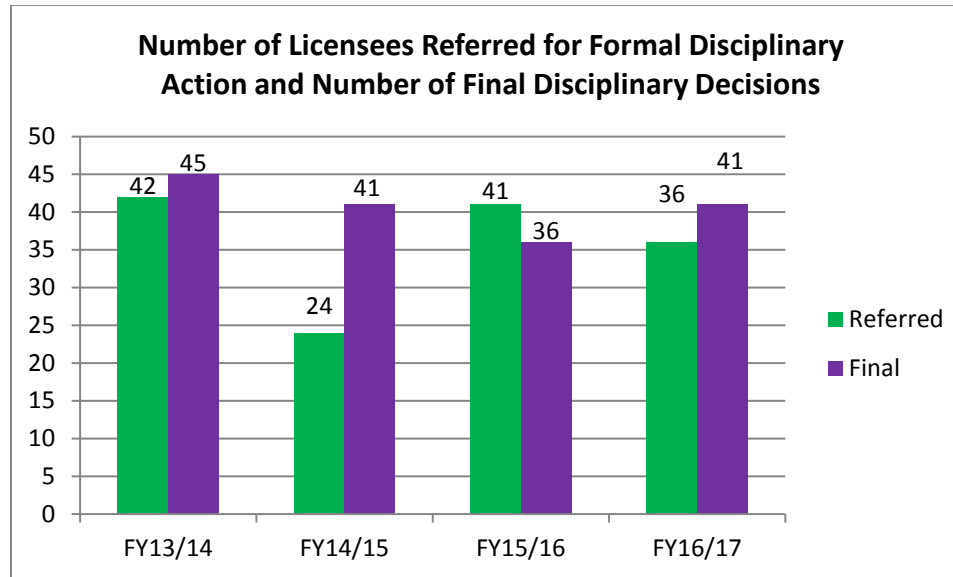


Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



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

Formal Disciplinary Actions Against Licensees



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

VI. Exams/Licensing

- A. Spring 2017 Examination Results
- B. Adoption of Test Plan Specifications for the California Civil Engineering Surveying and Civil Seismic Principles Examinations (Possible Action)

Spring 2017 National Exam Results Professional Engineer, Land Surveyors, and Geology Examination Statistics

Civil Engineering Examinations				
	Pass	Fail	Total	Pass Rate
Principles & Practices (National)	1,220	1,172	2,392	51%
Land Surveying Examinations Continuous Testing January – May 2017				
Principles & Practices (National)*	43	43	86	50%
Other Engineering Discipline Exams				
Agricultural	4	3	7	57%
Chemical	42	16	58	72%
Electrical	177	205	382	46%
Industrial	3	3	6	50%
Mechanical	226	167	393	58%
Structural				
Lateral Forces	43	81	124	35%
Vertical Forces	62	68	130	48%
Fundamentals Examinations Continuous Testing January – May 2017				
Engineering	1,997	1,457	3,454	58%
Land Surveyors	36	80	116	31%
Geology				
	Pass	Fail	Total	Pass Rate
ASBOG® Fundamentals of Geology	101	36	137	74%
ASBOG® Practice of Geology	56	17	73	77%

Spring 2017 State Specific Exam Results Professional Engineer, Land Surveyors, and Geology Examination Statistics

Civil Engineering Examinations				
	Pass	Fail	Total	Pass Rate
Seismic Principles	1080	889	1969	55%
Engineering Surveying	873	1038	1911	46%
Land Surveying Examinations				
Surveying (State Specific)	44	159	203	22%
Geotechnical Continuous Testing January - June 2017				
Geotechnical	2	2	4	50%
Geology				
	Pass	Fail	Total	Pass Rate
California Specific Examination (CSE)	46	57	103	45%

BPELSG Civil Engineering: Engineering Surveying (CES) Test Plan -2017	
	Percentage of Questions on the Exam
I. Topographic surveys <u>Professional Activities:</u> 1. Distinguish the purposes and procedures of topographic surveys 2. Use of datums for horizontal and vertical control 3. Perform the measurement of elevations 4. Perform leveling calculations from field data to determine elevations	35%
Test questions on these professional activities may include one or more of the following:	
A. Control surveys (purpose and procedures)	
B. Route surveys (horizontal and vertical alignment)	
C. Topographic surveys (e.g., surface and underground)	
D. Leveling Methods (e.g., differential, trigonometric)	
E. Horizontal and vertical datums	
F. Aerial photogrammetry	
II. Construction surveys <u>Professional Activities:</u> 1. Distinguish the purposes and procedures of construction surveys 2. Perform the measurement of horizontal distances 3. Perform the measurement of angles 4. Perform traverse survey calculations 5. Determine potential construction conflicts (e.g., utilities, existing/proposed structures, substructures) 6. Apply construction surveying methods and procedures (e.g., construction staking)	35%
Test questions on these professional activities may include one or more of the following:	
A. Horizontal and vertical control layout	
B. Procedures for establishing points on a line (horizontal and vertical)	
C. Procedures for locating a single point	
D. Calculating and setting horizontal, slope, and vertical distances	
E. Measuring horizontal angles (e.g., azimuths, bearings, backbearings, deflections)	
F. Calculating and setting horizontal curves (e.g., radius, curve length, tangent)	
G. Calculating and setting vertical curves (e.g., high/low point, intermediate point, rate of grade)	

H. Calculating and setting compound and reverse curves	
I. The relationship between grade lines and cross-sections	
J. Alignment and grade layout (e.g., street and utilities)	
K. Determining vertical distances and interference (e.g., plan and profile, cross-sections)	
L. Calculating offset distances	
M. Construction staking procedures (e.g., stationing, stake marking)	
III. Accuracy and Error Analysis	
Professional Activities	
1. Identify accuracy requirements for maps	
2. Identify accuracy requirements and limitations for measured survey data	10%
Test questions on these professional activities may include one or more of the following:	
A. Purpose and application of surveying equipment (e.g., total station, level, GPS, EDM)	
B. Equipment errors (e.g., temperature and tension corrections)	
C. Calculating error analysis (e.g., curvature and refraction, random and systematic errors)	
D. Error of closure (e.g., horizontal and vertical)	
E. Datum adjustments	
F. Map accuracy standards	
IV. Preparation of Reports and Maps	
Professional Activities:	
1. Perform reduction of field data	
2. Perform calculations to determine quantities of construction materials	
3. Prepare topographic and planimetric maps	
4. Interpret maps	
5. Perform rectangular coordinate system calculations	20%
Test questions on these professional activities may include one or more of the following:	
A. Creating and checking level notes	
B. Calculating areas	
C. Calculating volumes (e.g., interpolating cut and fill)	
D. Interpolating elevations from topographic data	
E. Plotting topographical features from field information (e.g., contour intervals, fixed works, field points)	
F. Plotting profiles and cross-sections	
G. Map scales	
H. Applications of Geographic Information Systems (GIS)	

BPELSG Civil Engineering: Seismic Principles (CSP) Test Plan-2017	
	Percentage of Questions on the Exam
I. Seismic Data and Seismic Design Criteria <u>Professional Activities:</u> 1. Practice in accordance to laws, codes and standards governing seismic design. 2. Identify design performance requirements for a project. 3. Determine site-related coefficients. 4. Determine effects of site characteristics on a structure. 5. Determine Seismic Design Category.	10%
Test questions on these professional activities may include one or more of the following:	
A. Geologic seismic hazards and geotechnical data that affect design, including liquefaction and site classification	
B. Site-related seismic coefficients	
C. Natural period of the structure and the expected period of the seismic ground motion	
C. The seismic design philosophy of the applicable code	
E. Applicable laws, regulations and codes for civil engineering seismic design and construction	
F. Seismic Design Categories	
G. Building Risk Categories	
H. Seismic importance factors	
II. Seismic Characteristics of Engineered System <u>Professional Activities:</u> 1. Select appropriate seismic force-resisting systems for new or existing structures. 2. Identify effects of structural characteristics on seismic design/performance. 3. Evaluate vulnerability of structures with previous poor seismic performance. 4. Evaluate post-earthquake structural safety. 5. Determine methods for improving seismic performance of existing structures.	15%
Test questions on these professional activities may include one or more of the following:	
A. The different structural systems and their design parameters	
B. Limitations of different structural systems	
C. Requirements for structures with horizontal irregularities (e.g., torsional response, re-entrant corners, out-of-plane offset)	
D. Requirements for structures with vertical irregularities (e.g., vertical discontinuities, offsets, soft stories)	
E. Drift and P-Delta effects	
F. Effects of ductility and damping on seismic performance	
G. Effects of redundancy on seismic performance	

H. Anchorage and stability in existing unreinforced masonry (URM) bearing wall buildings	
I. Weak connections in precast concrete structures	
J. Punching shear failures in cast-in-place concrete structures	
K. Diaphragm to wall connection failures in tilt-up and masonry buildings	
L. Buckling or brittle connections in steel braced frame structures	
M. Welded connection failures in steel moment frames	
N. Assessment and identification of post-earthquake damage and risk	
O. Methods to improve seismic performance and the effects on existing structures	
P. Methods and effects of adding stiffness to protect brittle elements	
Q. Methods and effects of improving ductility of brittle elements	
R. Methods and effects of strengthening connections in structural elements	
III. Seismic Forces: Building Structures <u>Professional Activities:</u> 1. Determine structural characteristics required to calculate seismic design forces. 2. Determine seismic design forces for structures. 3. Perform vertical distribution of seismic forces for structures. 4. Determine seismic diaphragm forces. 5. Determine seismic forces for structural elements.	28%
Test questions on these professional activities may include one or more of the following:	
A. Mass and stiffness	
B. Methods to determine the structure's fundamental period	
C. Selection of seismic factors and coefficients required for design	
D. Static force procedures and formulas	
E. Structural system seismic coefficient application	
F. Design base shear	
G. Vertical force distribution	
H. Design seismic forces on diaphragms	
I. Design seismic forces on structural elements	
J. Out-of-plane seismic forces on structural elements	
K. Design lateral force formulas	
IV. Seismic Forces: Non-Building Structures, Components, and Equipment <u>Professional Activities:</u> 1. Determine seismic forces for non-structural building components and equipment. 2. Determine seismic forces for non-building structures.	12%
Test questions on these professional activities may include one or more of the following:	
A. Mass and stiffness	
B. Methods to determine the structure's fundamental period	

C. Selection of seismic factors and coefficients required for design	
D. Static force procedures and formulas	
E. Design base shear	
F. Application of seismic factors and coefficients for design of non-building structures	
G. Application of seismic factors and coefficients for design of non-building components and equipment	
H. Design lateral force formulas	
V. Seismic Analysis Procedures	25%
Professional Activities:	
1. Perform analysis of seismic force resisting systems.	
2. Perform the distribution of seismic forces to structural elements.	
3. Perform the seismic analysis of diaphragms (e.g., rigid and flexible).	
Test questions on these professional activities may include one or more of the following:	
A. Applicable load combinations	
B. Distribution of internal and external forces	
C. Application of deflection and drift requirements	
D. Diaphragm force distribution to structural elements (e.g., chord forces, drag forces and diaphragm shear)	
E. Methods used to calculate rigidities of structural elements	
F. Distribution of seismic forces based on rigidity	
G. Assumptions controlling the analysis for rigid diaphragms	
H. Methods to determine centers of rigidity and mass	
I. Torsional moment requirements in rigid diaphragms	
J. Assumptions controlling the analysis of flexible diaphragms	
K. Sub-diaphragm analysis.	
VI. Seismic Detailing and Construction Quality Control	10%
Professional Activities:	
1. Identify the detailing requirements that are critical for seismic performance (e.g., load path, wall anchorage, chord and collector).	
2. Recognize need for construction quality control of the seismic design aspects of the project (e.g., testing, special inspection and observation requirements).	
Test questions on these professional activities may include one or more of the following:	
A. Seismic detailing and inherent seismic performance characteristics for steel	
B. Seismic detailing and inherent seismic performance characteristics for concrete	
C. Seismic detailing and inherent seismic performance characteristics for masonry	
D. Seismic detailing and inherent seismic performance characteristics for wood	
E. Deformation compatibility requirements for structural and non-structural elements	

F. Required building separation and setback	
G. Requirements for ties and continuity, collectors and drags	
H. Requirements for anchorage of concrete and masonry walls	
I. Seismic materials testing requirements	
J. Seismic special inspection requirements	
K. Seismic structural observation requirements	

VII. Executive Officer's Report

- A. Legislation and Regulation Workgroup Summary
 - 1. Department of Consumer Affairs' (DCA's) Rulemaking Review Process
- B. Personnel
- C. ABET (Accreditation Boards of Engineering Technology)
- D. Association of State Boards of Geology (ASBOG)
- E. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Annual Meeting Motions & Resolutions (Possible Action)
 - a. Election of NCEES Treasurer
 - b. Bylaws Motion 1: Amend Bylaws Section 4.04, Elections and Terms of Office, Relating to the Treasurer Position
 - c. Education Motion 1: Amend Position Statement (PS) 35, Future Education Requirements for Engineering Licensure, Regarding Alternative Educational Pathways to Licensure
 - d. ACCA (Advisory Committee on Council Activities) Motion 1: Amend Bylaws Section 4.05, Qualifications, Regarding the Qualifications for Eligibility as President-Elect, Zone Vice President, and Treasurer
 - e. ACCA Motion 2: Establishment of a Task Force to Develop the Qualifications to Serve as President, the Nomination Process, and a Transition Plan to Replace the Zone Rotational System
 - f. ACCA Motion 3: Amend AP 8, Motions, and FP 7, Examination Charges, Relating to the Process to Review and Change Examination Fees
 - g. MBA Motion 1: Proposal to Hold a Combined Central, Northeast, Southern, and Western Zones Interim Meeting in 2020
 - h. UPLG (Uniform Procedures and Legislative Guidelines) Motion 9: Amend Model Rules 240.20, Seals, Regarding the Use of Digital Seals and Signatures on Engineering and Surveying Documents
 - i. UPLG Motion 11: Amend Model Law 130.10 B2, General Requirements for Licensure, Engineering, Licensure as a Professional Engineer, Relating to Educational and Experience Credit
 - j. Western Zone Resolution: Amend Bylaws Section 6.02, Quorum and Voting, to Revise Voting Procedures
 - k. California Resolution: Development of a Public Lands Survey System (PLSS) Module as a Depth Portion of the NCEES Principles and Practice of Surveying Examination
- F. Adoption of Updated Strategic Plan (Possible Action)
- G. Outreach
- H. Update on Business Process Improvement Study

Legislation and Regulations Workgroup

Legislation:

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

Regulations:

1. Exam Appeals Repeal (3063.1, 3036.2, 3037.1, and 3037.2)

- Rulemaking approved at Office of Administrative Law (OAL), effective July 1, 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.
 - Package at Department of Finance (DOF) for review, sent on March 27, 2017.
 - Package at Office of Administrative Law (OAL), sent on April 19, 2017.

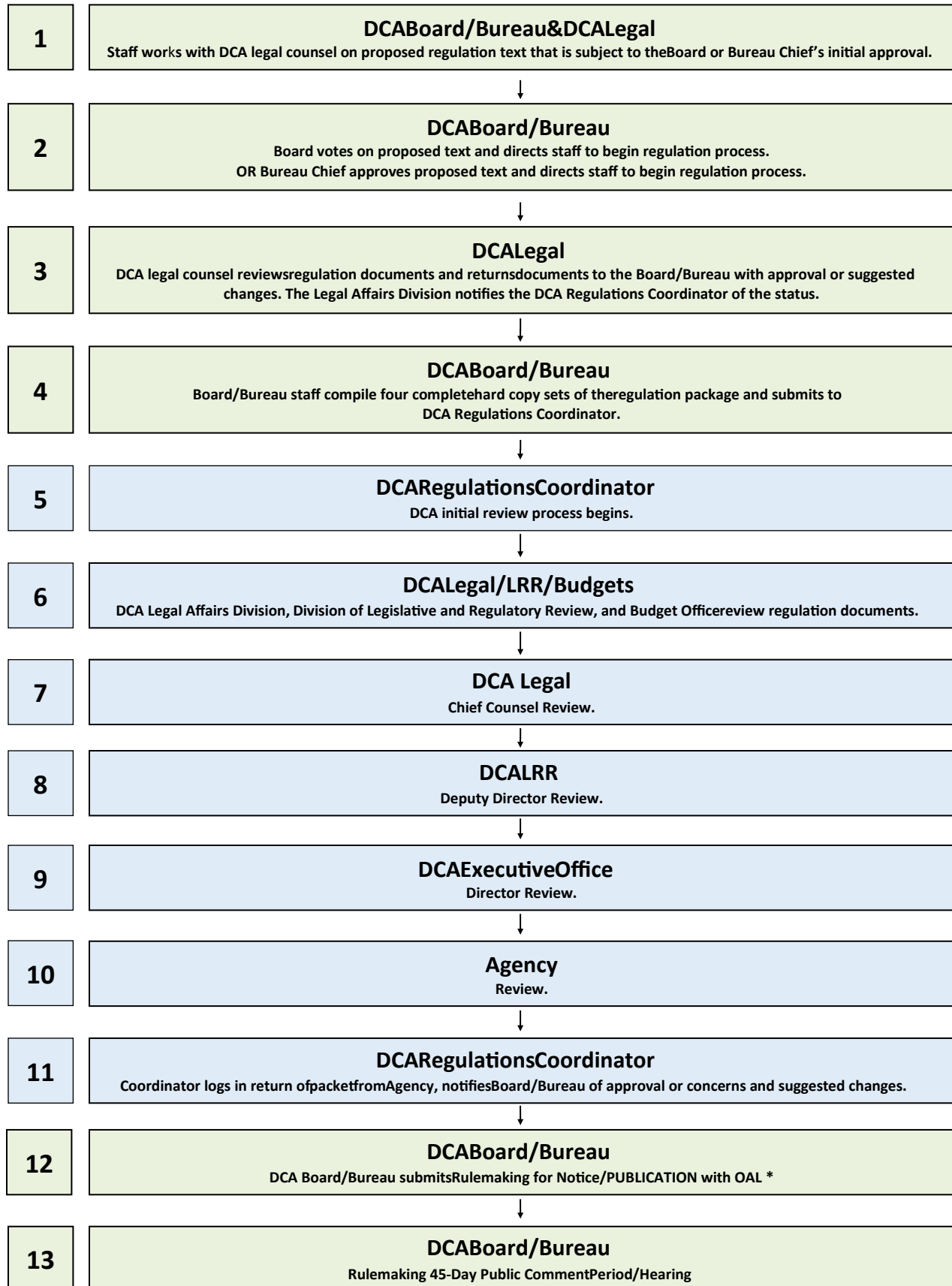
2. Qualifying Experience Land Surveyor (425)

- Final package sent to DOF for review on July 13, 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.

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

INITIALPHASE



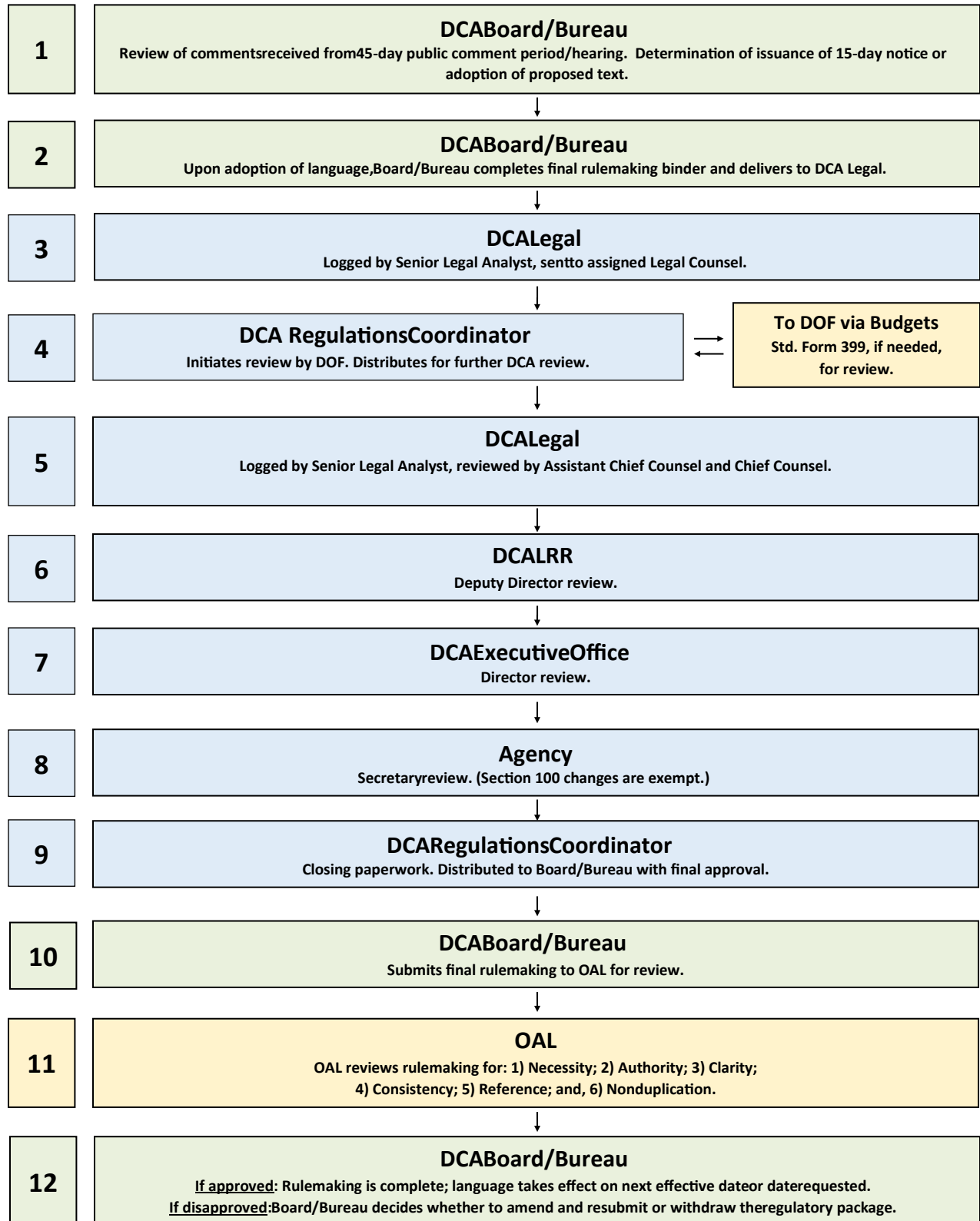
Legend

DCA—Department of Consumer Affairs
LRR—Division of Legislative Regulatory Review
OAL—Office of Administrative Law

* If any changes to language last approved by the Board are needed, a vote by the Board may be necessary.

REGULAR RULEMAKING PROCESS—DCA BOARDS/BUREAUS

FINALPHASE



Legend

DCA—Department of Consumer Affairs
LRR—Division of Legislative Regulatory Review
OAL—Office of Administrative Law
DOF—Department of Finance
Std. Form 399—Economic and Fiscal Impact Statement

National Council of Examiners for Engineering and Surveying (NCEES)
Annual Meeting Motions & Resolutions

NCEES has provided a summary of the proposed motions and resolutions that will be considered at the Annual Meeting in August 2017. Board staff has reviewed these items and is bringing the following specific items to the Board's attention so that the Board can provide guidance to its delegates who will be in attendance at the meeting as to how to vote on behalf of the California Board. The motions and resolutions described below are included in the meeting materials for the Board's review.

a. Election of NCEES Treasurer

Three individuals are seeking election as the NCEES Treasurer. They are Shelly Macy, P.E., Wyoming Board; David Mongan, P.E., Maryland Board; and Timothy Rickborn, P.E., South Carolina Board. The information provided by the three candidates is included for the Board's review and consideration.

b. Bylaws Motion 1: Amend Bylaws Section 4.04, Elections and Terms of Office, Relating to the Treasurer Position

This motion proposes to amend the Bylaws to remove the language that allows the Treasurer to serve two consecutive two-year terms so that the Treasurer could serve only one two-year term. When this issue was discussed at the 2016 Annual Meeting, the NCEES Board of Directors (BoD) proposed an alternate motion to change the term of office to one three-year term, and California seconded the alternate motion; however, it was defeated. The NCEES BoD has taken a "does not endorse" position on this motion, which is akin to an "oppose" position. It is likely that the proposal to change the language to allow the Treasurer to serve one three-year term will be brought forward again.

c. Education Motion 1: Amend Position Statement (PS) 35, Future Education Requirements for Engineering Licensure, Regarding Alternative Educational Pathways to Licensure

This motion would include in PS 35 another pathway to licensure, which would allow for "assessed learning days," as defined, along with a bachelor's degree to be considered as meeting the educational requirements for licensure. Although the NCEES BoD endorses this motion, it has not been placed on the consent agenda.

d. Advisory Committee on Council Activities (ACCA) Motion 1: Amend Bylaws Section 4.05, Qualifications, Regarding the Qualifications for Eligibility as President-Elect, Zone Vice President, and Treasurer

This motion would specify that the President-Elect (and, therefore, the President and Past President) and the Zone Vice Presidents must be a licensed engineer or a licensed surveyor and that the Treasurer could be a license engineer, a licensed

surveyor, or a public member. Although historically the President-Elect and Zone Vice President positions have been filled by licensed members, this is not currently required by the Bylaws, thus allowing for the possibility that a public member could seek election as President-Elect or Zone Vice President. This proposed change to the Bylaws would remove that possibility. The NCEES BoD has not taken a position on this motion.

e. ACCA Motion 2: Establishment of a Task Force to Develop the Qualifications to Serve as President, the Nomination Process, and a Transition Plan to Replace the Zone Rotational System

Currently, the position of President rotates through the four Zones on a set schedule. This means that the particular Zone nominates the person from that Zone to be President-Elect (and then President). For example, in 2016/17, it was the Western Zone's "turn" to nominate the person to serve as President-Elect who will then serve as President in 2017/18; in 2017/18, it is the Northeast Zone's "turn," and so on through the four zones. This proposed motion would create a task force to develop the process to transition from this rotational system to allow for anyone who meets the qualifications established by the task force to be elected as President-Elect, no matter which Zone they may be from or which Zone may have been immediately previously represented. The NCEES BoD has taken a "does not endorse" position on this proposal.

f. ACCA Motion 3: Amend Administrative Policy AP 8, Motions, and Financial Policy FP 7, Examination Charges, Relating to the Process to Review and Change Examination Fees

This proposal would amend AP 8 to require that any motion to amend exam fees presented at the Annual Meeting by an entity other than the Finance Committee be referred to the Finance Committee for review before it is brought before the Council for a vote. This proposal would also amend FP 7 to require the Finance Committee to annually review the exam charges and to present any proposed revisions to the Council for a vote. Although the NCEES BoD endorses this motion and has placed it on the consent agenda, it is likely that it will be pulled from consent.

g. Member Board Administrators (MBA) Motion 1: Proposal to Hold a Combined Central, Northeast, Southern, and Western Zones Interim Meeting in 2020

The MBA Committee is proposing that the 2020 Zone Interim Meetings be held as one combined meeting with all four Zones rather than as individual or joint meetings of only one or two Zones. The four Zone Vice Presidents would work with NCEES staff to select the site for the combined meeting. The MBA Committee indicates that it believes this will result in a cost savings even though the amount of savings cannot be estimated at this time; any cost savings would be reflected in the budget presented at the 2019 Annual Meeting. The NCEES BoD has not taken a position on this proposal.

h. Uniform Procedures and Legislative Guidelines (UPLG) Motion 9: Amend Model Rules 240.20, Seals, Regarding the Use of Digital Seals and Signatures on Engineering and Surveying Documents

This proposal would amend the Model Rules to allow for the use of digital seals and signatures on engineering and surveying documents. Although the NCEES BoD endorses this motion and has placed it on the consent agenda, it is likely that it will be pulled from consent.

i. UPLG Motion 11: Amend Model Law 130.10 B2, General Requirements for Licensure, Engineering, Licensure as a Professional Engineer, Relating to Educational and Experience Credit

At the 2015/16 Annual Meeting, the Council voted to add the following statement, “A graduate degree that is used, in part or in whole, to satisfy education requirements cannot be applied for experience credit toward licensure” to PS 4 and in the Model Law, where appropriate, relating to applicants with non-EAC/ABET-accredited baccalaureate degrees. Additionally, the Council voted to include language indicating that experience credit for a graduate degree cannot be earned concurrently with work experience credit to the Model Law and/or Model Rules, where appropriate. The UPLG Committee was assigned the task of refining the language and determining the appropriate places in the Model Law and/or Model Rules where the language should be included. This motion proposes to amend Model Law 130.10 to include the language. Although the NCEES BoD endorses this motion and has placed it on the consent agenda, it is likely that it will be pulled from consent.

j. Western Zone Resolution: Amend Bylaws Section 6.02, Quorum and Voting, to Revise Voting Procedures

At its April 2017 meeting, the Board voted to present a resolution to the Council to amend Bylaws Section 6.02 to provide that a combined board that regulates both engineering and surveying (such as this Board) shall be entitled to two votes, rather than one vote. When the California delegation presented this resolution at the Western Zone meeting in May, the Member Boards of the Western Zone voted unanimously to present the resolution as a Western Zone Resolution at the Annual Meeting. The NCEES BoD has not taken a position on this resolution.

k. California Motion: Development of a Public Lands Survey System (PLSS) Module as a Depth Portion of the NCEES Principles and Practice of Surveying Examination

At its April 2017 meeting, the Board approved moving forward with preparing a motion to be presented to the Council at the Annual Meeting for the development of a PLSS Module for the NCEES professional surveying exam. This concept was presented to all four Zones at their Interim Meetings in May, and the reception from the Member Boards has been very positive. The formal motion will be distributed to all Member Boards prior to the Annual Meeting.

From: [Krista Wilson](#)
Subject: Macy for NCEES Treasurer
Date: Wednesday, June 21, 2017 9:38:32 AM
Attachments: [Macy Resume 2017 - WY.pdf](#)
[NCEES Treasurer Brochure MACY \(1\).pdf](#)

Your consideration is respectfully requested to vote for Shelley Macy, PE MBA as NCEES Treasurer during the NCEES Annual Meeting in August.

As a member of NCEES, you recognize the importance of solid fiscal leadership both in your jurisdiction and nationally. Fiscal leadership is why the Wyoming Board is resolute in nominating Ms. Macy. She has been active in financial review for the Wyoming Board since her appointment in 2011. Ms. Macy's aptitude for numbers directed her into engineering and that interest logically developed into a passion for financial analysis. She applies her Masters in Business Administration (MBA) skills in her own businesses and understands the importance of complying with Generally Acceptable Accounting Principals (GAAP). Her positive contributions on the NCEES finance committee led to her assignment as the 2017 Finance Chair.

Wyoming encourages your thoughtful consideration of Ms. Macy for NCEES Treasurer and provides the attached information to assist your research. We are hopeful this will lead to your Board's support at the Annual Meeting.

Krista Wilson

Asst. Executive Director
WY State Board of PE/PLS
6920 Yellowtail Road Ste. 100
Cheyenne WY 82002
307-777-6155
307-777-3403 fax
<http://engineersandsurveyors.wy.gov>

****To safeguard life, health, and property; promote the public welfare; and assure those who practice the professions are licensed, and attain and maintain competence.****



Follow us!!

E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

Shelley R. Macy, PE, MBA

2017



2415 Wildhorse Trail
Cheyenne, WY 82009



OBJECTIVES

Provide forward looking mechanical engineering designs with financial analysis impact in a global market to assist businesses in their successful planning and evaluation of management decisions.

EDUCATION

University of Wyoming

2011-2013

Master of Business Administration

1995-2005

General Business Classes while working full time

1988-1993

Bachelor of Science in Mechanical Engineering with a cross-college in Applied Mathematics

EXPERIENCE

President | Macy Engineering, PC

2002 - Present

Owner of professional mechanical engineering consulting firm providing design services for HVAC, plumbing, fire protection and control systems for commercial clients. Licensed in Wyoming since 1998. I presently provide quality consulting mechanical engineering services. Professional services which include Planning, Preliminary Design, Construction Document Design and Construction Administration. Promote use of temperature control design to maximize efficiencies and minimize utility costs.

Managing Partner | College Drive Self Storage

2002 - Present

50% owner, developer and managing partner of self-storage facility: www.wyostorage.com;
Responsible for personnel, budgeting, financials

Financial Records/BK Filing Manager | Macy Law Office, PC

2002 - 2014

Responsible for financial records and necessary accounting filing for law firm; Managing and filing Chapter 13 & Chapter 7 Bankruptcy petitions; Assist with the assembly and interpretation of personal injury financial documents and records.

Gubernatorial Appointee | **Wyoming State Board of Professional Engineers and Land Surveyors**

2011 – 2015; 2015-present

Second term appointment as board member for State of Wyoming by Governor Matthew H. Mead. The Board's mission is to safeguard life, health and property of the public by assuring that those who practice the professions of engineering and land surveying are licensed and attain and maintain competence in those professions. <http://engineersandsurveyors.wyo.gov/>

Member | **National Council of Examiners of Engineers and Surveyors**

2011 – Present; Finance Committee Chair 2016-2017

The National Council of Examiners for Engineering and Surveying (NCEES) is a national nonprofit organization dedicated to advancing professional licensure for engineers and surveyors. NCEES develops, administers, and scores the examinations used for engineering and surveying licensure in the United States. It also facilitates professional mobility and promotes uniformity of the U.S. licensure processes. Candidate for Treasurer – election to be held August 2017.

Member | **University of Wyoming Civil & Architectural Engineering Advisory Board**

2013 – Present; Vice Chair 2016 - Present

The purpose of the Advisory Board is to foster an ever higher level of excellence in the University of Wyoming's Department of Civil and Architectural Engineering. The Board will accomplish this by catalyzing increased interaction between students, faculty, and the larger engineering community; providing input on academic issues, especially those related to ABET accreditation; supporting the promotion and development of the education programs and facilities in the Department; recognizing significant achievements of Department of Civil and Architectural Engineering alumni and supporters; and assisting in fund-raising activities.

<http://www.uwyo.edu/civil/advisory/>

SKILLS

- ☐ **Leadership** (Leadership Wyoming Class of 2017 – graduate); Leadership Wyoming is a program for a diverse group of approximately 45 Wyoming leaders, to participate in a challenging, interactive and thought-provoking 9-month educational program.
<http://www.leadershipwyoming.org/>
- ☐ **Technical** Education and Experience in diverse technical and financial arenas
- ☐ **Communication** Literate in multiple computer programs and tools; effective both with verbal and written communications
- ☐ **Ethical** Extreme work ethic combined with high values and morals
- ☐ **Teamwork** Able to effectively work in teams with multiple types of personalities and skill levels

Macy For NCEES Treasurer



Education

Master of Business Administration

Bachelor of Science Mechanical Engineering

Leadership Wyoming

**2415 Wildhorse Trail
Cheyenne, WY 82009**

Wyoming Board

Appointed in 2011

Reappointed in 2015

Currently serving as Treasurer

NCEES Activity

Committee on Finances 2014, 2015, 2016, 2017

Currently Chair of Finance Committee

Mechanical Exam Committee 2015

NSPE Activity

Past WySPE President, VP, Treasurer

Currently Vice Chair of Future of the Profession Task Force

Committee on Policy Advocates 2016-present

Profession

Entrepreneur – Macy Engineering, PC, 2002-present

Developer – College Drive Self Storage, 2002-present

Shelley R. Macy, PE

Other Engineering Activity

University of Wyoming Civil & Architectural Board 2013-present

Currently Vice Chair UW Civil & Architectural Board

Governor's Residence Foundation Board 2011-present



There's nothing I believe in more strongly than getting young people interested in science and engineering, for a better tomorrow, for all humankind.

-Bill Nye (Science Guy)



From: [Dave Mongan](#)
To:

Cc:
Subject: Candidate for NCEES Treasurer
Date: Monday, January 09, 2017 10:44:50 AM
Attachments: [Request for supportDM.docx](#)

Dear MBA,

I am David Mongan, P.E., a member of the Maryland Board of Professional Engineers, and am running for the position of NCEES Treasurer. Please forward the attached to your board members. I urge your support.

Thank You,

David Mongan P.E., F. ASCE

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

David G. Mongan, P. E.

December , 2016

Subject: NCEES Treasurer Position for 2017-2018

Dear Board Member:

I am a candidate for the position of NCEES Treasurer, and I am soliciting your support. I am a member of the Maryland Board of Professional Engineers and have been active with NCEES since joining the Maryland Board in 2010. I have served for two years on NCEES's Finance Committee and currently chair the ACCA Committee. I believe that the strength of organizations like NCEES comes from volunteers, and I pledge to you that I will fully dedicate my time and talents to the duties of NCEES Treasurer. I fully understand the duties and responsibilities associated with this position, and I will work to ensure the proper stewardship of the NCEES' reserves. It was only a few short years ago that NCEES was in serious financial trouble. Some recent actions have placed the potential financial stability of NCEES in jeopardy. I will work to ensure that does not happen. I believe that NCEES should adhere to the principles and requirements of Sarbanes/Oxley Act, and my goal as Treasurer will be to work with the Board of Directors, NCEES staff and the Committee on Finances to maintain NCEES's strong financial position for years to come.

The mission of NCEES is to promote licensure to protect the health, safety and welfare of the public. I have dedicated my non-working profession efforts to that goal. I believe that serving as NCEES Treasurer is a way to advance the NCEES mission.

Throughout my career, I have been intimately involved in the operation and management of my business and dedicated many years to professional associations that promote engineering. I am the retired President of Whitney, Bailey, Cox & Magnani, LLC, an architectural/engineering/construction firm headquartered in Baltimore, MD whose annual budget was over \$25 Million. I have been active at the national level with the American Society of Civil Engineers (ASCE) and served as its President in 2008. Prior to that, I served as District 5 Director, Zone 1 Vice President, and Treasurer as well as serving on or as chair of numerous committees. I am the Past Chair of the Council on Federal Procurement of Architectural and Engineering Services (AAES), past Chair of the American Association of Engineering Societies and past President of the Board of Directors for Engineers Without Borders-USA (EWB). I am a lifelong Marylander and hold a Bachelors and Masters of Science in Civil Engineering from the University of Maryland and Masters in Business Administration from Loyola College of Baltimore, Maryland.

My specific experience in a treasurer/finance capacity includes two years as the Treasurer for ASCE and two years as Assistant Treasurer where I helped to develop and oversee a budget of over \$50 Million. In that capacity I provided oversight for the ASCE investment fund of over \$25 Million. When I was Assistant Treasurer ASCE was in financial difficulty and using its reserves for day to day operations. When I left as Treasurer we had rebuilt the reserves to over 30 percent. I have also served for three years on the finance committee of EWB and three years on the finance committee of AAES. As mentioned earlier, I also served for two years on NCEES's finance committee. From these experiences, I have gained a firsthand understanding of the role of the Treasurer and type of financial acumen that is required to hold that position.

As a member of the Maryland Board, I chaired the committee that involved a multitude of stakeholders working together to develop the continuing competency regulations for professional engineers in Maryland, and continue to chair a committee to review applications submitted by

various providers of continuing competency activities. I am also spearheading the efforts to reconvene a Task Force to take another look at the continuing competency regulations for updates and modifications.

I am eager to serve as NCEES Treasurer. I have the support of the Maryland Board of Professional Engineers. I believe my knowledge and experience, both as a former principal of a multidisciplinary firm, as well as the multitude of finance experience in several national engineering organizations makes me uniquely qualified for the position of Treasurer, and I respectfully ask for your support and endorsement.

Sincerely,

David G. Mongan, P.E.

From: [Tim Rickborn for NCEES Treasurer](#)
To: [Western Zone Members](#)
Subject: RICKBORN for NCEES Treasurer
Date: Thursday, July 13, 2017 1:10:36 PM
Attachments: [Rickborn for NCEES Treasurer.pdf](#)

Dear NCEES Western Zone Members and Associate Members:

It will not be long until the 96th NCEES Annual Meeting in Miami Beach. As part of the meeting, the Council will vote for the next NCEES Treasurer on August 24.

As you prepare for this important meeting, I humbly request support from your Board for my candidacy for the office of NCEES Treasurer.

I have a number of valuable qualities I would bring to the position of NCEES Treasurer. First, I have developed good financial management skills through the leadership roles that I have held in various community and professional organizations, as structural department head at a previous employer, as treasurer of one organization for 8 years, and by operating my own business for 16 years. I have been intimately involved in development and management of budgets, development of policies and procedures, and long-range planning. My involvement in each of these organizations has reinforced the importance of responsibility, accountability and good financial stewardship.

Second, I previously served on the Finance Committee for four years. This provided me an understanding of the Council's finances and goals. It also provided me the opportunity to work with members from different zones, past treasurers, and NCEES staff.

Third, I have been an active volunteer on the Structural Exam Committee since 2002. I have served as chair of the multiple choice portions of the vertical and lateral exam components since 2010. During this time, I have learned much about the exam development process. I understand the challenges that come with converting the professional exams to CBT including: allocation of time and resources to exam bank conversion, preparation of supplied reference manuals, and formulation of new innovative exam items. As conversion of the professional exams to CBT continues during the next few of years, the knowledge that I have gained as an exam volunteer will be beneficial in my role as treasurer.

As Treasurer, I will continue to review and promote financial policies and investment strategies that will maintain the strong financial position of NCEES. As a member of the Board of Directors, I would work with NCEES staff to ensure continuation of sound fiscal responsibility within its programs and services while pursuing the goals and objectives outlined in the NCEES Strategic Plan. As your Treasurer, I will use my 25 years of professional experience to achieve these and other initiatives of NCEES.

I have attached information regarding my educational background, work experience, professional credentials and activities, service to the SC Board, service to other organizations, and service to NCEES. As you consider my qualifications, please feel free to contact me with any questions.

I am excited at the opportunity to further serve NCEES and the engineering and surveying professions .

Thank you for your consideration of my candidacy for NCEES Treasurer.

Sincerely,

Tim Rickborn



EDUCATION

- Bachelor of Science in Civil Engineering – Clemson University (1991)
- Master of Science in Civil Engineering – Clemson University (1992)

PROFESSIONAL REGISTRATION/CERTIFICATION

- Professional Engineer – South Carolina, Georgia, North Carolina, Louisiana, and Florida
- Structural Engineering Certification Board (SECB)

PROFESSIONAL EXPERIENCE

- President/Senior Structural Engineer
Rickborn & Associates, LLC (2001 to present), Mount Pleasant, SC
- Structural Engineer/Department Head
Wright Padgett Christopher, Inc. (now a Terracon Company), Mount Pleasant, SC

PROFESSIONAL SOCIETIES/ASSOCIATIONS

- American Society of Civil Engineers – Member (1989 to present)
- Structural Engineers Association of South Carolina
Founding Member (2005), Licensure Committee (2006 to 2011)
Charleston Chapter President (2006 to 2009)
State Board of Directors (2006 to 2009)
State Vice President (2007 to 2008)
 - Assisted in developing annual budgets (Chapter and State)
 - Assisted in planning of Annual State Conferences (2006 to 2009)

COMMUNITY SERVICE/AWARDS

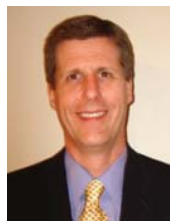
- St. Matthew's German Evangelical Lutheran Church, Charleston, SC
Property Committee Member (2000 to 2008)
 - Established and managed limited budgets for annual maintenance of Church propertiesBuilding Steering Committee Member (2009 to 2010)
 - Established requirements for selection of consultants for building programming studiesHistoric Sanctuary Renovation Committee Member (2010 to 2016)
 - Established and managed budgets for \$8 Million Historic Sanctuary Renovation
- Charleston County Clemson Club
Board Member (1995 to 2003)
Treasurer (1995 to 2003)
 - Established and managed annual budgets and planned annual alumni club meetings
 - Established two recurring annual scholarships for Charleston County Clemson students
- Recipient of *Young Alumnus of Merit Award* – Clemson University Alumni Association (2000)
- Lutheran Brotherhood, East Cooper Branch #8740
Vice-President (1995 to 2002)
 - Assisted in budget development, fundraising and implementation of numerous community outreach special projects

SC BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS & LAND SURVEYORS

- Board Member (2012 to present)
- Board Vice Chair (2013)
 - Assisted in planning/hosting of 2014 Southern Zone Interim Meeting in Charleston, SC
- Board Chair (2014 to 2016)
 - Represented Board at numerous meetings and conferences
- Building Official Manual Joint Task Force (2014 to present)

NCEES SERVICE

- Finance Committee Member (2012 to 2016)
- 16-Hour Structural Engineering Exam Committee Development Volunteer
Chair of Vertical and Lateral Component Multiple Choice Exam Modules (2010 to present)
- Professional Activities and Knowledge Studies – PAKS (2009 & 2016)
- Structural I Exam Committee Development Volunteer (2002 to 2010)



TIMOTHY W. RICKBORN, P.E.
for NCEES Treasurer

PERSONAL MESSAGE

Dear NCEES Members and Associate Members:

It is a great privilege to be nominated by the SC Board as a candidate for NCEES Treasurer. I am truly honored by this wonderful and exciting opportunity.

NCEES has many important issues to address in the next several years as it continues to pursue the goals and objectives outlined in the NCEES Strategic Plan. These include items in the areas of: advocacy for member boards; education, examination, and experience; public awareness and growth of licensure; international activities; and continued monitoring of NCEES' governance systems, processes, and structure.

As always, we must be ever vigilant to monitor income and expenses in order to maintain the strong financial health that NCEES has worked hard to achieve. I believe in policies that foster openness and transparency regarding the finances of the Council. I will use my experiences as an owner of an engineering firm, past leadership positions in other professional and community organizations, and as a former NCEES Finance Committee member to ensure that sound economic decisions continue to be made for NCEES.

If I'm elected as NCEES Treasurer, I pledge to dedicate the time and effort necessary to fulfill my duties as NCEES Treasurer and a member of the NCEES Board of Directors. I strongly support the mission of NCEES and the vision created by all those who have served NCEES in the past. I believe that it is essential for NCEES to maintain its strong financial position to continue its proven leadership in exam development and to continue providing support services that benefit Member Boards, licensees and students.

I look forward to the opportunity of serving as NCEES Treasurer to assist in continuing the important mission of advancing licensure for engineers and surveyors in order to safeguard the health, safety, and welfare of the public.

Thank you for your consideration of my candidacy for NCEES Treasurer.

Sincerely,

Timothy W. Rickborn, MS, PE



NCEES
advancing licensure for
engineers and surveyors

Bylaws Motion 1

Move that *Bylaws* 4.04 be amended as follows:

Section 4.04 Elections and Terms of Office. The President-Elect shall be elected by the Council at each Annual Business Meeting in the manner prescribed in the *Bylaws*. The Treasurer shall be elected at each Annual Business Meeting held in an odd-numbered year, in the manner prescribed in the *Bylaws*. Vice Presidents from the Southern and Northeast Zones shall be elected at their Zone Interim Meeting in odd-numbered years. Vice Presidents from the Central and Western Zones shall be elected at their Zone Interim Meeting in even-numbered years. The Chief Executive Officer is appointed as provided in the *Bylaws*.

The President-Elect shall normally serve the Council for a period of three years. The first year shall be as President-Elect. The second year, without further election, the President-Elect shall become President, holding that office until a successor has been installed. The third year, without further election, the President shall become Immediate Past President, holding that office until a successor has been installed. Vice Presidents shall hold office for two years or until their successors have been installed. The Treasurer's term of office shall be two years, ~~and that person may serve a maximum of two consecutive terms~~. For the office of Treasurer, a partial term served for the period between consecutive Annual Meetings shall not be considered a term for term-limit purposes.

Past Presidents shall be ineligible for re-election as President-Elect of the Council. Vice Presidents and the Treasurer shall not be eligible for re-election to the same office until at least one full two-year term has elapsed.

New members of the Board shall assume their duties at the conclusion of the Annual Business Meeting. Board members may continue to serve until the conclusion of the term of office to which they were elected even if their terms with Member Boards have ended.

Any member elected to the office of President-Elect shall be eligible to serve as President-Elect, President, and Immediate Past President, with the full authority of the offices and board privileges, until the expiration of the term as Immediate Past President, even though no longer a member of a Member Board.

Rationale

Motion 1 is proposed in response to the approved 2016 ACCA motion to remove the language stating that a treasurer may serve consecutive terms. In the 2016 ACCA motion rationale, the committee stated, "There are many Council members who are eager to serve in leadership roles within NCEES. Having the treasurer serve no more than one consecutive term gives more individuals the opportunity to serve in a leadership role within the board of directors. The proposed restriction is consistent with term limitations for zone vice presidents."

Board of directors' position

Does not endorse, non-consent agenda

Education Motion 1

Move that Position Statement 35 be amended as follows:

PS 35 Future Education Requirements for Engineering Licensure

One of the goals of NCEES is to advance licensure standards for all professional engineers. Those standards describe the technical and professional competency needed to safeguard the health, safety, and welfare of the public. The Council recognizes that future demands for increasing technical and professional skills have resulted in the need for additional education beyond the bachelor's degree for those entering the engineering profession.

NCEES has identified several future pathways by which a candidate for licensure as a professional engineer might obtain the body of knowledge needed to meet these educational requirements, including

the following:

- A. A bachelor's degree in engineering from a program accredited by EAC/ABET and a master's or earned doctoral degree in engineering in the same technical area from an institution that offers EAC/ABET-accredited programs, or the equivalent
- B. A bachelor's degree and a master's degree in engineering from a program accredited by EAC/ABET
- C. A bachelor's degree from a program accredited by EAC/ABET that has a minimum of 150 semester credit hours, of which at least 115 semester credit hours are in mathematics, science, or engineering combined and at least 75 of these semester credit hours are in engineering
- D. A bachelor's degree in engineering from a program accredited by EAC/ABET and at least 30 additional semester credit hours of upper-level undergraduate or graduate-level coursework in engineering on topics relevant to the practice of engineering (e.g., engineering-related science, mathematics, or professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control) from approved course providers (e.g., institutions that have EAC/ABET-accredited programs, or institutions or organizations accredited by an NCEES-approved accrediting body)
- E. A bachelor's degree in engineering from a program accredited by EAC/ABET, and 80 assessed learning days (ALDs) in areas germane to professional practice and that support and enhance the applicant's capability in their technical area of practice
 - 1. ALDs can be earned through credit or noncredit courses. The applicant shall be required to demonstrate successful completion and that the coursework was of sufficient content and rigor.
 - 2. Coursework may include university courses, industrial in-house specialty courses, short courses and certification courses offered by professional and technical societies, and other courses meeting standards to be developed by NCEES.
 - 3. At least 40 ALDs shall be from technical engineering coursework. Nontechnical ALDs include professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control.
 - 4. For non-university-provided coursework, a course that earns ALD credit must have a syllabus, learning objectives, and outcomes assessment.
 - 5. For non-university-provided coursework, one ALD unit shall be defined as eight hours of contact time.
 - 6. For university-provided coursework, a three-semester credit hour course shall equal six ALDs.
 - 7. Any single course must consist of at least one ALD.

NCEES will continue to explore alternative educational pathways for candidates for licensure as professional engineers to develop the body of knowledge needed for entry into the profession. These alternatives will be developed through collaboration with technical engineering societies and other stakeholders engaged with the engineering profession.

Rationale

Some member boards oppose requiring strictly a master's degree (or other university coursework) to meet future education requirements for licensure. To address this, the committee has been researching a new practice-oriented pathway for the past three years. The committee consulted several technical societies and concluded that they have high-quality, relevant, practice-oriented educational programs. These programs often fill the gap that traditional university degrees leave—especially for highly specialized disciplines. Adding item E to PS 35 gives applicants an alternative pathway to licensure that can be met without relying solely on academic institutions.

Board of directors' position

Endorses, non-consent agenda

ACCA Motion 1

Move that a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 4.05:

Bylaws

Section 4.05 Qualifications. Any member of NCEES who is a citizen of the United States and a member of a Member Board sometime during the calendar year in which the nomination occurs is eligible to hold an elective office. Associate members are not eligible to serve on the NCEES Board of Directors.

To be eligible for the office of President-Elect, a person shall be a licensed engineer or surveyor, shall have been a member of NCEES at least three years, and shall have attended at least two Annual Business Meetings. Additionally, m~~M~~embers of the Board of Directors may run for President-Elect if their term on their state board has expired during their term as NCEES Vice-President or Treasurer; and they have obtained emeritus standing within the Council; and they have the approval of their state board; and it is their zone's rotation to elect a President-Elect; and they have been nominated by the zone. The President-Elect shall not be from the same zone as the President. ~~Vice Presidents shall be from the zone that elects them.~~

To be eligible for the office of Vice President, a person shall be a licensed engineer or surveyor and shall be from the zone that elects him or her.

To be eligible for the office of Treasurer, a person shall be a licensed engineer, licensed surveyor, or public member.

Rationale

ACCA feels that to avoid ambiguity and to accurately communicate the Council's intent, the *Bylaws* should clearly describe the requirements for serving in the position of president-elect (and therefore president and past president). The NCEES president-elect, president, past president, and vice presidents are elected licensed engineers or licensed surveyors and represent and act for NCEES with many professional engineering and surveying groups. The treasurer is primarily involved with internal financial matters and mainly works with NCEES staff and the Finance Committee. It is the committee's opinion that the treasurer could be a public member, licensed engineer, or licensed surveyor.

Board of directors' position

No position, non-consent agenda

ACCA Motion 2

Move that a task force be established to consider the qualifications needed to serve as president-elect, to determine the details of the nomination process (including the potential of reestablishing a Nominating Committee), and to propose a transition plan. The task force shall present its findings, along with the recommended *Bylaws* changes, for Council review and vote.

Rationale

The current rotation system prohibits some qualified members from seeking nomination as president-elect because their term of board service doesn't line up with their zone's nominating opportunity. This change would allow these members the opportunity to serve in NCEES leadership and provide much greater flexibility for all NCEES members who seek these opportunities. The Council would have more qualified candidates to choose from. Other professional organizations have transitioned from a regional zone rotation selection process to qualifications-based selection with favorable results; anticipated negative impacts did not materialize.

Board of directors' position

Does not endorse, non-consent agenda

ACCA Motion 3

Move that AP 8 and FP 7 be revised as follows:

AP 8 Motions

Motions before the Council at the annual business meeting shall not be voted upon at the same business session in which they are introduced and initially discussed or prior to zone meetings. This policy shall not apply to privileged or subsidiary motions and may be suspended for other motions upon approval by a two-thirds majority vote.

~~Additionally, a~~Any motion to amend the *Model Law* or *Model Rules* presented at an annual business meeting by an entity other than the Committee on Uniform Procedures and Legislative Guidelines (UPLG) shall be referred to the UPLG Committee for review and revision of the language before it is presented for Council vote at the next scheduled annual business meeting.

Any motion to amend exam fees in Financial Policy 7 that is presented at an annual business meeting by an entity other than the Committee on Finances shall be referred to the Committee on Finances for review and revision of the language before it is presented for Council vote at the next scheduled annual business meeting.

FP 7 Examination Charges

~~All examination charges shall be reviewed annually by the Committee on Finances, and any proposed changes shall be brought before the Council for approval. The Committee on Finances shall annually review all examination charges and propose any changes to examination charges for Council vote at the annual meeting.~~ The current exam prices are as follows:

Examination	Price	Date Approved	Date Effective	Future Price	Date Approved	Date Effective
Computer-based FE*	\$225	8/13	1/14	\$175	8/16	1/18
Computer-based FS*	\$225	8/13	1/14	\$175	8/16	1/18
PE**	\$250	8/11	4/13	—	—	—
Computer-based PE*	—	—	—	\$375	8/16	1/18
Computer-based PS*	\$300	8/15	10/16	—	—	—
Structural Lateral Forces component**	\$400	8/09	4/11	—	—	—
Structural Vertical Forces component**	\$400	8/09	4/11	—	—	—

For computer-based examinations, examinees are required to pay NCEES directly. Beginning in May 2017, all examinees will be required to pay NCEES directly; this requirement will include both computer-based and pencil-and-paper examinations.

*Price includes exam development, scoring, and computer-based exam administration.

**Price includes exam development, scoring, shipping, and materials. Exam administration fees will remain separate for pencil-and-paper exams.

Rationale

This requirement would allow the Finance Committee adequate time to review the financial impact of modifying exam fees to help determine the effects to the long-term financial stability of the Council and provide rationale to the members prior to making exam fee modifications.

Board of directors' position

Endorses, consent agenda

MBA Motion 1

Move that the Central, Northeast, Southern, and Western zone interim meetings be held as a combined meeting in 2020, with the vice presidents from each zone serving as members of a single site-selection committee to work with NCEES staff on selecting a location.

Rationale

As described in the report under Charge 5, the MBA Committee believes there are numerous benefits to holding a single zone interim meeting in the spring rather than four separate ones. There is no language in the *Bylaws*, *Manual of Policy and Procedures*, or *Zone Meetings and Continuity Guidelines* that precludes such a meeting from being held. The committee's recommendation is to try a combined meeting for one year and is proposing this as a motion to ensure that all zones participate in the single meeting.

The committee expects that there will be cost savings, which would be reflected in the 2019–20 budget that the Council would vote to approve at the 2019 annual meeting. The cost savings would depend on the location selected, so cannot be determined at this date. The committee is proposing that a site-selection committee be made up of the four zone vice presidents, who would work with NCEES staff to determine a location and date of the meeting.

The committee also recognizes that zones have rotations as far as host boards for the zone interim meetings. Holding this single meeting in 2020 would not cancel the order of rotations for those zones; instead, the host board rotation would basically skip a year and pick back up in 2021 with the board that was originally scheduled to host in 2020.

Board of directors' position

No position, non-consent agenda

UPLG Motion 9

Move that *Model Rules* 240.20 be amended as follows.

Model Rules 240.20 Seals

A. Seal of the Board

The seal of this board is *[insert description of seal]* and shall be affixed to each certificate of licensure, certificate of authorization, and enrollment document.

B. Seal of Licensee

~~When an applicant is granted licensure, he or she must obtain a seal. It may be a rubber stamp. It A licensee's seal~~ shall contain the following:

1. Jurisdiction of licensure
2. Licensee's name
3. License number
4. The words "Professional Engineer" and discipline *[if licensed by]* or "Professional Surveyor"

C. Seal on Documents

1. The seal and signature of the licensee and the date of signing shall be placed on all final engineering specifications, reports, drawings, plans, design information, and calculations or surveys, reports, plats, drawings, plans, and calculations whenever presented to a client or any public agency to certify that the work thereon was done by the licensee or under the responsible charge of the licensee. Working drawings or preliminary documents are not required to have a seal and signature if the working drawing or preliminary document contains a statement in large bold letters to the effect "PRELIMINARY, NOT FOR CONSTRUCTION, RECORDING PURPOSES, OR IMPLEMENTATION."
2. The seal and signature shall be placed on all original copy, tracings, or other reproducible documents so that the seal and signature will be reproduced when copies are made.
3. When the document contains more than one sheet, the first or title page shall be sealed and signed by the licensee who was in responsible charge. Two or more licensees may affix their signatures and seals provided that a note under the seal designates the specific subject matter for which each is responsible. In addition, each sheet shall be sealed and signed by the licensee or

licensees responsible for that sheet. When a firm performs the work, each sheet shall be sealed and signed by the licensee or licensees who were in responsible charge of that sheet.

4. The seal and signature shall be placed on work only when it was under the licensee's responsible charge. The licensee shall sign and seal only work within the licensee's areas of competence.
5. Plans, plats, specifications, drawings, reports, and other documents will be deemed to have been prepared under the responsible charge of a licensee only when all the following conditions have been met and documented:
 - a. The client requesting preparation of such plans, plats, specifications, drawings, reports, or other documents makes the request directly to the licensee, or a member or employee of the licensee's firm;
 - b. The licensee supervises the preparation of the plans, plats, specifications, drawings, reports, or other documents and has input into their preparation prior to their completion;
 - c. The licensee reviews the final plans, plats, specifications, drawings, reports, or other documents; and
 - d. The licensee has the authority to, and does, make any necessary and appropriate changes to the final plans, plats, specifications, drawings, reports, or other documents.

The licensee is responsible for meeting all of the preceding requirements whether the work is being performed remotely or locally.

6. Any revision to a document containing the seal and signature of a licensee shall be described and dated. If the revisions are not done by the original licensee, the revisions must also be signed and sealed by the licensee in responsible charge of those revisions.
7. In circumstances where a licensee in responsible charge of the work is unavailable to complete the work, or the work is a site adaptation of a standard design plan, or the work is a design plan signed and sealed by an out-of-jurisdiction licensee, a successor licensee may take responsible charge by performing all professional services to include developing a complete design file with work or design criteria, calculations, code research, and any necessary and appropriate changes to the work. The non-professional services, such as drafting, need not be redone by the successor licensee but must clearly and accurately reflect the successor licensee's work. The burden is on the successor licensee to show such compliance. The successor licensee shall have control of and responsibility for the work product and the signed and sealed originals of all documents.
- ~~8. Computer generated seals not signed with a digital signature may be used on final original drawings provided that a handwritten signature is placed adjacent to or across the seal and the date is written below the seal. Drawings, specifications, plans, reports, and documents that do not require sealing may be transmitted electronically but shall have the generated seal, if any, removed before transmitting and shall have the following inserted in lieu of the signature and date: "This document originally issued and sealed by [insert name of licensee], P.E.# _____/ P.S.# _____ on [insert date of sealing]. This document should not be considered a sealed document."~~

When a licensee is required to seal and sign engineering/surveying documents, one of the following methods must be used:

- a. Physical placement of a seal and a handwritten signature in permanent ink containing the name of person who applied it
- b. Digital placement of a seal and a handwritten or digital signature containing the name of person who applied it

Drawings, reports, and documents that are signed using a digital signature must have an electronic authentication process attached to or logically associated with the electronic document.

The digital signature must be

- a. Unique to the individual using it
- b. Capable of verification
- c. Under the sole control of the individual using it
- d. Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

A digital signature that uses a process approved by the board will be presumed to meet the criteria set forth in subsections 8 a–d above. Any hard copy printed from the transmitted electronic file shall bear the facsimile of the signature and seal and be a confirmation that the electronic file was

not altered after the initial digital signing of the file. Any alterations to the file shall cause the facsimile of the signature to be voided.

Rationale

The 2015–16 Technology Task Force proposed changing language to provide clarity for member boards regarding both physical (ink) and digital methods of signing and sealing professional engineering and surveying documents as defined in the *Model Rules*. In reviewing the language proposed by the Technology Task Force, UPLG did make some modifications. In C8, the original task force language said, “A licensee may seal and sign engineering/surveying documents by one of the following methods.” UPLG edited the language to make it clear that the methods for sealing a document apply when a licensee is required to seal and sign documents. The committee felt that this is needed so that it cannot be interpreted that a licensee with the responsibility to sign and seal a document has the discretion not to do so.

Board of directors’ position

Endorses, non-consent agenda

UPLG Motion 11

Move that *Model Law* 130.10 B2 be amended as follows.

Model Law 130.10 General Requirements for Licensure

B. Engineering

2. Licensure as a Professional Engineer

a. Initial Licensure as a Professional Engineer

An applicant who presents evidence of meeting the applicable education, examination, and experience requirements as described below shall be eligible for licensure as a professional engineer.

(1) Education Requirements

An individual seeking licensure as a professional engineer shall possess one or more of the following education qualifications:

(a) A ~~bachelor’s~~ degree in engineering from an EAC/ABET-accredited bachelor’s program

(b) A ~~master’s~~ degree in engineering from an ~~institution that offers~~ EAC/ABET-accredited master’s programs

~~(c) A master’s degree in engineering from an EAC/M-ABET accredited program~~

~~(d) An earned doctoral degree in engineering acceptable to the board~~

(c) A bachelor’s, master’s, or doctoral degree in engineering from a non-EAC/ABET-accredited program. This individual’s education must be shown to meet the NCEES Engineering Education Standard.

(2) Examination Requirements

An individual seeking licensure as a professional engineer shall take and pass the NCEES Fundamentals of Engineering (FE) examination and the NCEES Principles and Practice of Engineering (PE) examination as described below.

(a) The FE examination may be taken by a college senior or graduate of an engineering program of 4 years or more accredited by EAC/ABET, of a program that meets the requirements of the NCEES Education Standard, or of an engineering master’s program accredited by EAC/ABET.

(b) The PE examination may be taken by an engineer intern.

(3) Experience Requirements

An individual seeking licensure as a professional engineer shall present evidence of a specific record of 4 years of progressive engineering experience ~~satisfying one of the following described below~~ after a qualifying degree is conferred as described in a(1) above. This experience should be of a grade and character that indicate to the board that the applicant may be competent to practice engineering. Exceptions to length of experience are as follows:

- ~~(a) An individual with a bachelor's degree in engineering per (1)(a) above: 4 years of experience after the bachelor's degree is conferred~~
 - ~~(b)~~ (b_a) An individual with a master's degree in engineering per (1)(b) or (1)(c) above acceptable to the board: 3 years of experience after the qualifying bachelor's degree is conferred as described in a(1)(a) or a(1)(c) above
 - ~~(c)~~ (b_b) An individual with an earned doctoral degree in engineering acceptable to the board and who has passed the FE exam: 2 years of experience
 - ~~(d)~~ (c) An individual with an earned doctoral degree in engineering acceptable to the board and who has elected not to take the FE exam: 4 years of experience
- A graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure. To count for experience credit, graduate degrees shall be a progression of the applicant's bachelor's degree in engineering and relevant to the area of practice.
- Experience credit for a graduate degree cannot be earned concurrently with work experience credit.

Rationale

The 2015–16 Education Committee presented a motion to modify Position Statement (PS) 4, Applicants with Non-EAC/ABET-Accredited Baccalaureate Degrees, to add the following statement: “A graduate degree that is used, in part or in whole, to satisfy education requirements cannot be applied for experience credit toward licensure.” The motion passed at the 2016 annual meeting. The Education Committee also presented a motion, which also passed, to charge the UPLG Committee with incorporating similar language into the *Model Law*. The Education Committee’s rationale was as follows:

PS 4 and *Model Law* 130.10 both address education requirements for engineering licensure. Upon review of the two items, it was clear that there are discrepancies between them. First, the *Model Law* allows attainment of a master’s degree in engineering (without first earning a bachelor’s degree in engineering) to be sufficient to meet education requirements for licensure. Second, the *Model Law* does not address degrees from non-EAC/ABET-accredited programs.

The committee believes that the typical board practice is consistent with PS 4 and therefore proposes changes to *Model Law* 130.10 B so that it agrees with PS 4. The proposed changes require one of the following education qualifications: 1) a degree in engineering from an EAC/ABET-accredited bachelor’s program; 2) a degree in engineering from an EAC/ABET-accredited master’s program*; or 3) a bachelor’s, master’s, or doctoral degree from a non-EAC/ABET-accredited in engineering, with the individual’s education meeting the NCEES Engineering Education Standard.

*For a master’s program to be EAC/ABET-accredited, it must fulfill the bachelor’s-level general criteria for accreditation.

The proposed language in B2a(1) above incorporates the language proposed by the Education Committee.

UPLG is also proposing to modify B2a(3) to incorporate language proposed in the 2015–16 Education Committee’s Motion 4. That language was originally proposed to be added to *Model Rules* 230.20, Experience, in paragraphs A9 and B11. However, as a result of an unrelated motion last year, those two paragraphs are no longer in the *Model Rules*. UPLG was instructed to find the best place to incorporate the intent of the Education Committee language in the model documents and determined that *Model Law* 130.10 is the best place for that. In adding the original Education Committee language, UPLG felt that it needed to modify some of the language to make it fit holistically into the model documents.

UPLG worked with this year’s Education Committee on incorporating the language. The committees agreed to add the word “qualifying” before “degree” to make it clear that four years of experience must be gained after the degree that is used to qualify for initial licensure. For instance, if an applicant has a bachelor’s degree from an ABET-accredited program, then the experience could be earned any time after receiving that degree. However, if someone uses a master’s degree from an ABET-accredited program to qualify for initial licensure, then the experience would have to be earned after the master’s degree is

conferred. For someone who uses the NCEES Engineering Education Standard, the experience would begin after the qualifying degree is earned—whether it's a bachelor's, master's, or Ph.D. The language allows a year of experience credit for a master's degree and two years of experience credit for an earned doctoral degree (if the candidate has passed the FE).

Board of directors' position

Endorses, consent agenda

Western Zone Resolution

MOTION

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

- WHEREAS: *Bylaws* 6.02 establishes the rules for quorum and voting at the annual meeting and provides for each member board to have one vote; and
- WHEREAS: The current voting structure does not reflect the constituents served by the member boards; therefore, be it
- RESOLVED: That a Special Committee on Bylaws be charged with incorporating the following amendments into *Bylaws* 6.02:

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

~~Only Member Boards shall be entitled to vote.~~ Voting shall be by Member Boards, ~~with each board entitled to one vote.~~ Member boards that regulate one profession, either engineering or surveying, shall be entitled to one vote. Member boards that regulate both the professions of engineering and surveying shall be entitled to two votes. No state, as defined in *Bylaws* 1.02, shall be entitled to more than two votes, with the exception of Illinois. The Illinois Board of Structural Engineering will retain its vote, giving Illinois a total of three votes.

If a Member Board is represented by more than one delegate present at the time of voting, the vote may be split proportionately if its delegates wish. An associate member may serve as a Member Board delegate for voting purposes only when so designated by the Member Board's chair through written, signed communication presented to NCEES staff prior to the opening session of the meeting. For Member Boards that require authorization from the state, such designation may come from the agency director for that board.

Rationale

As regulatory boards, our mission is to protect the health, safety, and welfare of the public that we serve. Part of our duties and responsibilities in accomplishing our mission is to represent our state, district, or territory at the national level through participation in NCEES.

NCEES is comprised of 70 member boards, which represent a total of 55 states (as defined in the *Bylaws* 1.02, the word "state" means "any state, territory, or political subdivision of the United States of America"). The current NCEES *Bylaws* provides one vote to each member board. Thirteen states have two boards, one representing engineers and one representing surveyors. One state has three boards: one for engineering, one for surveying, and one for structural engineering. This means that 14 states—those with two or more boards—have more than one vote on matters before the Council.

Representation before the Council should be reflective of the constituents served by the member boards. As shown in Table 1, the current model does not reflect the constituents served by the member boards. A more equitable and manageable model for representation in the Council would be two votes per state rather than one vote per member board.

Impact on NCEES member boards if motion passes

- The 14 states that currently have two or more boards representing engineering and surveying independently will realize no change. Each board will have a vote and retain its funded delegates.

- The 41 states that currently have one board representing engineers and surveyors will add one vote.

Table 1: Zone data for votes and licensee populations

Zone	Licensees	Population	Current	Proposed	Licensees	Population	Current	Proposed
Central	179,373	67,941,429	17	25	19%	21%	24%	23%
Northeast	179,421	65,690,294	20	26	19%	21%	29%	23%
Southern	305,758	106,727,311	18	30	33%	34%	26%	27%
Western	275,351	76,882,561	15	30	29%	24%	21%	27%
Totals	939,903	317,241,595	70	111	100%	100%	100%	100%

Commonly asked questions

Question: *For states that have more than one board, will proxy voting be allowed if one of the boards is not able to attend?*

Answer: This proposal does not seek to change current rules about proxy voting. Any change to current rules would need to be presented through a separate resolution.

Question: *Will our member dues increase or double?*

Answer: This proposal does not seek to change the current member board fee structure. The current member dues structure, the total revenue generated from board dues, and benefits provided from the dues are provided below.

Current dues structure

Tier	Number of registrants/ licensees	Amount of dues	Jurisdictions paying	Effective date	Revenue generated
1	1 to 150	\$750	Northern Mariana Islands	Jan 1, 2009	\$750
2	151 to 500	\$2,600	Delaware LS, Nebraska LS, New Hampshire LS, Rhode Island LS, Vermont LS	Jan 1, 2009	\$15,600
3	501 or more	\$6,500	All others (64 boards)	Jan 1 2007	\$409,500
Total revenue					\$425,850

Membership benefits

As an NCEES member, each board gets to help determine what the model governance documents for the licensure of engineers and surveyors will contain; the content and format of the examinations used to determine minimal competence for both professions; representation on the board of the governing group that develops the engineering curricula for engineering programs; a portfolio program that aids in evaluating applications for licensure via comity provisions; various hosted communication boards and listserv to allow networking with other NCEES member boards; a vote in determining the leadership of NCEES; and a vote on all NCEES fees and policies. NCEES also funds some board members to travel to the annual meeting and to interim zone meetings.

These member boards (the Council) attend an annual business meeting each August to vote on motions and resolutions presented by NCEES committees, task forces, zones, the board of directors, and individual boards. NCEES boards also vote to fill open spaces on the board of directors. Most items voted on by the Council require a simple majority; changes to the Council' s *Bylaws* require a two-thirds majority.

Comment: We are a federation of boards; voting should not be proportional to licensees.

Response: We agree that a voting model based on either licensees or population is not appropriate for NCEES. However, the data for licensees and populations does show that there is an inequity in the current voting structure. This is why we have proposed a model where each state gets an equal number of votes.

We would also point out that decisions on merging boards are made by legislatures and are not decisions made by boards. Thus, the fact that a state such as Washington has a single board and Delaware has two is a political decision. As such, a model where each board is allocated a vote for the engineering and surveying professions it regulates is more equitable than the current model.

Board of directors' position

No position, non-consent agenda

ADOPTION OF UPDATED STRATEGIC PLAN

On April 20, 2017, the Board participated in a session facilitated by DCA's SOLID to update its Strategic Plan. During this session, the Board discussed the original objectives and classified them into three categories:

- Completed – the objective has been achieved.
- Implemented – the objective has been realized and has become part of the ordinary work of the Board and its staff.
- On-going – work on the objective is still in progress.

Additionally, the Board chose to revise some of the on-going objectives to better reflect the intent and purpose, as well as adding new objectives.

Following that session, SOLID provided the updated plan to Board staff for review and presentation to the Board. Staff has reformatted the plan to make it clearer that it is an update to the previous plan. For example, information has been added to the Strategic Planning Process section to describe the process that was followed to update the plan. The completed and implemented objectives have been removed from the Goals and Objectives listings and placed in the Strategic Plan Accomplishments sections, with an indication of the year of completion or implementation. An explanation has also been provided for each of the revised or added objectives.

There are three revisions staff believes need to be specifically brought to the Board's attention.

- When SOLID provided the draft revised plan, it contained suggested revisions to the wording of Goal 1. However, this was not brought up at the April 20 session, and so the Board has not discussed whether it wants to reword this goal or how it should be reworded. The Board needs to decide if it wants to make any changes to the wording of this goal. Staff does not believe any changes are needed.
- Staff recommends adding a new Objective 1.1 to address the need for an integrated licensing and enforcement case management system. While the need for a new system has been discussed, and was previously referenced in certain objectives as BreEZe, there was no specific objective addressing the need.
- At the April 20 session, the Board discussed adding a new objective relating to emerging technologies and their effect on the professions. Staff recommends adding new Objective 1.1 and revising Objective 3.1 to address this issue.

At this time, staff recommends that the Board review the updated strategic plan, make any changes that might be needed, and adopt the updated plan. For the purposes of the draft review document, the revisions and additions to the objectives are shown in underlined text for new wording and ~~strike through text~~ for deletions; these would be removed in the final version.

RECOMMENDED MOTION:

Adopt the updated Strategic Plan.



Strategic Plan

Board for Professional Engineers, Land Surveyors, and Geologists

**Updated Plan Adopted: [Date
of Adoption of Updates]**

Original Plan Adopted: July 31, 2014

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California Board for Professional Engineers, Land Surveyors, and Geologists

Members of the Board as of [date of adoption of updates]

Natalie Alavi, P.E. – Mechanical Engineer Member
Fel Amistad, Ph.D. – Public Member
Kathy Jones Irish – Public Member
Asha M. B. Lang – Public Member
Eric Johnson, P.E. – Electrical Engineer Member
Coby King – Public Member
Betsy Mathieson, P.G., C.E.G. – Geologist Member
Mohammad Qureshi, Ph.D., P.E. – Traffic Engineer Member
Karen E. Roberts, S.E. – Structural Engineer Member
William “Jerry” Silva – Public Member
Robert Stockton, P.E. – Civil Engineer Member
Steven Wilson, P.L.S. – Professional Land Surveyor Member

EDMUND G. BROWN, JR., GOVERNOR
ALEXIS PODESTA, SECRETARY, BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY
DEAN R. GRAFILO, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS
RICHARD B. MOORE, EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND
SURVEYORS, AND GEOLOGISTS
NANCY A. EISSLER, ASSISTANT EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS

About the California Board

The California Legislature created the Board of Registration for Civil Engineers in 1929, following the failure of the St. Francis Dam in northern Los Angeles County. On March 12, 1928, the dam, which was located northeast of Castaic, suddenly gave way. A huge wall of water cascaded down the narrow valley of the Santa Clara River and when the water hit the town of Santa Paula, almost 50 miles downstream, the crest was still 25 feet high. The dam failure unleashed 12 billion gallons of water through the towns of Piru, Fillmore, Santa Paula, and Ventura before it reached the ocean. Lives lost numbered approximately 450; property damage was in the millions of dollars; 1,200 houses were demolished; and 10 bridges washed out. After the flood, inspection revealed that the dam was built on, and anchored to, a weak and faulted rock formation. The Legislature determined that the unregulated design of construction projects constituted a hazard to the public and passed laws to regulate civil engineering and to create the Board.

Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act. The Act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and is in the best interests of the state and California consumers.

Over the years, the Board has experienced some major changes under the provisions of the Professional Engineers Act. The number of branches of engineering regulated by the Board has increased, and the status of some of the older branches has changed. When electrical and mechanical engineering were first covered by the registration law in 1947, the law only affected the use of the titles. In 1967, the Act was amended to regulate the practice of those branches, as

well as the titles. In the late 1960s and early 1970s, the Act was also amended to give the Board the right to accept additional branches of engineering into the registration program. The additional categories were for the purpose of regulating the use of the titles of those engineering branches. Between 1972 and 1975, the Board expanded the registration program to include nine additional branches of engineering under its jurisdiction. In 1986, at the Board's request, the authority to create new title registration branches was removed from the Act. In the late 1990s and early 2000s, four of the title registration branches were deregulated.

In 2009, legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The Board consists of 15 members (seven licensed members and eight public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two full four-year terms. The seven licensed members and six of the public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly. The seven licensed members represent various branches of engineering (civil, electrical, mechanical, structural, and any other branch), land surveying, and geology or geophysics. One licensed member must be an employee of a State agency, and another license member must be an employee of a local government agency.

Strategic Planning Process

2014 Strategic Plan Original Adoption Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of engineers, land surveyors, geologists, and geophysicists; professional associations; California colleges; and others who expressed interest in the strategic direction of the Board. The online survey received 1,202 responses.
- Telephone interviews with Board members in April 2014.
- Two focus group discussions with Board staff in April 2014.
- A manager focus group in April 2014.
- An interview with the Executive Officer and the Assistant Executive Officer in May 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on June 5, 2014. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in the 2015-2018 strategic plan, which was adopted by the Board at its July 31, 2014, meeting.

2017 Strategic Plan Revision Process

The Board views the strategic plan as a living document to be updated and revised as existing objectives are completed and new objectives are needed. To accomplish the first update of its strategic plan, the Board participated in another strategic planning session facilitated by SOLID on April 20, 2017. During this session, the Board discussed the original objectives and classified them into three categories:

- Completed – the objective has been achieved.

- Implemented – the objective has been realized and has become part of the ordinary work of the Board and its staff.
- On-going – work on the objective is still in progress.

The Board chose to revise some of the on-going objectives to better reflect the intent and purpose, as well as adding new objectives. The completed and implemented objectives have been removed from the Goals and Objectives listings and placed under Strategic Plan Accomplishments, with an indication of the year of completion or implementation.

The updated strategic plan was adopted by the Board at its [insert date] meeting.

Mission

We protect the public's safety and property by promoting standards for competence and integrity by licensing and regulating the Board's professions.

Vision

A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.

Values

Integrity
Consumer protection
Fairness
Quality
Customer service

Strategic Goal Areas

1 LICENSING

The Board ~~empowers~~ provides applicants and licensees ~~with~~ a method for providing services in California in order to ~~protect consumers~~ ensure consumer protection.

2 APPLICATIONS/EXAMINATIONS

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

3 LAWS AND REGULATIONS

The Board ensures that statutes, regulations, policies, and procedures strengthen and support its mandate and mission.

4 ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

5 OUTREACH

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

6 CUSTOMER SERVICE

The Board strives to enhance organizational effectiveness and improve the quality of its services.

2015-2017 Strategic Plan Accomplishments

1.1 – Identify the minimum curriculum required for a qualifying geological sciences degree.	Completed 2017 Board approved proposed regulatory language to begin rulemaking process.
1.4 – Expand credit card transactions to all license types with the implementation of BreEZe.	Completed 2016 Credit card payments for renewals expanded to include all geologist and geophysicist licenses.
1.5 – Recommend potential methods for enacting continuing education requirements.	Completed 2015 Legislation enacted to require completion of online assessment by licensees.
2.1 – Work with DCA to increase Board involvement in all aspects of the national exams.	Implemented 2015
2.2 – Increase exam opportunities for candidates.	Implemented 2015
2.4 – Evaluate and identify ways to reduce the application process timeframes.	Completed and Implemented 2016 Evaluation and identification completed Identified methods, with periodic reevaluation, implemented.
2.5 – Explore costs and benefits of considering, if appropriate, withdrawing from national exams and developing California exams.	Completed 2015 Report of costs to develop and administer exams for all engineering disciplines presented to Board.
2.6 – Examine the appropriateness of current education/experience requirements for licensure.	Completed and Implemented 2017 Rulemaking process begun to update and clarify geological education requirements and land surveying experience requirements. Staff monitors NCEES, other states, and professional associations for any actions or discussions on these topics and reports to the Board as needed.
3.1 – Establish a legislative and regulatory work group of two Board members and staff and provide a written report at Board meetings.	Implemented 2015

3.4 – Seek legislation to merge the Geology/Geophysics fund with Engineers/Land Surveyors fund.	Completed 2016 Funds merged effective July 1, 2016.
4.1 – Leverage collaborative relationships to encourage a reduction in cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General’s Office.	Implemented 2016
4.2 – Analyze and determine reasonable time frames and develop a benchmark/expectation for each step in the investigation.	Completed and Implemented 2015 Analysis completed Time frames and benchmarks/expectations implemented.
4.4 – Research the feasibility of adding a legal requirement that licensees respond to Board investigative inquiries within a specified period of time.	Completed 2016 Legislation enacted to require licensees who are the subject of an investigation to respond.
5.1 – Develop a multi-phase stakeholder outreach plan.	Completed 2015
5.3 – Produce a newsletter on a quarterly basis that includes enforcement actions.	Implemented 2015
5.4 – Encourage DCA and Agency to approve speaking and/or participating in conferences and other public and/or licensee outreach events.	Completed 2015
5.6 – Proactively educate stakeholders to prevent violations.	Implemented 2016
6.2 – Enhance customer service by providing training for staff.	Implemented 2016
6.3 – Implement a plan to improve internal collaboration.	Implemented 2016

6.4 – Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.

Implemented 2016

6.5 – Educate the public about the steps and timing in the enforcement process.

Implemented 2016

Goals and Objectives

Goal 1: Licensing

The Board ~~empowers~~ provides applicants and licensees ~~with~~ a method for providing services in California in order to ~~protect consumers~~ ensure consumer protection.

1.1 Develop and implement an integrated licensing and enforcement case management system.

This new objective was added to reflect the Board's intent to address the need for a new licensing/enforcement system is a high priority.

1.2 Monitor and evaluate the impact of emerging technologies on the professions.

This new objective was added to reflect the need for on-going awareness of emerging technologies and the impact they could have on the professions and how the Board's licensees provide their services to consumers.

Goal 2: Applications/Examinations

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

2.1 ~~Advocate for~~ Monitor and report annually whether national exams ~~to include content that measures competency that~~ continue to meets California's licensing requirements ~~needs~~.

This objective was modified to better illustrate the importance of on-going review of the national exams used by the Board to ensure applicants are qualified for licensure in California.

Goal 3: Laws and Regulations

The Board ensures that statutes, regulations, policies, and procedures strengthen and support its mandate and mission.

- 3.1 Monitor and evaluate whether ~~Determine if~~ changes to legislation or regulations are needed due to emerging technologies and industry practices.
This objective was reworded for clarity.
- 3.2 Proactively monitor and clarify as needed ~~conflicting~~ laws and regulations.
This objective was reworded for to illustrate that the Board monitors its laws and regulations and acts to clarify any that may need clarification.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

- 4.1 ~~Reduce~~ Maintain complaint investigation cycle times ~~to~~ under 180 calendar days.
This objective was modified because the objective to reduce the investigation cycles times to under 180 calendar days has been achieved; the Board is now expressing the objective to maintain that cycle time.
- 4.2 Reduce formal disciplinary action process cycle times to ~~a target~~ the DCA-established time period of 540 calendar days.
This objective was modified to clarify that the objective is to reduce the cycle time and that the time period has been established by DCA.
- 4.3 Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.

Goal 5: Outreach

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

5.1 Communicate enforcement actions on an ongoing basis on the Board website as soon as feasible.

5.2 ~~Expand~~ Maintain and expand as necessary the Board's social media presence.

This objective was modified to clarify that the Board has expanded its social media presence as originally stated and that it intends to continue to expand as needed while maintaining its existing presence.

5.3 ~~Educate~~ Report annually to the Board the steps taken to educate university administrators and students about the importance of licensure.

This objective was modified because the Board expressed the desire for staff to report their actions and progress in educating university administrators and students about the importance of licensure on an ongoing basis. This objective was moved from Goal #1 because it pertains more to Outreach than to Licensing.

Goal 6: Customer Service

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

- 6.1 Provide Board-specific training for new and existing Board members in addition to DCA's Board Member Orientation Training.

This objective was modified to reflect that existing Board members also benefit from Board-specific training and that such training should be provided on an on-going basis.

- 6.2 Implement ~~an electronic~~ a payment system that can processes all transaction types for any payments to the Board.

This objective was moved from Goal #1 because it pertains to Customer Service more than Licensing.

**CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS**
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Strategic Planning Facilitated by:



Department of Consumer Affairs
1747 N. Market Blvd., Suite 270
Sacramento, CA 95834



This strategic plan is based on stakeholder information and discussions facilitated by SOLID for BPELSG in April and May 2014 and in April 2017.



OUTREACH REPORT

SOCIAL MEDIA: May - June, 2017

Top 5 Facebook Posts	Date Posted	Views
1. Throwback Thursday - Niagara Falls	June 1	1,400+
2. Throwback Thursday - USGS C. Birdseye on the Colorado	May 12	1,400+
3. Current Wildland Fires per Cal Fire	June 29	980
4. Throwback Thursday - UC Berkeley 1931	May 4	931
5. Throwback Thursday - Dinkey Creek Bridge (1938)	May 18	890



Niagara Falls with water shut off –
Posted June 1, 2017

Top 5 Twitter "Tweets"	Date Posted	Views
1. Throwback Thursday - UC Berkeley (1931)	May 4	1,882
2. PG Exam Results	May 4	1,737
3. PLS Results	May 12	1,693
4. Throwback Thursday - Dinkey Creek Bridge (1938)	May 18	1,604
5. Throwback Thursday - Niagara Falls	June 1	1,583



Dinkey Creek Bridge –Posted May 18, 2017

WEB VIEWS 1st quarter vs. 2nd quarter	Q1 Views	Q2 Views	% Increase
1. License Lookup	102,357	127,811	24.86
2. Home Page	82,174	100,268	22.01
3. Instructions on How to Apply for a CA Engineers License	42,960	51,018	18.75
4. Professional Engineer Application	38,961	46,668	19.78
5. Applicants Information	36,420	42,038	15.42
6. Examination Schedule	31,649	36,419	15.07
7. EIT/LSIT Certification: Information and Application	27,963	30,591	9.5
8. Licensee Information	20,659	24,149	16.89
9. Application Information	15,181	15,431	1.77
10. Online License Renewal Payment (Q2)	14,697	22,171	66.29



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 – L. Racca, M. Donelson attended

June 15 - Camp Pendleton Day - M. Donelson attended

OUTREACH EVENTS: May – June 2017

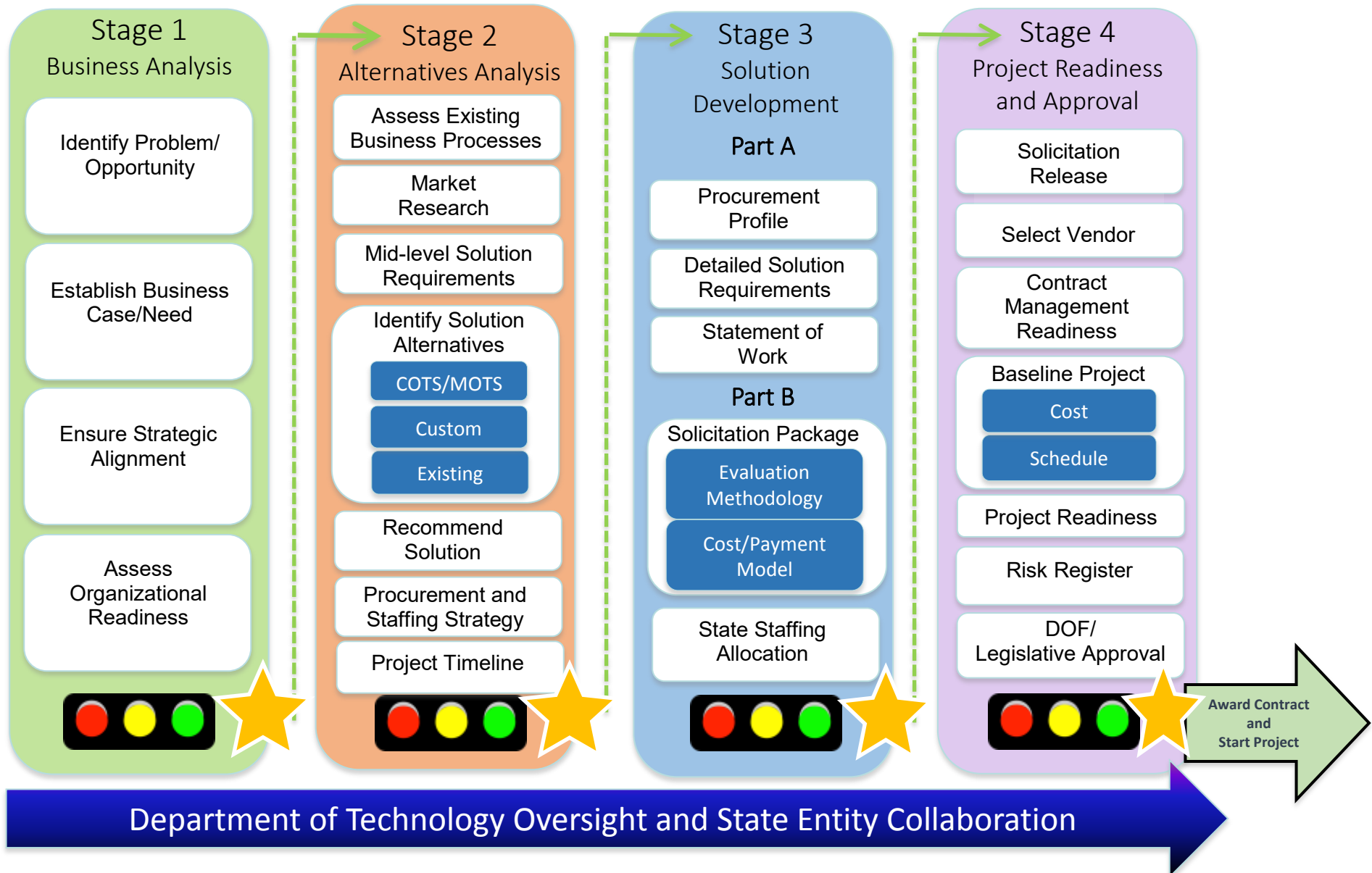
May 31 R. Moore and D. Sweeney met with surveyors and engineers from the Humboldt area CLSA and ACEC-CA chapters.

June 8 M. Donelson and Laurie Racca attended the UC Davis Senior Project Review Deans Lunch.

June 15 M. Donelson attended a Military Engineering education event at Camp Pendleton.

June 21 D. Sweeney met with both San Diego City and County Surveyor’s offices and CLSA

Project Approval Lifecycle Framework



VIII. 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)

IX. President's Report/Board Member Activities

X. Approval of Meeting Minutes

A. Approval of the Minutes of the June 1-2, 2017, Board Meeting

DRAFT

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

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

Thursday, June 1, 2017

Board Members Present:	Coby King, President; Mohammad Qureshi, Vice President; Fel Amistad; Kathy Jones Irish; Eric Johnson; Betsy Mathieson; Karen Roberts; Robert Stockton; and Steve Wilson
Board Members Absent:	Natalie Alavi; Asha Lang; and Jerry Silva
Board Staff Present:	Ric Moore (Executive Officer); Dallas Sweeney (Registrar); Laurie Racca (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 was established.

II. Public Comment for Items Not on the Agenda

During Public Comment, Bob DeWitt, representing ACEC, reported that ACEC would like to assist in the endorsement of members who are seeking reappointment. He asked that members forward their resumes to ACEC as they would endorse and support the members they feel are doing a good job for the profession and consumers.

Rob McMillan, representing CLSA, also indicated that they would endorse and support the Board members who are seeking reappointment.

III. Legislation

A. Legislative Calendar

Mr. Moore reviewed the legislative calendar.

B. Discussion of Legislation for 2017:

AB 703 – Professions and vocations: licenses: fee waivers (military spouses)
This bill is now a two-year bill and will not be considered by the Legislature until January 2018. The Board currently does not have a position on this bill.

AB 710 – Department of Consumer Affairs: boards: meetings

MOTION:	Vice-President Qureshi and Mr. Johnson moved to take a Watch position on AB 710, as amended April 27, 2017.
VOTE:	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	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 – Professions and vocations: fines: relief

MOTION:	Vice-President Qureshi and Mr. Wilson moved to take an Oppose Unless Amended position on AB 1005, as amended May 2, 2017.
VOTE:	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	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 1190 – Department of Consumer Affairs: BreEZe system: annual report

MOTION:	Mr. Stockton and Mr. Johnson moved to take a Watch position on AB 1190, as amended May 2, 2017.
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VOTE:	9-0, Motion Carried.
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Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	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)

MOTION:	Dr. Amistad and Ms. Jones Irish moved to take a Watch position on SB27, as amended April 17, 2017.
VOTE:	9-0, Motion Carried.

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

IV. Administration

A. Budget Summary

Mr. Moore reviewed the budget summary and answered questions from the Board members.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2016/17 Update

Mr. Moore reported that some of the numbers are rising slightly due to taking care of the older cases. In addition, 12 of the 28 cases in April that were over the 365-day threshold were closed in May.

VI. Exams/Licensing

A. Update on Spring 2017 Examinations

Mr. Moore provided handouts which outlined the Spring 2017 National and State Specific exam results. There were 2,392 candidates who took the NCEES PE Civil Principles and Practice exams, which is the highest number of test takers since the recession. He also noted that the California state Seismic Principles and Engineering Surveying exams are close to 2,000 candidates, and the pass rates are remaining steady. Overall, the population and pass rates are consistent.

VII. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Exam Appeals Repeal (443, 444, 3063.1, 3037.1) – Mr. Moore reported that there were no comments received as it went through the process. Mr. Moore indicated that it was approved by the Office of Administrative Law on May 31, 2017.

SE, GE qualifications/experience (426.10/426.14/426.50) – Mr. Moore reported that there were no comments received, and it was approved by the Office of Administrative Law and will become effective on July 1, 2017.

Qualifying Experience Land Surveyor (425) – Mr. Moore reported that there were no comments received, and the rulemaking is currently with DCA and should go to Agency soon for final review before submittal to the Office of Administrative Law.

B. Personnel

As mentioned at the April meeting, Mr. Moore announced that Candace Cummins, who was formerly the human resources liaison, is now the new licensing manager. Her previous position was filled by the Board's cashier, Catherine Bednarczyk. They are now actively recruiting to fill the cashier vacancy along with two other licensing positions.

C. ABET

No report given.

D. Association of State Boards of Geology (ASBOG)

Ms. Racca has been working with ASBOG to develop a packet specifically for their Curriculum Performance Assessment Tool (CPAT), a statistical package that is generated for universities that outlines how their graduates have

performed on the fundamentals examination. ASBOG provides the reports upon request from the universities. Ms. Racca noted that the professors find the report very useful when she has provided them and suggested to ASBOG that they develop a packet that all the states can utilize that would include the CPAT information and each particular states' specific licensing information and that ASBOG provide them to the universities proactively instead of waiting for them to ask.

She also reported that she has again submitted her name for nomination to be Secretary to the Executive Committee and is very optimistic that she will become part of the committee this year. The Board offered to prepare a nomination letter to ASBOG in support of Ms. Racca.

Mr. Moore took a moment to introduce and welcome local geologists, Jason Woodward, Scott Kirkman, and Anne Fehrenbach from Green Diamond Resource Co., a local timber company. He also introduced Dave Ryan, a former County Surveyor retired from Humboldt County and part-time employee with the City of Arcata.

- E. National Council of Examiners for Engineering and Surveying (NCEES)
 - 2. Request for the Board to Support Inclusion of a Plumbing Engineer Option within the NCEES Mechanical Engineering Principles and Practice Examination

Mr. Moore provided an update to the Board and noted there was no discussion at NCEES Western Zone meeting and minimal action in support of this request. Mr. Moore will update the Board as information becomes available.
 - 3. Proposed Resolution to Revise Voting Procedures

Dr. Qureshi reported that the Western Zone did vote unanimously to make the California Board's Resolution into a Western Zone Resolution to change the voting structure for member boards within NCEES to provide member boards two votes if they are a combined engineering and surveying board. Based on discussions at the joint Central and Western Zone meeting, Dr. Qureshi has been working with Western Zone Vice President Brian Hansen to provide more information in the background and justification portions of the Resolution document. The Resolution will be presented at the Annual Meeting in August for a vote by all member boards.
 - 1. Report on the Interim Zone Meeting

Dr. Amistad reported that Ric Moore was re-elected as Secretary Treasurer for the Western Zone and former Board member Patrick Tami is the President Elect for 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 reported that he was given the opportunity to present the proposed resolution to the Central and Western Zones. He received very good feedback and those in attendance were in favor of it. It will go forward as a formal resolution from California at the August Annual Meeting. He is seeking letters of support from at least ten other boards and six boards have already committed their support.

Mr. Moore advised that the two Resolutions, as well as any motions to be considered at the Annual Meeting, will be presented to the Board at the July meeting so that the Board can direct its delegates on how to vote at the Annual Meeting.

Mr. Moore reported that he was selected as Chair for the MBA Committee, Ms. Eissler was chosen as a consultant on the Law Enforcement Committee, Mr. Wilson was appointed to the Examinations for Professional Surveying Committee, Dr. Qureshi was appointed to the Examinations for Professional Engineering Committee and Mr. Stockton was reappointed to the NCEES Finance Committee.

F. 2015-2018 Strategic Plan Update

Mr. Moore reported that SOLID came back with some revisions based on the session that took place in April. The updated plan should be available at the July Board meeting for discussion and possible adoption by the Board.

G. Outreach

Ms. Racca reported that the registrars are continuing their outreach to public agencies. She added the both Ms. Eissler and Mr. Moore have been supportive in the use of videos on the Board's website. Conceptually, there has been discussion to produce a *What Professional Licensing is for Geology Students* video. She will be working on a storyboard for approval and is looking at completing this task in time for the 50th anniversary of the Geologist and Geophysicist licensing act.

Dr. Qureshi suggested holding Board meetings at college campuses and recommended both Cal Poly, San Luis Obispo, and Pomona.

H. Update on Business Process Improvement Study

Mr. Moore noted that the last few process diagrams and the stakeholder requirements are progressing well and are on schedule to be completed in July, as planned. Mr. Alameida is continuing to research methods to move forward with system requirements. DCA's Office of Information Services (OIS) is continuing to be supportive and helpful.

I. State Mining and Geology Board (SMGB) – Notice of Proposed Regulations (OAL File No. Z2017-0418-01)

Mr. Moore followed up on the rulemaking package associated with the amendments made by SB 209 to the Surface Mining and Reclamation Act. He advised that, during the legislative process, the Board worked closely with the Department of Conservation and they took into account any concerns the Board had concerning licensed professionals. The language in the proposed amended regulation is consistent with the changes to the statutes made by SB 209 and with the Board's licensing laws.

VIII. Revised Board and Technical Advisory Committees Operating Procedures

President King reported there were minor changes made to the Board's Operating Procedures at the April meeting and those changes are now reflected in the final version which were previously provided to each Board Member electronically.

IX. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

MOTION:	Ms. Mathieson and Ms. Irish moved to reappoint Bill Owen and Mark Riches to the Geology & Geophysics TAC.
VOTE:	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	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				

No action was taken on the Land Surveying Technical Advisory Committee reappointment at this time.

MOTION:	Ms. Roberts and Mr. Johnson moved to reappoint Alireza Azgari, Douglas Hohbach, Ryan Huxley, and Gregg
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	Brandow and to appoint Carl Josephson to the Structural Engineering TAC.
VOTE:	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	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				

MOTION:	Vice-President Qureshi and Dr. Amistad moved to reappoint Mahmoud Khodr, Maurice Palumbo, Walter Okitsu, Jason Pack, and Troy Arseneau the Traffic Engineering TAC.
VOTE:	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	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				

Ms. Jones Irish asked for a breakdown of women who have served on the Technical Advisory Committees over the last couple of years and questioned whether the Board needs to do more to increase the number of woman who are participating.

- C. Reports from the TACs
No report given.

X. President's Report/Board Member Activities

Ms. Jones Irish reported that she attended an event hosted by the Black Professional Engineers Association in Los Angeles and suggested providing outreach at one of their events in the future.

Ms. Roberts announced that her term will be expiring June 30, 2017, and she has elected not to request appointment to another term. She will remain on the Board until there is a replacement for her.

Mr. Moore announced that Ms. Racca has been with the Board two years.

XII. Approval of Consent Items

- A. Approval of the Minutes of the April 20-21, 2017, Board Meeting

MOTION:	Vice-President Qureshi and Mr. Wilson moved to approve the minutes as amended.
VOTE:	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi				X	
Fel Amistad	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				

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

MOTION:	Mr. Stockton and Ms. Jones Irish moved to elect Eric Johnson as Board President.
VOTE:	8-0-1, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi			X		
Natalie Alavi				X	

Fel Amistad	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				

MOTION:	Mr. Stockton and Ms. Jones Irish moved to elect Betsy Mathieson as Vice-President.
VOTE:	8-0-1, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi			X		
Natalie Alavi				X	
Fel Amistad	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				

Mr. Johnson and Ms. Mathieson thanked the Board, and President King thanked Dr. Qureshi for his service as Vice-President.

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

Mr. Moore indicated that the next Board meeting will be held at the Long Beach Gas and Oil Auditorium.

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

XV. Open Session to Announce the Results of Closed Session

During Closed Session, the Board discussed personnel matters; took action on one stipulation, one default decision, one petition for reconsideration, and one proposed decision; and discussed litigation as noticed.

X. President's Report/Board Member Activities (Cont.)

Mr. Moore thanked President King for his service as Board President and presented him with a gavel plaque.

XVI. Adjourn

The meeting adjourned at 2:38 p.m.

PUBLIC PRESENT

Dan Walsh, County of Ventura

Bob DeWitt, ACEC

Dave Ryan

Rob McMillan, CLSA

Scott Kirkman, Green Diamond Resource Co.

Ann Fehrenbach, Green Diamond Resource Co.

**XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting
(September 21-22, 2017, San Diego)**

XII. Closed Session

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 1. 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)]
 - 1. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
 - 2. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334

XIII. Open Session to Announce the Results of Closed Session

XIV. Adjourn
