



Governor Edmund G. Brown

Board for Professional Engineers, Land Surveyors, and Geologists

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



Thursday, November 1, 2018 beginning at 9:00
a.m. and continuing on Friday, November 2, 2018
beginning at 9:00 a.m., if necessary

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Boardroom
Monterey, CA 93940

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

BOARD MEETING

NOVEMBER 1-2, 2018

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Boardroom
Monterey, CA 93940

BOARD MEMBERS

Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Duane E. Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Frank Ruffino; 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. Consideration of Rulemaking Proposals

- A. Approval of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 [Fees] (Possible Action)

- B. Approval of Rulemaking Proposal to Adopt Title 16, California Code of Regulations sections 3022, 3022.1, and 3022.2 [Professional Geologist and Geophysicist Educational and Experience Requirements and Reference Requirements: Professional Geologist and Professional Geophysicist] and to Amend Title 16, California Code of Regulations 3031 [Examination Credit: Professional Geologist, Professional Geophysicist and Specialty Certification] (Possible Action)

Consideration of Rulemaking Proposals

Regulatory Fees: Professional Engineering and Professional Land Surveying, Title 16, California Code of Regulations section 407 and Geologists and Geophysicists, Title 16, California Code of Regulations section 3005. (Possible Action)

Subject Matter of Proposed Regulation: Regulatory Fees

1. Section(s) Affected:

Amend Title 16, California Code of Regulations sections 407 and 3005 - Fees.

Specific Purpose of each adoption, amendment, or repeal:

1. Problem being addressed:

The Board last adjusted fees in April and May of 2012 and that fee structure has provided operational program support until Fiscal Year (FY) 2017-18. The Board's Fund is structurally imbalanced. Program expenditures exceeded revenue in FY 2017-18. Expenditure projections are expected to exceed revenue in FY 2018-19 and ongoing. Analysis of the Fund Condition confirms the Board must implement budgetary adjustments to remain solvent. The Board's current fee levels are not sufficient to keep the fund solvent long term. Specifically, the fund is expected to drop to 2.0 months in reserve in FY 2019-20. Based on projections the Board's budget will become insolvent in FY 2020-21 with a deficit of -\$2.8M and -2.5 Months in Reserve (MIR). In FY 2021-22, this deficit will be approximately -\$7.2M or -6.4 MIR. The current fee structure is not sufficient for the services provided.

The Board operates under a special fund. Special funds created by statute are used to budget and account for taxes, licenses, and fees that are restricted by law for particular activities of the government. Statute indicates that the costs incurred must be equal to the cost objectives. Therefore, the cost to provide an examination for license or the review of an application cannot exceed the actual cost associated to develop and administer that examination or review that application. One example of a fee disparity are disciplines currently under the Geology and Geophysicist Act. Applicants are charged a \$250 application fee and the disciplines under the Engineers Act and Land Surveyors Act are charged a \$125 application fee. This means Professional Geologists and Geophysicists are charged more than the engineers and land surveyors for generally the same service. Other cost disparities arise when evaluating examination fees across the Board's state exams relative to the actual cost to develop and administer these exams. The cost incurred to fulfill a service is not equal to the fee associated with that service.

2. Anticipated benefits from this regulatory action:

The proposed fee amendments address the Board's structural imbalance and is aimed at protecting the Fund from becoming insolvent. This proposal is designed to enable the Board to maintain its licensing, disciplinary, and oversight operations to protect California's consumers, while also ensuring any projected surpluses are within the reserve limits. Additionally, the fee structure proposed sets forth a fee schedule that baselines fees equal to their individual unit cost and adjusts certain fees to match the Board's strategic priorities while producing adequate revenue to fund approved budgetary requirements. Specific goals set forth in this fee proposal include setting fees to generate efficient revenue within adequate reserve limits; standardizing application, examination, and renewal fees across all disciplines; and supplementing application and examination fees for new applications to foster licensure by incrementally increasing renewal fees.

Consideration of Rulemaking Proposals

Regulatory Fees: Professional Engineering and Professional Land Surveying, Title 16, California Code of Regulations section 407 and Geologists and Geophysicists, Title 16, California Code of Regulations section 3005. (Possible Action)

Staff Recommendations:

Staff recommends that the Board consider the draft rulemaking language as it anticipates these regulatory amendments will set effective policy decisions that foster an affordable path to licensure, align fees with the full cost of operational services, set fees to facilitate the effective administration of the Board, and respond more efficiently to the needs of the public, applicants, and licensees. Board staff further recommends that the Board approve the above proposal and direct staff to begin the rulemaking process to amend Title 16, California Code of Regulations sections 407 and 3005.

**Board Rules and Regulations Relating to the Practices of
Professional Engineering and Professional Land Surveying
California Code of Regulations**

Title 16, Division 5

§§ 400-476

Article 1. General Provisions

407. Fees.

(a) All fees required by provisions of the code as implemented by the board shall be transmitted by money order, bank draft, cash or check, payable to the Department of Consumer Affairs, at Sacramento.

(b) The following is the prescribed application fee for:

(1) Authority to use the title "structural engineer" ~~\$125~~ \$175

(2) Authority to use the title "geotechnical engineer" ~~\$125~~ \$175

(3) Licensure as a professional engineer ~~\$125~~ \$175

(4) Licensure as a professional land surveyor ~~\$125~~ \$175

(5) Certification as an engineer-in-training or as a land surveyor-in-training ~~\$50~~ \$75

(c) The following is the prescribed examination fee for state-specific examinations:

(1) California Special Civil Seismic Principles ~~\$150~~ \$175

(2) California Special Civil Engineering Surveying ~~\$150~~ \$175

(3) Geotechnical Engineering ~~\$150~~ \$175

(4) California State-Specific Land Surveying ~~\$150~~ \$175

(5) Traffic Engineering ~~\$150~~ \$175

(d) The two-year biennial renewal fee for a license that expires on or after ~~July 1, 2012~~, January 1, 2020, shall be ~~\$145~~ \$180. The two-year biennial renewal fee for a license that expires between ~~October 1, 2005, and June 30, 2012, and December 31, 2019~~, shall be ~~\$125~~ \$115.

~~(e) The fee for an examination appeal filed pursuant to Rule 444 shall be \$134.00.~~

~~(f)~~(e) The fee for each retired license shall be ~~\$62.50~~ \$75; no renewal fee or other fee shall be charged for the retired license. (As used in this subdivision, "license" includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," or "consulting engineer.")

~~(g)~~(f) Fees required under provisions of this rule transmitted through the United States mail shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date mailed if satisfactory proof is made that mailing occurred on an earlier date.

~~(h)~~(g) Renewal applications filed with the Board more than thirty (30) days after 12 midnight on the expiration date pursuant to the Professional Land Surveyors' Act and more than sixty (60) days after 12 midnight on the expiration date pursuant to the Professional Engineers Act and not accompanied by the prescribed delinquent penalty fee equal to 50 percent of the renewal fee, shall be returned by the executive officer with a statement of the reason therefor.

~~(i)~~(h) Refund of fees submitted to the Board shall be made only as follows:

(1) Any application fees or penalties imposed and collected illegally, by mistake, inadvertence or error shall be refunded in full.

**Regulations Relating to the Practices of
Geology and Geophysics
California Code of Regulations
Title 16, Division 29
§§ 3000-3067
Article 1. General Provisions**

3005. Fees.

(a) All fees required by provisions of the code and rules of the board shall be transmitted by money order, bank draft or check, payable to the Department of Consumer Affairs.

(b) The following is the prescribed application fee for:

(1) Licensure as a Professional Geologist or a Professional Geophysicist ~~\$250.00~~ \$175;

(2) Certification as a specialty geologist or specialty geophysicist ~~\$250.00~~ \$175;

(c) The following is the prescribed examination fee for:

(1) The Practice of Geology national examination \$250;

(2) The California specific geologist examination ~~\$150~~ \$175;

(3) The Fundamentals of Geology national examination ~~\$150~~ \$200;

(4) Examination for licensure as a geophysicist ~~\$100.00~~ \$175;

(5) Examination for certification as a specialty geologist or specialty geophysicist ~~\$100.00~~ \$175.

(d) The duplicate certificate fee ~~\$6.00~~ \$10.

(e) The following is the prescribed renewal fee for:

(1) Licensure as a geologist or a geophysicist ~~\$270.00~~ \$180;

(2) Certification as a specialty geologist or a specialty geophysicist ~~\$67.50~~ \$180.

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

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

(h) The fee for the retired license shall be ~~\$62.50~~ \$75. No renewal fee or other fee shall be charged for the retired license. As used in this subdivision, "license" includes certificate of registration or license as a professional geologist, certificate of registration as a registered certified specialty geologist, and certificate of registration as a professional geophysicist.

Board for Professional Engineers, Land Surveyors, and Geologists
407 & 3005 - Fees

Fee Proposal	
IT Application Fees	\$75
Application Fees	\$175
State Exam Fees	\$175
Renewal Fees	\$180
Delinquency Fees	\$90
Retired License	\$75

Fund Condition Impact with Governor's Budget & SFL 2019-20						
Fiscal Year	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Fund Balance	\$ 4,690	\$ 1,336	\$ 871	\$ 1,429	\$ 600	\$ 808
Months-In-Reserve (MIR)	4.0	1.2	0.8	1.3	0.5	0.7

Fund Condition Impact with Expenditure Projections & SFL 2019-20						
Fiscal Year	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Fund Balance	\$ 5,849	\$ 2,499	\$ 3,250	\$ 5,053	\$ 5,498	\$ 7,009
Months-In-Reserve (MIR)	5.0	2.5	3.2	4.9	5.2	6.5

Approval of Rulemaking Proposal to Adopt Title 16, California Code of Regulations (16 CCR) sections 3022, 3022.1, and 3022.2 [Professional Geologist and Geophysicist Educational and Experience Requirements and Reference Requirements: Professional Geologist and Professional Geophysicist] and to Amend 16 CCR 3031 [Examination Credit: Professional Geologist, Professional Geophysicist and Specialty Certification]

In February 2017, the Board approved a staff proposal to begin the formal rulemaking process to amend Title 16, California Code of Regulations section 3031, et. seq. During the May 2018 Board meeting, the Board directed staff to revise the proposed draft regulation as follows:

- Relocate the education and experience requirements in the draft regulation to Article 2. Applications and number the sections appropriately based on consultation with the Board's Legal Counsel; and retain any portions that pertain to examinations in Article 3. Examinations.
- Edit selected text for clarity and readability.

The revised rulemaking package was approved by DCA and submitted to the Business, Consumer Services and Housing Agency for review on August 29, 2018. Comments and suggested revisions were provided to Board staff by legal counsel at the Business, Consumer Services and Housing Agency. Based on these comments and suggestions, staff have made revisions relating to the following items:

- The word "must" was changed to "shall" throughout the text of the draft regulation.
- The phrase "recognized national or regional accrediting organization" was changed to a "national or regional accrediting agency recognized by the United States Office of Education".
- The description of the required coursework [3022(a)(2)(b) and 3022 (a)(3)] was amended to add "or graduate" to more accurately reflect the wording of the enabling statute.
- The description of the course entitled "California Geology" in draft section 3022(a)(2)(B)(iv) was reworded to more closely reflect the wording in Section 7841(d) of the statute.
- The phrases "at the discretion of the Board" and "to the Board's satisfaction" were deleted or clarified throughout the text of the draft regulation.
- The phrase "short course" was clarified by rewording it. A definition was added for a "reading course" [3022(a)(4)].
- Selected text was modified for grammar and readability.

The revised draft text for the proposed changes to Sections 3022, 3022.1, 3022.2, and 3031 of the regulations relating to the practices of geology and geophysics has been provided in the meeting materials. The new changes are shown in ~~double strikethrough text~~ for deletions and double underlined text for additions.

PROPOSED MOTION:

Approve the revised text as shown and direct staff to continue with the rulemaking process to adopt Title 16, California Code of Regulations sections 3022, 3022.1, and 3022.2 and to amend 16 CCR3031.

**TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS
DEPARTMENT OF CONSUMER AFFAIRS**

PROPOSED LANGUAGE

Adopt California Code of Regulations, Title 16, Sections 3022, 3022.1 and 3022.2

Amend California Code of Regulations, Title 16, Section 3031.

ARTICLE 2. APPLICATIONS

§3022. Professional Geologist Educational and Experience Requirements

(a) To be eligible for the professional geologist license, an applicant shall have completed the educational requirements as set forth in either Section 7841(b)(1) or Section 7841(b)(2) of the Code, and completed at least 5 years of professional geological experience, as set forth in Section 7841(c) of the Code. To be eligible for the geologist-in-training certificate, an applicant shall have completed the educational requirements as set forth in either Section 7841.2(c)(1) or Section 7841.2(c)(2) of the Code.

(1) As described in Section 7841(b)(1) of the Code, and Section 7841.2(c)(1) of the Code, graduation from a college or university with a major in geological sciences or any other discipline relevant to geology, refers to graduation with a baccalaureate degree or higher in geology or a related geological science, from a program accredited by the Applied and Natural Science Accreditation Commission of ABET Inc., the organization defined in 16 CCR Section 404(a).

(2) As described in Section 7841(b)(2) of the Code, and Section 7841.2(c)(2) of the Code, the requirement for successfully completing 30 semester hours or 45 quarter hours, in courses that, in the opinion of the Board are relevant to geology, of which at least 24 semester hours or 36 quarter hours are upper division or graduate level, shall include the minimum coursework and concepts specified in (A) and (B) below. Additional geologic coursework necessary to meet the total 30 semester hours or 45 quarter hours requirement specified in Section 7841(b)(2) and Section 7841.2(c)(2) of the Code may be selected at the applicant's discretion but ~~must shall~~ be relevant to geology as ~~specified-defined~~ in Section 7802 of the Code. This requirement ~~must shall~~ be fulfilled at a college or university which, at the time the applicant was enrolled, was accredited

by a ~~recognized~~ national or regional accrediting ~~organization~~ agency recognized by the United States Office of Education. “Life Experience Course Credit” is not acceptable.

(A) Core Geologic Concepts: Of the 30 semester hours or 45 quarter hours required by the Code, an applicant ~~must~~ shall successfully complete a minimum of 15 semester hours or 22.5 quarter hours of core geological science courses in the following subject areas as specified:

- (i) “Earth Materials” ~~must~~ shall include a minimum of 4 semester hours or 6 quarter hours of instruction in the identification, classification, and chemistry of minerals and rocks; their formation; the interpretation of their origins; as well as their uses and importance.
- (ii) “Structural Geology” ~~must~~ shall include a minimum of 3 semester hours or 4.5 quarter hours of instruction in the description and analysis of structural features of rocks to reconstruct the motions and processes involved in the build up and deformation of the Earth’s crust from small to large scales. It ~~must~~ shall also include the interpretation of brittle and ductile strain, the fundamentals of plate tectonics, and the analysis of local and regional geologic structure.
- (iii) “Stratigraphy and Sedimentation” ~~must~~ shall include a minimum of 3 semester hours or 4.5 quarter hours of instruction in the identification and interpretation of sedimentary rocks, sedimentary processes and structures, application of stratigraphic and dating methods, identifying the impact of climate and geologic processes on depositional patterns, and facies analysis.
- (iv) “Upper-Division Field Geology” ~~must~~ shall include a minimum of 5 semester hours or 7.5 quarter hours of field training designed to demonstrate a progression of field investigation skills culminating in a final project or integrative field experience that is based on the knowledge and skills acquired in earlier geological science courses. This ~~must~~ shall include instruction in the geological techniques or methods needed to measure, map, evaluate and communicate geologic data; and the ability to plan and conduct geological investigations based upon existing sources of geologic information. This shall include preparing and interpreting geologic maps, cross-sections, stratigraphic

columns, and written reports. The field training may be obtained in one or more separate upper division field courses, but ~~must shall~~ not be introductory in nature or be part of laboratory exercises for other geological science courses. ~~At the discretion of the Board, academic~~ Academic instruction in field methods such as geophysical techniques, logging trenches or borings, designing wells, and other common professional geologic tasks may serve as a component of the Upper-Division Field Geology requirement described in this section so long as it is part of an established field techniques course taught within a college or university geology or related geological sciences program.

(B) Applied Upper-Division Geology Coursework: Of the 24 semester hours or 36 quarter hours of upper division ~~or graduate~~ coursework required by the Code, an applicant ~~must shall~~ successfully complete a minimum of 6 semester hours or 9 quarter hours from a combination of at least 2 of the following subject areas.

- (i) “Geomorphology” ~~must shall~~ include instruction in the classification, origin, and analysis of landforms and watershed elements as well as the surface and tectonic processes that relate landforms to the underlying geologic materials. This ~~must shall~~ include methods of geomorphic analysis and interpretation of different types of mapped data, including topographic, geologic, and remotely sensed data.
- (ii) “Engineering Geology” ~~must shall~~ include instruction in that branch of geology as defined in Section 3003(b) of Title 16, California Code of Regulations. This ~~should shall~~ include instruction in those skills necessary to demonstrate knowledge and abilities as described in Section 3041(a)(2).
- (iii) “Hydrogeology” ~~must shall~~ include instruction in that branch of geology as defined in Section 3003(h) of Title 16, California Code of Regulations. This ~~should shall~~ include instruction in those skills necessary to demonstrate knowledge and abilities as described in Section 3042(b)(2).
- (iv) “California Geology” ~~must shall~~ include the instruction necessary to demonstrate ~~the knowledge of the seismicity and geology unique to the State of California, and the state laws, rules and regulations unique to the practice of~~

geology in this state ~~required for professional licensure in this state~~ as described in Section 7841(d) of the Code.

- (v) “Paleontology” ~~must shall~~ include instruction necessary to recognize common fossils and fossil types, the geologic settings that would indicate the potential for paleontological resources, and the evolutionary history of fossil groups of traditional importance to geologists. Other topics may include basic modes of preservation, skeletal anatomy, systematics and taxonomy, biostratigraphy, paleoecology, and paleobiogeography.
- (vi) “Resources Geology” ~~must shall~~ include the instruction needed to identify the origin, occurrence, and distribution of non-renewable resources, including metallic, nonmetallic, and energy-producing materials; problems related to resource extraction; estimations and limitations of reserves; and reclaiming sites after extraction of resources.
- (vii) “Environmental Geology” ~~must shall~~ include an introduction to concepts involved in environmental site assessment and remediation, environmental geochemistry, and the mitigation of potentially negative effects of human activities such as exploration for mineral and energy resources, or solid and hazardous waste disposal on geologic systems, as well as the protection of water resources, land and watershed restoration.
- (viii) “Geophysics” ~~must shall~~ include instruction in that branch of geology defined in Section 7802.1 of the Code and Section 3003(e) of Title 16, California Code of Regulations.
- (ix) “Technology Applications in Geology” encompasses a wide range of technology related instruction that includes an emphasis on applications to geologic investigations. These subjects may include, but are not limited to, instruction in the use of Geographic Information Systems (GIS), computer modeling of groundwater flow or other geologic processes, signal processing or numerical methods of data analysis. Instruction without a specific and demonstrable geologic application will not qualify. A maximum of 3 semester

hours or 4.5 quarter hours would be accepted in this subject area, ~~at the discretion of the Board.~~

- (x) “Applied geoscience topics taught by a college or university department other than a geology or related geological sciences department” refers to instruction in subject areas with a reasonable and rational application to the professional practice of geology. These courses are limited to the topics of geological engineering, geotechnical engineering, mining engineering, petroleum engineering, soil science, engineering soil mechanics, or hydrology. A maximum of 3 semester hours or 4.5 quarter hours taught in a college or university department other than a geology or related geological sciences department would be accepted in this subject area. ~~at the discretion of the Board.~~

(3) Independent study, research projects, theses or dissertations may, ~~at the Board’s discretion,~~ be used to satisfy the upper-division or graduate coursework requirements defined in (A) or (B) if it can be documented, ~~to the Board’s satisfaction, to meet as meeting~~ the requirements of one or more of the courses specified in (A) or (B) above. Courses that combine subjects or skill sets, that can be documented ~~to the Board’s satisfaction to meet as meeting~~ the requirements described in (A) or (B) above, may be accepted ~~at the Board’s discretion.~~

~~(3)~~ (4) Workshops, professional development seminars, conferences, ~~short courses non-credit certificate programs,~~ student internships, or reading courses may not be used to satisfy the requirements described in Section 3022(a)(2). For the purposes of this section, a reading course is defined as a course not normally offered as part of the curriculum that is conducted as a tutorial or remedial course.

~~(4)~~ (5) It shall be the applicant’s responsibility to demonstrate that his/ ~~or~~ her academic instruction meets the requirements of the Board. The applicant ~~must~~ shall provide official sealed transcripts, and any other reasonable and necessary supporting evidence, when requested by the Board, to document successful completion of all educational requirements.

(b) Professional geological experience for licensure as a geologist is that experience ~~satisfactory to the Board~~ that has been gained while performing professional geologic tasks under

the responsible charge of a person who in the opinion of the Board has the training and experience to have responsible charge of geological work.

(1) For the purposes of this section, a person will be deemed to have the training and experience to have responsible charge of geological work if they meet any one of the following:

(A) holds licensure as a Professional Geologist;

(B) holds licensure as a Professional Geophysicist;

(C) is licensed as a Civil Engineer or a Petroleum Engineer practicing geology within the exemption described in Section 7838 of the Code and who presents to the Board documented evidence that the reference has the training and experience in the area of geology in which the applicant's experience is earned sufficient to qualify the reference to have responsible charge of geologic work; or

(D) is legally authorized to practice geology in a situation or locale where the reference is not required to be licensed and who presents to the Board documented evidence that the reference has the training and experience in the area of geology in which the applicant's experience is earned sufficient to qualify the reference to have responsible charge of geological work.

(2) Professional geological experience shall be computed on an actual time worked basis not to exceed 40 hours per week.

(3) An applicant for licensure as a professional geologist shall be granted credit for professional geological experience, up to a combined maximum of 3 years, for the following education:

(A) ~~Two~~ A maximum of two (2) years professional geological experience credit for graduation with a baccalaureate degree in geology or a related geological science, from a program accredited by the Applied Science Accreditation Commission of ABET Inc. as described in Section 3022(a)(1), or for the completion of the 30 semester hours or 45 quarter hours of geological sciences courses as described in Section 3022(a)(2).

(B) One (1) year of professional geological experience credit for one year of graduate study or research in the geologic sciences. ~~A~~ One (1) year of graduate study or research is defined as a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Full-time graduate study is defined as 2 semesters per year of 8

semester hours each (12 quarter hours), or as defined by the college or university, whichever is less.

(C) Part-time graduate study or research, and part-time professional geological work experience will be prorated and combined on a 12 calendar month basis. No credit will be given for professional geological work experience performed during the same time period when full-time graduate study or research is being done for which educational credit is being allowed.

(4) An applicant shall not be eligible to earn credit for professional geological experience as defined in Section 7841(c) of the Code until the applicant has completed the educational requirements set forth in Section 7841(b) of the Code.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.2, and 7842, Business and Professions Code.

§3022.1 Professional Geophysicist Educational and Experience Requirements

(a) To be eligible for the professional geophysicist license, an applicant shall have completed the educational requirements set forth in Section 7841.1(b) of the Code, and at least 7 years of professional geophysical work, as set forth in Section 7841.1(c) of the Code.

(1) An applicant for licensure as a professional geophysicist will be granted credit towards the educational requirements, as specified in Section 7841.1(b) of the Code, fulfilled at a college or university which, at the time the applicant was enrolled, was accredited by a ~~recognized~~ national or regional accrediting ~~commission~~ agency recognized by the United States Office of Education. “Life Experience Course Credit” is not acceptable to satisfy the requirements of Section 7841.1(b) of the Code.

(b) Professional geophysical work for geophysics licensure is that experience ~~satisfactory to the Board~~ that has been gained while performing professional geophysical work under the responsible charge of a licensed Professional Geophysicist, or in responsible charge of professional geophysical work, as specified in Section 7841.1(c) of the Code.

(1) Professional geophysical work shall be computed on an actual time worked basis not to exceed 40 hours per week.

(2) An applicant for licensure as a professional geophysicist shall be granted credit for professional geophysical work, up to a combined maximum of four years, for the following education:

(A) One-half year of work credit for each year of full time undergraduate study in the geophysical sciences up to a maximum of two years. A year of undergraduate study or research is defined as a 12 calendar month period during which the candidate is enrolled in a full-time undergraduate program as defined by the college or university.

(B) One year of work credit for one year of graduate study or research in the geophysical sciences. A year of graduate study or research is defined as a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Full-time graduate study is defined as 2 semesters per year of 8 semester hours each (12 quarter hours), or as defined by the college or university, whichever is less.

(C) Part-time graduate study or research, and part-time professional geophysical work experience will be prorated and combined on a 12 calendar month basis. No credit will be given for professional geophysical work experience performed during the same time period when full-time graduate study or research is being done for which educational credit is being allowed.

(3) An applicant shall not be eligible to earn credit for professional geophysical work performed under the supervision of a Professional Geophysicist until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841.1 of the Code.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Section 7841.1 and 7842.1, Business and Professions Code.

§3022.2 Reference Requirements: Professional Geologist and Professional Geophysicist

(a) To assist the Board in evaluating an applicant's qualifications, each applicant for licensure as a professional geologist or as a professional geophysicist shall submit documentation from a minimum of 3 references who in the opinion of the Board have the training and experience to have responsible charge of geological work as defined in Section 3022(b)(1) or geophysical work as defined in Section 3022.1(b), respectively.

(1) None of the references can be related to the applicant by blood, marriage, registration as domestic partners, or adoption.

(2) Documentation submitted to the Board by a reference ~~must~~ shall be the original copy with an original signature and seal on every page of the documentation submitted. Photocopies, scanned copies, and electronic signatures are not acceptable.

(3) The documentation ~~must~~ shall include the following information:

(A) The reference ~~must~~ shall state that they have personal knowledge of the applicant's qualifying experience in a responsible position as defined in section 3003(c), and ~~must~~ shall clearly indicate the nature of their relationship with the applicant;

(B) The reference ~~must~~ shall clearly indicate the number of months they can qualify the applicant as having completed professional geological work as defined in Section 3003(d) or professional geophysical work as defined in Section 3003(e);

(C) The reference ~~must~~ shall document how they computed the number of months of qualifying work experience using the definition of full time work provided in Sections 3022(b)(2) and 3022.1(b)(1);

(D) The reference ~~must~~ shall provide a detailed, complete and accurate description of the qualifying professional geologic experience or professional geophysical work completed by the applicant;

(E) The work experience description ~~must~~ shall cover the time period being documented as qualifying experience by the reference;

(F) The reference ~~must~~ shall use the appropriate scientific terms in describing the work, while avoiding colloquialisms, industry jargon, and slang; and,

(G) The reference ~~must~~ shall include the following statement:

I certify under penalty of perjury that these statements are true and correct to the best of my knowledge.

(4) Nothing contained in this section shall limit the authority of the Board to require that an applicant submit additional references, employment verifications, or any other information pertinent to the applicant's education and/or experience to verify that the applicant meets the minimum qualifications for a professional geologist license as defined in Section 7841 of the Code,

or the minimum qualifications for a professional geophysicist license as defined in Section 7841.1 of the Code.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841 and 7841.1, Business and Professions Code.

ARTICLE 3. EXAMINATIONS

§3031 Examination Required. Examination Credit: Professional Geologist, Professional Geophysicist and Specialty Certification.

~~(a) Every applicant for registration as a geologist shall be required to take and pass examinations as provided in Section 7841(d) of the code or every applicant for registration as a geophysicist, or every applicant for certification in any specialty, shall be required to take and pass an examination as prescribed by the board except as provided in Section 7847 of the code.~~

~~(b) To be eligible for the geological examination, an applicant shall have completed at least five years of educational and work experience in professional geological work, as set forth in subdivisions (b) and (c) of Section 7841 of the code.~~

~~————— (1) Graduate study or research in geological sciences at a school or university whose geological curricula meet criteria established by rules of the board, shall be counted on a year for year basis in computing the experience requirements specified in Section 7841 of the code. A year of graduate study or research is defined as being a 12 calendar month period during which the candidate is enrolled in a full time program of graduate study or research. Shorter periods will be prorated.~~

~~————— (2) An applicant shall not be eligible to earn credit for professional geological work performed under the supervision of a professional geologist or registered civil or petroleum engineer until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841 of the code.~~

~~————— (3) In no case will credit be given for professional geological work experience performed during the same time period when full-time graduate study or research is being done for which educational experience credit is being allowed. Part-time graduate study or research and~~

~~part-time professional geological work experience will be prorated and combined on a 12 calendar month basis.~~

~~———— (c) To be eligible for the geophysical examination, an applicant shall have completed at least seven years of educational and work experience in professional geophysical work, as set forth in subdivisions (b) and (c) of Section 7841.1 of the code.~~

~~———— (1) Graduate study or research in geophysical related sciences at a school or university whose geophysical curricula meet criteria established by rules of the board, shall be counted on a year for year basis in computing the experience requirements specified in Section 7841.1 of the code. A year of graduate study or research is defined as being a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Shorter periods will be prorated.~~

~~———— (2) An applicant shall not be eligible to earn credit for professional geophysical work performed under the supervision of a professional geophysicist until the applicant has completed the educational requirements set forth in subdivision (b) of Section 7841.1 of the code.~~

~~———— (3) In no case will credit be given for professional geophysical work experience performed during the same time period when full-time graduate study or research is being done for which educational experience credit is being allowed. Part-time graduate study or research and part-time professional geophysical work experience will be prorated and combined on a 12 calendar month basis.~~

~~———— (d) Every applicant for registration as a geologist who obtains a passing score determined by a recognized criterion-referenced method of establishing the pass point in the California examination shall be deemed to have passed the California examination. Such a passing score may vary moderately with changes in test composition. This subsection shall become effective on December 1, 1998, and shall be repealed on December 31, 1999.~~

(e) (a) Each applicant for ~~registration~~ licensure as a geologist who obtains a passing score on the Fundamentals of Geology and Practice of Geology examinations created by the National Association of State Boards of Geology on or after November 1, 1996 and obtains a passing score as determined by a recognized criterion-referenced method of establishing the pass point in the California specific examination pursuant to Section 7841(d) shall be deemed to have passed the

required examinations for licensure as a professional geologist in California. ~~This subsection shall become effective on January 1, 2000.~~

(1) Candidates shall receive credit for obtaining a passing score on the Fundamentals of Geology examination, the Practice of Geology examination, and the California specific examination and shall be required to submit an application to retake and pass only those examinations previously failed.

~~(f)~~ (b) Every applicant for ~~registration~~ licensure as a geophysicist or for certification in any specialty, who obtains a passing score determined by a recognized criterion-reference method of establishing the pass point in the California examination shall be deemed to have passed the California examination. Such a passing score may vary moderately with changes in test composition.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841 ~~and~~, 7841.1, 7841.2, 7842 and 7842.1, Business and Professions Code.

IV. Administration

- A. Fiscal Year 2017/18 Budget Summary
- B. Fiscal Year 2018/19 Budget Status

MEMORANDUM

DATE	August 28, 2018
TO	ALL Board Executive Officers/Bureau Chiefs
FROM	Janice Shintaku-Enkoji, Chief Fiscal Officer Budget Office
SUBJECT	DCA FI\$Cal Implementation Status Update

FI\$Cal is the new statewide system for budgets, accounting and procurement that the State of California has implemented for all state departments. Participation in the system is mandated by the state legislature and the Governor.

DCA integrated into FI\$Cal in July 2017. While the transition has and continues to be challenging, the system is working and capturing all expenditure and revenue transactions for DCA programs. During system implementation, DCA – among other state entities -- have encountered interface and other technical system issues that have hampered our ability to conduct timely month end closing and produce reconciled monthly expenditure and revenue reports. In response to these issues, the DCA Executive Office has met with the FI\$Cal Director and its executive team to relay our system concerns and address the technical system issues. As a result, DCA and FI\$Cal technical staff have been in contact on a weekly basis to work through and address programming, reporting and other technical concerns.

DCA continues to operate in FI\$Cal and is working towards closing its first full fiscal year in the system, however processing and workload issues associated with the system have yet to be fully resolved. Significant hurdles must be overcome for DCA to close and reconcile expenditure and revenue figures for year-end. As a result, DCA will be unable to close the fiscal year and produce official financial year-end statements until later this fiscal year (currently estimated for March 2019). Please note that this is a situation that is not unique to DCA but rather a statewide issue impacting many of the Departments that are transitioning to the FI\$Cal system. See the State Auditor's recent [FI\\$Cal status letter](#) for additional context.

To provide programs with estimated year-end expenditure and revenue figures, DCA will be producing preliminary fiscal month 12 (June) financial statements from FI\$Cal that will be disseminated to programs in late August. These reports will be utilized for year-end estimates until the official financial statements can be prepared.

DCA understands your concerns and share many of the same frustrations in not being able to provide timely reports that detail all expenditures and revenues for programs in a consolidated and understandable format.

DCA is fully dedicated to a successful transition into the FI\$Cal system. We appreciate your patience and understanding as we continue to address these technical and workload challenges.

0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

Prepared 10/23/2018

Analysis of Fund Condition

(Dollars in Thousands)

FI\$Cal FM 12 and Activity Log Data for 17-18

Workload & Revenue and Fund Impact Estimates for 18-19

Budget Act 2018 with BCPs

	Actuals 2016-17	PY 2017-18	Budget Act CY 2018-19	BY 2019-20	BY +1 2020-21	BY +2 2021-22
BEGINNING BALANCE	\$ 8,263	\$ 10,042	\$ 7,678	\$ 6,259	\$ 2,186	\$ -2,787
Prior Year Adjustment	\$ 8	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 8,271	\$ 10,042	\$ 7,678	\$ 6,259	\$ 2,186	\$ -2,787
REVENUES AND TRANSFERS						
Revenues:						
4121200 Delinquent fees	\$ 91	\$ 88	\$ 88	\$ 89	\$ 89	\$ 90
4127400 Renewal fees	\$ 6,189	\$ 6,851	\$ 6,197	\$ 6,920	\$ 6,259	\$ 6,989
4129200 Other regulatory fees	\$ 140	\$ 124	\$ 124	\$ 124	\$ 124	\$ 124
4129400 Other regulatory licenses and permits	\$ 2,423	\$ 1,643	\$ 1,650	\$ 1,652	\$ 1,669	\$ 1,685
4150500 Interest Income from interfund loans	\$ 70	\$ -	\$ -	\$ -	\$ -	\$ -
4163000 Income from surplus money investments	\$ 61	\$ 97	\$ 98	\$ 45	\$ 31	\$ 18
4171400 Escheat of unclaimed checks and warrants	\$ 13	\$ 13	\$ 13	\$ 13	\$ 13	\$ 13
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 8,988	\$ 8,817	\$ 8,171	\$ 8,844	\$ 8,186	\$ 8,920
Transfers from Other Funds						
Revenue Transfer from Geology Fund	\$ -	\$ -	\$ 1,131	\$ -	\$ -	\$ -
FO0001 Proposed GF Loan Repayment per item	\$ 3,200	\$ -	\$ 800	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 12,188	\$ 8,817	\$ 10,102	\$ 8,844	\$ 8,186	\$ 8,920
Totals, Resources	\$ 20,459	\$ 18,859	\$ 17,780	\$ 15,103	\$ 10,371	\$ 6,133
EXPENDITURES						
Disbursements:						
1110 Program Expenditures (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
1111 Department of Consumer Affairs (State Operations)	\$ 9,853	\$ 10,482	\$ 10,669	\$ 12,065	\$ 12,306	\$ 12,552
8840 SCO (State Operations)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 13	\$ 15	\$ 1	\$ 1	\$ 1	\$ 1
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ -	\$ 98	\$ 98	\$ 98	\$ 98
9900 Statewide Admin. (State Operations)	\$ 551	\$ 684	\$ 753	\$ 753	\$ 753	\$ 753
Total Disbursements	\$ 10,417	\$ 11,181	\$ 11,521	\$ 12,917	\$ 13,158	\$ 13,404
FUND BALANCE						
Reserve for economic uncertainties	\$ 10,042	\$ 7,678	\$ 6,259	\$ 2,186	\$ -2,787	\$ -7,272
Months in Reserve	10.8	8.0	5.8	2.0	-2.5	-6.4

V. Legislation

- A. Legislative Calendar
- B. Discussion of Legislation for 2018 (Possible Action):
 - AB 767 Master Business License Act.
 - AB 2138 Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

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

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

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

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

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

DEADLINES

- Jan. 1

Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3

Legislature Reconvenes (J.R. 51(a)(4)).
- Jan. 10

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

Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- Jan. 15

Martin Luther King, Jr. Day.
- Jan. 19

Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)). Last day to **submit bill requests** to the Office of Legislative Counsel.
- Jan. 31

Last day for each house to **pass bills introduced** in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

- Feb. 16

Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).

- Feb. 19

Presidents’ Day.

- Mar. 22

Spring Recess begins upon adjournment of this day’s session (J.R. 51(b)(1)).

- Mar. 30

Cesar Chavez Day observed.

- Apr. 2

Legislature Reconvenes from Spring Recess (J.R. 51(b)(1)).

- Apr. 27

Last day for **policy committees** to hear and report to **fiscal committees** **fiscal bills** introduced in their house (J.R. 61(b)(5)).

- May 11

Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).

- May 18

Last day for **policy committees** to meet prior to June 4 (J.R. 61(b)(7)).

- May 25

Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)).
Last day for **fiscal committees** to meet prior to June 4 (J.R. 61(b)(9)).

- May 28

Memorial Day.

- May 29- June 1 Floor Session only.

No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).

*Holiday schedule subject to Senate Rules committee approval

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

- June 1** Last day for each **house to pass bills** introduced in that house (J.R. 61(b)(11)).
- June 4** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).
- June 28** Last day for a legislative measure to qualify for the Nov. 6 General Election ballot (Elections code Sec. 9040).
- June 29** Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

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

- July 4** Independence Day.
- July 6** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

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

- Aug. 6** **Legislature Reconvenes** (J.R. 51(b)(2)).
- Aug. 17** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).
- Aug. 20-31 Floor Session only.** No committees, other than Conference and Rules Committees, may meet for any purpose (J.R. 61(b)(16)).
- Aug. 24** Last day to **amend** on the floor (J.R. 61(b)(17)).
- Aug. 31** Last day for **each house to pass bills**, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c), (J.R. 61(b)(18)). **Final Recess** begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

- 2018**
- Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor’s possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).
- Nov. 6 General Election
- Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).
- Dec. 3 12 Noon convening of the 2019-20 Regular Session (Art. IV, Sec. 3(a)).
- 2019**
- Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Watched Legislation
AB 767 (Quirk-Silva) Buena Park
GO-Biz Information Technology.

Status: 9/23/2018-Vetoed by Governor.

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

Updated 10/17/18

Governor's Message:

To the Members of the California State Assembly: I am returning Assembly Bill 767 without my signature. This bill codifies the Information Technology unit within the Governor's Office of Business and Economic Development and authorizes two positions in statute for this purpose. This bill is unnecessary given the 2018 Budget Act included funding for staff positions to perform activities substantially similar to those prescribed in this measure. The annual budget process is the best venue to evaluate the resources and staff needed for various state programs such as the one contemplated by this proposal. Sincerely, Edmund G. Brown Jr.

Staff Recommendation: No vote needed.

Laws: An act to add Part 12.5 (commencing with Section 15930) to Division 3 of Title 2 of the Government Code, relating to economic development.

Assembly Bill No. 767

Passed the Assembly August 31, 2018

Chief Clerk of the Assembly

Passed the Senate August 29, 2018

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2018, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 12096.3 of, to amend, renumber, and add Section 12097.1 of, and to add Article 4.3 (commencing with Section 12096.7) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of, the Government Code, and to repeal Sections 71040 and 71041 of the Public Resources Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

AB 767, Quirk-Silva. GO-Biz Information Technology.

Existing law authorizes various state agencies to issue permits and licenses in accordance with specified requirements to conduct business within this state. Existing law establishes the Governor's Office of Business and Economic Development (GO-Biz) to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth.

Existing law requires GO-Biz to establish an electronic online permit assistance center, called the California Government Online to Desktops (CalGold), through the Internet for use by any business or entity subject to a law or regulation to assist that business or entity with complying with those laws or regulations. Existing law requires CalGold to be reviewed periodically, as specified.

This bill would, among other things, provide for a GO-Biz Information Technology Unit within GO-Biz, which would create an online Internet platform, called the California Business Development Portal, that is comprised of 3 elements, including economic and business development-related digital information, the systems and processes used to manage that information, and a public interface capability, as prescribed.

The bill would recast provisions related to CalGold by requiring the GO-Biz Information Technology Unit to establish an electronic online government permit and license assistance center and by renaming the center the California Business License Center. The bill would establish, beginning in the 2018–19 fiscal year, 2 state civil service positions for the purposes of supporting the ongoing enhancement of the functionality of the California Business Development Portal, including the California Business License

Center, the California Business Navigator, the California Business Mapping Tool, digital resources, and other online products that improve the state government's digital ecosystem.

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

SECTION 1. The Legislature finds and declares the following:

(a) The Information Technology unit of GO-Biz develops, maintains, and updates information technology solutions for GO-Biz programs aimed at furthering GO-Biz's goal of economic growth for California.

(b) Since September 2013, the GO-Biz Information Technology Application Portfolio has grown from one information technology staff member and four supported applications to six information technology staff members and sixteen supported applications.

(c) Each new GO-Biz application needs to be regularly updated and fourteen of the sixteen applications are public facing and play an important role in supporting business development in California including, but not limited to, all of the following:

- (1) The GO-Biz Internet Web site.
- (2) The California Business Portal.
- (3) The California Competes Tax Credit application.
- (4) The CalGold Permit Assistance Tool.
- (5) The California Business Navigator.
- (6) CA Made.
- (7) The California Business Service Desk.
- (8) The IBank Application Portal.
- (9) The California Financing Coordinating Committee.
- (10) The GO-Biz Salesforce.
- (11) The California Business Mapping Tool.

(d) As the home of the world's most creative information technology companies, California should also be a leader in digital government technologies. The California Business Portal brings the state into alignment with other nations and states that are embracing innovation and the Internet of Things to meet business development challenges at scale while still providing the individualized experience that meets a business's unique needs.

SEC. 2. Section 12096.3 of the Government Code is amended to read:

12096.3. The office shall serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. In this capacity, the office may:

(a) Recommend to the Governor and the Legislature new state policies, programs, and actions, or amendments to existing programs, advance statewide economic goals and respond to emerging economic problems and opportunities, and ensure that all state policies and programs conform to the adopted state economic and business development goals.

(b) Coordinate the development of policies and criteria to ensure that federal grants administered or directly expended by state government advance statewide economic goals and objectives.

(c) Market the business and investment opportunities available in California by working in partnership with local, regional, federal, and other state public and private institutions to encourage business development and investment in the state.

(d) Provide, including, but not limited to, all of the following:

(1) Economic and demographic data.

(2) Financial information to help link businesses with state and local public and private programs.

(3) Workforce information, including, but not limited to, labor availability, training, and education programs.

(4) Transportation and infrastructure information.

(5) Assistance in obtaining state and local permits.

(6) Information on tax credits and other incentives.

(7) Permitting, siting, and other regulatory information pertinent to business operations in the state.

(e) Establish a well-advertised telephone number, an online interactive and high-performance Internet platform, and an administrative structure that effectively supports the facilitation of business development and investment in the state.

(f) Encourage collaboration among research institutions, startup companies, local governments, venture capitalists, and economic development agencies to promote innovation.

(g) In cooperation with other state, federal, and local governments, foster relationships with foreign and domestic entities to improve the state's image as a destination for global business investment and expansion.

(h) Conduct research on the state's business climate, including, but not limited to, research on how the state can remain on the leading edge of innovation and emerging sectors.

(i) Support small businesses by providing information about accessing capital, complying with regulations, and supporting state initiatives that support small business.

SEC. 3. Article 4.3 (commencing with Section 12096.7) is added to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, to read:

Article 4.3. GO-Biz Information Technology

12096.7. (a) There shall be within the office, the GO-Biz Information Technology Unit, which shall create an online Internet platform, called the California Business Development Portal.

(b) The Business Development Portal shall be an online platform that is comprised of three distinct elements, including economic and business development-related digital information, the systems and processes used to manage that information, and a public interface capability, which includes, but is not limited to, all of the following:

(1) Storing, retrieving, and exchanging economic and business development-related digital information with due regard to privacy statutes.

(2) An information service detailing business incentives, financing, workforce training, geographic regions in the state, and requirements to establish or engage in business in this state.

(3) Identification and retrieval of economic and business development digital information appropriate for a variety of business types, including sole proprietorships, partnerships, associations, cooperatives, corporations, nonprofit organizations, and social enterprises.

(4) Identification and retrieval of economic and business development digital information useful for state, federal, and local government agencies and other entities that support economic and business development activities in California.

(5) Accessibility through a variety of electronic presentation formats, including Internet Web sites, mobile applications, and other modes of delivery.

(6) A service or application for an individual, business, or other interested party to establish an online account that enhances the ability to conduct business or economic development activities in California.

(c) The office, in developing new programs or services, shall consider the added value of having all or portions of a program and service accessed digitally, including, but not limited to, undertaking outreach, filing applications, and submitting progress and outcome reports to the office.

(d) The office shall adopt and periodically update a schedule for the buildout and upgrading of the California Business Development Portal. The office shall undertake activities on the schedule after the director determines that funding for this project is available and the project is in alignment with required elements of the state planning practices for the development of state information technology projects.

12096.8. Beginning in the 2018–19 fiscal year, there shall be two additional state civil service positions in the GO-Biz Information Technology Unit for the purposes of supporting the ongoing enhancement of the functionality of the California Business Development Portal, including the California Business License Center, the California Business Navigator, the California Business Mapping Tool, digital resources, and other online products that improve the state government’s digital ecosystem.

SEC. 4. Section 12097.1 of the Government Code is amended and renumbered to read:

12097.2. (a) The director shall ensure that the office’s Internet Web site contains information on the licensing, permitting, and registration requirements of state agencies, and shall include, but not be limited to, information that does all of the following:

(1) Assists individuals with identifying the type of applications, forms, or other similar documents an applicant may need.

(2) Provides a direct link to a digital copy of all state licensing, permitting, and registration applications, forms, or other similar documents where made available for download.

(3) Instructs individuals on how and where to submit applications, forms, or other similar documents.

(b) The director shall ensure that the office’s Internet Web site contains information on the fee requirements and fee schedules of

state agencies, and shall include, but not be limited to, information that does all of the following:

(1) Assists individuals with identifying the types of fees and their due dates.

(2) Provides direct links to the fee requirements and fee schedules for all state agencies, where made available for download.

(3) Instructs individuals on how and where to submit payments.

(c) The office shall ensure that the Internet platform is user-friendly and provides accurate, updated information.

(d) (1) Each state agency that has licensing, permitting, or registration authority shall provide direct links to information about its licensing, permitting, and registration requirements and fee schedule to the office.

(2) A state agency shall not use the Internet platform established under this section as the exclusive source of information for the public to access licensing requirements and fees for that agency.

(e) The office may impose a reasonable fee, not to exceed the actual cost to provide the service, as a condition of accessing information on the Internet Web site established under subdivisions (a) and (b).

SEC. 5. Section 12097.1 is added to the Government Code, to read:

12097.1. (a) The GO-Biz Information Technology Unit shall establish an electronic online government permit and license assistance center through the Internet, which shall be known as the California Business License Center. The California Business License Center shall be available for use by any business or other entity subject to a law or regulation implemented by a state agency, authority, bureau, board, commission, conservancy, council, department, or office, and shall provide a business or other entity with assistance in complying with those laws and regulations.

(b) The California Business License Center shall provide special software, hotlinks, and other online resources and tools that may be used by a business or other entity to streamline and expedite compliance with laws and regulations implemented by a state agency, authority, bureau, board, commission, conservancy, council, department, or office.

(c) The California Business License Center shall, to the extent feasible, incorporate permit assistance activities of local and federal entities and of other entities of the state into its operations.

(d) The GO-Biz Information Technology Unit shall periodically review and, when necessary, update the California Business License Center to assist businesses in the state that would benefit from information on permitting and regulatory compliance.

SEC. 6. Section 71040 of the Public Resources Code is repealed.

SEC. 7. Section 71041 of the Public Resources Code is repealed.

Opposed Legislation

AB 2138 (Chiu D & Low D) San Francisco & Campbell

Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Status: 9/30/18- Approved by the Governor. Chaptered by Secretary of State - Chapter 995, Statutes of 2018.

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

Updated 10/17/18 Staff Analysis: AB 2138

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 a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast specified provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified.

Staff Recommendation: No vote needed.

Laws: An act to amend, repeal, Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and to add Section 480.2 to, the Business and Professions Code, relating to professions and vocations.

Assembly Bill No. 2138

CHAPTER 995

An act to amend, repeal, and add Sections 7.5, 480, 481, 482, 488, 493, and 11345.2 of, and to add Section 480.2 to, the Business and Professions Code, relating to professions and vocations.

[Approved by Governor September 30, 2018. Filed with
Secretary of State September 30, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2138, Chiu. Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny, suspend, or revoke a license or take disciplinary action against a licensee on the grounds that the applicant or licensee has, among other things, been convicted of a crime, as specified. Existing law provides that a person shall not be denied a license solely on the basis that the person has been convicted of a felony if he or she has obtained a certificate of rehabilitation or that the person has been convicted of a misdemeanor if he or she has met applicable requirements of rehabilitation developed by the board, as specified. Existing law also prohibits a person from being denied a license solely on the basis of a conviction that has been dismissed, as specified. Existing law requires a board to develop criteria to aid it when considering the denial, suspension, or revocation of a license to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates and requires a board to develop criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license.

This bill would revise and recast those provisions to instead authorize a board to, among other things, deny, revoke, or suspend a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime only if the applicant or licensee has been convicted of a crime within the preceding 7 years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or if the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding 7 years, except as specified. The bill would prohibit a board from

denying a person a license based on the conviction of a crime, or on the basis of acts underlying a conviction, as defined, for a crime, if the conviction has been dismissed or expunged, if the person has provided evidence of rehabilitation, if the person has been granted clemency or a pardon, or if an arrest resulted in a disposition other than a conviction.

The bill would require the board to develop criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession. The bill would require a board to consider whether a person has made a showing of rehabilitation if certain conditions are met. The bill would require a board to follow certain procedures when requesting or acting on an applicant's or licensee's criminal history information. The bill would also require a board to annually submit a report to the Legislature and post the report on its Internet Web site containing specified deidentified information regarding actions taken by a board based on an applicant or licensee's criminal history information.

Existing law authorizes a board to deny a license on the grounds that an applicant knowingly made a false statement of fact that is required to be revealed in the application for licensure.

This bill would prohibit a board from denying a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had the fact been disclosed.

Existing law authorizes a board, after a specified hearing requested by an applicant for licensure to take various actions in relation to denying or granting the applicant the license.

This bill would revise and recast those provisions to eliminate some of the more specific options that the board may take in these circumstances.

This bill would clarify that the existing above-described provisions continue to apply to the State Athletic Commission, the Bureau for Private Postsecondary Education, and the California Horse Racing Board.

This bill would also make necessary conforming changes.

This bill would make these provisions operative on July 1, 2020.

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

SECTION 1. Section 7.5 of the Business and Professions Code is amended to read:

7.5. (a) A conviction within the meaning of this code means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) of Section 480.

Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 2. Section 7.5 is added to the Business and Professions Code, to read:

7.5. (a) A conviction within the meaning of this code means a judgment following a plea or verdict of guilty or a plea of nolo contendere or finding of guilt. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence. However, a board may not deny a license to an applicant who is otherwise qualified pursuant to subdivision (b) or (c) of Section 480.

(b) (1) Nothing in this section shall apply to the licensure of persons pursuant to Chapter 4 (commencing with Section 6000) of Division 3.

(2) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(A) The State Athletic Commission.

(B) The Bureau for Private Postsecondary Education.

(C) The California Horse Racing Board.

(c) Except as provided in subdivision (b), this section controls over and supersedes the definition of conviction contained within individual practice acts under this code.

(d) This section shall become operative on July 1, 2020.

SEC. 3. Section 480 of the Business and Professions Code is amended to read:

480. (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

(3) (A) Done any act that if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 4. Section 480 is added to the Business and Professions Code, to read:

480. (a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made and for which the applicant is presently incarcerated or for which the applicant was released from incarceration within the preceding seven years from the date of application. However, the preceding seven-year limitation shall not apply in either of the following situations:

(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code or a crime for which registration is required pursuant to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

(B) The applicant was convicted of a financial crime currently classified as a felony that is directly and adversely related to the fiduciary qualifications, functions, or duties of the business or profession for which the application is made, pursuant to regulations adopted by the board, and for which the applicant is seeking licensure under any of the following:

- (i) Chapter 1 (commencing with Section 5000) of Division 3.
- (ii) Chapter 6 (commencing with Section 6500) of Division 3.

- (iii) Chapter 9 (commencing with Section 7000) of Division 3.
- (iv) Chapter 11.3 (commencing with Section 7512) of Division 3.
- (v) Licensure as a funeral director or cemetery manager under Chapter 12 (commencing with Section 7600) of Division 3.

(vi) Division 4 (commencing with Section 10000).

(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code or a comparable dismissal or expungement.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be denied a license on the basis of any conviction, or on the basis of the acts underlying the conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code, or a comparable dismissal or expungement. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if it is not reflected on the report furnished by the Department of Justice.

(d) Notwithstanding any other provision of this code, a board shall not deny a license on the basis of an arrest that resulted in a disposition other than a conviction, including an arrest that resulted in an infraction, citation, or a juvenile adjudication.

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

(f) A board shall follow the following procedures in requesting or acting on an applicant's criminal history information:

(1) A board issuing a license pursuant to Chapter 3 (commencing with Section 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing with Section 19000) or Chapter 3.1 (commencing

with Section 19225) of Division 8 may require applicants for licensure under those chapters to disclose criminal conviction history on an application for licensure.

(2) Except as provided in paragraph (1), a board shall not require an applicant for licensure to disclose any information or documentation regarding the applicant's criminal history. However, a board may request mitigating information from an applicant regarding the applicant's criminal history for purposes of determining substantial relation or demonstrating evidence of rehabilitation, provided that the applicant is informed that disclosure is voluntary and that the applicant's decision not to disclose any information shall not be a factor in a board's decision to grant or deny an application for licensure.

(3) If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, the board shall notify the applicant in writing of all of the following:

(A) The denial or disqualification of licensure.

(B) Any existing procedure the board has for the applicant to challenge the decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of his or her complete conviction history and question the accuracy or completeness of the record pursuant to Sections 11122 to 11127 of the Penal Code.

(g) (1) For a minimum of three years, each board under this code shall retain application forms and other documents submitted by an applicant, any notice provided to an applicant, all other communications received from and provided to an applicant, and criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for each license and the number of applications requiring inquiries regarding criminal history. In addition, each licensing authority shall retain all of the following information:

(A) The number of applicants with a criminal record who received notice of denial or disqualification of licensure.

(B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

(C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

(D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

(3) (A) Each board under this code shall annually make available to the public through the board's Internet Web site and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

(B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

(h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

(i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(j) This section shall become operative on July 1, 2020.

SEC. 5. Section 480.2 is added to the Business and Professions Code, to read:

480.2. (a) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the grounds that the applicant has one of the following:

- (1) Been convicted of a crime.
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board to evaluate the rehabilitation of a person when considering the denial of a license under paragraph (1) of subdivision (f).

(c) Notwithstanding any other provisions of this code, a person shall not be denied a license by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof of the dismissal.

(d) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may deny a license regulated by it on the ground that the applicant knowingly made a false

statement of fact that is required to be revealed in the application for the license.

(e) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(f) (1) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall develop criteria to evaluate the rehabilitation of a person either when:

(A) Considering the denial of a license under this section.

(B) Considering suspension or revocation of a license under Section 490.

(2) The Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(g) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board, in its discretion, may deem proper.

(h) Notwithstanding any other law, in a proceeding conducted by the Bureau for Private Postsecondary Education, the State Athletic Commission, or the California Horse Racing Board to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the Bureau for Private Postsecondary Education, the State Athletic Commission, and the California Horse Racing Board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(i) Notwithstanding Section 7.5, a conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that the Bureau for Private Postsecondary

Education, the State Athletic Commission, or the California Horse Racing Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(j) This section shall become operative on July 1, 2020.

SEC. 6. Section 481 of the Business and Professions Code is amended to read:

481. (a) Each board under the provisions of this code shall develop criteria to aid it, when considering the denial, suspension or revocation of a license, to determine whether a crime or act is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 7. Section 481 is added to the Business and Professions Code, to read:

481. (a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

(b) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession a board regulates shall include all of the following:

- (1) The nature and gravity of the offense.
- (2) The number of years elapsed since the date of the offense.
- (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

(c) A board shall not deny a license based in whole or in part on a conviction without considering evidence of rehabilitation submitted by an applicant pursuant to any process established in the practice act or regulations of the particular board and as directed by Section 482.

(d) Each board shall post on its Internet Web site a summary of the criteria used to consider whether a crime is considered to be substantially related to the qualifications, functions, or duties of the business or profession it regulates consistent with this section.

(e) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.

(f) This section shall become operative on July 1, 2020.

SEC. 8. Section 482 of the Business and Professions Code is amended to read:

482. (a) Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(1) Considering the denial of a license by the board under Section 480;
or

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 9. Section 482 is added to the Business and Professions Code, to read:

482. (a) Each board under this code shall develop criteria to evaluate the rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider whether an applicant or licensee has made a showing of rehabilitation if either of the following are met:

(1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.

(2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.

(c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(d) This section shall become operative on July 1, 2020.

SEC. 10. Section 488 of the Business and Professions Code is amended to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 11. Section 488 is added to the Business and Professions Code, to read:

488. (a) Except as otherwise provided by law, following a hearing requested by an applicant pursuant to subdivision (b) of Section 485, the board may take any of the following actions:

(1) Grant the license effective upon completion of all licensing requirements by the applicant.

(2) Grant the license effective upon completion of all licensing requirements by the applicant, immediately revoke the license, stay the revocation, and impose probationary conditions on the license, which may include suspension.

(3) Deny the license.

(4) Take other action in relation to denying or granting the license as the board in its discretion may deem proper.

(b) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(c) This section shall become operative on July 1, 2020.

SEC. 12. Section 493 of the Business and Professions Code is amended to read:

493. (a) Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

(b) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 13. Section 493 is added to the Business and Professions Code, to read:

493. (a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

(d) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

(1) The State Athletic Commission.

(2) The Bureau for Private Postsecondary Education.

(3) The California Horse Racing Board.

(e) This section shall become operative on July 1, 2020.

SEC. 14. Section 11345.2 of the Business and Professions Code is amended to read:

11345.2. (a) 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.

(c) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed.

SEC. 15. Section 11345.2 is added to the Business and Professions Code, to read:

11345.2. (a) 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. If the individual’s felony conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 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.

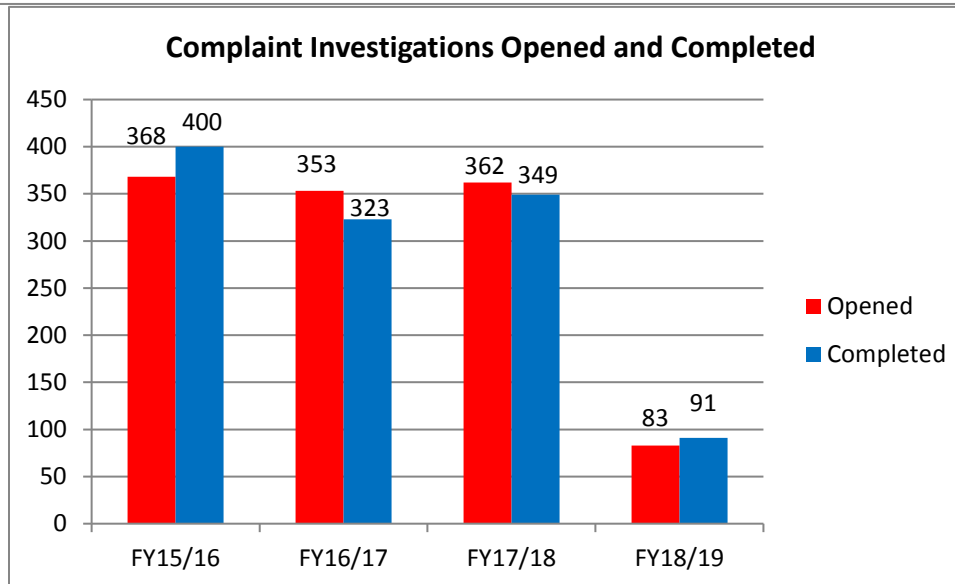
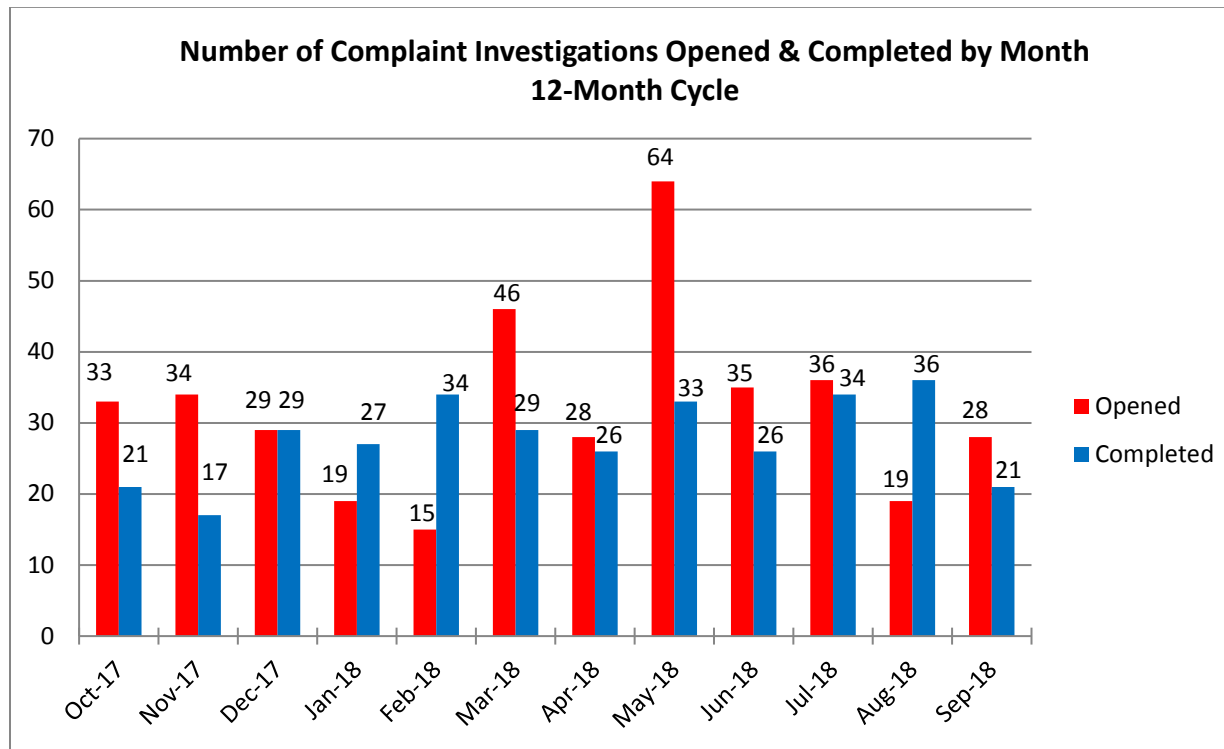
(c) This section shall become operative on July 1, 2020.

O

VI. Enforcement

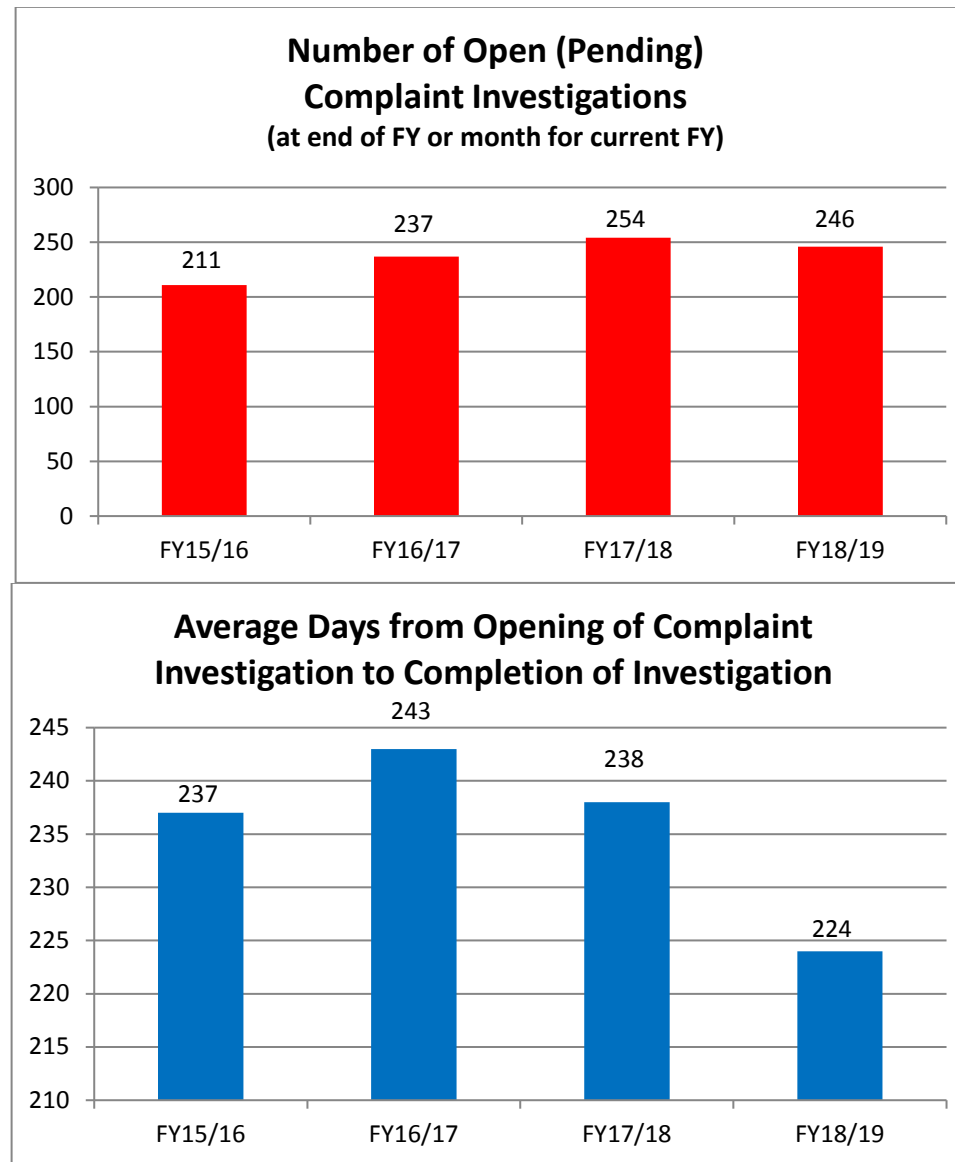
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2018/19 Update

Complaint Investigation Phase



NOTE: FY18/19 statistics are through September 30, 2018

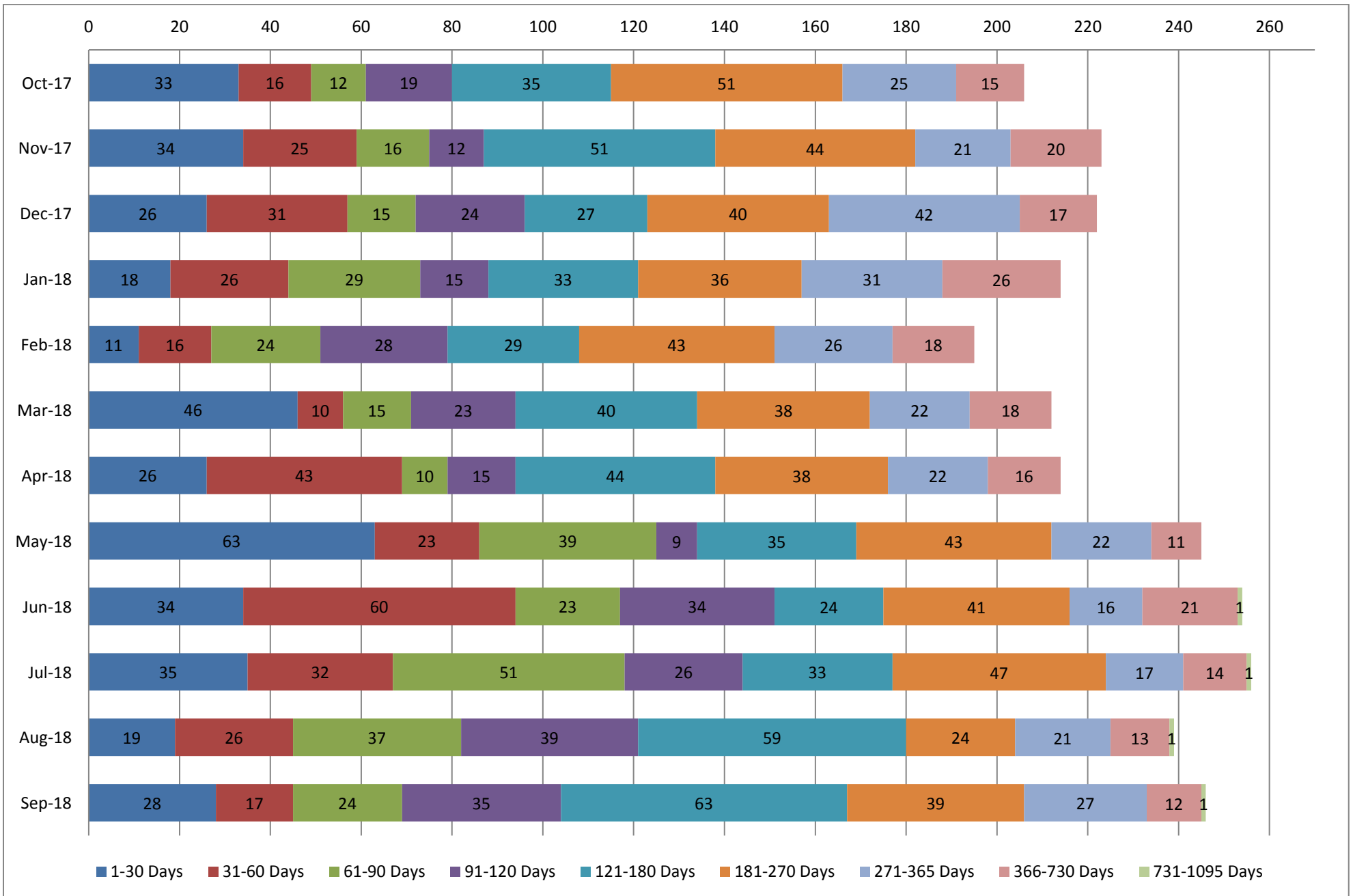
Complaint Investigation Phase



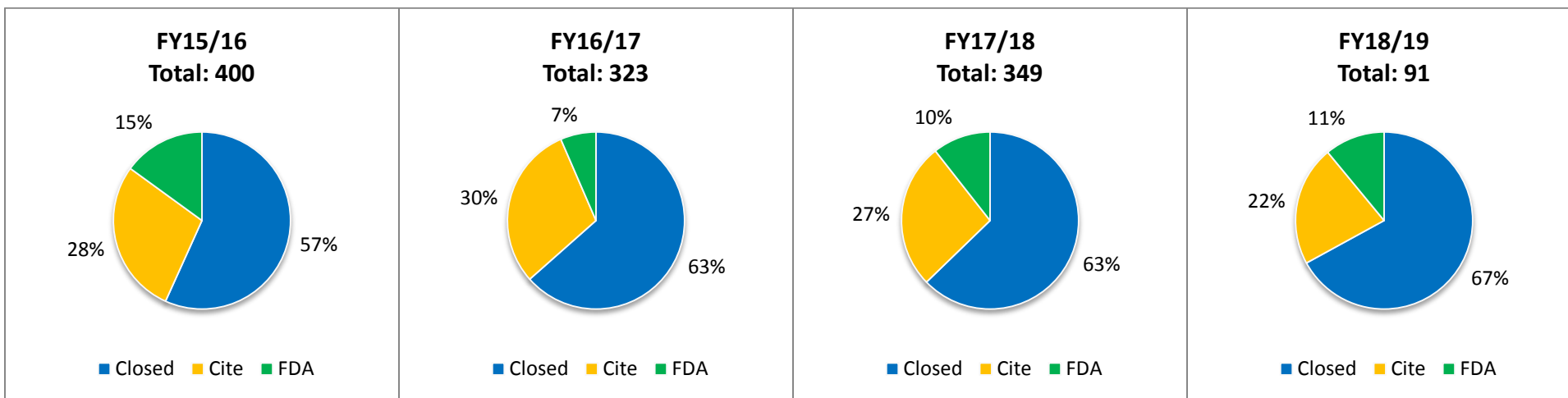
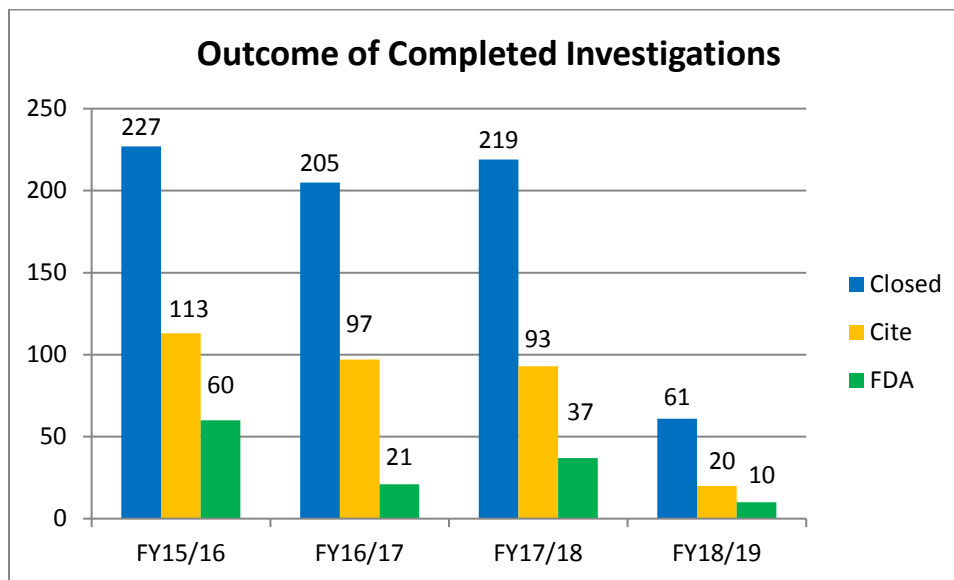
NOTE: FY18/19 statistics are through September 30, 2018

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



Complaint Investigation Phase Outcome of Completed Investigations



NOTE: FY18/19 statistics are through September 30, 2018

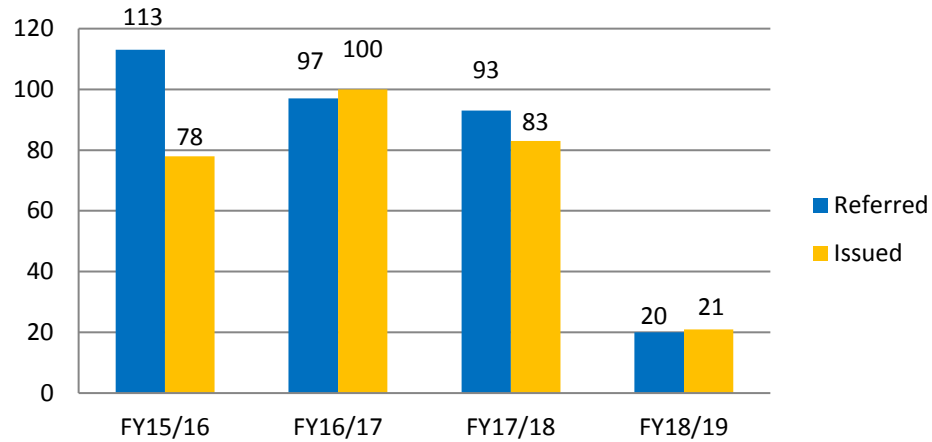
Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

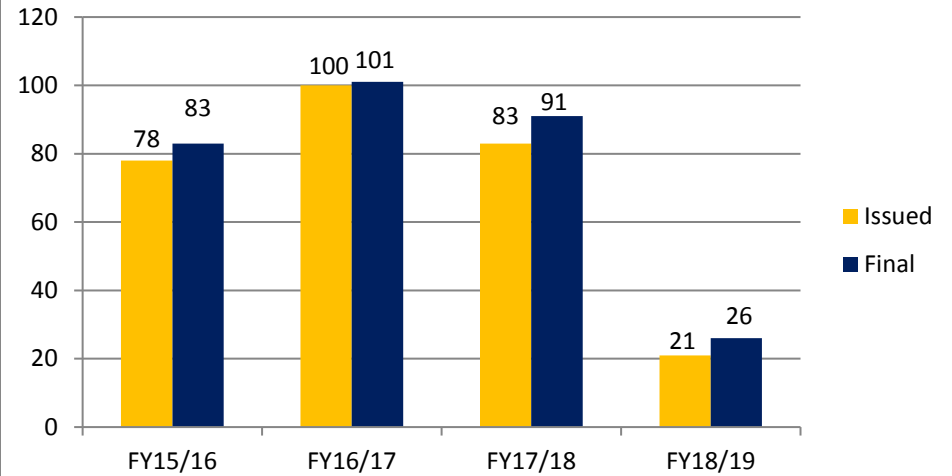
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)

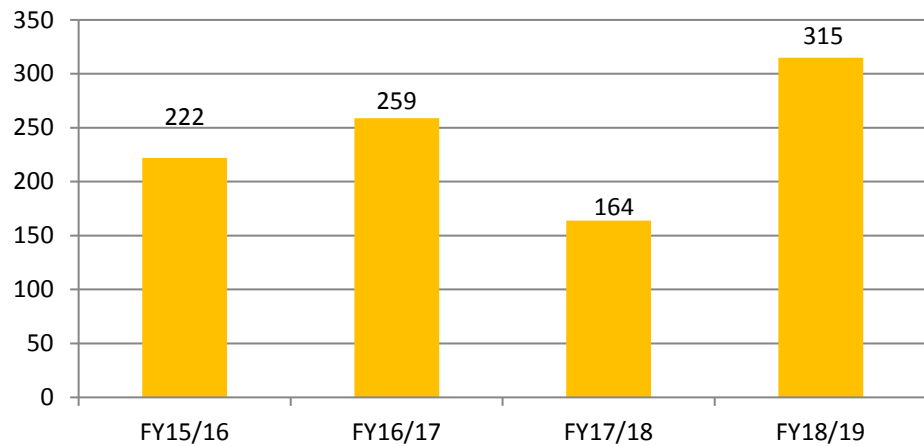
Number of Complaint Investigations Referred and Number of Citations Issued



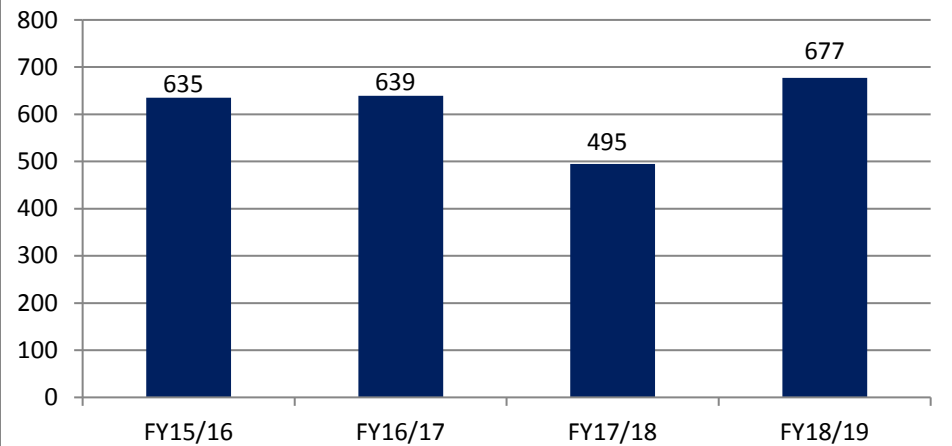
Number of Citations Issued and Final



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

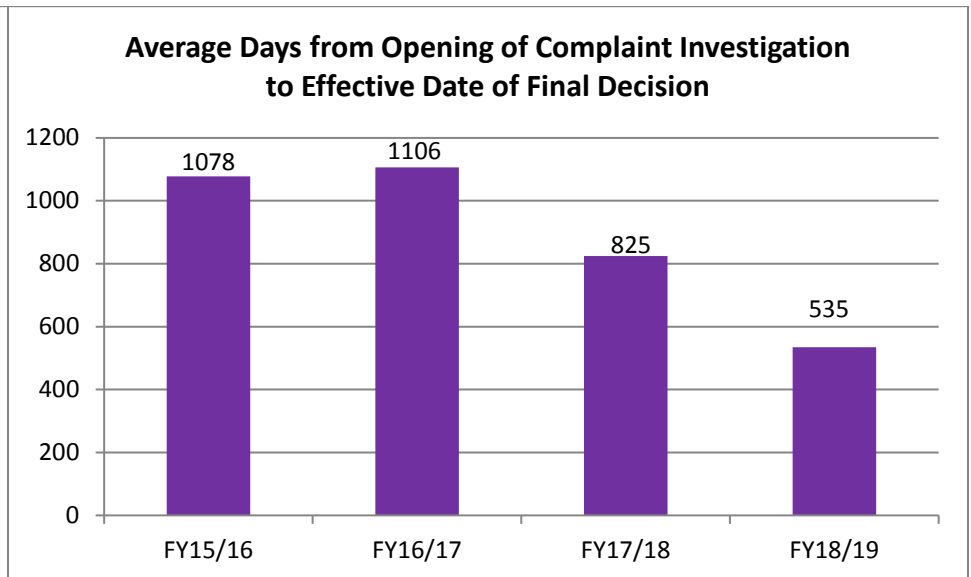
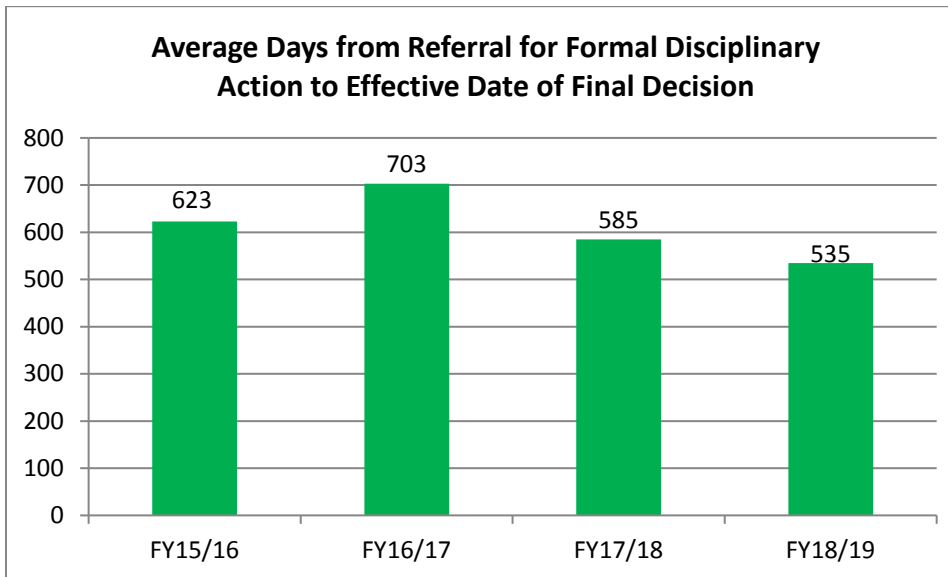
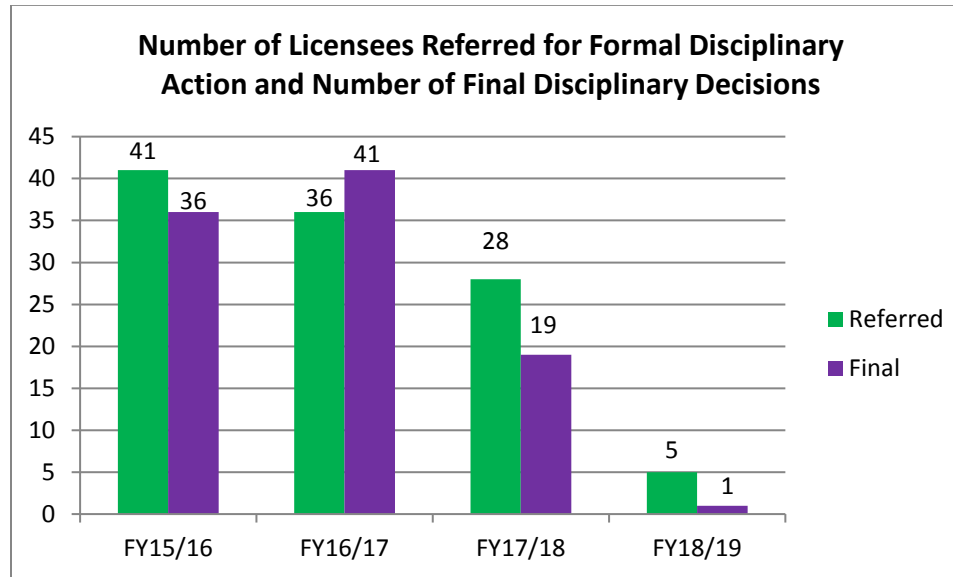


Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



NOTE: FY18/19 statistics are through September 30, 2018

Formal Disciplinary Actions Against Licensees



NOTE: FY18/19 statistics are through September 30, 2018

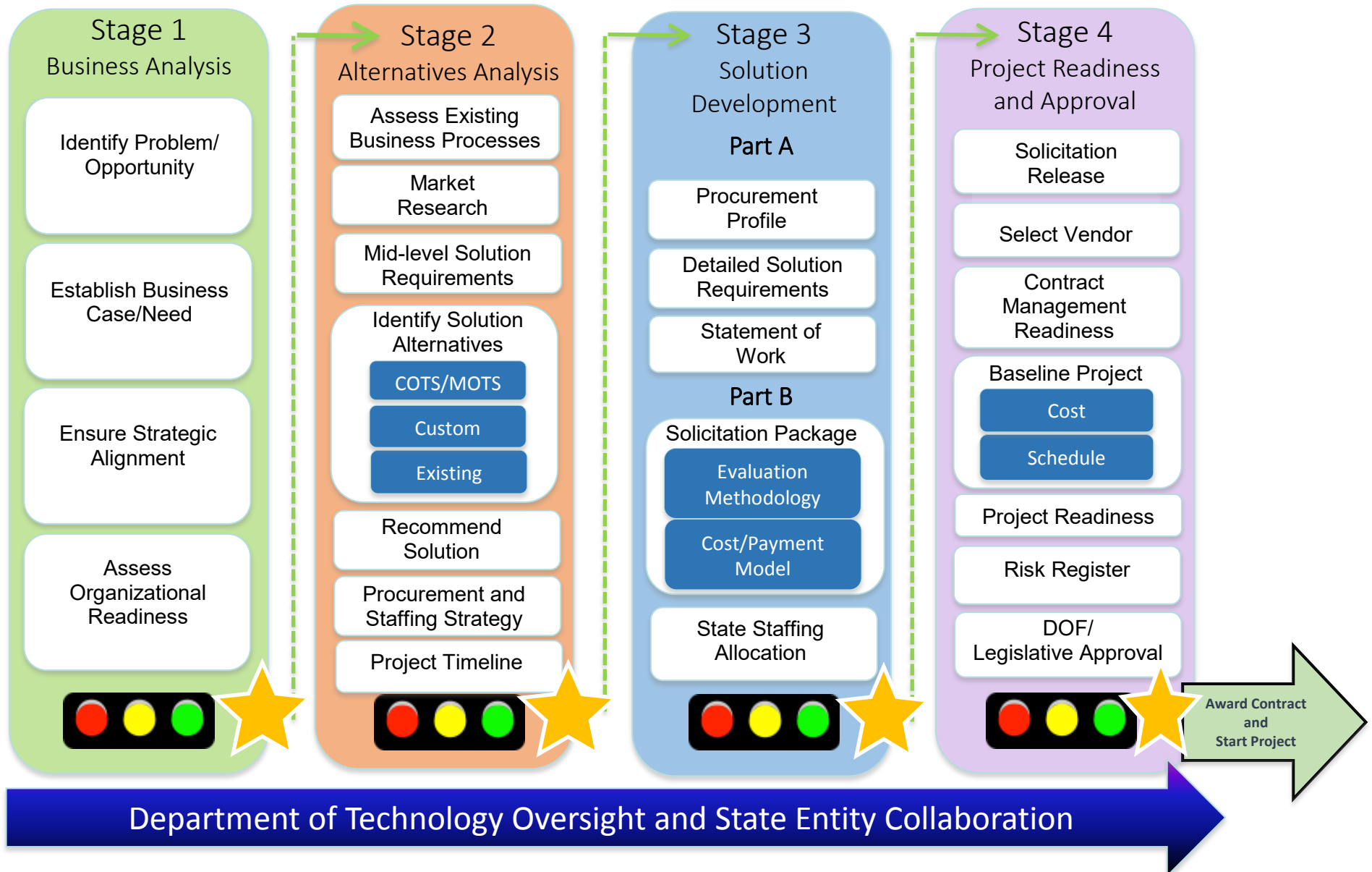
VII. Exams/Licensing

A. Update on 2018 Examinations

VIII. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Report
- C. Review and Approval of the 2018 Sunset Review Report (Possible Action)
- D. Personnel
- E. ABET
- F. Association of State Boards of Geology (ASBOG)
- G. National Council of Examiners for Engineering and Surveying (NCEES)
- H. Update on Outreach Efforts

Project Approval Lifecycle Framework



Draft Sunset Review Report provided as a separate document.

BOARD OUTREACH REPORT

Quarter Three: July - September 2018

SOCIAL MEDIA & WEBSITE

Top 5 Twitter “Tweets”

Posts	Date Posted	Views
1. Senate Resolution	July 6	907
2. Board Notice & Agenda	August 23	850
3. Announcement of Geology Video	September 11	488
4. Meeting Materials (May) Published	August 30	421
5. Announcement of Survey of Content of PG Exam (CSE) Review	September 10	152

Top 5 Facebook Posts

Posts	Date Posted	Views
1. Geologists & Geophysicists in California (VIDEO)	September 11	4,443
2. Senior Registrar Recruitment - Civil	September 6	3,636
3. NCEES Surveying Study	September 11	837
4. PE Nuclear Exam Info	August 23	702
5. Notice and Agenda – May	September 10	591

Top 5 Webpage Views of Quarter

Page Title	Views
1. License Lookup	116,178
2. Home Page	63,198
3. License Information	37,313
4. Professional Engineer Application	32,241
5. Application Information	28,425

OUTREACH EVENTS

July 2 - California State Senate Resolution 92 Proclaims the week of July 29 – August 5 “Professional Geologists and Professional Geophysicists Week”

From left to right: John Murphy PG, Laurie Racca PG, and Betsy Mathieson PG, CEG (on the Senate Floor).



July 5 – SAGE (Surveyors, Architects, Geologists & Engineers) Placerville, El Dorado County – BPELSG Update – Dallas Sweeney

July 13 -Structural Engineers Association of California (SEAOC) – Board of Directors Mtg. Sacramento – Ric Moore attended with Structural Board Member Alireza Asgari, SE

August 10 - California Multi-Agency CIP Benchmarking Study (CMACB) – San Jose - Ric Moore Presentation on Local Agency responsibilities related to monument preservation

August 23 – City of Stockton – Monument Preservation Presentation - Ric Moore and Dallas Sweeney

September 12 – County Engineers Association of California – Survey Policy Committee (CEAC) - Board Update - Ric Moore and Dallas Sweeney

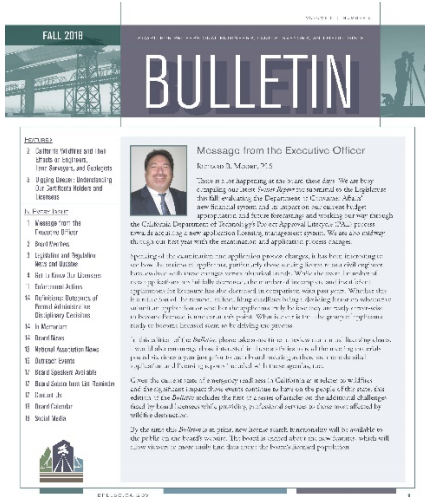
September 20 – Cal Poly Pomona – Geomatics Conference - Ric Moore and Dallas Sweeney



September 20 – Cal State Sacramento (CSUS) - ASCE Student Chapter – FE Workshop – Mike Donelson
September 23-28 - Association of Environmental and Engineering Geologists/International Association for Engineering and the Environment (AEEG/IAEE) - Two presentations in session regarding professional licensing: "50-years of Protecting the Public: "The California Professional Geologist License" & "Cooperation Between West Coast Licensure Boards". – Laurie Racca

PRINTED MATERIAL

Fall 2018 *Bulletin*:



<http://www.bpelsg.ca.gov/pubs/bulletin.latest.pdf>

BANNERS and TABLE RUNNERS:



VIDEO PRODUCTION:

50 Years of Protecting the Public: The California Professional Geologist License



Via Youtube:

https://www.youtube.com/watch?v=Fu_eVbY1DSw&feature=youtu.be

Via Facebook:

<https://www.facebook.com/107020752801578/videos/1963361627295021/>

IX. Technical Advisory Committees (TACs)

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

X. President's Report/Board Member Activities

XI. Approval of Meeting Minutes (Possible Action)

- A. Approval of the Minutes of the September 6, 2018 and October 11, 2018, Board Meetings

DRAFT

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

Judge Joseph Rattigan Building
50 D Street, Conference Room 410
Santa Rosa, CA 95404

September 6, 2018

September 6, 2018

Board Members Present:	Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Frank Ruffino; Robert Stockton; and Steve Wilson
Board Members Absent:	Asha Lang; Betsy Mathieson; and Jerry Silva
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Larry Kereszt (Examinations Manager); Laurie Racca (Senior Registrar); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

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

II. Public Comment for Items Not on the Agenda

No public comment.

III. Consideration of Rulemaking Proposals

- A. Proposal to Amend Title 16, California Code of Regulations Sections 3003 & 3003.1 (Negligence, Incompetence and Responsible Charge-Practice of Geology and Geophysics)

MOTION:	Mr. Ruffino and Mr. Wilson moved to direct staff to begin the rulemaking process to amend Section 3003 and to add Section 3003.1 of Title 16, California Code of Regulations as described and shown in the proposed language.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				

Minutes of the September 6, 2018 meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Natalie Alavi	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson				X	
Frank Ruffino	X				
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

IV. Administration

A. Fiscal Year 2017/18 Budget Review

Mr. Alameida reviewed DCA's Fi\$Cal Implementation Status letter. The letter provides a general sense of what the Board is experiencing as it closes out the prior Fiscal Year and moves into the new Fiscal Year. The year-end reports for Fiscal Year 2017/2018 may not be available until March of 2019. The financial statement will be revised to better match Fi\$Cal.

B. Fiscal Year 2018/19 Budget Status

Mr. Alameida reviewed the fund condition statement and explained that it is used as a baseline for reporting and proposing the next budget appropriation authority and aids in looking back historically of revenue generated and expenses.

V. Legislation

A. Legislative Calendar

Ms. Eissler reviewed the legislative calendar.

B. Discussion of Legislation for 2018 :

AB 767 Master Business License Act.

Ms. Eissler reported that the bill passed and will be presented to the Governor.

No vote needed.

AB 2138 Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

Ms. Eissler reported that the Board had taken a position of oppose unless amended. The Board felt that amendments should be made to the bill to strengthen the public protection aspects of the proposal especially regarding crimes that may be considered after the seven year washout period specified in the bill. The language that was included indicated that these licensing entities could adopt

regulations to list financial crimes that would be directly and adversely related to the fiduciary responsibilities of the professions. She does not believe the Board's concerns were addressed. It did pass out of the legislature and will be presented to the Governor.

MOTION:	Mr. Stockton and Ms. Alavi moved to take an oppose position and direct staff to send a letter to the Governor expressing the Board's concerns and opposition to AB 2138.
VOTE:	10-1-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson				X	
Frank Ruffino			X		
William Silva	X			X	
Robert Stockton	X				
Steve Wilson	X				

AB 2483 Indemnification of public officers and employees: antitrust awards.
No vote needed.

SB 920 Engineering, land surveying, and architecture: limited liability partnerships.
The Governor signed the bill, and it will become effective January 1, 2019.
No vote needed.

SB 1098 Geologists and geophysicists: fees.
The Governor signed the bill, and it will become effective January 1, 2019.
No vote needed.

VI. Enforcement

- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2018/19

Ms. Criswell reviewed the enforcement statistics. Mr. Wilson suggested providing a continuous 12-month cycle graph in lieu of the fiscal year graph for the graphs that show monthly statistics.

Ms. Criswell noted that aging time of citations and formal disciplinary actions is increasing due to vacancies at the Attorney General's Office.

VII. Exams/Licensing

A. Update on 2018 Examinations - First and Second Quarter Examination Results

Mr. Kereszt reviewed the 2018 NCEES results. He noted that the pencil and paper examinations are being phased out as examinations transition to computer based testing (CBT). The chemical engineer examination is new to CBT and the nuclear engineer examination will transition to CBT next month.

The ASBOG examinations are conducted twice per year. The upcoming October examinations will be administered at California State University, Long Beach.

The state-specific civil engineer examinations that consist of the seismic principles exam and the engineering surveying exam are now offered twice as often. Candidates now have the ability of taking it four times per year, once per quarter. The feedback received has been largely positive. If the candidate is not successful, they receive performance diagnostics for each test plan area. The goal is to make the process user friendly and outline the test plan areas candidates need to focus on. Staff continues to work closely with Prometric and their psychometricians to ensure successful examinations.

Mr. Moore reviewed the licensing statistics.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that the regulatory proposal addressing the requirements for licensure for geologists and geophysicists has been submitted to Agency for review prior to beginning the official rulemaking process. Michael Santiago, the Board's Legal Counsel, provided pertinent feedback.

B. Update on Board's Business Modernization Report

Mr. Alameida explained that the Board is currently involved in a business modernization project replacing two legacy licensing systems that are currently being used. The Project Approval Lifecycle (PAL) consists of four stages. The Board has already completed the Stage 1 business analysis and is currently in Stage 2 alternatives analysis. Stage 3 will be the identification of the alternative, and Stage 4 will be the selection of vendor, execution of contract, and implementation of solution.

C. Strategic Plan Discussion

Mr. Moore reviewed the various objectives and noted that some objectives within the Strategic Plan will always be ongoing.

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

This objective involves the Business Modernization Process study that will integrate the licensing and enforcement computer systems.

Objective 2.1 Monitor and report annually whether national exams continue to meet California's licensing requirements.

The Board monitors exam results and trends and is actively involved with NCEES and ASBOG committees. President Qureshi announced that he was involved in the cut score for the civil engineer examination and is the Vice-Chair of the professional engineering exam committee. Mr. Moore serves on the NCEES Survey Exam Module Task Force while also assisting with item development. Additionally, Laurie Racca, the Board's Staff Geologist, currently serves as the ASBOG Examination Chair for the national geologist exams. Mr. Moore continues to encourage and maintain involvement with NCEES and ASBOG.

Objective 3.2 Proactively monitor and clarify as needed laws and regulations. Continuously seeking what needs to be standardized.

Objective 4.1 Maintain complaint investigation cycle times under 180 calendar days.

Objective 4.2 Reduce formal disciplinary action process cycle times to the DCA-established time period of 540 calendar days.

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

Mr. Moore noted that these are the most important objectives to the Board and stakeholders.

D. Sunset Review

1. Suggestions for New Issues to Address in Sunset Report

Ms. Eissler reported that Board staff continuously reviews the laws for any clean-up legislation that needs to be completed. She noted there are laws in all three acts that allow retired license status which includes a provision that the person has to have been licensed anywhere for a minimum of 20 years anywhere and in California for 5 years. There are often those who, while they meet the minimum 5-year requirement for California, do not meet

the 20-year requirement. At the next Board meeting, the Board will be reviewing and approving the final Sunset Report. However, the issue of the retired license and time periods is something that the Board needs to consider discussing in depth as a separate issue.

Ms. Criswell explained that the Board has an Administrative Citation Program that is more than a warning for licensees but it is not significant enough to affect their license. For unlicensed individuals, we want to provide some public notice as the citations are noticed publically. The District Attorney's Offices are not necessarily willing to accept criminal cases unless there is clear evidence of egregious unlicensed activity. The Board utilizes the administrative citation process not as punitive action but as a deterrent. The assessment of the fines reflect that the Board is not attempting to be punitive and collect funds but to provide public notice and serve as a deterrent. The current process for collecting funds for unlicensed individuals is to refer them to the Franchise Tax Board. If the Board has access to their Social Security number or a unique identifier, the Franchise Tax Board can collect state tax refunds, lottery winnings, and gambling earnings. There is currently \$250,000 in outstanding fines for both unlicensed and licensed individuals. There are disciplinary measures for licensees with unpaid fines, which include not allowing them to renew their license or taking disciplinary action against them. Ms. Eissler explained there is a system in place that would allow the Board to go to civil court and be represented by the Attorney General's Office to get a judgment to enforce the fine, but this can be an expensive process. The Board agreed this issue should be addressed in the Sunset Report.

Andrew Hamilton and Steve Wilson volunteered to work with staff between now and the November Board meeting to review the information that will be included in the Sunset Report.

Ms. Eissler noted the report will be due to the legislature by December 1, 2018. Prior to the hearing in the spring, the Board will receive a report of issues the legislature wants the Board to address. They will also identify which of those issues they want addressed at the hearing. The Board's written response will be submitted after the hearing.

E. Personnel

Mr. Moore advised that staff is currently recruiting for an evaluator position for the Licensing Unit and scheduling interviews for Senior Registrar position.

F. ABET

1. Status of Board Observer Assignments for Fall 2018

Laurie Racca, Bob Stockton, and Frank Ruffino have been approved to attend ABET visits as Board observers. Mr. Moore advised that he is currently waiting for Ms. Lang's and Mr. Asgari's approvals.

- G. Association of State Boards of Geology (ASBOG)
1. Update on Annual Meeting – Monterey Fall 2018
 - a. Designate Voting Delegate

MOTION:	Mr. King and Mr. Stockton moved to designate Ms. Mathieson as a voting delegate and Dr. Qureshi as an alternate.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson				X	
Frank Ruffino	X				
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

- b. Annual Meeting Motions

MOTION:	Mr. King and Ms. Irish moved to accept staff recommendations on how the Board's delegate should vote on the motions.
VOTE:	10-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson				X	
Frank Ruffino			X		

William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

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

1. Annual Meeting Report

Mr. Moore reported that Jerry Carter is retiring from his position at the end of September. David Cox will replace Mr. Carter and assume the duties as CEO October 1, 2018.

Jim Purcell, PE, of the New Jersey Board assumed the role as 2018-19 NCEES President.

The council elected Dean Ringle of Ohio as 2018-19 President-Elect.

Mr. Wilson served as a panel member involving a discussion on new technology within the surveying profession, and Ms. Criswell provided a presentation regarding some California cases at the Law Enforcement Forum.

The 2019 Western Zone meeting will take place May 16-19 in Boise, ID. It will have funded delegate positions available allowing an opportunity for those Board members who have not attended an NCEES Zone meeting to attend. It will be a combined meeting with the Southern Zone. The Annual meeting will take place in Washington, DC, August 14-17, 2019.

I. Update on Outreach Efforts

Mr. Moore reviewed the outreach report and events that took place.

IX. **Review of Professional Land Surveyors' Act and Board Rules related to the Preparation and Submittal of Record of Survey and Corner Record Requirements**

Mr. Moore reported there are issues with inconsistencies with the application of the preparation and submittal of Records of Surveys from both private surveyors and County Surveyors. He proposed that the Board direct staff to begin outreach efforts to gather information about clarifying the requirements. The proposal is to collaborate with the Surveyor Policy Committee within the County Engineers Association of California and CLSA to provide workshops facilitated by Mr. Moore and Dallas Sweeney, the Board's Staff Land Surveyor, to identify where the issues are and gain perspective. Mr. Moore anticipates providing recommendations at a future meeting depending on the proposed workshop schedule..

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

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

- No report given.
C. Reports from the TACs
No report given.

XI. President's Report/Board Member Activities

Ms. Mathieson attended the Senate floor vote on Geology Resolution for the 50th anniversary of licensing geologists.

XII. Approval of Meeting Minutes

A. Approval of the Minutes of the June 28, 2018, Board Meeting

MOTION:	President Qureshi and Mr. Johnson moved to approve the meeting minutes as amended.
VOTE:	9-0-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi			X		
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson				X	
Frank Ruffino			X		
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

A. November 1-2, 2018, Board Meeting will be held in Monterey at the Monterey-Salinas Transit, 19 Upper Ragsdale Drive, Boardroom, Monterey, CA 93940

XIV. Other Items Not Requiring Board Action

XV. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- 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. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786

XVI. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on three stipulations, one default decision, and a petition for reconsideration and discussed litigation as noticed.

XVII. Adjourn

The meeting adjourned at 4:17 p.m.

PUBLIC PRESENT

Bob DeWitt, ACEC

Rob McMillan, CLSA

DRAFT

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

**October 11, 2018, beginning at 9:00 a.m.
at the following locations:**

Office of Statewide Health Planning and Development
Facilities Development Division
2020 West El Camino Avenue, Suite 800
Sacramento, CA 95833

Glenn County Public Works
777 N. Colusa Street
Willows, CA 95988

Metropolitan Water District
700 North Alameda Street
Conference Room 10-199
Los Angeles, CA 90012

Department of Justice
Attorney General's Office
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004

Rick Engineering Company
1770 Iowa Ave, Suite 100
Riverside, CA 92507

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Suite 200
Monterey, CA 93940

CalTrans District 11
4050 Taylor Street
Room #Breakout 128
San Diego, CA 92110

Board Members Present:	Mohammad Qureshi, President; Fel Amistad, Vice President; Alireza Asgari; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Betsy Mathieson; Frank Ruffino; Robert Stockton; and Steve Wilson
Board Members Absent:	Natalie Alavi; Coby King; Asha Lang; and Jerry Silva
Board Staff Present:	Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); and Michael Santiago (Legal Counsel)

- I. Roll Call to Establish a Quorum**
President Qureshi called the meeting to order at 9:11 a.m., and a quorum was established.
- II. Public Comment for Items Not on the Agenda**
No public comment.
- III. Closed Session – The Board met in Closed Session to discuss, as needed:**
Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- IV. Open Session to Announce the Results of Closed Session**
During Closed Session, the Board took action on a Decision After Rejection of Proposed Decision and a Petition for Reconsideration.

V. Adjourn

The meeting adjourned at 10:07 a.m.

PUBLIC PRESENT

No public present.

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

- A. December 13-14, 2018, Board Meeting will be held in Riverside at the Department of General Services, 3737 Main Street, Magnolia Room, Riverside, CA 92501
- B. 2019 Board Meeting Schedule

2019 Board for Professional Engineers, Land Surveyors, and Geologists

Board Meetings

January 2019						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

February 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28		

March 2019						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

April 2019						
S	M	T	W	T	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

May 2019						
S	M	T	W	T	F	S
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2019						
S	M	T	W	T	F	S
30						1
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

July 2019						
S	M	T	W	T	F	S
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

August 2019						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2019						
S	M	T	W	T	F	S
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2019						
S	M	T	W	T	F	S
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2019						
S	M	T	W	T	F	S
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3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2019						
S	M	T	W	T	F	S
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Holidays

1/1	New Year's
1/21	M. L. King, Jr. Day
2/18	President's Day
5/27	Memorial Day
7/4	Independence Day
9/2	Labor Day
11/11	Veteran's Day
11/28-11/29	Thanksgiving Break
12/25	Christmas

Board Meeting Dates

February 14-15
 April 11-12
 June 6-7
 August 1-2
 September 26-27
 November 21-22

Key

BOARD MEETINGS	HOLIDAYS
NCEES FUNCTIONS	ASBOG ANNUAL MTG.

2/8 - 2/9 Board Presidents' Assembly
 Atlanta, Georgia

5/16 - 5/18 Southern/Western Zone Meeting
 Boise, Idaho

8/14 - 8/17 NCEES Annual Meeting
 Washington, D.C.

11/5 - 11/9 ASBOG Admin. Workshop, Annual Mtg., and Council of Examiners

2019

XIII. Other Items Not Requiring Board Action

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)]
 - 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. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786

XV. Open Session to Announce the Results of Closed Session

XVI. Adjourn

REVIEW AND APPROVAL OF THE 2018 SUNSET REVIEW REPORT

Included for the Board's review is the DRAFT 2018 Sunset Review Report. This report is due to the Legislature by December 1, 2018. The Board must take action at this meeting to formally approve the report for submittal.

As directed at the September 2018 meeting, Board Members Andrew Hamilton and Steve Wilson reviewed the initial draft of the report and provided constructive comments to staff, which have been taken into account in this draft report.

Please note that this draft report is not formatted as the final report will be. Staff will ensure that all tables are properly formatted for clear readability in the final version, as well as addressing other formatting issues (such as page and section breaks). As such, it is not necessary to comment on the formatting in reviewing this draft.

RECOMMENDED MOTION:

Approve the 2018 Sunset Review Report for submittal to the Legislature.

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS BACKGROUND INFORMATION AND OVERVIEW OF THE CURRENT REGULATORY PROGRAM As of December 1, 2018

Section 1 – Background and Description of the Board and Regulated Profession

History of the Board

Civil Engineers Board (1929 – Present)

The California Legislature created the Board of Registration for Civil Engineers in 1929 following the failure of the Saint Francis (San Francisquito) Dam in northern Los Angeles County in March 1928 (Chapter 766, Statutes of 1929). The 200-foot dam, designed by William Mulholland for the Los Angeles Department of Water and Power, near the southern end of the aqueduct bringing water from the Owens River to the San Fernando Valley, suddenly gave way. A monstrous wall of water cascaded down the narrow valley of the Santa Clara river. When the water hit Santa Paula, almost 50 miles downstream from the dam, the crest was still 25 feet high. Lives lost numbered from 409 to 450, almost as many as in San Francisco's great fire. Property damage was millions of dollars. 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. A law was then enacted requiring the registration of civil engineers.

When Legislative Committee hearings on the bill were held, a difference of opinion developed between proponents of registration by branch and those who favored registration in the category of professional engineer only. Opposition also developed from those engineers who were against the philosophy of licensing in general. The mining engineers strongly objected to any regulation of their activities as did some representatives of the mechanical and electrical engineering groups. Because the principle opposition came from groups who practiced in branches other than civil engineering, the bill was amended to exclude them and require registration of civil engineers only. It was in this form that Assembly Bill 174 was signed by the Governor (Chapter 801, Statutes of 1929). Initially the area of overlap between architecture and engineering was considered relatively unimportant, but as taller buildings were being designed and constructed, it became a source of increasing controversy. To resolve the disputed area of overlap between architecture and structural engineering, a solution was offered creating the title authority of structural engineer. Registered civil engineers who were found to be qualified in structural engineering could use the title structural

engineer. Civil engineers then sponsored legislation creating the structural engineer title authority (Chapter 254, Statutes of 1931).

State Surveyor General (1891 – 1933)

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 (Business and Professions [B&P] Code section 8700, et seq.). 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 furthered the best interests of the state and California consumers.

Growth of the Professional Engineers Board (1933 – 2009)

The technical advances made during the forties, possibly due to World War II, resulted in the registration, by title, of engineers in the branches of chemical, electrical, mechanical, and petroleum engineering. This was done through legislation in 1947. Because of the more specialized use of electrical and mechanical engineering, the law was amended in 1967 to change electrical and mechanical engineering from title act registrations to practice act registrations. Also in 1967, the legislature created the title disciplines of metallurgical and industrial engineering – that the Board opposed. A bill was then passed by the Legislature (Chapter 895, Statutes of 1968) which gave the authority to create new title acts to the Board by allowing interested parties to petition the Board for creation of new branches of engineering.

Several years passed, and the composition of the Board changed. During the early seventies, the Board received petitions from persons representing the branches of aerospace, agriculture, air pollution, communication, control system, corrosion, environmental, fire protection, manufacturing, nuclear, quality, safety, and traffic engineering. Hearings were held, and all petitions were approved except for the petitions of aerospace, air pollution, communication, and environmental engineers. In 1976 and 1977, the Board finally adopted formal regulations to implement the engineering disciplines which it had recognized during the preceding years.

In 1982, the title authority of geotechnical engineer was added to the practice of civil engineering by the Legislature (Chapter 646, Statutes of 1982). Additionally, in 1983, the laws were changed so that civil engineers licensed after January 1, 1982, would no longer have the authority to practice land surveying unless they obtained a license as a land surveyor; however, civil engineers were still allowed to practice engineering surveying, with that area of practice specified in law (Chapter 760, Statutes of 1983).

In 1985, Senate Bill 1030 (Chapter 732, Statutes of 1985) was passed by the Legislature with support from this Board. The bill amended Section 6732 of the B&P Code to codify the existing engineering disciplines into the Professional Engineers Act (B&P Code § 6700, et seq.), thereby recognizing them by statute rather than by regulation. It also repealed Section 6700.1 of the B&P Code that had allowed for the establishment of new engineering disciplines by petition to the Board.

In 1999, examinations in three title acts (corrosion, quality, and safety) were eliminated. In 2004, legislation (Chapter 789, Statute of 2003) was enacted to discontinue the examination for manufacturing engineering. Currently, there are nine remaining title acts: agricultural, chemical, control systems, fire protection, industrial, metallurgical, nuclear, petroleum, and traffic engineering.

Geologists and Geophysicists Board (1969 – 2009)

The former Board for Geologists and Geophysicists (BGG) was created in 1969 by legislation signed by then-Governor Ronald Reagan on August 1, 1968, under the Geologist Act and was provided authority to regulate the practice of geology. The Board was comprised of seven members (four public members and three professional licensees). In 1972, legislation was adopted to include the practice of geophysics, resulting in the renaming of the enabling act to the Geologist and Geophysicist Act. Professional Geologists had been licensed by the Board since 1970, as had the title authority license of Certified Engineering Geologist for Professional Geologists. Licensing of Professional Geophysicists began in 1973. Regulations were adopted in 1995 to include the title authority license of Certified Hydrogeologist for Professional Geologists.

Consumer demand for regulation of geological practices and concern for public safety and protection of landslide damage was a driving factor in the establishment of a board to regulate the practice of geology. Housing tracts built on hillsides were developed without the benefit of regulated and licensed geologists. In 1962, Southern California experienced a geologic disaster due to rainfall-induced landslides that impacted hillside development. The landslides resulted in significant financial losses that eventually led to the adoption of professional licensure for geologists in California.

In an attempt to prevent future geologic accidents, the City of Los Angeles adopted grading ordinances that required geologic reports for hillside development. Soon thereafter, other Southern California cities and counties enacted their own geological ordinances and qualifications for geologists. A need was recognized to establish both uniform statewide standards and a mechanism for statewide licensure. The Board for Geologists and Geophysicists functioned as a separate board for 40 years.

Legislation enacted during the 4th Extraordinary Session of 2009 (ABX4 20) 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. The transfer

of authority became effective October 23, 2009. The Geologist and Geophysicist Act (Business and Professions [B&P] Code section 7800, et seq.) and the Rules and Regulations pertaining to the practices of geology and geophysics (Title 16, California Code of Regulations [16 CCR] section 3000, et seq.) remain in effect.

Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The licenses or certifications currently regulated by the Board are comprised of three primary categories: Practice Acts; Title Acts; and Title Authorities. Practice Act licenses indicate that both the actual practice and the use of the title are regulated. Title Act licenses indicate that only the use of the title is regulated and the actual practice is not. Title Authorities represent additional authorities obtained by an individual that is subsequent to the foundation license. For example, Geotechnical and Structural Engineers must be licensed as a Civil Engineer first as a prerequisite for the title authority, while Certified Engineering Geologists and Certified Hydrogeologists must be licensed as a Professional Geologist first. The following chart illustrates these primary categories.

Practice Acts	Title Acts	Title Authorities
Civil Engineer Electrical Engineer Land Surveyor Mechanical Engineer Professional Geologist Professional Geophysicist	Agricultural Engineer Chemical Engineer Control System Engineer Fire Protection Engineer Industrial Engineer Metallurgical Engineer Nuclear Engineer Petroleum Engineer Traffic Engineer	Geotechnical Engineer Structural Engineer Certified Engineering Geologist Certified Hydrogeologist

In addition, the Board issues certifications for Engineer-In-Training (EIT), Geologist-In-Training (GIT), and Land Surveyor-In-Training (LSIT) which recognizes individuals who have obtained a specific level of engineering, geology, or land surveying education and/or work experience as the entry-level step towards eventual licensure as a professional engineer, geologist, or land surveyor.

Function of the Board

The Board is charged with safeguarding the life, health, property, and public welfare by regulating the practices of professional engineering, land surveying, geology, and geophysics. The Board provides this public service by qualifying and licensing individuals, establishing regulations, enforcing laws and regulations, and providing information so that consumers can make informed decisions.

The regulation of engineers, land surveyors, geologists, and geophysicists protects the public from incompetent, negligent, and/or unscrupulous individuals who would offer

such services without having to demonstrate they are properly qualified. The public is assured that licensed engineers, licensed land surveyors, licensed geologists, and licensed geophysicists have met state-approved education, experience, and examination standards established by the Board.

Engineers, land surveyors, geologists, and geophysicists make professional judgments, which have major financial, health, safety, and other significant consequences on a daily basis. The highways, bridges, dams, waterways, buildings, and electrical and mechanical systems in buildings are all products of engineering. Consequences of poorly designed bridges or buildings include deaths and injuries as well as financial hardship to the property owner ultimately responsible for damages and reconstruction. Land surveyors help to define property boundaries. A miscalculation of property boundaries in a residential or commercial neighborhood could cause a property owner financial loss if the property is sold or improvements were constructed based on reliance upon an incorrect boundary. A structure could be located on another individual's property, with concomitant major financial losses and inability to convey title. Geologists and geophysicists analyze the soil and groundwater resources in California and help to determine if active landslides, earthquake faults, or underground water supplies impact orderly and safe development or if they impact the health, safety or welfare of the public.

The complexity of engineering, land surveying, geology, and geophysics projects necessitates a very high degree of technical knowledge and skill which is typically only acquired after many years of experience. The vast majority of licensed engineers hold a college degree in engineering. Land surveyors make decisions and form opinions based upon interpretation of legal documents, field evidence, and the use of technically advanced instrumentation. Licensed geologists and geophysicists often obtain post-secondary degrees in earth sciences and devote many years of experience studying and interpreting historical data related to soils, earth dynamics, and groundwater and the effect those have on public improvements.

Current Composition of the Board

There are fifteen Board member positions on the Board. All appointments to the Board are for a term of four years, with vacancies filled by appointment for the unexpired term. Each appointment (or re-appointment) after the initial appointment, if the initial appointment fills an unexpired term, is for a four-year term expiring on June 30 of the fourth year following the year in which the previous term expired. Each member may remain on the Board until the appointment of his or her successor or until one year has elapsed after the expiration of the term for which he or she was appointed, whichever occurs first; this is known as the "grace year." No person is allowed to serve as a member of the Board for more than two consecutive full four-year terms. (B&P Code §6712).

There are eight public member positions, appointed as follows (B&P Code §§6711 & 6712):

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- Six public members by the Governor
- One public member by the Senate Rules Committee
- One public member by the Speaker of the Assembly

There are seven professional member positions, all appointed by the Governor. The seven professional member positions represent the branches or disciplines of engineering, land surveying, geology, or geophysics listed below. In addition, one professional member must be from a local public agency and another professional member must be from a State agency. (B&P §§6711 & 6712):

- Civil Engineer
- Electrical Engineer
- Mechanical Engineer
- Structural Engineer
- Other Professional Engineer (representing one of the other branches or disciplines not specifically represented)
- Land Surveyor
- Professional Geologist or Geophysicist

The Board has not experienced issues with the inability to hold meetings due to a lack of a quorum in the last four years. As of December 1, 2018, there are no vacancies on the Board.

Table 1a. Board Member Meeting Attendance

	7/31-8/1/14, Sacramento	9/25/14, Santa Rosa	11/13/14, Riverside	2/9-10/15, Sacramento	4/15-16/15, Sacramento	6/11/15, San Diego	7/16/15, Sacramento	9/10/15, Redding	11/15/15, San Bern.	12/4/15, Teleconference	1/14/16, Sacramento	3/3-4/16, Ventura	4/21/16, Santa Rosa	6/9-10/16, Riverside	8/18/16, Riverside	10/13-14/16, Oakland	12/8/16, San Diego	2/8/17, Sacramento	4/20-21/17, Sacramento	6/1/17, Eureka	7/27/17, Long Beach	9/21/17, San Diego	11/6/17, Riverside	1/8/18, Sacramento	3/8/18, Fresno	5/3/18, Sacramento	6/28/18, San Diego		
BOARD MEMBER	FY 14/15						FY 15/16						FY 16/17						FY 17/18										
Term or Appointment Date																													
FORMER BOARD MEMBERS																													
Chelsea Esquibias 8/19/15-4/26/17																													
Cynthia Guzman 5/10/16-12/2/16																													
Diane Hamwi 5/29/13-5/22/15																													
Phil Quartararo 2/10/10-6/30/15																													
Hong Beom Rhee 3/17/11-6/30/16																													
Karen Roberts 3/6/14-6/15/18																													
Renato Ray Satorre 7/13/07-8/19/15																													
Patrick Tami 6/9/06-6/14/16																													
Erik Zinn 1/2/11-2/12/15																													
CURRENT BOARD MEMBERS																													

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[illegible]

■ Indicates attendance; ½ indicates Board Member was only present one of the two days.

■ Indicates absence.

☐ Was not a member of the Board during this time

Table 1b. Board Member Roster

Member Name (Include Vacancies)	Date First Appointed	Date Re- appointed	Date Term Expires	Appointing Authority	Type (public or professional)
Nejla Natalie Bamshad-Alavi	12/17/2013	7/19/2016	6/30/2020	Governor	Professional
Fel Amistad	11/24/2015	7/2/2018	6/30/2022	Governor	Public
Alireza Asgari	6/15/2018		6/30/2021	Governor	Professional
Duane E. Friel	10/10/2018		6/30/2019	Governor	Public
Andrew Hamilton	3/12/2018		6/30/2019	Speaker of the Assembly	Public
Kathy Jones Irish	7/6/2012	6/5/2014; 7/2/2018	6/30/2022	Governor	Public
Eric Johnson	12/3/2013	2/1/2018	6/30/2021	Governor	Professional
Coby King	5/29/2013	7/19/2016	6/30/2020	Governor	Public
Asha Malikh Brooks Lang	12/17/2013	7/19/2016	6/30/2020	Governor	Public
Elizabeth Mathieson	2/12/2015	7/2/2018	6/30/2022	Governor	Professional
Mohammad Qureshi	3/6/2014	6/5/2014; 7/2/2018	6/30/2022	Governor	Professional
Frank Ruffino	5/3/2018		6/30/2019	Senate Rules	Public
William Jerry Silva	2/13/2008	1/2/2011; 2/12/2015	6/30/2018	Governor	Public
Robert Stockton	7/6/2012	7/10/2015	6/30/2019	Governor	Professional
Steven Wilson	6/14/2016		6/30/2019	Governor	Professional

Committees of the Board

Prior to 2005, there were four active standing committees of the Board: Administration, Examination, Enforcement, and Legislation. Each committee was comprised of Board members. The Board eliminated the standing committees as a cost saving measure in 2004; currently, all issues are reviewed and discussed at the Board meetings. The Board has no plans to reinstate the standing committees at this time.

The Board also has the authority to appoint Technical Advisory Committees (TACs) under the provisions of Sections 6728, 7826, and 8715 of the B&P Code. The TACs each consist of five technical members, all of whom are licensees of the Board, but none of whom are Board members.¹ These committees are appointed as needed to advise Board members and staff on matters pertaining to the various branches of engineering, land surveying, and geology and geophysics.

In addition to the above-noted standing committees, the President of the Board, with the concurrence of the other Board members, occasionally appoints special committees or workgroups to serve specific purposes. The life, charge, and operating procedures of such committees are determined by the establishing authority.

Internal Review and Reorganization

As a result of the Board's internal Business Modernization Study, conducted beginning in 2016, management of the Licensing and Examination Development Unit was divided into two separate units to accommodate the necessary improvements to application processing and to more fully provide management oversight, all in an effort to provide more effective service to our customer base.

Currently, the Board is organized into four units, Administrative Services, Enforcement, Examination Development, and Licensing, which are all under the direction of the Assistant Executive Officer and the Executive Officer.

Strategic Planning

Since the 2014 Sunset Review, the Board revisited its Strategic Plan goals in the spring of 2015 intended for the following three years and established a goal to monitor the objectives more proactively. In the summer of 2017, approximately halfway through the current plan, the Board again revisited and updated its Strategic Plan to both reflect accomplishments and to address any new concerns since last review. Both of these documents are published on the Board's website under Publications at <https://www.bpelsg.ca.gov/pubs/index.shtml>. More recently, the Board reviewed an annual update on the status of goals and objectives from the current plan at its

¹ Two Board members – one professional and one public – are assigned as liaisons to each TAC.

September 6, 2018, meeting. The Board anticipates revisiting the current plan subsequent to this Sunset review cycle.

All Legislation Sponsored by the Board and Affecting the Board Since the Last Sunset Review

2014

- SB 1467 – Senate Committee on Business, Professions and Economic Development (Chapter 400, Statutes of 2014): 1) Added a section to the Professional Land Surveyors' Act to state the legislative intent that the licensure requirements imposed on private sector professional land surveyors and land surveying business entities shall also be imposed on the state and any city, county, city and county, district, and special district and that an appropriately licensed person must be designated in responsible charge of the land surveying work practiced in any department or agency of any of the governmental entities listed; 2) added provisions to the Professional Engineers Act and the Professional Land Surveyors' Act to clarify that the designated person in responsible charge of civil engineering at the listed governmental entities is responsible for compliance with the monument preservation requirements of B&P Code § 8771; 3) added requirements to the Professional Engineers Act relating to the signing and sealing of civil engineering plans for public school structures and hospitals and certain other medical facilities; 4) added a section to the Geologist and Geophysicist Act to address petitions for reinstatement of revoked licensed or modifications of penalty; and, 5) made other non-substantive, clarifying changes to various provisions of the three Acts under the Board's jurisdiction.

2015

- AB 177 – Bonilla (Chapter 428, Statutes of 2015): 1) Extended the Board's sunset review date to January 1, 2020; 2) added provisions to the three Acts to require licensees to cooperate with the Board during investigations of the licensees themselves; 3) added and amended sections in the three Acts to merge the Geologist and Geophysicist Account under the Professional Engineer's and Land Surveyor's Fund into one Fund known as the Professional Engineer's, Land Surveyor's, and Geologist's Fund, effective July 1, 2016; 4) addressed the educational/degree requirements for applicants for licensure as professional geologists and professional geophysicists; and, 5) made clarifying changes to the provisions relating to written contracts.
- AB 181 – Bonilla (Chapter 430, Statutes of 2015): 1) removed the provisions relating to signing and sealing documents for public schools and hospitals that had been added the prior year due to confusion over the requirements; and, 2) made other non-substantive, clarifying changes in the Geologist and Geophysicist Act.
- SB 284 – Cannella (Chapter 157, Statutes of 2015): Extended the sunset date relating to the authorization for professional engineers and professional land surveyors to form Limited Liability Partnerships.

2016

- SB 1165 – Cannella (Chapter 236, Statutes of 2016): Board-sponsored legislation that 1) amended provisions in the three Acts to clarify that individuals apply for licensure or certification, not for examination; 2) amended provisions in the Geologist and Geophysicist Act to allow consideration of a broader range of geological and geophysical sciences education as qualifying for licensure as a professional geologist or professional geophysicist; 3) extended the period for renewal of an expired professional engineer or professional land surveyor license to five years and removed the provisions allowing for reinstatement of such a license that has been expired for more than five years; 4) amended the provisions relating to the maximum amount the Board may charge for the renewal of a professional engineer or a professional land surveyor license; and, 5) added requirements that professional geologists and professional geophysicists must sign and seal their work products.
- SB 1085 – Roth (Chapter 629, Statutes of 2016): Board-sponsored legislation that 1) added provisions to the three Acts to require licensees, at the time of renewal, to complete an online assessment to reinforce their knowledge of the state laws and the Board's rules and regulations relating to the professional practice or subject their license to disciplinary action; and, 2) added a provision to the Geologist and Geophysicist Act to require applicants for licensure as a professional geophysicist to complete an examination on the state laws and regulations relating to the practice of geophysics in California.
- SB 1479 – Senate Committee on Business, Professions and Economic Development (Chapter 634, Statutes of 2016): Amended provisions of the Geologist and Geophysicist Act to allow the Board to 1) make arrangements with a public or private organization to conduct the licensing examinations; and, 2) authorize the organization to receive examination fee payments directly from the applicants.
- AB 685 – Irwin (Chapter 177, Statutes of 2016) – Made non-substantive, clarifying changes to B&P Code § 6742 relating to terminology used in the Real Estate Law.
- SB 1171 – Maintenance of the Codes (Chapter 86, Statutes of 2016) – Made grammatical changes to B&P Code § 7818.

2017

No legislation made changes to the three Acts under the Board's jurisdiction.

All Regulation Changes Approved by the Board Since the Last Sunset Review

The Following Regulatory Changes Became Effective from FY 2014/15 through FY 2017/18:

Disciplinary Orders for Professional Engineers, Land Surveyors, Geologists, and Geophysicists (effective October 1, 2014) – 16 CCR 419 and 3064

Updated and clarified the terms and conditions the Board may order in formal disciplinary decisions against licensees.

Citation Program Relating to Violations of the Geologist and Geophysicist Act (effective October 1, 2014) – 16 CCR 3062, et seq., and 3063, et seq.

Updated and clarified the citation regulations relating to violations of the Geologist and Geophysicist Act.

Definitions Relating to the Geologist and Geophysicist Act (effective January 1, 2015) – 16 CCR 3003

Clarified the definitions of “engineering geology” and “professional geophysical work.”

Fees Authorized Pursuant to the Geologist and Geophysicist Act (effective January 1, 2015) – 16 CCR 3005

Removed the reference to the fee for a temporary license to conform with statute and added the fee for a retired license.

Applicant Fingerprint Submittal and Review (effective April 1, 2016) – 16 CCR 420.1 and 3021.1

Removed the reference to temporary authorization/license to conform with statute.

Waiver of Fundamentals Examination (effective October 1, 2016) – 16 CCR 438

Removed the reference to an “eight-hour” written examination to conform to statute.

Corner Records (effective April 1, 2017) – 16 CCR 464

Clarified the requirements for preparing and filing a Corner Record, as required by the Professional Land Surveyors’ Act.

Citation Program Relating to Violations of the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act (effective July 1, 2017) – 16 CCR 472, et seq.; 473, et seq.; 3062, et seq.; and 3063, et seq.

Clarified the citation regulations relating to violations of the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act.

Qualification Requirements for Structural Engineer Authority and Geotechnical Engineer Authority (effective July 1, 2017) – 16 CCR 426.10, 426.14, and 426.50

Clarified the experience requirements for licensure as a structural engineer or a geotechnical engineer.

Review and Appeals of Geology and Geophysics Examinations (effective July 1, 2017) – 16 CCR 3036.1, 3036.2, 3037.1, 3037.2

Repealed sections that had become inoperative by their own terms.

Experience Requirements for Licensure as a Professional Land Surveyor (effective October 1, 2017) – 16 CCR 425

Clarified the experience required to obtain a license as a professional land surveyor.

Delinquent Reinstatement Requirements and Applicant Fingerprint Submittal and Review (effective January 17, 2018) – 16 CCR 424.5 and 420.1

Repealed provisions relating to delinquent license reinstatement requirements for professional engineers and professional land surveyors to conform to statute.

Reference Forms for Applicants for Licensure (effective January 11, 2018) – 16 CCR 427.10 and 427.30

Made non-substantive changes to the reference forms required to be submitted by applicants for licensure as professional engineers, professional land surveyors, and structural engineers.

National Associations

Due to the overall regulatory responsibilities assigned to the Board as it relates to the licensing of engineers, land surveyors, geologists, and geophysicists, the Board retains a longstanding participatory membership in two national associations primarily related to the examination requirements for its various license types.

National Council of Examiners for Engineering and Surveying (NCEES)

The Board is an active voting member of NCEES, which is a national non-profit organization comprised of membership representing 70 member licensing boards from all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and the Northern Mariana Islands. NCEES is dedicated to advancing professional licensure for engineers and surveyors. It develops, administers, and scores the examinations used for engineering and surveying licensure in the United States.

Membership with NCEES is categorized into four separate regional zones: Northeast; Southern; Central; and Western Zones. California is one of 15 states or territories that comprise the Western Zone. Currently, and by vote of the Western Zone member boards, Richard Moore (Executive Officer) is serving in his third consecutive term as the 2017-19 Western Zone Secretary/Treasurer.

NCEES regularly schedules two primary member meetings on an annual basis, an Interim Zone meeting for each zone, typically held in the spring, and the Annual Meeting, which is typically held in August. Each member board of NCEES is allowed one vote during the Interim Zone meeting and again during the Annual Meeting for actions associated with changes to the established policies or procedures related to exam development, exam administration, fees charged to applicants and to the Board, model licensing criteria, and overall NCEES organizational goals. Fifteen of the Board's twenty-two licenses/certifications require passage of the national engineering and land surveying examinations that are developed, scored, and administered by NCEES. Often, the actions to be voted on at these annual meetings will result in changes to the criteria that are considered acceptable for licensure and to the content of the exams. As such, in-person attendance by California Board representatives at these meetings is

critical towards ensuring that these actions are not discriminatory for California applicants and licensees and that the content of the exams are appropriate for licensure in California with due regard to protecting the public health, safety, welfare, and property.

Even though the Board only holds one-seventieth of the council votes by membership, NCEES national exam candidates seeking licensure in California represents one-fourth of all engineering and land surveying examinations nationwide (rather than one-fiftieth) on an annual basis. This statistic, coupled with the disciplinary-specific nature of California's licensing model, are primary examples for why continued active participation on the national level is critical for California constituents.

Since the last Sunset Report, the topic of multi-state licensure (a licensed individual seeking comity or reciprocal licensing in one or more additional states) has increased in terms of discussion and focus on the national level. This requires representatives of the California Board, as well as other similar licensing boards outside of California, to be well-versed on how licensing in this regard is being conducted and accepted on a national level, all in preparation for ensuring that existing license holders from other jurisdictions are satisfying the same or equivalent criteria as California-based applicants are required to do.

Travel expenses to the meetings are funded through the member fees that the Board already pays and do not require an additional expenditure of Board funds.

Since the Board's last Sunset Report, representatives from the Board were granted approval to attend the spring Western Zone Interim Meetings and the August Annual Meetings. More recently, the Board received approval from the Business, Consumer Services, and Housing Agency and the Governor's Office to attend the 2018 Annual Meeting which was held in Scottsdale, Arizona, in August and has already secured state approval to travel for the 2019 Western Zone Interim Meeting scheduled to be held in the spring of 2019 in Boise, Idaho.

Generally speaking, representatives from the Board provide a great deal of influence and leadership at NCEES with much involvement from Board Members and staff while serving on many of the committees that are appointed each year. Former Land Surveyor Board Member Patrick Tami, P.L.S., just completed his term as the 2017-18 NCEES national President, a position occupied only one other time by a California Board representative in the almost 100-year history of NCEES, and is currently serving on the NCEES Board of Directors as the Immediate Past President.

Licensed members of the Board regularly collaborate with NCEES on the examination processes by serving on examination committees, participating in examination development workshops, and reviewing/evaluating changes to the national examination test specifications. More specifically, representatives from the Board have served on standing committees relating to Education, Finance, Examinations for Surveyors, Examinations for Engineers, Law Enforcement, and Member Board Administrators, in

addition to several special purpose task forces related to technological advances affecting the practices of engineering and surveying.

National Association of State Boards of Geology (ASBOG)

The Board is an active voting member of ASBOG, a national non-profit organization comprised of thirty member licensing boards from across the nation. ASBOG is dedicated to advancing professional licensure for geologists. It develops, administers, and scores the national examinations predominately used to license geologists in the United States.

ASBOG regularly schedules Council of Examiner Workshops twice a year and an Annual Meeting usually held in the fall concurrent with the fall workshop. These meetings are generally held to evaluate examination content and determine exam policy and/or fees, and participation is critical at these meetings to ensure California's interests are expressed and that we are given consideration in decisions that will affect the Board and its licensees. Travel expenses to attend these meetings are the responsibility of the Board, and while this travel may involve the expenditure of Board funds, it is a minimal and necessary expense to ensure that California's interests are represented on a national scale. As with the aforementioned national engineering and surveying examinations, candidates seeking licensure in California represent one-quarter of all examinations for geologist licensing nationwide, on an annual basis.

While state travel approval to attend the national ASBOG meetings are more problematic, presumably due to the Board having to incur travel expenses, the Board has received approval more often since the last Sunset Report. Currently (and fortunately depending on how it is viewed), the 2018 ASBOG Annual Meeting and Exam Workshop is scheduled to be held October 30-November 1 in Monterey, California. The Board is considered the host member board for this event which coincides with the 50th anniversary of licensing for geologists in California.

As with the aforementioned Board involvement with NCEES, California has earned a great deal of influence among the ASBOG member boards, which has not always been the case in past years, culminating more recently with the Board serving in a role to bring both national organizations together in an increased effort to collaborate on the national level and by the Board's Staff Geologist Registrar, Laurie Racca, P.G., being chosen to chair ASBOG's Examination Committee.

Section 2 – Performance Measures and Customer Satisfaction Surveys

Quarterly and Annual Performance Measures Reports

The quarterly and annual enforcement performance measures reports for Fiscal Years (FY) 2014/15 through the first two quarters of FY 2017/18, as published on the Department of Consumers Affairs (DCA) website, are included in Section 12 – Attachments, Attachment E. DCA is revising the manner in which it displays the

enforcement performance measures and has not yet published the reports for the third and fourth quarters of FY 2017/18.

The enforcement statistics and performance data are fully discussed in Section 5 – Enforcement Program of this report.

Consumer Satisfaction Survey

Since 1993, the Board has sent a Complainant Satisfaction Survey to the complainant whenever a complaint investigation case is closed, along with a self-addressed, prepaid postage envelope. The survey is sent with the letter notifying the complainant of the results of the investigation and that the case has been closed. A survey is not sent if there is no named complainant (such as anonymous complaints).

If the survey response includes questions or negative comments, the complainant is contacted to clarify concerns and/or answer any questions. However, there will always be some consumers who do not understand the limits of the Board's jurisdiction and authority and are not satisfied with the responses they receive from the Board when the outcome of the investigation is not what they wanted. For FY 2014/15 through FY 2017/18, the Board mailed 922 surveys but received only 48 responses, a 5% response rate. As has been noted by the Committees and the Board during prior Sunset Reviews, the Board receives very few completed surveys in comparison to the number mailed. The Board is currently evaluating other methods for obtaining a higher response rate.

A number of the responses received are typically from people who are dissatisfied with the outcome of the investigation of their complaints. That dissatisfaction usually arises from a lack of understanding of the Board's jurisdictional authority and legislative mandate to protect all of the public of California, rather than to provide satisfaction to one individual consumer. This is illustrated by the decrease in the percentage of positive responses for Questions 6 and 7 in the table that follows. This is also illustrated by the decreased satisfaction with the time it took to resolve the matter over the course of the four fiscal years represented (Question 5), which is in stark contrast to the decrease in processing times of cases (See Table 9a. for Enforcement Statistics). It is also noted that there were a number of neutral responses, and with so few responses received, the positive response percentage could be considered as significantly skewed.

Furthermore, despite the various dissatisfied responses to various questions, it is noted that the majority of those who responded found the representative understood the problem, found the process to be fair, would contact the Board again, or refer the Board to others. This is an indication of outside acknowledgment that the Board is succeeding in continuing to process complaints with fairness and accessibility to the public.

FY 2014/15 – FY 2017/18 COMPLAINANT SATISFACTION SURVEY RESULTS				
QUESTIONS	Percentage of Positive Responses			
	2014/15	2015/16	2016/17	2017/18

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1	Was our representative courteous?	78%	87%	77%	73%
2	Did you feel that the representative who handled your complaint understood your problem?	78%	54%	85%	82%
3	Were you made aware that your complaint was closed?	78%	94%	92%	82%
4	Did our representative deal with your problem in a fair and reasonable manner?	78%	60%	77%	82%
5	How satisfied were you with the time it took for us to resolve your complaint?	55%	27%	70%	64%
6	How satisfied were you with the explanation you were provided regarding the outcome of your complaint?	89%	47%	85%	73%
7	Overall, how satisfied were you with the way in which we handled your complaint?	89%	34%	85%	64%
8	Would you contact us again in a similar situation?	89%	80%	92%	82%
9	Would you recommend us to a friend or family member experiencing a similar situation?	78%	67%	92%	82%
TOTAL NUMBER OF RESPONSES RECEIVED		9	15	13	11

The following is a sampling of the comments, both negative and positive, received on the Complainant Satisfaction Surveys:

"Thank you for the resolution of my issue."

"[The Board's Enforcement Analyst] was very understanding and helpful. I appreciate her help as a professional."

"This took a very long time."

"Our Committee feels that the faster response on your part is key to effective enforcement, which results in more compliance with State laws by the licensees."

"Thank you for your response but I am disappointed with your decision."

"Highly discriminatory against victims. Board tries protecting its members with no regards to the victim's loss of time and frustration."

"The outcome was fair only the length of time and the required prompting was frustrating."

"[The Board's Enforcement Analyst] was very responsive and fair and always available."

"Every person I spoke to starting with [the Board's Enforcement Analyst] to [the assigned Deputy Attorney General] was so helpful, so encouraging and I must say – comforting. Thank you from the bottom of my heart."

"Board Staff has always been courteous and helpful."

“My opinion: if the Board stood strong and hold up some monetary fine, infractions may be reduced.”

I am disappointed that there was no penalty placed on the individual or company. That fact is unacceptable.”

Section 3 – Fiscal and Staff

Fiscal Issues and Fund Condition

As a Special Fund agency, the Board receives no General Fund support and relies solely on fees set by statute and collected from licensing and renewal fees.

The Board's budget authority is the Professional Engineer's, Land Surveyor's, and Geologist's Fund (0770). The Fund is appropriated from the Governor under the Business, Consumer Services and Housing Agency to DCA. As such, the Board's Fund is not considered to be a “continuously appropriated fund.” The Reserve level for the program is defined in B&P Code Section 128.5(a) as “an amount that equals or is more than the agency's operating budget for the next two fiscal years.” This law also requires a fee change to reduce surplus funds if the reserve exceeds 24 months.

As of July 31, 2018, (FI\$Cal FM 12 Reports), the Reserve is projected at 6.8 months, equating to a \$7.2 million fund balance reserve for economic uncertainties. Expenditures exceeded revenues by \$2.0 million by the end of Fiscal Year (FY) 2017/18. The Board is utilizing FI\$Cal reports issued by DCA to determine Fund balances and reserves. Tracking revenue and expenditures through FI\$Cal reports has been difficult, time consuming, and at times nonexistent. On August 28, 2018, DCA issued a FI\$Cal Implementation Status Update that states

“FI\$Cal is the new statewide system for budgets, accounting and procurement that the State of California has implemented for all state departments. Participation in the system is mandated by the state legislature and the Governor. DCA integrated into FI\$Cal in July 2017. While the transition has and continues to be challenging, the system is working and capturing all expenditure and revenue transactions for DCA programs. During system implementation, DCA – among other state entities -- have encountered interface and other technical system issues that have hampered our ability to conduct timely month end closing and produce reconciled monthly expenditure and revenue reports.”

As a result of the hurdles official year-end FI\$Cal reports to close out FY 2017/18 are currently estimated for delivery March 2019.

If the fiscal structure remains unchanged, the Board is projecting a deficit will occur in FY 2020/21 and a regulatory fee increase will be required in FY 2019/20. The Board is researching a regulatory fee change, based on an evaluation of actual costs that

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redistributes all fees providing a more structurally sound and consistent fee structure across all licensing disciplines, while maintaining conventional Reserve levels. The Board closely monitors reserve, revenue, and expenditures presented in financial statements which are standing agenda items for all Board meetings.

Table 2. Fund Condition - 0770 Engineers & Land Surveyors						
(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Beginning Balance	\$ 5,832	\$ 6,991	\$ 8,263	\$ 10,042	\$ 7,238	\$ 4,250
Prior Year Adjustment	\$ (45)	\$ 28	\$ 8	\$ -	\$ -	\$ -
General Revenues	\$ 8,048	\$ 8,994	\$ 8,988	\$ 8,822	\$ 8,892	\$ 8,859
Total Revenue	\$ 13,835	\$ 16,013	\$ 17,259	\$ 18,864	\$ 16,130	\$ 13,109
Loans to General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Loans Repaid From General Fund	\$ 500	\$ -	\$ 3,200	\$ -	\$ 800	\$ -
Accrued Interest, Loans to General Fund	\$ -	\$ -	\$ -	\$ -	\$ 1,131	\$ -
Total Resources	\$ 14,335	\$ 16,013	\$ 20,459	\$ 18,864	\$ 18,061	\$ 13,109
Budget Authority					\$ 11,828	\$ 12,065
Expenditures	\$ 7,336	\$ 7,732	\$ 9,853	\$ 10,927		
Other Adjustments (SCO, Fi\$Cal)	\$ 9	\$ 18	\$ 564	\$ 699	\$ 852	\$ 852
Total Expenditures	\$ 7,345	\$ 7,750	\$ 10,417	\$ 11,626	\$ 12,680	\$ 12,917
Fund Balance	\$ 6,990	\$ 8,263	\$ 10,042	\$ 7,238	\$ 5,381	\$ 192
Months in Reserve	10.8	9.5	10.4	6.8	5.0	0.2

Table 2. Fund Condition - 0205 Geology & Geophysics						
(Dollars in Thousands)	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Beginning Balance	\$989	\$1,122	\$1,132	\$1,131	N/A	N/A
Prior Year Adjustment	\$98	\$66	-\$1	\$0	N/A	N/A
General Revenues	\$1,103	\$1,083	\$0	\$0	N/A	N/A
Total Resources	\$2,190	\$2,271	\$1,131	\$1,131	N/A	N/A
Budget Authority			N/A	N/A	N/A	N/A
Expenditures	\$1,067	\$1,136	N/A	N/A	N/A	N/A
Other Adjustments (SCO, Fi\$Cal)	\$1	\$3	N/A	N/A	N/A	N/A
Total Expenditures	\$1,068	\$1,139	N/A	N/A	N/A	N/A
Fund Balance	\$1,122	\$1,132	1,131	1,131	N/A	N/A
Months in Reserve	11.8	N/A	N/A	N/A	N/A	N/A

Notes:

0770 Engineers & Land Surveyors data pulled from Analysis of Fund Condition.

Assumes workload and revenue projections are realized in BY+1 and on-going.

Assumes appropriation growth of 2% per year beginning in BY+1

0205 Geology & Geophysics data pulled from Analysis of Fund Condition.

Assumes workload and revenue projections are realized in BY+1 and on-going.

Expenditure growth projected at 2% beginning BY +1

General Fund Loans

The Board has one outstanding loan made to the General Fund (GF) in FY 2011/12. The initial loan amount was \$5,000,000. Repayments and interest amounts are as follows:

- FY 2013/14 - \$500,000 – 1.05% (\$5,255.12)
- FY 2014/15 - \$500,000 – 1.42% (\$7,103.40)
- FY 2016/17 - \$3,200,000 – 2.18% (\$69,784.16)
- Total Interest Income - \$82,142.68

A total of \$4,200,000 has been repaid, and a scheduled repayment of \$800,000 is expected in FY 2018/19 to complete all repayments of the initial loan made to the GF. Budget bill repayment language that is included on every Board loan made to the General Fund reads

“Director of Finance shall order the repayment of all or a portion of this loan if he or she determines that either of the following circumstances exists: (a) the fund or account from which the loan was made has a need for the moneys, or (b) there is no longer a need for the moneys in the fund or account that received the loan. This loan shall be repaid with interest calculated at the rate earned by the Pooled Money Investment Account at the time of transfer.”

The interest rate to be repaid for each loan is determined at the time of its transfer to the General Fund. The rate is computed as simple interest and is added to the original loan amount at the time the loan is repaid by the State Controller’s Office.

Expenditures by Program

The Board is comprised of four units – Enforcement, Licensing, Examination Development, and Administration/Executive Services – that support and enforce statute and regulation.

The Enforcement Unit receives and investigates all complaints related to professional engineering, land surveying, geology, and geophysics, and pursues disciplinary action, if warranted. This unit accounts for approximately 23%, or \$2.6 million, of total expenses in FY 2017/18.

The Licensing Unit reviews and processes applications, processes licenses and certificates for all license types under the Board's authority, and licenses qualified

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candidates. This unit accounts for approximately 25%, or \$2.9 million, of total expenses in FY 2017/18.

The Examination Development Unit develops and administers examinations, determines examination passing scores, and issues result notifications to licensure candidates. This unit accounts for approximately 21%, or \$2.3 million, of total expenses in FY 2017/18.

The Administrative Services Unit supports the Enforcement, Licensing, and Examination Development Units and maintains the day-to-day operations at the Board. This unit accounts for approximately 15%, or \$1.6 million, of total expenses in FY 2017/18.

DCA Pro Rata accounted for 16%, or \$1.7 million, in the Fund in FY 2017/18.

Table 3. Expenditures by Program Component - 0770 Engineers & Land Surveyors (list dollars in thousands)								
	FY 2014/15 ¹		FY 2015/16 ¹		FY 2016/17 ¹		FY 2017/18 ²	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$ 1,045	\$ 1,276	\$1,053	\$1,233	\$1,286	\$1,304	\$1,109	\$1,499
Examination	\$ 479	\$ 1,026	\$483	\$1,043	\$853	\$1,647	\$924	\$1,911
Licensing	\$ 714	\$ 247	\$983	\$325	\$1,320	\$269	\$1,525	\$820
Administration	\$ 784	\$ 301	\$965	\$420	\$898	\$450	\$739	\$479
Executive	\$ 289	\$ 60	\$175	\$58	\$180	\$37	\$323	\$120
DCA Pro Rata	\$ -	\$ 1,283	\$0	\$1,232	\$0	\$1,748	\$0	\$1,736
TOTALS	\$ 3,311	\$ 4,192	\$3,658	\$4,312	\$4,535	\$5,454	\$4,621	\$6,564

Table 3. Expenditures by Program Component - 0205 Geology & Geophysics (list dollars in thousands)								
	FY 2014/15 ¹		FY 2015/16 ¹		FY 2016/17 ³		FY 2017/18 ³	
	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E	Personnel Services	OE&E
Enforcement	\$61	\$81	\$88	\$105	N/A	N/A	N/A	N/A
Licensing	\$182	\$45	\$263		N/A	N/A	N/A	N/A
Examination	\$121	\$545	\$175	\$436	N/A	N/A	N/A	N/A
DCA Pro Rata	\$0	\$32	\$0	\$68	N/A	N/A	N/A	N/A
TOTALS	\$364	\$703	\$526	\$610	N/A	N/A	N/A	N/A

Notes:

1) FY 2014/15 - FY 2016/17 data pulled from CalStars FM 13 reports.

2) FY 2017/18 data pulled from Fi\$cal FM 12 report.

3) Chapter 428, Statutes of 2015 Section 21 and 22 abolished Geology and Geophysics Account effective July 1, 2016.

BreEZe Costs

DCA provided the Board with a Fund Analysis worksheet that identifies all actual and projected costs associated with the BreEZe program. Actual expenses for the Board total \$1,380,033 since FY 2009/10 through FY 2016/17. Projected expenses for FY 2017/18 are \$340,000 with no expenses identified in FY 2018/19. DCA has identified that a credit for FY 2017/18 should reduce the amount currently projected.

License Renewal Cycles

Professional Engineer and Land Surveyor licensees renew on a biennial cycle from the original assigned date of renewal. Renewals are staggered on a quarterly basis throughout the calendar year. Professional Geologist and Geophysicist licensees renew on a biennial cycle based on birth month and year the original license was issued.

History of Fee Changes

Legislation enacted during the 4th Extraordinary Session of 2009 (ABX4 20) eliminated the Board for Geologists and Geophysicists (BGG) and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to this Board. The transfer of authority became effective October 23, 2009. At the time, the former BGG's Geology and Geophysics Fund (0205) was not merged into the Professional Engineer's and Land Surveyor's (0770) Fund. Legislation enacted in 2016 (Bonilla, Chapter 428, AB 177) merged the Geology and Geophysics Account (0205) into the Professional Engineer's and Land Surveyor's Fund (0770). Legislation defined that the merger be effective July 1, 2016, to align with the beginning of the new Fiscal Year. All collected revenues and reported expenditures moved to the Board Fund (0770) and the remaining fund balance is scheduled to be transferred in FY 2018/19.

During the last 10 years, fee changes have affected both the Board Fund (0770) and the Geology & Geophysics Account (0205). All fee changes were based on determining the appropriate fees to support operations and provide a prudent Reserve to maintain statutory and regulatory requirements. The fee changes, as well as the implementation years are identified below.

Board Fund (0770)

- FY 2012/13 – Restructured application, exam, and renewal fees. The purpose of this regulation change was to re-align regulatory fees to account for policy modifications which required applicants to pay their national exam fees directly to the national exam administrator. The Board's fees decreased to reflect the cost

of application, exam, and renewal evaluation and staff time. A complete restructuring reduced fees related to application fees (\$275 to \$125); application fees for the in-training certifications (\$100 to \$50); professional license renewal fees (\$125 to \$115); one-time retired license fees (\$87.50 to \$62.50). It also added a state-specific exam administration fee of \$150.

Geology & Geophysics Account (0205)

- FY 2011/12 – Restructured fees to bring the Geology & Geophysics Program into compliance with the B&P Code § 7887 relating to examination fees fixed by the Board at an amount equal to the actual cost to the Board. The fees increased for the national examinations. To offset this increase the Board had to adjust its fee structure to account for the additional cost.

Engineers & Land Surveyors

Fee Authority	Business and Professions Code & Subdivision	California Code of Regulations Title 16, Division 5, Article 1, Section 407 (subdivision listed below)
Application	6799(a)(1), 8805(a)	(b)(1-5)
Examination	6799(a)(2), 8805(b)	(c)(1-5)
Biennial Renewal	6799(a)(3), 8805(c)	(d)
Retired License	6799(a)(4), 8805(d)	(f)
Delinquency Biennial Renewal	6799(a)(5), 8805(e)	N/A

Geology

Fee Authority	Business and Professions Code 7887 (subdivision listed below)	California Code of Regulations Title 16, Division 29, Article 1, Section 3005 (subdivision listed below)
Application	(a)	(b)(1-2)
Examination	(g), (h)	(c)(1-5)
Biennial Renewal	(d), (e)	(e)(1-2)
Retired License	(i)	(h)
Delinquency Biennial Renewal	(f)	(f)

Table 4. Fee Schedule and Revenue - 0770 Engineers & Land Surveyors
(list revenue dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2014/15 ¹	FY 2015/16 ¹	FY 2016/17 ^{1, 2}	FY 2017/18 ³	% of Total Revenue
Application	\$250/\$125	\$250/\$400	\$ 1,157	\$ 1,201	\$ 802	\$ 412	5%
Certification	\$150	\$250/\$100	\$ 144	\$ 140	\$ 153	\$ 165	2%
Examination	\$250/\$150/ \$150/\$100	\$250/ ≤ actual cost	\$ 1,344	\$ 1,344	\$ 1,460	\$ 1,063	12%
Initial License ⁴	\$270/\$135/ \$67.50/\$33.75	Equal to Renewal Fee	N/A	N/A	\$ 26	\$ 27	0%
Biennial Renewal	\$270/\$67.50/\$115	≤ application	\$ 5,278	\$ 6,084	\$ 6,189	\$ 6,851	77%
Retired License	\$62.50	50% of application	\$ 26	\$ 31	\$ 28	\$ 29	0%
Delinquency Biennial Renewal	\$135/\$33.75/\$62.5	50% of renewal	\$ 59	\$ 73	\$ 91	\$ 88	1%
Misc Revenue			\$ 132	\$ 292	\$ 305	\$ 282	3%

Table 4. Fee Schedule and Revenue - 0205 Geology & Geophysics
(list revenue dollars in thousands)

Fee	Current Fee Amount	Statutory Limit	FY 2014/15 ¹	FY 2015/16 ¹	FY 2016/17 ^{1, 2}	FY 2017/18 ³	% of Total Revenue
Application	\$250	\$250	\$ 132	\$ 131	N/A	N/A	N/A
Examination	\$250/\$150/ \$100	\$250	\$ 122	\$ 123	N/A	N/A	N/A
Initial License	\$270/\$135/ \$67.50/\$33.75	Equal to Renewal Fee	\$ 20	\$ 24	N/A	N/A	N/A
Biennial Renewal	\$270/\$67.50	\$400/\$100	\$ 801	\$ 768	N/A	N/A	N/A
Retired License	\$62.50	50% of application	\$ 1	\$ 1	N/A	N/A	N/A
Delinquency Biennial Renewal	\$135/\$33.75	50% of renewal	\$ 16	\$ 20	N/A	N/A	N/A

Notes:

- 1) FY 2014/15 - FY 2016/17 data pulled from CalStars FM 13 reports.
- 2) Chapter 428, Statutes of 2015 Section 21 and 22 abolished Geology and Geophysics Account effective July 1, 2016.
- 3) FY 2017/18 data pulled from Fi\$cal FM 12 report.
- 4) Geology & Geophysics Initial License Fee.

Budget Change Proposal History

FY 2016/17

BCP # 1111-025-BCP-BR-2016-GB

The Board received approval to redirect special fund augmentation authority of \$118,000 to fund 1.0 Personnel Selection Consultant I (PSC I) position in the Examination Development Unit and \$110,000 ongoing to provide analytical and technical expertise in-house relative to the design, development, and verification of the Board's licensing examinations for psychometrical services. The Board develops 9 state examinations for approximately 8,000 test takers annually seeking licensure.

Table 5. Budget Change Proposals (BCPs) - 0770 Engineers & Land Surveyors								
BCP ID #	Fiscal Year	Description of Purpose of BCP	Personnel Services				OE&E	
			# Staff Requested (include classification)	# Staff Approved (include classification)	\$ Requested	\$ Approved	\$ Requested	\$ Approved
1111-025-BCP-DP-2016-GB	2016-17	PSC I to provide analytical and technical expertise in-house relative to the design, development, and verification of the Board's licensing examinations and reduce contracting out for Psychometrician services.	1.0 Personnel Selection Consultant I	1.0 Personnel Selection Consultant I	\$118,000	\$118,000	0	0

Staffing Issues

Vacancy Rates and Efforts to Reclassify Positions

The overall vacancy rates for the Board are as follows:

- FY 2014/2015: 7.0%
- FY 2015/2016: 2.3%
- FY 2016/2017: 4.6%
- FY 2017/2018: 6.2%

Currently, the Board is seeking to fill one of the Senior Registrar (SR) classification positions that would support licensing, exams, and enforcement, specifically with regards to civil engineering. The Licensing Unit is also recruiting to fill one Associate Governmental Program Analyst (AGPA) position and two Program Technician (PT) II positions to support unit functions and application evaluation. It is anticipated that these

positions will be filled by the time this report is submitted. Vacancy rates and staff turnover have always been historically low. Our recruitment is intermittent and, as a result of low vacancy and turnover rates, our retention is high.

Training and Development

Staff training is necessary to enhance and improve skills, performance, and customer service. The Board's mission is principally focused on consumer protection. Purposeful staff training and development support the Board's service delivery and support the achievement of its mission.

DCA administers a wide variety of classes through their Strategic Organization, Leadership and Individual Development (SOLID) program. Courses that SOLID provides are free to the Board staff. With a vast selection of courses to choose from, the Board staff has the ability to learn and enhance their skills at any time in any class or way that they choose.

Additionally, the Board can arrange more specific training for any staff whose duties require more specialized knowledge than those offered by SOLID. In these instances, the Board has the ability to contract with outside organizations as budgetary limitations allow. The following are the annual expenditures by fiscal year for this "outside" training:

- FY 2014/15 \$1,210.00
- FY 2015/16 \$ 420.00
- FY 2016/17 \$ 209.00
- FY 2017/18 \$ 710.00

Section 4 – Licensing Program

Application Processing

There are several factors preventing the Board from efficiently tracking specific processing times for the applications it receives. The Board's application guidelines are governed by different statutory requirements. Final filing dates for the applications are also variable. The majority of applications for licensure as a professional engineer or a professional land surveyor may be submitted when the applicant believes they meet the qualifying experience requirements for licensure, including passing any required national examinations. Applicants for licensure in the geology and geophysics professions still must meet filing deadlines due to the need to schedule for national and state exams that are administered only once per year on a specific date.

The process involved in application review makes it difficult to accurately assess whether pending applications have grown at a rate that exceeds completed applications. Since the Board is just beginning its implementation toward continuous

testing, some licensure exams are still scheduled on a bi-annual basis, especially national examinations which are scheduled by the national examination vendor to occur on the same date nationwide. At that time, pending applications are greater than completed applications. This has historically been the standard for application processing. However, this stabilizes within two months of each application deadline date. Until all of the examinations are implemented as continuous testing, this will continue to be the pattern. The Board continues to evaluate its internal processes to identify where improvement may be needed and implements those necessary changes.

In FY 2016/17, the Board performed an internal reorganization of staff from three units into four units to better address the administrative, examination, licensing, and enforcement functions of the Board. The Licensing Unit was split back into two units. Previously, the unit associated with examination functions was combined with the application-processing unit to form a single unit. It had been anticipated that the integration of these units would help to increase communication, training, and direction to improve the processing time of applications and the efficiency of issuing new licenses. In three years, the Board did not see the results it had anticipated and decided to separate the units. Having the units separate again has allowed each unit to have its own manager that can focus on the needs and development of that specific unit.

The Board completed its required processes in 2013 for the ability to hire a licensed Geologist Registrar and in 2015 was finally able to appoint a full-time Geologist Registrar. The addition of the new staff position has allowed technical review of applications to be done on a flow basis, thus improving the application review and approval processing time and providing consistency throughout all application review. The Geologist Registrar has also been utilized as a technical resource for all geological matters relating to the Board and has participated in outreach events on behalf of the Board.

The Board continues to use the DCA legacy systems for licensing and application processing (ATS & CAS). Said systems are antiquated and requests for updates/fixes can be a lengthy, costly, and, in some cases, despite the best efforts of DCA supporting personnel, non-existent. The lengthy process for updates or correction can significantly affect the processing of applications, which may delay the scheduling and licensing of applicants.

The Board has traditionally had two exam cycles per year: one in the Spring, and one in the Fall. However, as the Board continues to move toward implementing more flexible opportunities to accommodate the exam needs of our candidates, exams are now being administered in several ways: continuously, once a year, twice a year, and in one-week windows. The Board does not track pending applications because, historically, there has been no need to. All applications received by the deadline date are processed before the exam cycle ends (usually a span of 2-3 months), so there are no pending applications by the time the exams are administered.

During the application process, the Board checks prior unlawful acts of the applicant. The application form contains a question requiring the applicant to notify the Board of any criminal history and to provide the Board with any related court documents. This question requires the applicant to answer under penalty of perjury (acknowledged when they sign the application). The Licensing and Enforcement Units utilize court records and statements and information from the applicants to complete a thorough review of all issues prior to issuing a license. All information is reviewed to determine if the crimes or acts are substantially related, as defined in the Board's regulations (16 CCR 416 and 3060), to professional practice based on the license type for which the applicant is applying. Additionally, any evidence of rehabilitation submitted by the applicant is reviewed and considered, as required by the Board's regulations (16 CCR 418 and 3061). Following this review, it will be determined if the application for licensure should be denied based on the crimes or acts in order to ensure protection of the public. In the last four fiscal years, the Board has not denied any applications based on a criminal conviction.

Beginning July 1, 2015, the Board required all new applicants to furnish to the Department of Justice (DOJ) a full set of fingerprints for conducting a criminal history record check and to undergo a state and federal level criminal offender record information search, conducted through DOJ. This requirement applies only to new licensees, effective July 1, 2015. It does not apply to anyone who was licensed before that date unless they apply for a new license. The legislation (SB 543, Ch. 448, Stats.2011) that authorized the Board to obtain criminal history information specified that it would apply only to individuals seeking a new license and not to those already licensed (B&P Code § 144(c)), even though the Board had sought to be able to obtain criminal history on all licensees as well as applicants.

The Board has not sent "No Longer Interested" notifications to DOJ because the fingerprint/criminal history program only became effective July 1, 2015. Therefore, the individuals who have submitted fingerprints are either still in the process of obtaining licensure or have obtained, and are now maintaining, a license. As such, the Board is still interested in receiving criminal history reports and subsequent arrest reports for them. The Board will send "No Longer Interested" notifications to DOJ when it is appropriate.

NCEES maintains an enforcement database that can be used by member boards to communicate disciplinary actions for engineering and surveying licensees. Board staff can look up disciplinary actions entered by other NCEES member boards. However, the database is not used by all member boards.

All educational transcripts, submitted by applicants desiring equivalent experience credit for education, must be sealed and issued by the institution. In addition, all reference and engagement forms must be original documents with the signature and seal of the reference completing the form. The completed reference and engagement form must

also be sealed by the reference in a separate sealed envelope. In addition, all court documents we receive must be certified by the court.

All out-of-state and out-of-country applicants must meet the same requirements as in-state applicants. All foreign language documents must be accompanied by a notarized English translation. The Board does not accept credentialed evaluations of educational transcripts. All work experience claimed by an out-of-state or out-of-country applicant must be accompanied by an engagement record and reference form completed by an individual who is licensed or otherwise lawfully authorized in the jurisdiction in which the work experience was gained and who was in responsible charge of the stated work at the time of the engagement.

The Board includes on every application for licensure a question asking if the applicant is serving in, or has previously served in, the military. However, applicants are not required to answer this questions. Therefore, any statistical data regarding this information would not necessarily be reflective of the actual status of all applicants.

Education and experience gained while serving in the military has always been considered when determining eligibility for licensure, just as education and experience from non-military sources is considered. As long as the education and work experience meet the qualifying requirements of the Board's laws and regulations, it does not matter if they were gained while the applicant was serving in the military. As such, it is unnecessary for the Board to adopt any regulations pursuant to B&P Code § 35. The actual number of applicants claiming military experience on their application is unknown, as this information is not tracked.

Since the last Sunset Review, the Board has received approximately six license renewals under the provisions of B&P Code §114.3. The Board has waived the delinquency fees, but not the renewal fees, for three of the licensees. The other three remain on active duty military status. Licensees are always responsible to keep their licenses current. If military service prevents them from doing so, the Board will waive any delinquency fees that may accumulate during their active military service. There has been only a minor, negligible effect on the Board's revenues.

Regarding B&P Code §115.5, the Board has not received any applications that fit the criteria for expedited processing. The Board does provide information on its website and its application forms regarding who qualifies for the expedited application process and what information must be submitted as proof of qualification.

Table 6. Licensee Population					
		FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Agricultural Engineer	Active	120	121	124	126
	Delinquent	46	46	46	46
	Retired	33	35	37	40

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	Out of State	32	32	32	32
	Out of Country	1	1	1	1
Chemical Engineer	Active	1,814	1,853	1,910	1,965
	Delinquent	267	268	269	269
	Retired	93	108	114	127
	Out of State	462	468	477	492
	Out of Country	9	10	10	11
Civil Engineer	Active	52,988	54,488	56,273	57,513
	Delinquent	3,886	3,896	3,898	3,902
	Retired	1,733	1,938	2,120	2,321
	Out of State	12,528	12,913	13,367	13,630
	Out of Country	605	609	621	629
Consulting Engineer	Active	4	4	4	4
	Delinquent	6	6	6	6
	Retired	4	4	4	4
	Out of State	1	1	1	1
	Out of Country	0	0	0	0
Corrosion Engineer	Active	166	166	166	166
	Delinquent	63	63	63	63
	Retired	40	41	42	45
	Out of State	90	90	90	90
	Out of Country	0	0	0	0
Control Systems Engineer	Active	872	896	906	936
	Delinquent	414	414	414	414
	Retired	269	283	305	309
	Out of State	282	288	293	301
	Out of Country	4	4	4	4
Electrical Engineer	Active	9,264	9,578	9,933	10,387
	Delinquent	1,189	1,194	1,196	1,198
	Retired	482	521	578	608
	Out of State	3,170	3,310	3,450	3,686
	Out of Country	55	57	58	60
Fire Protection Engineer	Active	711	734	774	824
	Delinquent	117	118	118	118
	Retired	60	62	68	71
	Out of State	365	381	400	433
	Out of Country	7	7	8	9
Geotechnical Engineer	Active	1,356	1,367	1,382	1,410
	Delinquent	105	105	105	105
	Retired	51	61	67	78
	Out of State	202	205	209	212
	Out of Country	8	8	8	8
Industrial Engineer	Active	279	282	286	290
	Delinquent	176	176	176	176
	Retired	141	145	152	155
	Out of State	86	87	88	89
	Out of Country	1	1	1	1

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Mechanical Engineer	Active	14,122	14,566	15,061	15,546
	Delinquent	1,920	1,926	1,929	1,934
	Retired	715	808	882	962
	Out of State	4,421	4,598	4,744	4,946
	Out of Country	130	133	135	135
Manufacturing Engineer	Active	274	274	274	274
	Delinquent	244	244	244	244
	Retired	186	195	202	203
	Out of State	116	116	116	116
	Out of Country	7	7	7	7
Metallurgical Engineer	Active	180	189	192	198
	Delinquent	65	65	65	65
	Retired	41	47	49	54
	Out of State	51	54	55	58
	Out of Country	1	1	1	1
Nuclear Engineer	Active	317	317	318	319
	Delinquent	179	179	179	179
	Retired	123	142	148	153
	Out of State	147	147	148	148
	Out of Country	1	1	1	1
Petroleum Engineer	Active	306	310	311	321
	Delinquent	56	56	56	56
	Retired	21	24	27	32
	Out of State	153	155	156	157
	Out of Country	5	5	5	6
Photogrammetric Surveyor	Active	1	1	1	1
	Delinquent	0	0	0	0
	Retired	1	1	1	1
	Out of State	0	0	0	0
	Out of Country	0	0	0	0
Professional Land Surveyor	Active	3,945	4,016	4,108	4,173
	Delinquent	331	331	331	331
	Retired	198	230	248	275
	Out of State	606	609	618	625
	Out of Country	6	6	6	6
Quality Engineer	Active	324	324	324	324
	Delinquent	318	318	318	318
	Retired	249	260	271	277
	Out of State	167	167	167	167
	Out of Country	2	2	2	2
Safety Engineer	Active	287	287	287	287
	Delinquent	181	181	181	181
	Retired	139	149	152	156
	Out of State	144	144	144	144
	Out of Country	0	0	0	0
Structural Engineer	Active	3,982	4,099	4,229	4,350
	Delinquent	280	280	280	280

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	Retired	129	140	149	164
	Out of State	917	954	988	1,045
	Out of Country	34	34	34	34
Traffic Engineer	Active	1,422	1,454	1,486	1,523
	Delinquent	177	177	177	177
	Retired	109	117	125	136
	Out of State	146	151	153	155
	Out of Country	7	7	7	7
Certified Engineering Geologist	Active	1,430	1,453	1,478	1,489
	Delinquent	149	149	149	149
	Retired	2	7	12	21
	Out of State	168	170	171	172
	Out of Country	7	7	7	7
Certified Hydrogeologist	Active	887	899	920	931
	Delinquent	45	45	45	45
	Retired	0	1	4	7
	Out of State	116	116	118	120
	Out of Country	4	4	4	4
Professional Geologist	Active	4,820	4,918	5,022	5,147
	Delinquent	473	475	477	477
	Retired	6	21	42	63
	Out of State	982	993	1,008	1,026
	Out of Country	31	31	31	31
Professional Geophysicist	Active	140	144	149	154
	Delinquent	35	35	35	35
	Retired	3	4	5	6
	Out of State	56	58	61	64
	Out of Country	4	4	4	4
Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee is not counted in both.					

Table 7a. Licensing Data by Type				
<u>Agricultural Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	3	4	N/A
	Licenses	N/A	N/A	1
	Renewals	N/A	N/A	81
FY 2016/17	Applications	5	4	N/A
	Licenses	N/A	N/A	3

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	Renewals	N/A	N/A	51
FY 2017/18	Applications	2	0	N/A
	Licenses	N/A	N/A	2
	Renewals	N/A	N/A	74
<u>Chemical Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	86	70	N/A
	Licenses	N/A	N/A	39
	Renewals	N/A	N/A	1005
FY 2016/17	Applications	69	84	N/A
	Licenses	N/A	N/A	57
	Renewals	N/A	N/A	927
FY 2017/18	Applications	40	49	N/A
	Licenses	N/A	N/A	55
	Renewals	N/A	N/A	926
<u>Civil Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	6518	6292	N/A
	Licenses	N/A	N/A	1500
	Renewals	N/A	N/A	29,278
FY 2016/17	Applications	5185	5206	N/A
	Licenses	N/A	N/A	1785
	Renewals	N/A	N/A	27,206
FY 2017/18	Applications	3216	3240	N/A
	Licenses	N/A	N/A	1240
	Renewals	N/A	N/A	29,313
<u>Consulting Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>

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FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	0
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	2
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	1
<u>Corrosion Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	130
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	54
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	114

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<u>Control Systems Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	27	33	N/A
	Licenses	N/A	N/A	24
	Renewals	N/A	N/A	380
FY 2016/17	Applications	21	23	N/A
	Licenses	N/A	N/A	10
	Renewals	N/A	N/A	576
FY 2017/18	Applications	19	26	N/A
	Licenses	N/A	N/A	30
	Renewals	N/A	N/A	353
<u>Electrical Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	803	760	N/A
	Licenses	N/A	N/A	314
	Renewals	N/A	N/A	4,997
FY 2016/17	Applications	489	466	N/A
	Licenses	N/A	N/A	355
	Renewals	N/A	N/A	4,924
FY 2017/18	Applications	378	409	N/A
	Licenses	N/A	N/A	454
	Renewals	N/A	N/A	5,088
<u>Fire Protection Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	53	45	N/A
	Licenses	N/A	N/A	23
	Renewals	N/A	N/A	387
FY 2016/17	Applications	40	46	N/A

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	Licenses	N/A	N/A	40
	Renewals	N/A	N/A	403
FY 2017/18	Applications	26	38	N/A
	Licenses	N/A	N/A	50
	Renewals	N/A	N/A	409
<u>Geotechnical Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	56	50	N/A
	Licenses	N/A	N/A	11
	Renewals	N/A	N/A	775
FY 2016/17	Applications	61	56	N/A
	Licenses	N/A	N/A	15
	Renewals	N/A	N/A	567
FY 2017/18	Applications	85	81	N/A
	Licenses	N/A	N/A	28
	Renewals	N/A	N/A	747
<u>Industrial Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	6	9	N/A
	Licenses	N/A	N/A	3
	Renewals	N/A	N/A	97
FY 2016/17	Applications	6	5	N/A
	Licenses	N/A	N/A	4
	Renewals	N/A	N/A	199
FY 2017/18	Applications	7	3	N/A
	Licenses	N/A	N/A	4
	Renewals	N/A	N/A	98

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<u>Manufacturing Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	154
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	146
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	129
<u>Mechanical Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	888	857	N/A
	Licenses	N/A	N/A	444
	Renewals	N/A	N/A	8,602
FY 2016/17	Applications	558	626	N/A
	Licenses	N/A	N/A	495
	Renewals	N/A	N/A	6,603
FY 2017/18	Applications	386	382	N/A
	Licenses	N/A	N/A	485
	Renewals	N/A	N/A	8,566
<u>Metallurgical Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	11	12	N/A

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	Licenses	N/A	N/A	9
	Renewals	N/A	N/A	129
FY 2016/17	Applications	5	8	N/A
	Licenses	N/A	N/A	3
	Renewals	N/A	N/A	81
FY 2017/18	Applications	1	5	N/A
	Licenses	N/A	N/A	6
	Renewals	N/A	N/A	111
<u>Nuclear Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	1	0	N/A
	Licenses	N/A	N/A	0
	Renewals	N/A	N/A	268
FY 2016/17	Applications	0	1	N/A
	Licenses	N/A	N/A	1
	Renewals	N/A	N/A	92
FY 2017/18	Applications	1	1	N/A
	Licenses	N/A	N/A	1
	Renewals	N/A	N/A	229
<u>Petroleum Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	8	7	N/A
	Licenses	N/A	N/A	4
	Renewals	N/A	N/A	183
FY 2016/17	Applications	10	10	N/A
	Licenses	N/A	N/A	1
	Renewals	N/A	N/A	138

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FY 2017/18	Applications	4	8	N/A
	Licenses	N/A	N/A	10
	Renewals	N/A	N/A	178
<u>Photogrammetric Surveyor</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	1
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	0
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	0
<u>Professional Land Surveyor</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	389	366	N/A
	Licenses	N/A	N/A	71
	Renewals	N/A	N/A	1,909
FY 2016/17	Applications	325	321	N/A
	Licenses	N/A	N/A	92
	Renewals	N/A	N/A	2,224
FY 2017/18	Applications	213	218	N/A
	Licenses	N/A	N/A	65

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	Renewals	N/A	N/A	1,853
<u>Quality Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	162
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	192
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	140
<u>Safety Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	193
FY 2016/17	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new licenses being issued
	Renewals	N/A	N/A	114
FY 2017/18	Applications	N/A	N/A	N/A
	Licenses	N/A	N/A	Exams no longer being administered; no new

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				licenses being issued
	Renewals	N/A	N/A	166
<u>Structural Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	426	371	N/A
	Licenses	N/A	N/A	117
	Renewals	N/A	N/A	2,133
FY 2016/17	Applications	293	311	N/A
	Licenses	N/A	N/A	130
	Renewals	N/A	N/A	1,911
FY 2017/18	Applications	188	185	N/A
	Licenses	N/A	N/A	121
	Renewals	N/A	N/A	2,238
<u>Traffic Engineer</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	79	61	N/A
	Licenses	N/A	N/A	32
	Renewals	N/A	N/A	799
FY 2016/17	Applications	122	154	N/A
	Licenses	N/A	N/A	32
	Renewals	N/A	N/A	675
FY 2017/18	Applications	74	70	N/A
	Licenses	N/A	N/A	37
	Renewals	N/A	N/A	810
<u>Certified Engineering Geologist</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	45		N/A
	Licenses	N/A	N/A	23

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	Renewals	N/A	N/A	734
FY 2016/17	Applications	34		N/A
	Licenses	N/A	N/A	25
	Renewals	N/A	N/A	761
FY 2017/18	Applications	43		N/A
	Licenses	N/A	N/A	11
	Renewals	N/A	N/A	705
<u>Certified Hydrogeologist</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	31		N/A
	Licenses	N/A	N/A	12
	Renewals	N/A	N/A	435
FY 2016/17	Applications	23		N/A
	Licenses	N/A	N/A	21
	Renewals	N/A	N/A	475
FY 2017/18	Applications	29		N/A
	Licenses	N/A	N/A	11
	Renewals	N/A	N/A	438
<u>Professional Geologist</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	248		N/A
	Licenses	N/A	N/A	98
	Renewals	N/A	N/A	2,436
FY 2016/17	Applications	323		N/A
	Licenses	N/A	N/A	104
	Renewals	N/A	N/A	2,554
FY 2017/18	Applications	323		N/A

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	Licenses	N/A	N/A	125
	Renewals	N/A	N/A	2,407
<u>Professional Geophysicist</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	9		N/A
	Licenses	N/A	N/A	4
	Renewals	N/A	N/A	69
FY 2016/17	Applications	10		N/A
	Licenses	N/A	N/A	5
	Renewals	N/A	N/A	84
FY 2017/18	Applications	3		N/A
	Licenses	N/A	N/A	5
	Renewals	N/A	N/A	68
<u>Engineer-In-Training</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	2,704	2,561	N/A
	Licenses	N/A	N/A	2561
	Renewals	N/A	N/A	N/A
FY 2016/17	Applications	2961	2,670	N/A
	Licenses	N/A	N/A	2670
	Renewals	N/A	N/A	N/A
FY 2017/18	Applications	3,018	3,410	N/A
	Licenses	N/A	N/A	3410
	Renewals	N/A	N/A	N/A
<u>Geologist-In-Training</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>

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FY 2015/16	Applications	153		N/A
	Licenses	N/A	N/A	N/A
	Renewals	N/A	N/A	N/A
FY 2016/17	Applications	222		N/A
	Licenses	N/A	N/A	N/A
	Renewals	N/A	N/A	N/A
FY 2017/18	Applications	225		N/A
	Licenses	N/A	N/A	N/A
	Renewals	N/A	N/A	N/A
<u>Land Surveyor-In-Training</u>		<u>Received</u>	<u>Approved</u>	<u>Issued</u>
FY 2015/16	Applications	54	49	N/A
	Licenses	N/A	N/A	49
	Renewals	N/A	N/A	N/A
FY 2016/17	Applications	61	50	N/A
	Licenses	N/A	N/A	50
	Renewals	N/A	N/A	N/A
FY 2017/18	Applications	77	52	N/A
	Licenses	N/A	N/A	52
	Renewals	N/A	N/A	N/A

Table 7b. Total Licensing Data				
		FY 2015/16	FY 2016/17	FY 2017/18
Initial Licensing Data:				
Initial License/Initial Exam Applications Received		12,598	10,823	8,358
Initial License/Initial Exam Applications Approved		12,009	10,594	8,776
License Issued		5,339	5,889	6,206
Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE):				

Average Days to Application Approval (All - Complete/Incomplete)	N/A	N/A	N/A
Average Days to Application Approval (incomplete applications)*	N/A	N/A	N/A
Average Days to Application Approval (complete applications)*	N/A	N/A	N/A
License Renewal Data:			
License Renewed	55,336	50,959	55,161
Note: The values in Table 7b are the aggregates of values contained in Table 7a.			
* Optional. List if tracked by the board.			

*The Board does not track average days to application approval.

Examinations Required for Licensure

The Board utilizes both national and state developed exams as a part of the criteria to measure competency for licensure. NCEES develops, administers, and scores the national engineering and surveying examinations; ASBOG develops and scores the national geology examinations. All of the examinations utilized by the Board, including both national and state exams, are administered in English.

National Examinations

NCEES administers its paper and pencil exams to California-approved candidates in the engineering disciplines, alleviating the Board of concerns pertaining to the liability of handling the large volume of national exam booklets on a biannual basis. NCEES began a phased conversion to Computer Based Testing (CBT) administration in January 2014 by offering the Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) exams on a continuous, year-round basis. The CBT transition has continued since then to also include the Principles of Surveying (PS) exam, the Chemical Engineer (CH) exam, and the Nuclear Engineer (NU) exam. NCEES anticipates the CBT transition continuing over the next four to six years until all their exams are administered by CBT.

All national exams for geologists are developed and scored by ASBOG. The Board administers these exams biannually as pencil and paper exams. ASBOG is not currently scheduled to transition to CBT in the immediate future. However, ASBOG is looking into the process to transition, and the Board has offered to assist ASBOG in the transition to CBT by providing guidance through their exploratory period.

State Specific Examinations

All of the Board's state exams are administered via CBT. This is accomplished through a collaborative effort with Prometric, our psychometric exam vendor. The Board provides the vendor with lists of eligible candidates, which are uploaded onto the vendor's system. This enables the candidate to schedule appointments to take the exam at the vendor's test centers, which are located throughout the United States.

In addition to all state exams being administered via CBT, the Board's two state-specific Civil Engineer (Seismic Principles and Engineering Surveying) exams were made available to candidates on a year-round basis beginning April 1, 2018. Each exam may be taken once per quarter, up to four times per year. The continuous testing format allows eligible candidates the opportunity to become licensed as they become qualified on a year-round basis, instead of twice a year. Another benefit of this change is that there is no longer a final filing date to submit an application for this license. Candidates can apply year-round and, once approved, can schedule their exams on any available date within their qualified quarter. Once tested, unsuccessful candidates can reapply for the next qualified quarter.

Testing industry psychometricians recommend that an Occupational Analysis (OA) be conducted on occupational certification and licensing examinations every five to seven years. The purpose of the OA is to identify and capture any advancements or changes to the regulated practice so as to ensure that the examinations accurately reflect both the actual practice and the statutory definition of the practice.

The Board began its most recent OAs for all of its state exams in 2017. It is anticipated that all OAs will be completed by 2019. NCEES and ASBOG also conduct OAs on their examinations. Annually, the Board reports the status of its examination monitoring with respect to OAs for all pertinent national and state exams in the B&P Code section 139 report provided to DCA.

Table 8. Examination Statistical Data						
California Examinations						
License Type		Professional Geologist	Professional Geophysicist	Certified Engineering Geologist	Certified Hydrogeologist	
Exam Title		CSE	PGp	CEG	CHG	
Admin. Method		CBT	CBT	CBT	CBT	
Admin. By Whom / How Often Annually		Board / Twice	Board / Once	Board / Once	Board / Once	
FY 2014/15	# of 1 st Time Candidates	N/A	N/A	N/A	N/A	
	Pass %	41%	17%	26%	48%	
FY 2015/16	# of 1 st Time Candidates	N/A	N/A	N/A	N/A	
	Pass %	64%	50%	49%	67%	
FY 2016//17	# of 1 st Time Candidates	N/A	N/A	N/A	N/A	
	Pass %	51%	56%	62%	78%	
FY 2017/18	# of 1 st Time Candidates	N/A	N/A	N/A	N/A	
	Pass%	51%	83%	30%	50%	

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Date of Last OA	2013	2014	2013	2013	
OA Developer	Prometric	Prometric	Prometric	Prometric	
Target OA Date	2018	2019	2018	2018	
License Type	Civil Engineer	Civil Engineer	Traffic Engineer	Land Surveyor State Exam	Geotechnical Engineer
Exam Title	Seismic Principles	Engineering Surveying	Traffic Engineer	Land Surveyor	Geotechnical Engineer
Admin. Method	CBT	CBT	CBT	CBT	CBT
Admin. By Whom / How Often Annually	Board / Twice	Board / Twice	Board / Once	Board / Once	Board / Once
FY 2014/15	# of 1 st Time Candidates	N/A	N/A	N/A	N/A
	Pass %	46%	47%	66%	24%
FY 2015/16	# of 1 st Time Candidates	N/A	N/A	N/A	N/A
	Pass %	48%	45%	48%	20%
FY 2016//17	# of 1 st Time Candidates	N/A	N/A	N/A	N/A
	Pass %	50%	49%	38%	24%
FY 2017/18	# of 1 st Time Candidates	N/A	N/A	N/A	N/A
	Pass %	43%	48%	32%	22%
Date of Last OA	2017	2017	2018	2018	2018
OA Developer	Prometric	Prometric	Prometric	Prometric	Prometric
Target OA Date	2023	2023	2024	2024	2024

◆ The Geotechnical Engineer Exam was not administered in 2014 in preparation for it to be offered as a continuous administration exam in 2015.

National Examinations				
License Type		Geologist-in-Training	Professional Geologist	Engineer-in-Training
Exam Title		FG	PG	Fundamentals of Engineering
Admin. Method		Paper / Pencil	Paper / Pencil	CBT
Admin. By Whom / How Often Annually		Board / Twice	Board / Twice	NCEES / Continuous
FY 2014/15	# of 1 st Time Candidates	N/A	N/A	3590
	Pass %	70%	72%	71%

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FY 2015/16	# of 1 st Time Candidates	N/A	N/A	3035
	Pass %	66%	71%	70%
FY 2016//17	# of 1 st Time Candidates	N/A	N/A	4622
	Pass %	69%	75%	68%
FY 2017/18	# of 1 st Time Candidates	N/A	N/A	4346
	Pass %	57%	77%	67%
Date of Last OA		2010	2010	2013
OA Developer		ASBOG	ASBOG	NCEES
Target OA Date		2015	2015	2023
License Type		Structural Engineer	Structural Engineer	Civil Engineer
Exam Title		Structural Engineering - Lateral (See NOTE)	Structural Engineering – Vertical (See NOTE)	Civil Engineering Exam (CE)
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil
Admin. By Whom / How Often Annually		NCEES / Twice	NCEES / Twice	NCEES / Twice
FY 2014/15	# of 1 st Time Candidates	123	131	1588
	Pass %	57%	53%	63%
FY 2015/16	# of 1 st Time Candidates	110	112	1654
	Pass %	51%	51%	63%
FY 2016//17	# of 1 st Time Candidates	117	127	2330
	Pass %	47%	51%	63%
FY 2017/18	# of 1 st Time Candidates	103	100	3415
	Pass %	41%	49%	59%
Date of Last OA		2011	2011	2008
OA Developer		NCEES	NCEES	NCEES
Target OA Date		2016	2016	2018
National Examinations				
License Type	Electrical Engineer	Mechanical Engineer	Agricultural Engineer	Chemical Engineer
Exam Title	PE Electrical Engineer	PE Mechanical Engineer	PE Agricultural Engineer	PE Chemical Engineer
Admin. Method	Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil
Admin. By Whom / How Often Annually	NCEES / Twice	NCEES / Twice	NCEES / Once	NCEES / Twice

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FY 2014/15	# of 1 st Time Candidates	283	425	0	49
	Pass %	59%	71%	0%	76%
FY 2015/16	# of 1 st Time Candidates	229	388	1	40
	Pass %	58%	74%	0%	75%
FY 2016//17	# of 1 st Time Candidates	368	514	5	74
	Pass %	60%	72%	60%	76%
FY 2017/18	# of 1 st Time Candidates	512	639	2	32
	Pass %	46%	67%	100%	78%
Date of Last OA		2009	2007	2014	2013
OA Developer		NCEES	NCEES	NCEES	NCEES
Target OA Date		2017	2015	2019	2021
License Type		Control System Engineer	Fire Protection Engineer	Industrial Engineer	Metallurgical Engineer
Exam Title		PE Control System	PE Fire Protection	PE Industrial	PE Metallurgical
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil
Admin. By Whom / How Often Annually		NCEES / Once	NCEES / Once	NCEES / Once	NCEES / Once
FY 2014/15	# of 1 st Time Candidates	22	28	4	5
	Pass %	73%	68%	75%	60%
FY 2015/16	# of 1 st Time Candidates	24	20	3	11
	Pass %	75%	65%	67%	73%
FY 2016//17	# of 1 st Time Candidates	11	24	3	4
	Pass %	27%	71%	100%	50%
FY 2017/18	# of 1 st Time Candidates	32	35	9	5
	Pass %	68%	66%	67%	75%
Date of Last OA		2011	2012	2013	2009
OA Developer		NCEES	NCEES	NCEES	NCEES

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Target OA Date		2021	2022	2022	2016
National Examinations					
License Type		Nuclear Engineer	Petroleum Engineer	Land Surveyor-in-Training	Professional Land Surveyor
Exam Title		PE Nuclear	PE Petroleum	Fundamentals of Surveying	Practice of Surveying
Admin. Method		Paper / Pencil	Paper / Pencil	Paper / Pencil	Paper / Pencil
Admin. By Whom / How Often Annually		NCEES / Once	NCEES / Once	NCEES / Continuous	NCEES / Twice
FY 2014/15	# of 1 st Time Candidates	1	5	96	64
	Pass %	100%	60%	44%	83%
FY 2015/16	# of 1 st Time Candidates	0	3	112	63
	Pass %	0%	100%	62%	65%
FY 2016//17	# of 1 st Time Candidates	0	1	139	158
	Pass %	0%	0%	32%	55%
FY 2017/18	# of 1 st Time Candidates	1	10	147	88
	Pass %	100%	50%	32%	57%
Date of Last OA		2012	2014	2013	2012
OA Developer		NCEES	NCEES	NCEES	NCEES
Target OA Date		2021	2022	2023	2019

NOTE:

The NCEES 16-hour Structural Engineering Exam separates the pass rate statistics into the two separate components of the exam (vertical and lateral). Candidates must achieve a successful result on both components within five years of the first successful result in order to pass the exam.

The Board's legacy Applicant Tracking System (ATS) does not allow for tracking passage rates for first time versus repeat exam candidates, so the Board has not been tracking First Time Candidates for its state exams. However, with the assistance of the Board's state exam vendor, Prometric, LLC, we anticipate being able to begin tracking this statistic beginning in 2019.

Existing Statutes Hindering the Processing of Applications

Both the Professional Engineers Act and the Professional Land Surveyors' Act allow applicants to qualify through a work experience-only pathway or the ability to apply for

equivalent work experience credit by first obtaining a postsecondary degree in either engineering or surveying. The Geologist and Geophysicist Act requires applicants to first obtain a degree with "... a major in geological sciences." and does not include a pathway to licensing based solely on work experience.

Engineering and Land Surveying

Nationally, the majority of jurisdictions that license professional engineers or land surveyors require or allow a degree as educational criteria for licensing. There is standardized accreditation by ABET, Inc. (www.abet.org) through the Engineering Accreditation Commission (EAC) and the Applied and Natural Science Accreditation Commission (ANSAC) criteria. In an effort to be consistent with the national standards and to accommodate the many applicants who obtain a postsecondary engineering degree, the Board previously standardized on ABET-accredited programs in regulation by allowing for the equivalent of four (4) years' work experience for an engineering or surveying curriculum that results in the award of a baccalaureate degree and an additional one (1) year of equivalent work experience for an engineering or surveying curriculum that results in the award of either a masters or post-doctorate degree. There is a maximum of five (5) years of equivalent work experience credit given for Board-approved education programs, thus requiring applicants to demonstrate a minimum of one (1) year of actual work experience towards obtaining a license to practice. The Board has also previously established regulations that allow applicants to obtain a maximum of two (2) years of equivalent work experience for a postsecondary degree obtained from a non-approved program (identified as any engineering or surveying program that is not ABET accredited).

Geology and Geophysics

The Geologist and Geophysicist Act, specifically B&P Code § 7841(b) states that an applicant for licensure as a Professional Geologist shall have either graduated "... from a college or university with a major in geological sciences ..." or have completed "... a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology." B&P Code § 7841.1(b) states that an applicant for licensure as a Professional Geophysicist shall have either graduated "... from a college or university with a major in geophysical science ..." or have completed "... a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geophysics."

Currently, accreditation standards for geological or geophysical postsecondary programs, either nationally or regionally, remain inconsistent. The aforementioned ABET, Inc. has recently begun an accreditation program for geological sciences, but to date only one program (in the Midwest) has achieved accreditation in 2017. It is unknown how long it will be before more geological or geophysical sciences programs are accredited by a nationally-recognized organization such that it becomes a viable vehicle for the Board to consider solely accredited programs for educational criteria.

During the 2014 Sunset review, the Board identified common issues and concerns with the lack of availability of consistent accreditation for geological and geophysical programs, the broad nature of the statutory language in this regard, and the impact all that had on applicants attempting to fully understand whether their postsecondary education would be considered qualifying or not qualifying. Since that review, the Board obtained the authorization and hired a Senior Registrar that is licensed as a Professional Geologist and embarked upon a study to more fully understand the scope of content for California-based educational institutions offering geological and geophysical sciences programs.

This study involved multiple Board-facilitated workshops around California and has resulted in the Board pursuing rulemaking authority to establish regulations that are clear, concise, and reasonable in terms of an expectation of educational criteria that would be considering qualifying towards licensure. This rulemaking effort is currently in its second year of development/review under the new pre-public notice review process established by DCA and the Business, Consumer Services and Housing Agency. The Board anticipates it will be able to begin the official rulemaking process in the latter part of 2018 before eventually submitting the final rulemaking proposal to the Office of Administrative Law in 2019. Once finalized and approved, the Board anticipates that applicants, professional references, educational institutions, and the Board will have achieved a more consistent understanding of the education criteria required for those seeking licensure as a Professional Geologist or a Professional Geophysicist in California; will have improved the flexibility necessary to accommodate the many forms of postsecondary program curriculum around the state; will allow for future standardized accreditation by national organizations; and will streamline the application review/approval process at the Board.

School Approvals & Continuing Education/Competency Requirements

The approval of schools is not within the scope of the Board's licensing authority. Additionally, the Board's laws and regulations do not require its licensees to complete continuing education/competency programs.

Section 5 – Enforcement Program

The Enforcement Unit of the Board is comprised of one program manager, nine full-time analysts, one part-time Retired Annuitant analyst, and one full-time clerical. In addition, there are four staff licensees (two engineers, one land surveyor, and one geologist) whose duties include providing assistance to the Enforcement Unit with its various responsibilities. The Enforcement Unit is primarily responsible for the investigation of complaints related to professional engineering, land surveying, geology, and geophysics.

Complaints are investigated against both licensed and unlicensed individuals and are typically submitted by consumers, other licensees, and public agencies. Complaints range from unlicensed practice of professional services to failure by licensees to meet the standard of care. The Board does not operate within a statute of limitations; therefore, complaints regarding projects that occurred many years ago can be investigated. With the professions regulated by the Board, it can often be years before issues with the work come to light. For example, a land surveyor may perform a survey and fail to comply with the laws by not filing the appropriate maps with the proper jurisdiction, but this failure is not discovered until many years later when a neighboring property owner has a survey done. As such, it would not serve to protect the public if the Board were required to operate under a statute of limitations.

Since the Board does not have a statute of limitations for investigating complaints, cases are typically investigated on a first-in basis, with the exception of cases that involve allegations that may present potential imminent threats to public safety.

Complaints investigated by the Enforcement Unit are often complex due to the technical nature of the engineering, land surveying, geology, and geophysics professions. The majority of cases against licensees involve allegations of negligence and/or incompetence in their professional practice. The Enforcement Unit must obtain evidence from all of the parties involved and then retain the services of an independent Technical Expert Consultant to review all of the evidence and opine as to whether or not the subject failed to perform his or her services in accordance with the standards of the practices or has violated other laws in his or her professional practice. The Enforcement Unit maintains a pool of licensees, who are independently employed in their own private practices, to serve as experts. The most appropriate expert is selected to review a case based on the nature of the work involved as well as the location of the project as they relate to the expert's areas of expertise.

The Enforcement Unit also utilizes DCA's Division of Investigation (DOI) as a resource to assist in collecting evidence for its investigations, particularly those involving allegations of unlicensed practice or when there is a lack of response from parties involved. DOI also assists the Board with prosecutorial actions against unlicensed practitioners in cases where violations of the Board's laws are classified as criminal violations. In addition, there are related Penal Code violations tied to unlicensed activity that are considered felony violations. In these cases, DOI will assist the Board by referring the cases to local District Attorneys' Offices for consideration of the filing of criminal charges.

As a result of its investigations, the Board may issue administrative citations to both licensed and unlicensed individuals. The citations may contain an order of abatement, an order to pay an administrative fine to the Board in the maximum amount of \$5,000 per violation, or both. Although unlicensed activity may be charged as a criminal misdemeanor by a District Attorney, most District Attorneys are unwilling to expend their limited resources on crimes that they view as minor and can be handled

administratively. By issuing a citation, the Board can put the unlicensed individual on notice regarding their actions that constitute a violation of the laws, as well as provide public notice to consumers and other individuals. Citations are also issued to licensees who have violated the laws but are not deemed to be a threat to the health and safety of the general public. The issuance of a citation gives the Board the authority to enforce compliance from the licensee, since the failure to comply with a citation order can lead to further – and more serious – disciplinary action against the licensee. The Board's issuance of the citation serves as a reminder to the licensee and other licensees that he or she must follow the laws and regulations that govern licensure and that there are professional and monetary consequences if those laws are ignored or violated.

Another outcome of the Board's investigations, particularly in cases where the investigation reveals that licensees have failed to meet the standard of care or have demonstrated incompetency in the professional practice, is to seek formal disciplinary action, which includes referring cases to the Office of the Attorney General to serve as the Board's attorneys in the prosecution of these matters. Disciplinary action sought against a licensee is conducted under procedures prescribed by the Administrative Procedures Act, which includes the filing of an Accusation outlining the alleged violations and describing what action the Board is seeking, such as the suspension or revocation of a license. Accusations can be settled through a stipulated settlement process or the matter can be heard before an Administrative Law Judge, who then issues a proposed decision for the Board's consideration.

For the purposes of resolving disciplinary cases without the additional expense and uncertainty of further proceedings for both the respondent and the Board, the parties often enter into stipulated agreements. Stipulated settlements often result in stayed revocations with probationary terms and conditions that can include requirements to take college and ethics courses, take and pass an examination on the Board's laws and regulations, notify clients of the disciplinary action, and pay the Board's costs for investigation and prosecution of the matter. The Board is precluded from settling cases "pre-accusation," pursuant to Government Code section 11415.60(b). [See Table 9a for statistics regarding Disciplinary Action results.]

In addition to the investigation of complaints, the Enforcement Unit responds to all inquiries (telephone, email, facsimile, and letter) related to the complaint process; the status of licenses, including previous complaint or disciplinary history; and the laws and regulations related to the practices of professional engineering, land surveying, geology, and geophysics. The Enforcement Unit staff is responsible for responding to inquiries submitted by sources such as consumers/clients, licensees, professional associations, and public agencies, or forwarding them to staff or legal counsel, particularly if inquiries are specific to technical areas of professional practice or interpretation of the Board's laws.

Furthermore, the Enforcement Unit is responsible for implementing all enforcement-related legislation, and for coordinating all enforcement-related regulatory proposals.

The Reporting of Legal Actions Program (B&P Code §§ 6770, et seq., and 8776, et seq.), which became operative in 2008, requires all professional engineers and land surveyors, insurance companies, and courts to report criminal convictions and civil action judgments, settlements, and arbitration awards. Settlements are required to be reported if the dollar amount exceeds \$50,000. Judgments are required to be reported for amounts \$25,000 or greater. Reported settlement amounts have averaged approximately \$472,000 over the last three fiscal years.

Initially, there were difficulties in receiving the appropriate documentation from these sources or determining the appropriate licensee(s) involved, which severely affected the efficiency of investigating those cases. However, the Enforcement Unit has been able to work through these difficulties to more efficiently process cases. While reporting by licensees and insurance companies has greatly improved since implementation of the program, the Board does not receive reports from courts related to convictions and judgments.

As set by the Board in its 2015-2018 Strategic Plan, the current target for staff-level completion of complaint investigations is an average of 180 days, with the overall goal of no cases reaching one year old during the investigative phase. Over the last four years, the Enforcement Unit has continued to effectively reduce the complaint investigation average. Through continued efforts to monitor the average age of its pending investigation cases, the age of pending cases has been reduced from a high of 176 at the end of FY 2014/15 to 143 days at the end of FY 2017/18. Furthermore, since the Board's last Sunset Review, the average days to close investigation cases has been reduced from cases taking over one year to process to taking just under eight months. [See statistics for Average Age of Pending Cases added to Table 9c, as well as Average Days to Close in Table 9c. Additionally, the FY 2017/18 enforcement statistical report, which includes a bar graph showing the reduction in the number of pending investigation cases in each aging category tracked by the Board, is included in Section 12 – Attachments, Attachment F. This enforcement statistical report is presented to and discussed by the Board at each Board meeting.]

There are several contributing factors to the successes in this regard, most occurring since the last Sunset Report. For instance, it had been previously reported that one of the delays in processing investigations was having no authority to require licensees to respond to the Board or provide documents related to a project which staff may request during the course of an investigation. Previous efforts to obtain a response or project documents typically required assistance from DOI, which contributed to delays in processing times. Effective January 1, 2016, B&P Code §§ 6775.2, 8780.2, and 7860.2 were enacted (Chapter 428, Statutes of 2015), to require licensees or certificate holders to respond to requests to cooperate in investigations against themselves. Subsequent to its implementation, staff has experienced better cooperation and shorter wait times in obtaining information critical to investigations. The Enforcement Unit staff advises the subjects of the complaints in the initial letters of the requirements of the laws relating to the subject's cooperation. Typically, the subjects are notified two or three times of the

requirement to respond before further action is taken in the form of an administrative citation.

To date, only 12 administrative citations have been issued for failure of a licensee to respond to requests for cooperation in complaint investigation. Citations are only issued after efforts to illicit responses prove fruitless. Of these citations, 10 have become final. Of the ones that are final, only three licensees have failed to comply with the order of the citation. These three cases are currently pending further action for the licensee's failure to comply, either through further efforts to seek compliance or referral to the Office of the Attorney General for disciplinary action. Several attempts are made by Board staff to obtain compliance before matters are considered for referral for disciplinary action. The two citations that are not yet final are under appeal.

These statistics indicate that very few licensees fail to respond to the Board's requests for cooperation in its investigations, which has greatly improved the Board's efforts to conduct timely and thorough investigations with sufficient documentary evidence.

When these laws were enacted, a sunset date of January 1, 2020, was included to allow time to monitor how effective the requirement would be. Based on the low number of licensees who fail to respond to and cooperation with the Enforcement Unit during the investigations, the Board believes these laws are working as intended and the sunset date included in each section needs to be eliminated so that these laws will be permanent.

Another factor previously affecting efficient processing of complaints related to the professions of geology and geophysics was the lack of staff geologist to provide preliminary review of practice-related complaint investigations. The Board was able to recruit a full-time staff geologist (Senior Registrar) who has been instrumental in assisting Enforcement Unit staff during investigations.

The Board has also been working on improving the review of cases by independent Technical Expert Consultants. Independent Technical Expert Consultants are licensees with whom the Board contracts to provide a review of the technical issues involved in the complaint investigations cases. These professionals provide an opinion related to the standard of care in the professional practice or other laws related to the practices of professional engineering, land surveying, geology, and geophysics and whether or not the subject of the investigation complied with the laws and standards. The experts are usually employed full-time in their own practice; as such, this often causes some reviews to extend beyond the normally-requested 30 days. Furthermore, choosing experts based on their knowledge of particular areas of expertise or geographic areas can be a challenge based on the choice of experts populating the current list of experts.

The Board has been actively working to improve the expert selection process and training to enhance the quality of expert services and expand the selection of experts based on their areas of expertise. Publications for training have been updated, and

staff is currently working with a number of agencies to schedule in-person training sessions within the coming months. Efforts to prepare such training has included the use of surveys to existing experts and collaboration with the Attorney General's Office and the Department of Consumer Affairs' SOLID Program.

In the meantime, the Board was able to increase compensation rates. In July 2016, the compensation rate for the time spent reviewing the investigation case and preparing the written report during the complaint investigation phase increased from \$75.00 per hour to \$90.00. The compensation rate was also raised from \$75.00 per hour to \$110.00 per hour for the time spent reviewing the case with the Office of the Attorney General and attending the administrative hearing, if the matter proceeds through those stages. The Board believes in compensating its expert consultants for their service to the Board and their professions but does not believe the compensation should be so high or negotiable such that it would give the appearance the Board is "buying" an expert's opinion.

The Board is currently developing an online renewal assessment as set forth by B&P Code §§ 6795.2, 8801.5, and 7881.5, which became effective on January 1, 2017. This requirement was enacted because of a goal previously identified as a means to educate licensees about changes to the Board's laws and reducing complaints submitted simply because of their lack of knowledge of such changes. This assessment will include review of the laws most commonly violated which are not specifically practice-related. For instance, for many years after written contracts became required for licensees in 2001, numerous complaints were received alleging that a written contract was not executed; in other cases, it became apparent during the Board's investigation that compliance with the written contract statute was not fulfilled. The response from many licensees was that they were unaware of the new law, even though the Board had publicized it several times in its newsletter, on its website, and many times through in-person outreach opportunities. A review of records from this past fiscal year indicates that almost 40% of our active investigations involve some aspect of non-compliance with laws that have become effective within the last 10 to 14 years. The Board is currently working to develop the assessment. However, since the laws mandate that the assessment must be conducted online, rather than through outreach opportunities, the Board has experienced difficulties in developing and implementing the assessment due to its continued reliance on DCA's legacy system for tracking licensees. The Board intends to implement this online assessment as part of its new application processing and license management system [discussed more fully in Section 9 – Current Issues, IT Issues and BreEZe].

Despite the Enforcement Unit's aggressive efforts to reduce processing times for its complaint investigations, the Board is heavily impacted by DOI's delays in processing cases. Over the last four fiscal years, 57% of the completed cases that were referred to DOI took more than a year to process. Because DOI also investigates cases on behalf of other boards and bureaus within DCA, it must set priorities for its investigations. Those cases that present evidence of an immediate threat to the public health, safety, and welfare receive the highest priority. Since there is rarely the same level of

“immediate threat” relating to the practices of professional engineering, land surveying, geology, and geophysics as there might be with cases involving nursing or other healing arts professions, DOI does not give this Board’s cases the highest priority. The inability of DOI to timely investigate its cases contributes to the overall aging of the Board’s complaint investigation cases and, on occasion, causes statutes of limitations to expire on cases that could potentially be prosecuted in criminal court. It would be beneficial to all boards and bureaus if DOI were able to increase the number of investigators it employs and to also create specific units within DOI to handle specific types of cases or to work with specific boards, such as the unit of investigators that focuses on cases from the Medical Board of California. This operational change would allow DOI to better distribute workload and prioritize cases so that cases such as ours are not set aside when other cases that seem to demonstrate a more immediate threat to the public are submitted by other boards and bureaus.

The Board would also like to collaborate with DOI in efforts to more effectively investigate the Board’s cases through a closer working relationship between DOI Investigators, Board staff, and the Board’s independent Expert Consultants. The Board would also like to explore training tools to better equip DOI Investigators with information regarding the laws unique to the Board’s practices, as the majority of cases referred to DOI are related to business structures or the practices of professional engineering, land surveying, and geology, which often contain technical terminology not readily understood by DOI Investigators.

In addition to the implementation of new laws and other processes, Enforcement Unit staff has continued to be effective with its current organizational make-up. Continuing to dedicate duties of one analyst position to issue citations and conduct informal conferences and one analyst position to prepare and send citations to the Office of the Attorney General for processing formal appeals has ensured no backlog in the processing of post-investigation cases and enabled the remaining staff analysts to focus heavily on the processing of complaint investigations.

The Board realizes that, while significant efforts have been made to reduce aging to what it determines are acceptable levels, continuing to develop ideas for improvements with its own internal process as well as protocols for working collaboratively with other divisions and agencies will ensure achieving its goals.

Despite the Board's aggressive efforts to reduce the internal backlog and aging of its complaint investigations, significantly protracted processing times remain a challenge, specifically for cases that are referred to the Office of the Attorney General and Office of Administrative Hearings [OAH] that involve citation appeals and formal disciplinary actions. The Office of the Attorney General handles cases for all of the boards and bureaus within DCA, and they are heavily inundated. OAH hears matters for multiple agencies in addition to DCA. The Board would like to see a reduction in the overall processing time for formal disciplinary cases, including the investigation time and the time to pursue the action, to an average of 540 days, as mandated by DCA. While the

average has reduced significantly over the last four fiscal years, the average is still nearly nine months above the target.

Effective January 1, 2018, pursuant to B&P Code § 312.2, the Office of the Attorney General is required to report certain statistical information relating to the adjudication of its cases to DCA, the Governor, and the Legislature. While the Board has no control over the processing times for the Office of the Attorney General, Board staff has seen a more concerted effort by the Office of the Attorney General to monitor the Board's cases and work collaboratively with Board staff to reduce aging of cases. This is evidenced by the reduction of aging from the referral of cases to the filing of accusations (371 days in FY 2014/15 to 165 days in FY 2017/18). [See Table 9a for statistics regarding Accusations.]

OAH is also required to report certain statistical information related to the processing of its cases. While the Board does not collaborate with the agency in efforts to focus on aging cases, there has been a significant reduction in the average number of days between the filing of a request to set and the issuance of a proposed decision from more than 300 days to less than 150 days (according to OAH's Caseload Statistics and Hearing Timeframe Reports for the last three fiscal years).

The Board would like to pursue other means to improve the effectiveness of the Enforcement Unit's processing of its complaint investigations, particularly those related to ever-increasing unlicensed practice. While issuing an administrative citation is an effective means of disclosing unlicensed activity to the public and emphasizing the severity and gravity of such violations, it is not always effective in motivating violators to cease and desist. Many choose to pay the fines and continue to offer and practice, while others choose to ignore the administrative citation altogether. The use of the internet to advertise professional engineering, land surveying, and geologic services is on the rise. Business by unlicensed individuals is often conducted solely through internet advertisements. Communication is often through email and mobile telephone service, and payment is made through online payment options. This process can severely hinder ability by the consumer or the Board to pursue remedies if a breach or fraud occurs. Therefore, the Enforcement Unit would like to research additional means of effectively inhibiting solicitation of illegal activities. For instance, current law provides the Board, through the issuance of an administrative citation, authority to order individuals advertising professional services in telephone directories to disconnect telephone services regulated by the Public Utilities Commission (PUC). Recent legislation (Chapter 395, Statutes of 2014) broadens this to include any advertising, not just a listing in a telephone directory. However, many unlicensed individuals operate through mobile telephone services, which are not regulated by the PUC. In addition, there is currently no authority to require violators to shut down websites illegally advertising professional services. The Board would like to research the feasibility of requiring violators to disconnect mobile telephone services and to close down websites in order to be more effective in reducing unlicensed activity.

Another serious, and ever-increasing, problem regarding unlicensed activity is unlicensed individuals operating engineering and land surveying businesses without having an appropriately licensed individual as an owner, partner, or officer in responsible charge. Currently, companies offering professional engineering and land surveying services are required to provide an Organization Record (OR) form, filed free of charge, which lists the licensed professional(s) in responsible charge of professional services offered and performed. Currently, there is not a requirement for geological and geophysical companies to file an OR form. The Board would like to research options for licensing companies, such as Certificates of Authorization which are issued in many other states, in order to provide the Board the opportunity to exercise more authority over companies not operating in compliance with the Board's law. The Board has been exploring, through its Business Modernization Project, means to integrate certain data elements that will better enable the tracking of licensee association with California companies operating in California. The Board would also like to enact the same requirements for geology and geophysics companies as may be enacted for engineering and land surveying companies.

Table 9a. Enforcement Statistics				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
COMPLAINT				
Intake				
Received	326	368	405	416
Closed Without Referral to INV	0	0	26	63
Referred to INV	326	368	379	342
Average Time to Close	10	10	16	14
Pending (close of FY)	0	0	0	11
Source of Complaint				
Public	115	166	127	140
Licensee/Professional Groups	86	99	94	88
Governmental Agencies	24	17	8	11
Other	108	118	124	123
Conviction / Arrest				
CONV Received	0	0	0	1
CONV Closed	0	0	0	1
Average Time to Close	0	0	0	1
CONV Pending (close of FY)	0	0	0	0
LICENSE DENIAL				
License Applications Denied	0	3	2	1
SOIs Filed	1	4	0	0
SOIs Withdrawn	1	3	1	1
SOIs Dismissed	0	1	0	0
SOIs Declined	0	0	0	0
Average Days SOI	192	381	460	391
ACCUSATION				

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Accusations Filed	24	31	29	27
Accusations Withdrawn	2	2	4	2
Accusations Dismissed	2	0	0	0
Accusations Declined	0	0	0	0
Average Days Accusations (submittal to AG to filing of ACC)	371	230	174	165
Pending (close of FY)	35	38	21	26
DISCIPLINE				
Disciplinary Actions				
Proposed/Default Decisions	6	9	6	3
Stipulations	29	18	29	14
Average Days to Complete	1060	1078	1106	825
AG Cases Initiated	28	41	36	29
AG Cases Pending (close of FY)	62	64	32	44
Disciplinary Outcomes				
Revocation	7	6	5	3
Voluntary Surrender	7	3	4	1
Suspension	0	0	0	0
Probation with Suspension ¹	0	2	0	0
Probation ²	14	13	21	10
Probationary License Issued	N/A	N/A	N/A	N/A
Other	5	3	3	0
PROBATION				
New Probationers	14	15	21	10
Probations Successfully Completed	12	14	12	8
Probationers (close of FY)	44	39	40	45
Petitions to Revoke Probation	1	11	12	4
Probations Revoked	0	3	4	3
Probations Modified	0	1	1	0
Probations Extended	0	1	5	5
Probationers Subject to Drug Testing	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	0	0
DIVERSION	NOT APPLICABLE TO BOARD			

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Table 9b. Enforcement Statistics (continued)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
INVESTIGATION				
All Investigations				
First Assigned	326	368	353	362
Closed	330	400	323	349
Average days to close	262	237	238	234
Pending (close of FY)	243	211	237	254
Average age of pending cases	176	151	158	143
Desk Investigations				
NOTE: Same as All Investigations				
Closed	330	400	323	349
Average days to close	262	237	238	234
Pending (close of FY)	243	211	237	254
Non-Sworn Investigation	NOT APPLICABLE TO BOARD			
Sworn Investigation – Division of Investigation				
NOTE: Subset of All/Desk Investigations				
Closed	35	27	10	12
Average days to close	262	376	287	246
Pending (close of FY)	18	11	11	16
COMPLIANCE ACTION				
ISO & TRO Issued	0	0	0	0
PC 23 Orders Requested	0	0	0	0
Other Suspension Orders	0	0	0	0
Public Letter of Reprimand	4	2	2	3
Cease & Desist/Warning	33	56	53	60
Referred for Diversion	N/A	N/A	N/A	N/A
Compel Examination	N/A	N/A	N/A	N/A
CITATION AND FINE				
Citations Issued	90	83	100	91
Average Days to Complete	711	635	639	495
Amount of Fines Assessed	\$190,613	\$119,500	\$195,400	\$138,900
Reduced, Withdrawn, Dismissed	19	13	14	19
Amount Collected	\$120,233	\$97,591	\$125,251	\$114,459
CRIMINAL ACTION				
Referred for Criminal Prosecution	14	8	8	12

Table 10. Enforcement Aging

	FY 2014/15		FY 2015/16		FY 2016/17		FY 2017/18		Cases Closed	Average %
Attorney General Cases (Average %)										
Closed Within:	#	%	#	%	#	%	#	%		
0 - 1 Year	4	12.1%	3	11.1%	7	19.4%	5	29.4%	19	16.8%
1 - 2 Years	11	33.3%	6	22.2%	10	27.8%	4	23.5%	31	27.4%
2 - 3 Years	6	18.2%	7	25.9%	10	27.8%	5	29.4%	28	24.8%
3 - 4 Years	5	15.2%	4	14.8%	4	11.1%	2	11.8%	15	13.3%
Over 4 Years	7	21.2%	7	25.0%	5	13.9%	1	5.9%	20	17.7%
Total Attorney General Cases Closed	33		27		36		17		113	
Investigations (Average %)										
Closed Within:	#	%	#	%	#	%	#	%		
90 Days	47	13.9%	35	18.8%	53	22.8%	60	17.2%	235	16.8%
91 - 180 Days	76	23.0%	82	20.5%	50	15.5%	66	18.9%	274	19.5%
181 - 1 Year	103	31.2%	164	41.0%	149	46.1%	140	40.1%	556	39.7%
1 - 2 Years	95	28.8%	76	19.0%	70	21.7%	82	23.5%	323	23.0%
2 - 3 Years	9	2.7%	3	0.8%	1	0.3%	1	0.3%	14	1.0%
Over 3 Years	0	0	0	0	0	0	0	0	0	0
Total Investigation Cases Closed	330		400		323		349		1402	

Cite and Fine

The Board may issue administrative citations to both licensed and unlicensed individuals. The citations may contain an order of abatement or an order to pay an administrative fine to the Board in the maximum amount of \$5,000 per violation or both. Citations may be issued to unlicensed individuals when the investigation reveals that the unlicensed person violated the Board's laws by committing acts which require licensure. Although unlicensed activity may be charged as a criminal misdemeanor through the District Attorney's Office, most District Attorneys are unwilling to expend their limited resources on crimes that they view as minor and can be handled administratively.

By issuing a citation, the Board puts the unlicensed individual on notice regarding his or her actions that constitute a violation of the laws, as well as providing public notice to potential concerned or affected individuals. Citations are also issued to licensees who have violated the laws but are not deemed to be a threat to the health and safety of the general public. For example, many of the land surveying complaints investigated by the Enforcement Unit involve the failure of the licensee to file a Record of Survey or a Corner Record with the County Surveyor's Office in the time and manner required by law. A citation can be issued to the licensee containing an order of abatement ordering him or her to file the required record; by issuing the citation ordering the licensee to comply with the law, the Board is ensuring that the public is protected by the maintenance of the public records of lands. The majority of citations issued to

unlicensed individuals are for violations involving offering to practice, which includes executing the written contract with the client, and operating a business as the sole owner through which the professional services are offered. The most common violations for which citations are issued to licensed individuals involve failing to file or resubmit survey maps to the County Surveyors' Offices in the time and manner required by law and failing to execute a written contract that includes all of the elements required by law. The issuance of a citation also gives the Board the authority to enforce compliance from the licensee, because a failure to comply with a citation order can lead to further – and more serious – disciplinary action against the licensee. The Board's issuance of the citation serves as a reminder to the licensee and other licensees that he or she must follow the laws and regulations under which he or she is granted licensure and that there are professional and monetary consequences if he or she does not.

Citations become final 30 days after issuance unless they are appealed. The cited person may appeal the citation by requesting an informal conference with the Board's Executive Officer or a formal administrative hearing before an Administrative Law Judge or both. On average, 50% of the citations issued are appealed. Typically, the cited person requests both an informal conference and a formal appeal hearing.

Following the informal conference, the Executive Officer may dismiss, modify, or affirm the citation. If the citation is dismissed, it is considered final immediately upon issuance of the dismissal. If the citation is modified or affirmed, then it becomes final 30 days after issuance of the modification or affirmation, unless the cited person has already requested a formal administrative hearing or does so upon receipt of the modification or affirmation. A fine is not considered assessed until the citation becomes final. If a fine is assessed, it becomes due and payable 30 days after the citation becomes final. The Board will extend the time in which the payment must be made and allow the cited person to make payments if so requested.

Currently, there is a high outstanding balance of fines owed to the Board. This circumstance exists when a fine is assessed against an unlicensed person, and the Board has limited recourse to collect the fines. Most licensees pay the fines because failure to do so could result in their not being able to renew their licenses or in formal disciplinary action being taken against their licenses for failure to comply with the citation orders. In many cases, the Board is unable to locate the unlicensed person to pursue collection, and the Board is only able to collect funds through the use of the Franchise Tax Board (FTB) refund intercept program through tax refunds, lottery winnings, and unclaimed property. However, the occurrences when the Board receives funds are rare. Since the Board began utilizing FTB to attempt collection of fines, there are 99 outstanding accounts that have been referred to FTB, with an outstanding balance to be collected of over \$440,000. There have been fourteen instances of receiving funds, totally approximately \$24,000. In addition to the relative lack of success of the FTB program in recovering fines, staff time expended is approximately two hours per account to process, including writing letters to the subject and referring the matter to DOI for the collection of personal information required to refer to FTB. It is

noted that accounts can only be referred to FTB in the event a Social Security Number is available. This is possible only if the person has been an applicant or if a person's identity is unique enough for it to be ascertained by DOI staff.

The Board would like to explore additional resources to recover administrative fines. It is not cost effective for the Board to seek recovery through the civil courts or a collection agency. If the Department of Consumer Affairs were given the authority to contract with a collection agency on behalf of all boards and bureaus, then the Board would be very interested in participating in such a program.

Cost Recovery and Restitution

Cost Recovery Efforts

The Enforcement Expenditures include the Office of the Attorney General, OAH and Court Reporters (for hearings conducted by OAH), Evidence/Witness (Technical Expert Consultants on all cases, not just those that are referred to the AG's Office), and DOI line items.

Resolution of the formal disciplinary process can result in either the revocation or surrender of a license or a revocation which is stayed with probationary terms. Cost recovery of the Board's expenditures is often ordered as part of a disciplinary decision issued by the Board, either through adoption of a proposed decision prepared by an Administrative Law Judge or a stipulated settlement as agreed to by the respondent and the Executive Officer. However, cost recovery is seldom sought as part of a surrender or complete revocation, as these results eliminate the respondent's authority to practice and, likely, his or her primary source of income.

The Board has found that it is much more successful in obtaining full recovery of the costs ordered if the respondents/probationers are allowed to make payments to the Board during the period of probation, rather than requiring them to make one payment shortly after the decision becomes effective. If the reimbursement of the costs is ordered as a condition of probation, which it is in the majority of cases, the only recourse the Board has if the respondent/probationer fails to pay is to terminate the probation and either suspend or revoke the license. If the Board does that, then it cannot collect any of the costs. Therefore, while it may take longer for the Board to receive reimbursement of its costs by allowing the respondents/probationers to make payments, the Board is ultimately more successful in obtaining the cost recovery as ordered. The Board does not use FTB to collect cost recovery.

Table 11. Cost Recovery (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Total Enforcement Expenditures	\$2.321 million	\$2.286 million	\$2.590 million	\$2.608 million
Potential Cases for Recovery *	33	27	36	17

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Cases Recovery Ordered	19	17	20	17
Amount of Cost Recovery Ordered	\$95,254	\$81,168	\$83,714	\$53,643
Amount Collected	\$89,287	\$81,392	\$80,656	\$48,942
* "Potential Cases for Recovery" are those cases in which disciplinary action has been taken based on violation of the license practice act.				

Restitution Provided To Consumers

Pursuant to Government Code Section 11519(d), the Board may order a licensee to pay restitution as a condition of probation. Restitution may not be ordered in a disciplinary decision that does not include probation, unless it is agreed to in a stipulated settlement. Additionally, restitution cannot be ordered through an administrative citation. Typically, the restitution ordered is the amount the consumer paid to the licensee for the services, or the amount the consumer paid to another licensee to re-do the work, and may also include fees the consumer had to pay to a governmental agency, such as plan or map checking fees or permit fees. However, it does not include punitive damages, which are appropriately left within the purview of the civil courts.

Table 12. Restitution (list dollars in thousands)				
	FY 2014/15	FY 2015/16	FY 2016/17	FY 2017/18
Amount Ordered	0	0	\$6,100	0
Amount Collected	0	0	\$6,100	0

Section 6 – Public Information Policies

Public Information

The Board maintains its own website at <http://www.bpelsq.ca.gov>. The website contains information for its stakeholders: consumers, licensees, and applicants, including the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, the Board Rules, the Board *Bulletin* (newsletter), notices of Board and Committee meetings, Board meeting minutes, and notices of rulemaking proposals. The Board's on-line presence is intended to expand the reach and quality of its external communications, improve service delivery, connect and interact with stakeholders, and enhance public access to Board policies and programs.

Meeting Materials

Meeting materials for Board and Technical Advisory Committee (TAC) Meetings are made available within a week following the posting of the meeting's Official Notice and Agenda. The Official Notice and Agenda is posted at least 10 days in advance of any

meeting. The notices for Board and TAC meetings remains on the homepage only until the date of the meeting but can still be accessed through the Board Meetings page.

Minutes

It is the Board's policy to maintain the agenda, meeting materials, and minutes for five years on the Board's website. Draft minutes are not posted online since they are not considered official until the Board approves and adopts them. Once approved and adopted by the Board, Board meeting minutes are generally posted the next business day following the Board meeting at which they were approved and adopted.

Webcasting and Meeting Calendar

As the Board indicated in its last Sunset Report and Response, the Board has considered webcasting its meetings in the past. However, the Board believes that providing opportunities for the public to actually participate in the discussions at Board meetings is of prime importance, and webcasting does not allow for such actual participation by the public. A webcast is simply a static video recording; it is not a video conference that allows for interaction between the individuals physically present at the meeting location and those viewing it remotely.

The Board has conducted meetings via teleconference (telephone call-in) in the past, and members of the public have attended at the remote locations and been able to participate in the discussions at the Board meeting. Until video conferencing that allows for the public to participate from remote locations is logistically available, the Board is not inclined to webcast its meetings because doing so does not enhance the public's opportunities to interact with the Board.

The Board establishes an annual calendar for Board meetings that is approved by the Board at the end of the prior year. Following approval, the meeting calendar is posted on the Board's website. In addition, the Board posts information on TAC meetings on the its website throughout the year as they are scheduled.

Website and Outreach Information

One of the main links on the Board's homepage is dedicated to the consumer and includes such information as how to use the License Search, how to file a complaint, and the Consumer Guides to engineering, land surveying, geology, and geophysics. The public can check on the license status of the person(s) they are considering hiring using the online License Search feature. This feature provides information on the Board's licensees including their license numbers, issue dates, expiration dates, and addresses of record. The License Search feature also provides links to accusations filed and disciplinary actions taken against the licensee. Consumers can also find out how to file a complaint with the Board regarding engineering, land surveying, geology,

and geophysics issues and can obtain a complaint form to file such a complaint. Additionally, a video is available explaining how to file a complaint.

The Board has a Social Media program, which includes the notification and distribution of any information that the Board wishes to distribute to its stakeholders. This active Social Media Program, supported by Facebook, Twitter, and LinkedIn, provides dynamic platforms to channel the Board's distribution of pertinent information and related content as well as expands its reach to the consumer population.

In addition, the Board maintains a database of all professional engineering, land surveying, geological, and geophysical professional organizations active in California. The database contains all contact information for the organizations, and we regularly reach out to them in our effort to keep them engaged in their respective disciplines in our state. Also, at the request of professional societies and local governmental agencies, Board staff will attend meetings to discuss any legislative or regulatory changes in the Professional Engineers, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act; enforcement issues; and other topics related to the Board. These outreach meetings also serve to keep the lines of communication open between the Board and local governmental agencies, licensees, and professional associations.

The Board also maintains a database of more than 500 city and county building officials in California. This database furthers the reach of the Board, and allows it to engage those on the "front line" of enforcement questions before they become enforcement actions.

Additionally, the Board provides extensive information on its website for applicants and licensees. All application forms are available on the Board's website, as well as information explaining the required qualifications for licensure. Information for licensees includes specific pages addressing the written contract laws, the Codes of Professional Conduct, and the Reporting of Legal Actions Program. Licensees can also access the secure website that allows them to pay their renewal fees online via credit card, which expedites the renewal process. The Board has also provided a video proving step-by-step instructions on how to pay the renewal fees online.

The Board also has a College Outreach program to encourage college students and professors to seek licensure. This program is discussed in more depth in Section 8 – Workforce Development and Job Creation.

Complaint Disclosure Policy

The Board's Policy on Disclosure of Complaints and Disciplinary Actions was formally adopted by the Board in July 1994. Prior to formally adopting a disclosure policy, the Board observed an informal policy that followed the same guidelines and principles that were then expressed in the formal policy adopted in 1994. The Board reviews its

disclosure policy and updates it as needed. The Board last updated its disclosure policy in March 2011. The Board's disclosure policy is consistent with DCA's policies on disclosure of complaint information and posting of disciplinary action information on the internet.

It is the policy of the Board to provide information to the public regarding complaints and disciplinary actions resulting from violations of the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the Regulations of the Board. The Board keeps records of complaint investigation cases that do not result in citations or formal disciplinary actions for five years. The Board discloses the following information upon request after the completion of an investigation:

- Number of complaints against the individual
- Date the complaint was received
- Disposition of the complaint, such as compliance obtained, mediated/resolved, referred for formal legal and/or disciplinary action, or any other action taken against the subject.

If the complaint is still in the investigation stage or if the investigation reveals that there was no violation of the law, no information is disclosed.

The Board keeps records of citations and formal disciplinary actions (accusations and decisions) and discloses the information as required by law. The information provided includes the:

- Action taken
- Reason(s) for the action
- Date of the action.

If the matter is final, information regarding compliance with the order is also provided. If the citation or decision on the accusation is not yet final, its procedural status is provided.

The Board also publicizes its enforcement actions by publishing articles in the Board's newsletter, posting the information on the Board's website as required by B&P Code section 27, and by providing information to other states' regulatory boards.

Section 7 – Online Practice Issues

In recent years, the Board's Enforcement Unit has been called upon to investigate the way in which professional engineers, land surveyors, geologists, and geophysicists are advertising their services via the Internet. In general, under the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the

Regulations of the Board, internet advertising is no different than advertising in paper publications, such as magazines or telephone directories. If a professional engineering, land surveying, geology, or geophysics company has a website through which they are offering their professional services, then they must meet all of the same requirements as any other professional engineering, land surveying, geology, or geophysics company that offers services in California. The Board has required companies to make modifications to their websites to ensure that they are in compliance with California's laws, such as clarifying what services they are allowed to perform in California.

One of the issues that the Board's Enforcement Unit is faced with pertaining to the advertising of these services involves online broker/referral websites. Since most consumers are interested in services related to their personal homes and property, the Board more often encounters issues that involve the procurement of land surveying services and, to a lesser degree, engineering services. Online sites such as www.constructiondeal.com or www.angieslist.com provide a one-stop location where consumers can research individuals (or companies) in their regional area who perform the services that they need. Many times, these sites include ratings from past customers on how well the services were performed. These online sites allow anyone to list themselves as offering, providing, and performing these services without any verification of licensure. The proliferation of these online sites leads consumers into unknowingly thinking that if the individual or company is listed on this site and has a good rating, then they must be appropriately licensed. The Board's Enforcement Unit has encountered situations where this is not the case, and the consumer may be harmed by the services for which they contracted.

There are other instances involving online sites such as www.craigslist.org where anyone can advertise services without any sort of standardized manner that a consumer can use to compare one advertisement to another or to have the option of knowing past performances. It is recognized that sites such as this are not as sophisticated as the previously mentioned broker/referral sites, and the consumer is choosing to research these sites at their own risk.

Furthermore, business by unlicensed individuals is often conducted solely through internet advertisements, either using broker/referral websites or individual sites for companies. Communication is often through email and mobile telephone service, and payment is made through online payment options. This process can severely hinder ability by the consumer or the Board to pursue remedies if a breach of contract or fraud occurs.

While there are laws that allow the Board to issue citations to unlicensed individuals who are illegally advertising professional services and include an order to disconnect the telephone number listed in the advertisement, there is no authority to require violators to shut down websites from which they are illegally advertising professional services or to require the online broker/referral websites to remove the listings. The

Board would like to research the feasibility of requiring violators to shut down websites in order to be more effective in reducing unlicensed activity.

Section 8 – Workforce Development and Job Creation

It is not the role of the Board to create jobs or provide job training in the professions it regulates; the Board's duty is to ensure that individuals who are seeking licensure are qualified to practice with due regard to the health, safety, welfare, and property of the public. However, the Board does have impact on the workforce in the length of time it takes for individuals to obtain licensure. To ensure that qualified individuals obtain licensure as timely as possible, the Board has established targeted timeframes for processing applications and an effective outreach plan. The Board has identified the need for targeted timeframes for processing applications for examination and initial licensure to quickly allow for qualified individuals to enter the profession. By 2013, the Board had transitioned all of its state examinations to be administered through the computer based testing (CBT) method, using a nationally recognized organization that has testing centers throughout North America. This allows individuals to take the examinations in locations most convenient to them. It also allows the Board to issue the examination results in a shorter period of time (generally reducing the period from three months to one month after the examination is administered). Additionally, the Board has established targeted timeframes to ensure that individuals renewing a license do not experience lapses in practice rights. In addition, as part of its quadrennial newsletter, the Board provides current information regarding requirements for licensure, examination information, and public interest pieces that impact the licensee and the consumer.

The College Outreach Program provides information regarding career development, initial licensing, and examination requirements to college students and professors. The purpose of this program is to provide information and education to professionals, students, and consumers in the application of the Professional Engineers Act, the Professional Land Surveyors' Act, the Geologist and Geophysicist Act, and the engineering, land surveying, geology, and geophysics professions. Board members and staff make it a priority to attend all college ABET visits. ABET is the national accreditation organization for engineering and land surveying programs. Attendance at college outreach activities, such as "Engineering Day," at California campuses is also a high priority of the Board.

In addition, the Board maintains a database of all college engineering, land surveying, and geology programs in California. The database contains all contact information for the deans and department chairs of the disciplines which it oversees. In the spring and fall, the Board sends updates to all stakeholders to notify them of changes or updates to Board practices, as well as to give the schools a contact point should they have questions about Board practices.

Section 9 – Current Issues

DCA's Consumer Protection Enforcement Initiative

Following the failed passage of Senate Bill 1111 (Negrete McLeod) in 2010, DCA recommended that the boards consider adopting regulations to implement some of the provisions proposed in the legislation as a way to implement the Consumer Protection Enforcement Initiative (CPEI). The following is the list of the items DCA prepared as its "CPEI SB 1111 (4/12/10 version) Proposed Changes through Regulations," along with the recommendation from DCA as to what action could be taken to accomplish the item. As indicated in the Board's last Sunset Report and Response, the majority of these items applied to the healing arts boards since those boards were the focus of the CPEI and SB 1111. Following the DCA list of items is the action taken by the Board or the reason that no action was taken.

DCA LIST

Board delegation to Executive Officer regarding stipulated settlements to revoke or surrender license

Permit the Board to delegate to the Executive Officer the authority to adopt a "stipulated settlement" if an action to revoke a license has been filed and the licensee agrees to surrender the license, without requiring the Board to vote to adopt the settlement.

Recommend: Amend regulations.

Revocation for sexual misconduct

Require an Administrative Law Judge (ALJ) who has issued a decision finding that a licensee engaged in any act of sexual contact with a patient or who has committed or been convicted of sexual misconduct to order revocation which may not be stayed.

Recommend: Amend regulations/disciplinary guidelines.

Denial of application for registered sex offender

Require the Board to deny a license to an applicant or revoke the license of a licensee who is registered as a sex offender.

Recommend: Amend the regulations pertaining to applicant requirements and disciplinary guidelines.

Confidentiality agreements regarding settlements

Confidentiality agreements regarding settlements can cause delay and thwart a Board's effort to investigate possible cases of misconduct, thereby preventing the Board from performing its most basic function – protection of the public.

Recommend: Define in regulation that participating in confidentiality agreements regarding settlements is unprofessional conduct.

Failure to provide documents and Failure to comply with court order

Require a licensee to comply with a request for medical records or a court order issued in enforcement of a subpoena for medical records.

Recommend: Define in regulation that failure to provide documents and noncompliance with a court order is unprofessional conduct.

Psychological or medical evaluation of applicant

Authorize the Board to order an applicant for licensure to be examined by a physician or psychologist if it appears that the applicant may be unable to safely practice the licensed profession due to a physical or mental illness; authorize the Board to deny the application if the applicant refuses to comply with the order; and prohibit the Board from issuing a license until it receives evidence of the applicant's ability to safely practice.

Recommend: Amend regulations pertaining to applicant requirements that a psychological or medical evaluation may be required.

Sexual misconduct

Currently defined in B&P Code §726.

Recommend: Define in regulation that sexual misconduct is unprofessional conduct.

Failure to provide information or cooperate in an investigation

Make it unprofessional conduct for a licensee to fail to furnish information in a timely manner or cooperate in a disciplinary investigation.

Recommend: Define in regulation that failure to provide information or cooperate in an investigation is unprofessional conduct.

Failure to report an arrest, conviction, etc.

Require a licensee to report to the Board any felony indictment or charge or any felony or misdemeanor conviction.

Recommend: Define in regulation that failure to report an arrest, conviction, etc. is unprofessional conduct.

BOARD ACTION OR REASON FOR NO ACTION

Revocation for sexual misconduct

Denial of application for registered sex offender

Sexual misconduct

The Board does not believe there is a sufficient nexus to the Board's regulated professions, as there would be to the healing arts professions, to require the automatic denial or revocation of a license if the person had been convicted of a sexually-based offense, as was proposed by several of the items. The Board already has the statutory authority to deny or revoke a license based on a conviction of a crime that is substantially related to the regulated practice and regulations that define the substantial relationship and that address the rehabilitation evidence that the Board must consider prior to denying or revoking the license. The Board

believes these laws are sufficient to ensure public protection in the event that an applicant or licensee is convicted of a sexually-based offense, especially with the added statutory authority that the Board now has to obtain fingerprints and criminal histories of its applicants.

Psychological or medical evaluation of applicant

The Board also did not believe there was a sufficient nexus to its regulated professions, as there was for the healing arts professions, to support requiring applicants to submit to psychological or medical evaluations as a condition for licensure.

Confidentiality agreements regarding settlements

Legislation was passed to add a provision to the Business and Professions Code (Section 143.5) to prohibit licensees from including conditions in civil settlements that would prevent a consumer from filing a complaint or cooperating with the licensing boards during an investigation. As such, there is no need for the Board to adopt a regulation addressing that issue.

Failure to provide information or cooperate in an investigation

Failure to provide documents and Failure to comply with court order

As the Board noted in its last Sunset Review and Response, the Board did not have the statutory authority to adopt regulations to require a licensee to cooperate with the Board and its staff or other representatives (such as DOI or the AG's Office) during the course of an investigation. As such, the Board could not pursue regulations to address this and sought to obtain the Committees' assistance to enact a statutory requirement similar to that already in place for the Contractors State License Board (Business and Professions Code section 7111.1). Sections 6775.2, 7860.2, and 8780.2 were added to the B&P Code, effective January 1, 2016, to address this issue (Chapter 428, Statutes of 2015).

Failure to report an arrest, conviction, etc.

The Board's statutes already require its licensees to report convictions; therefore, there is no need for the Board to enact regulations for such a requirement.

Board delegation to Executive Officer regarding stipulated settlements to revoke or surrender license

The Board is the final decision maker in matters relating to formal disciplinary actions taken against licensees. The Board did not believe it was appropriate to abrogate its responsibility to make these decisions, especially in cases that involve taking away a licensee's right to practice. Furthermore, allowing the person who has the ultimate authority to negotiate a settlement to be the one to adopt the settlement as a final decision gives the appearance of a conflict of interest, bias, and lack of oversight by the Board. Additionally, the Board's statutes indicate that a person must wait three years to petition the Board for reinstatement of a revoked license, unless the Board specifies a shorter period of time in its order of adoption of the final

decision; when considering whether to adopt a default decision that orders the revocation of a license, the Board always considers whether it should reduce that time period, and sometimes chooses to do so. This is a decision that must be made by the Board. Finally, the Board does not believe that allowing the Executive Officer to adopt default decisions and stipulations for surrender or revocation would have much impact on the aging of the Board's cases, which was the stated reason for DCA's recommendation of such delegation. The Board meets often enough to take action without delay and can also vote on formal disciplinary actions via mail ballot. As such, the Board voted to decline to amend its regulations to delegate the authority to adopt default decisions and stipulations for surrender or revocation to its Executive Officer.

IT Issues and BreEZe

The Board is not utilizing BreEZe because it is one of 19 boards and bureaus in the former Release 3 implementation of BreEZe.

The following is an excerpt from Joint Sunset Review background paper for the Department of Consumer Affairs - Oversight Hearing, March 5, 2018, Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions.

Release 1 went live in October 2013, serving ten programs. Release 2 went live in January 2016, serving eight programs, and Release 3 was removed from the project entirely in 2015, impacting 19 programs. According to DCA, programs that were previously scheduled for Release 3 of BreEZe will be utilizing the Department of Technology's Project Approval Lifecycle process to determine what IT solution best meets their individual business needs. DCA notes that the objective of this four-step process is to match an entity's organizational readiness and business needs with the most appropriate IT solution.

DCA provided the Board with a Fund Analysis worksheet that identifies all actual and projected costs associated with the BreEZe program. Even though the Board does not utilize BreEZe, actual expenses for the Board total \$1,380,033 since FY 2009/10 through FY 2016/17. Projected expenses for FY 2017/18 are \$340,000 with no expenses identified in FY 2018/19. DCA has identified that a credit for FY 2017/18 should reduce the amount currently projected.

The Board currently depends upon DCA's legacy systems, the Applicant Tracking System (ATS) and the Consumer Affairs System (CAS) for the day-to-day operations of processing applications, licensure, and enforcement efforts. Due to the extended reliance upon these legacy systems, operations at the Board do require additional workarounds for data tracking and storing information, mainly through the use of other software, such as Microsoft Access or Excel.

Since FY 2015/2016, the Board self-embarked on a Business Modernization Study with consulting vendors to map, analyze, and document As-Is and To-Be processes, develop stakeholder requirements that have been converted to functional system requirements, and create use cases that correspond to the To-Be processes, as well as conducting extensive market research on the solutions available and in use both by other State of California agencies and similar licensing boards nationwide. In addition, we have been working in concert with the DCA Office of Information Services (OIS) through the California Department of Technology's (CDT) Project Approval Lifecycle (PAL) process towards acquiring a new application licensing management system. In February 2018, the Board received Stage 1 – Business Analysis approval and is completing the necessary documents to submit Stage 2 – Alternatives Analysis with CDT prior to the end of the 2018 calendar year. The Board is committed to seeking a comprehensive licensing and case management solution that will facilitate applicant processing, licensing and renewals management, enforcement case management and monitoring, cashiering, and other data management capabilities. DCA Office of Information Services (OIS) is fully supporting the Board's effort to transition off of the legacy systems and move through the PAL approval process with CDT.

Section 10 – Board Action and Response to Prior Sunset Issues

The Board was last reviewed in 2014-2015 by the Assembly Committee on Business and Professions and the Senate Committee on Business, Professions and Economic Development. During the previous review, the Committees addressed 19 issues. The issues, and the Board's actions, are described below.

Issue #1: Posting of Licensees' Addresses on the Website. Is the licensee's city and county of record sufficient to post on the on-line License Lookup database?

The Board is no longer considering pursuing legislation to amend B&P Code § 27 regarding what information is disclosed about its licensees' addresses. The Board's licensees have always had the option to provide a home address, a business address, or an alternate address, including a P. O. Box. The Board has updated its application forms to make it clear to applicants that, once licensed, their address of record will be available to the public and to indicate that they do not have to provide their home address. The Board also published an article in its Spring 2015 newsletter advising applicants and licensees about the address of record.

Issue #2: Consumer Protection Enforcement Issues. What efforts has the Board made to implement the DCA recommendations to apply the policy changes outlined in the initiative?

The Board's actions regarding DCA's Consumer Protection Enforcement Initiative (CPEI) are fully described under Section 9 – Current Issues, DCA's Consumer Protection Enforcement Initiative.

Issue #3: Merger of the G&G Account into the PELS Fund. Considering that operational aspects after the merger of the two Boards in 2009 have been consolidated, should the two funds be combined?

Legislation enacted during the 4th Extraordinary Session of 2009 (ABX4 20) eliminated the Board for Geologists and Geophysicists (BGG) and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to this Board. The transfer of authority became effective October 23, 2009. At the time, the former BGG's Geology and Geophysics Fund (0205) was not merged into the Professional Engineer's and Land Surveyor's (0770) Fund. Legislation enacted in 2016 (Bonilla, Chapter 428, AB 177) merged the Geology and Geophysics Account (0205) into the Professional Engineer's and Land Surveyor's Fund (0770). Legislation defined that the merger be effective July 1, 2016, to align with the beginning of the new Fiscal Year. All collected revenues and reported expenditures moved to the Board Fund (0770) and the remaining fund balance is scheduled to be transferred in FY 2018/19.

Issue #4: Out-of-State Travel and Other Travel Restriction Issues. Should travel to professional conferences that directly affect licensure of California licensees and enforcement of licensing laws be deemed "mission critical" and receive automatic budgetary approval for this type of travel?

During the years leading up to the Board's 2014 Sunset review, the Board indicated a severe impact associated with its ability to appropriately protect the health, safety, welfare, and property of the public due to restrictions on travel. The Board had been unable to obtain approval to travel to the majority of out-of-state meetings with the national organizations that develop, administer, and score the examinations California uses to ensure that applicants for licensure are qualified to practice in California. In addition, the Board had been unable to attend conferences held within California where its members and staff could meet with various licensee and consumer groups to discuss the laws and regulations and services the Board offers.

The national examinations used by the Board for licensure of engineers and land surveyors are developed, administered, and scored by the National Council of Examiners for Engineering and Surveying (NCEES). The examinations used by the Board for licensure of geologists are developed and scored by the National Association of State Boards of Geology (ASBOG) and administered by the Board. The Board's participation is critical to ensure California's interests are expressed and that we are given consideration in decisions that could potentially affect future licensing applicants and current California-based licensees, ultimately trickling down to an impact on the public. Since these are national organizations, the majority of the meetings are generally held outside of California.

NCEES regularly schedules two primary member meetings on an annual basis, an Interim Zone meeting for each zone and the Annual Meeting. Each member board of NCEES is allowed one vote during the Interim Zone meeting and the Annual Meeting for actions associated with changes to the established policies or

procedures related to exam development, exam administration, fees charged, model licensing criteria, and overall NCEES organizational goals. Many times, the attendees of these two primary meetings separate into concurrent sessions devoted to engineering, surveying, and board administration/enforcement discussions, which supports the Board's reasoning for making sure a sufficient number of Board representatives are present at the meeting and able to be a voice for California interests. Fifteen of the Board's twenty-two licenses and certifications require passage of the national engineering and land surveying examinations that are developed, scored, and administered by NCEES. Often, the actions will result in changes to the criteria that are considered acceptable for licensure and to the content of the exams. It is important to note that even though the Board or the State does not incur any travel or attendance related costs for representatives of the Board to participate in these meetings, the benefits associated with that attendance far outweighs the annual membership fee that the Board pays to NCEES for the right to utilize the national engineering and surveying exams for California's licensing purposes.

The Board is also an active voting member of the ASBOG. ASBOG is a national non-profit organization comprised of 30 member licensing boards from across the nation. ASBOG is dedicated to advancing professional licensure for geologists. As discussed, it develops, administers, and scores the national examinations predominately used to license geologists in the United States. ASBOG regularly schedules Council of Examiner Workshops twice a year and an Annual Meeting usually held in the fall concurrent with the fall workshop. These meetings are generally held to evaluate examination content and determine exam policy and fees.

As such, in-person attendance by California Board representatives at these meetings is critical towards ensuring that these actions are not discriminatory for California applicants and licensees and that the content of the exams are appropriate for licensure in California with due regard to protecting the public health, safety, welfare, and property.

Overall, California represents one-fourth of all applicants for engineering, land surveying, and geology licenses nationwide (rather than one-fiftieth). Nevertheless, previous denials severely curtailed the Board's involvement in the discussion and decision-making on issues that impact the licensees and consumers in our state.

Fortunately, this trend has significantly changed. Since the Board's 2014 Sunset review, representatives from the Board were granted reasonable approval to attend the majority of the requested national meetings based on the Board's continued efforts in communicating the mission-critical nature of those discussions as well as the willingness to listen to the Board's concerns by the oversight departments and agencies.

This need for the Board's continued involvement has never been more evident due to the many nation-wide discussions in recent years pertaining to the deregulation of occupational licensing in many jurisdictions. It is imperative for the Board to remain vigilant and fully aware of any changes to licensing requirements in other jurisdictions, particularly those that are located within close proximity of California due to the large volume of applicants and licensees that are located out of state. Any significant changes pertaining to the deregulation of professional occupations that the Board regulates could have a substantial impact on the ease of licensing mobility across states and a potential increase in the volume of unlicensed complaints due to individuals/businesses becoming unaware that California's regulations require licensure.

More recently, and due directly to the Board obtaining travel approval, the Board has conducted an internal Business Modernization Study which resulted in several substantial changes to how it conducts operational business. More specifically, these changes have led the Board to implement a more flexible model for future licensing candidates to sit for national examination components required by California law, which in turn facilitated a change in application guidelines to eliminate any unnecessary deadlines towards streamlining the initial application and licensing process for many of the Board's applicants. Due to the concerted collaboration at national meetings with similar boards in other jurisdictions, these changes are also being implemented, or at least being considered for implementation, in a significant number of other jurisdictions with the overall goal to reduce any actual or perceived restriction to multi-jurisdictional licensing models.

The Board will continue to seek out-of-state travel approval to attend national examination meetings in order to affect policy and influence positive change on behalf of our applicants and licensees. Voting is the key component to attendance and this requires Board members and staff to be physically present. Actions associated with changes to the established policies or procedures related to exam development, exam administration, fees charged, model licensing criteria, and overall organizational goals are put to vote. As such, in-person attendance by California Board representatives at these meetings is critical towards ensuring that these actions are not discriminatory towards California applicants and licensees and that the content of the exams are appropriate for licensure in California with due regard to protecting the public health, safety, welfare, and property. Overall, California represents one-fourth of all applicants for engineering, land surveying, and geology licenses nationwide (rather than one-fiftieth). Our attendance in force to participate in the issues should be equal to our population size.

Issue #5: Pro Rata. What services does BPELSG receive for its share of pro rata?

Through its various divisions, DCA provides centralized administrative services to all boards and bureaus, including such services as personnel (human resources), budget monitoring, contract review and approval, legislative and regulatory review,

legal services, public affairs (editing/designing the newsletter), cashiering, training, travel reimbursement processing, and some information technology services.

The pro rata calculation is dependent upon the service provided. Some services are distributed based on staffing levels at the Board (“position allocation,” such as personnel services), and some are service-level based (“cost per service,” such as publication design and editing). DCA, in consultation with the Board, annually reviews and determines the pro rata to be charged to the Board. The Board continually monitors pro rata as part of its review of its overall budget.

Issue #6: The Need for Continued Licensure of Geophysicists in the State of California. Should the licensing of Geophysicists continue in this State and should the Board still have to provide a State-specific Professional Geophysicist (PGp) Examination to potential applicants for licensure?

The 2014 Sunset Review discussed a previous issue from the 2010 Sunset review related to the need to continue the regulation of the Professional Geophysicist (PGp) license. Some concerns in the past included the difficulty in the recruitment of in-state subject matter experts to assist with developing and constructing a legally-defensible licensing examination; the cost of developing such an examination, and the level of protection of the public that licensure actually provides.

The Board discussed this issue during its meeting on April 15, 2015, where many individuals from the geophysicist and geologist community presented testimony pertaining to the benefits their clients receive due to the fact that they hold a license issued by a state agency in support of their belief that the geophysicist license should be continued. After much discussion and consideration of the testimony, the Board voted to recommend to the Committees that no changes be made at that time on the issue of the Professional Geophysicist license even though the Board recognized that the costs directly related to application processing and examinations is not sustainable due to continued low interest in obtaining a geophysicist license. The Board agreed to closely review and consider suggestions from the affected parties related to reforms, including but not be limited to:

- Reduction for the frequency of exam administration (i.e., every other year).
- Eliminating the authorization for Professional Geologists to practice geophysics.
- Realign all examination development processes to reflect private practitioner workload.
- Implement mandatory participation requiring licensees to assist with exam development.

Since that time, the Board has continued to monitor the applicant and licensee populations, as well as the interest in the profession to assist in exam development for future licensure examinations. The chart below lists the application and examination totals for the last four years.

Professional Geophysicist Applicant Population				
Examination Cycle	Number of New Examinees	Number Re-Attempting Examination	Number of Examinees Passed	Pass Rate
2014	4	2	1	17%
2015	3	5	4	50%
2016	8	1	5	56%
2017	4	2	5	83%

Below is a list of the total population of the Professional Geophysicists (PGp) as of the end of FY 2017/18.

Licensee Population					
		FY14/15	FY15/16	FY16/17	FY17/18
PROFESSIONAL GEOPHYSICIST LICENSE	Total Active	140	144	149	154
	Out-of-State	56	58	61	64
	Out-of-Country	4	4	4	4
	Delinquent	35	35	35	35

Note: 'Out of State' and 'Out of Country' are two mutually exclusive categories. A licensee should not be counted in both. 'Active' status includes all active licenses regardless of where the licensee is located.

A significant issue relating to the licensure of geophysicists is the inability to retain a sufficient number of subject matter experts for developing licensing examination content and validation. Despite the Board's open and active efforts to recruit licensees for examination development, and the initial willingness of the professional licensing community's commitment to assist in this regard, the Board has continued to encounter significant difficulty in obtaining the services of the minimum number of subject matter experts required to properly support examination efforts.

The Board's psychometric vendor normally requires a minimum number of licensed subject matter experts to participate in the necessary exam development workshops for the production of a legally-defensible exam appropriately designed to measure the competence of licensing candidates. The PGp examination development normally requires three meetings per year to properly develop an examination and determine a recommended passing score. Under preferable conditions, this would require 15 to 18 licensed subject matter experts on an annual basis to support adequate exam development efforts. Over the last four years, the Board has been able to secure a total attendance of only 6 to 8 individual subject matter experts on an annual basis, and typically 3 to 4 of those same experts attend multiple meetings. As a result, the Board's psychometric vendor has raised concerns over how the statistical validity of the examination could be questionable simply due both to the low number of subject matter experts involved and the low number of exams in

which to derive statistics from. While every effort is made by the Board to ensure that the examination process meets the same level of public protection assured through the examination processes for the Board's other examinations, it is unknown, statistically speaking, whether the examination is serving its purpose simply due to the low number of examinees and the relatively low involvement from the professional community.

Another obstacle to recruitment is that the Board can only contract with licensees who reside within the state. As noted in the Licensee Population chart above, a significant portion of the licensee base resides outside of California. While the trend appears to show a slight increase in licensees, it is primarily in those licensees who reside out-of-state. The Board believes this increase is more reflective of out-of-state individuals seeking to comply with a law that is unique to California rather than an indication that the geophysicist profession is becoming more popular or necessary within the state. It is important to note that California may soon be the only state that licenses individuals as geophysicists and regulates the practice of geophysics as a separate practice. Texas, previously the only other state to license geophysicists, is in the legislative process considering abolishment of its Board of Professional Geoscientists, which regulates the practice of geophysics. [The decision date for abolishment is currently scheduled for November 14/15, 2018]

In addition to the technical component of the examination development, there are several significant examination expenses directly related to the PGp examination:

- The cost to develop, administer, and score the PGp examination averages \$17,000 to \$21,000 a year, including the recruitment of expert consultants and the facilitation of development workshops.
- The additional costs of approximately \$40,000 to perform an Occupational Analysis and Test Plan. (It is the Board's policy to require a new Occupational Analysis and Test Plan every five to seven years in accordance with normal licensing examination development industry standards for all its examinations.)

Based on the Applicant Population chart shown above and an average of five new geophysicist applicants annually, the Board incurs a net line item loss of \$5,242 to \$6,439 annually (based on the required application or exam fees of \$350 each, which accounts for \$1,750 total revenue each year). Factoring in the requirement for producing a new Occupational Analysis and Test Plan every five years, the Board incurs a net line item loss of \$10,242 to \$13,106 on an average annual basis simply to produce the PGp examination.

Since California is the only known jurisdiction that issues geophysicist licenses separate from geologist licenses, the Board does not have other sources of examination content to consider in lieu of defraying costs for developing its own examination. According to a 2018 informal study conducted by the National

Association of State Boards of Geology (ASBOG) to its member boards that regulate the practice of geology, 88% of the responding boards (total of 18 member boards responded) indicated that 'geophysics' is encompassed within the definition of geology in their respective jurisdictions and would require a licensed geologist to offer and perform.

Additionally, the majority of the complaints the Board receives relating to the practice of geophysics are from licensed geophysicists against unlicensed individuals who appear to be offering geophysical services through websites or other advertisements and have acquired and use highly technical equipment such as ground-penetrating radar (GPR) instruments. While use of these instruments does provide an indication that the practice of geophysics could potentially be occurring, the Board only licenses individuals, not tools, and it is the use and interpretation of the resulting data that may likely confirm whether a license is required.

The cases sometimes lack sufficient evidence that the unlicensed individuals have actually performed work for consumers in California or that they performed work in a manner that poses a threat to the health, safety, welfare, and property of the public. Many of the firms advertising these services are located or otherwise originated in locations outside of California. Many of these unlicensed individuals are unaware that the services they are offering nationwide are regulated in California and a license is required.

Issue #7: Delinquent Reinstatements and Inactive Status. Should the Board adopt an "inactive" license status and standardize the requirements to reinstate delinquent licenses across all professions?

In 2016, the Board sponsored legislation (SB 1165 (Cannella), Chapter 236, Statutes of 2016) to extend the period in which professional engineers and land surveyors may renew delinquent licensees from three years to five years and removed the provisions that allowed for the reinstatement of a license that had been expired (delinquent) for more than three years. At its September 2018 meeting, the Board directed staff to begin reviewing the laws relating to the retired license status and researching an "inactive" license status. Staff will be presenting the results of this review and research to the Board in the next year.

Issue #8: Review of Experience Requirements to Qualify for Licensure. Are the current experience and education requirements sufficient to ensure adequate competency standards to protect public health, safety, welfare, and property?

Since the 2014 Sunset review, the Board made efforts to address these concerns in several different ways:

SB 1165, Cannella (Chapter 236, Statutes of 2016) - Board sponsored legislation that amended all three Acts under the Board's responsibility to clarify that individuals apply for licensure or certification and not just to sit for an examination.

16 CCR 425 (effective October 1, 2017) – Rulemaking effort to clarify the experience required to obtain a license as a professional land surveyor.

Fall 2017 – The Board implemented changes to the application submittal process by providing more flexibility in allowing potential licensure candidates to schedule and sit for required examinations towards streamlining the application submittal and processing procedures.

Currently, the Board is midway through the process of revising 16 CCR 3031 pertaining to the education requirements for geologist and geophysicist applicants in an effort to more clearly define what would be considered as qualifying education.

Issue #9: Examination on California Laws and Regulations. Should the Board institute a required take-home examination relating to California laws and regulations as part of the licensee's renewal application?

During its 2014 Sunset review, the Board expressed concerns with the volume of common violations committed by licensees discovered during complaint investigations that are not necessarily standard of practice issues. The laws and regulations of the Board are readily available to its licensees on the Board's website. While it is expected that licensees will familiarize themselves of the laws governing their practice, it is apparent that many licensees do not review them on a regular basis or even when significant changes are made.

To ensure adequate public protection and curtail unnecessary complaint investigations, the Board expressed the belief that licensees should be required to periodically demonstrate their knowledge of the state laws and the Board's rules regulating their areas of practice.

Based on the Board's experience, licensees continually fail to adequately and independently stay abreast of critical legal and regulatory updates. The Board proposed that licensees be required to demonstrate their knowledge of the laws and regulations at the time of each renewal in an effort to curb unnecessary practice violations and to assure the public that its licensees are well versed in current applicable law.

While the Board did provide the Sunset Committee with proposed language to this effect, the Committee provided direction by way of a recommendation for the Board to pursue other legislative effort in this regard, separate from the Committee's bill. Subsequently, the Board sponsored SB 1085 during the 2016 legislative cycle which was fully vetted by the legislature and became chaptered, effective January 1, 2017.

Since that time, the Board has consulted with vendors and pertinent programs at the Department of Consumer Affairs (DCA) to arrive at an online delivery solution that would be both cost effective while proving to not be a cumbersome application to the

board's licensees, while also providing the Board with a reasonably effective method for determining compliance rates that can be accountable and measurable.

During these consultations, it became apparent that the delivery model necessary for the Board to achieve its legislative purpose was beyond the (then) capabilities of software applications currently in use by DCA or would be cost-prohibitive for the Board to implement. Concurrently during this time, the Board self-embarked on a Business Modernization Study involving all of the Board's processes and operational needs with the overall goal in mind towards improving internal workflows for the Board's entire customer base and the development of stakeholder/system requirements which would primarily be used for the future determination of a new applicant and licensee management system within the Board. As part of this process, system requirements associated with an effective implementation of the proposed renewal assessment were developed.

As further result of this effort, the Board, in close collaboration with the Office of Integration Services (OIS) under DCA, has initiated the Project Approval Lifecycle (PAL) process with the California Department of Technology (CDT); obtained approval of Stage 1 plan for PAL from CDT; and as of the time of this report, recently completed and submitted the Stage 2 plan to CDT for further consideration.

While the Board has encountered rather onerous, and based on the Board's observations in some instances, unreasonable cost expectations associated with the aforementioned PAL process implemented by CDT, the Board does anticipate that its responsibilities for implementing the renewal assessment requirements will be included within the planned acquisition/implementation of the new applicant and licensing management system sometime during the 2019-20 time period.

Issue #10: Complaint Timelines Over Two Years to Reach Resolution. Is the Enforcement Program as it currently operates able to reduce its timeline for average complaint resolution to meet DCA's goal into the twelve to eighteen month range?

The Board has aggressively focused its efforts to reduce the average age of resolution of complaint investigation cases. Over the last four years, the average days to complete the desk investigation phase has been reduced to approximately eight months. However, the Board recognizes that it is not yet meeting the goal set by DCA to complete formal disciplinary action cases within 540 days. The external factors affecting this issue are addressed more thoroughly in Section 5 – Enforcement Program.

Issue #11: Licensee Response Requirement. Should the Board have the authority to require a licensee to respond to the Board's requests for information relating to a complaint?

Through the Board's 2015 Sunset legislation (AB 177 (Bonilla), Chapter 428, Statutes of 2015), sections were added to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act to require

licensees to cooperate with the Board during investigations of the licensees themselves. The successful effectiveness of these laws is fully addressed in Section 5 – Enforcement Program. Additionally, when these laws were enacted, a sunset date of January 1, 2020, was included to allow time to monitor how effective the requirement would be. Based on the low number of licensees who fail to respond to and cooperation with the Enforcement Unit during the investigations, the Board believes these laws are working as intended and the sunset date included in each section needs to be eliminated so that these laws will be permanent.

Issue #12: Unlicensed Activity – Online Advertising and Cellular Telephones. Should the Board have the ability to request the shut-down of websites and cellular phones for persons engaged in the unlicensed practice of the professions?

The use of mobile telephones and web sites for the purposes of advertising professional services has greatly increased since the Board's last Sunset Review. The Board would like to continue to pursue studying methods to inhibit illegal solicitation of services and the management of businesses by unlicensed individuals. This matter is more fully discussed in Section 5 – Enforcement Program and Section 7 – Online Practice Issues.

Issue #13: Citation and Fine Recovery Options. Should the Board have other options for recovering fines from unlicensed persons?

The Board currently has few feasible options for recovering fines from unlicensed individuals. The Board does participate in the FTB recovery program, which allows collection of state tax refunds and lottery and gambling winnings. The only other options available to the Board, pursuing collection through the civil courts or collection agencies, are cost-prohibitive. The Board's ongoing concerns with the recovery of fines from unlicensed individuals are more fully discussed in Section 5 – Enforcement Program, Cite and Fine.

Issue #14: Regulation of the Business Entity Requirements. How can the Board monitor compliance, oversight, and enforcement of the requirement that business entities be properly structured under BPC § 6738 and BPC § 8729?

The Board's ongoing review of the issues regarding the regulation of business entities is fully discussed in Section 5 – Enforcement Program.

More specifically, the Board would like to research options for licensing companies, such as Certificates of Authorization which are issued in many other states, in order to provide the Board the opportunity to exercise more authority over companies not operating in compliance with the Board's law. The Board has been exploring, through its Business Modernization Project, means to integrate certain data elements that will better enable the tracking of licensee association with California companies operating in California. The Board would also like to enact the same requirements for geology and geophysics companies as may be enacted for engineering and land surveying companies.

Issue #15: BreEZe Rollout. What is the status of BreEZe implementation by the Board?

As addressed in Section 9 – Current Issues, IT Issues and BreEZe, the Board is one of the 19 boards and bureaus that were formerly scheduled to be in Release 3 for BreEZe implementation when that release was removed from the project. The Board is currently still on DCA's legacy systems, the Applicant Tracking System (ATS) and the Consumer Affairs System (CAS), for the day-to-day operations of processing applications, licensure, and enforcement efforts, with additional tracking through workarounds using spreadsheets and databases created in-house. The Board is currently participating in the Department of Technology's (CDT) Project Approval Lifecycle (PAL) (project #1111-016). The status of this project is fully address in Section 9 – Current Issues, IT Issues and BreEZe.

Issue #16: Webcasting. Should the Board be required to webcast its meetings?

The Board believes that providing opportunities for the public to actually participate in the discussions at Board meetings is of prime importance; however, webcasting does not allow for such actual participation by the public. A webcast is simply a static video recording; it is not a video conference that allows for interaction between the individuals physically present at the meeting location and those viewing it remotely. The Board's concerns with webcasting are fully discussed under Section 6 – Public Information Policies, Webcasting and Meeting Calendar.

Issue #17: Technical, Clean-Up Legislation. What BPC sections need non- substantive updates and what language is needed to standardize the Professional Engineers Act, the Land Surveyor's Act, and the Geologists & Geophysicists Act?

Since the last Sunset Review, legislation has been enacted to standardize and provide technical clean-up of various provisions in the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act. This legislation is summarized in Section 1 – Background and Description of the Board and Regulated Profession, All Legislation Sponsored by the Board and Affecting the Board Since the Last Sunset Review. Other clean-up legislation identified by the Board is address under Section 11 – New Issues.

Issue #18: Definition of Significant Structures and Requirement that Limits Their Design to Structural Engineers. Should "significant structures" language be added to BPC § 6735 that limits the design of these designated structures to licensed structural engineers?

As directed by the Committees during the last Sunset Review, the Board facilitated discussions between the professional associations regarding the proposal by the Structural Engineers Association of California (SEAOC) and provided a status report to the Committees in 2016. A copy of the letter sent to the Committees is included in Section 12 – Attachments, Attachment G. It is the Board's understanding that SEAOC is still considering pursuing this proposal; however, until legislation is introduced, the Board has no involvement in this matter.

Issue #19: Continued Regulation by the Board. Should the licensing and regulation of engineers, land surveyors, and geologists be continued and regulated by the current Board membership?

Legislation enacted in 2016 (AB 177 (Bonilla), Chapter 428, Statutes of 2016) continued the regulation of engineers, land surveyors, geologists, and geophysicists by the Board for another four years. The Board believes the information contained in this report supports the continued operation of the Board.

Section 11 – New Issues

The Board has identified three new issues to address with the Committees. These issues are described below, along with any action needed to address them.

FIRST NEW ISSUE – TECHNICAL, CLEAN-UP LEGISLATION

In accordance with Strategic Plan Goal 3 to ensure that statutes strengthen and support the Board's mandate and mission, Board staff continuously reviews the laws to determine if any technical, clean-up changes need to be made. The following are the sections that have been identified as needing amendment or addition. The Board has specific language ready to provide to the Legislature to accomplish these changes.

- Section 6704.1 – This section relates to the review of the engineering branch titles to determine whether certain title acts should be eliminated, retained, or converted to practice acts (the so-called "Title Act Study"). The law required the Title Act Study report to be submitted to the Legislature in 2002. The report was submitted as required. As such, this section is now obsolete and should be repealed.
- Section 8727 – This section provides an exemption to the licensure requirements in the Professional Land Surveyors' Act regarding who may legally perform surveys solely for geological or landscape purposes that do not involve property boundaries. At the time Section 8727 was originally added, there were no licensure laws governing the practices of geology or landscape architecture, as there are now. This section needs to be updated to clarify that the exemption applies only to those individuals legally authorized to practice geology or landscape architecture.
- Sections 6787, 7872, and 8792 – These three sections describe actions that constitute "unlicensed activity" if done by people not legally authorized under the three licensing acts. These sections contain outdated and confusing cross references to other sections. Language also needs to be added to make it clear that it is a violation to use a licensee's signature or license number, as well as their name or seal. Other changes are needed to standardize the three sections with each other.

- Section 7860.1 – Currently, the Board has the authority to take action against an Engineer-in-Training certificate under Section 6775.1 and a Land Surveyor-in-Training certificate under Section 8780.1, but it does not have the same authority with regards to a Geologist-in-Training certificate. As such, a section needs to be added to give the Board that authority.
- Sections 6775.2, 7860.2, and 8780.2 – These sections need to be amended to remove the subdivision containing a sunset date. It has been demonstrated in the years since these laws were enacted (in 2016) that they are effective and have not been abused by the Board. Based on the low number of licensees who fail to respond to and cooperation with the Enforcement Unit during the investigations, the Board believes these laws are working as intended and the sunset date included in each section needs to be eliminated so that these laws will be permanent.

SECOND NEW ISSUE – UNLICENSED ACTIVITY TRENDS

Over the last several years, the Board, by way of discussions with professional organizations and through its own workload, has increasingly observed the proliferation of activities that ordinarily requires performance or oversight by an appropriately licensed individual. This increase in activity coincides with the advancement of electronic technology and more common availability of sophisticated equipment or tools, particularly as the use of that equipment or tools relates to the practice of land surveying and geophysical studies.

While the Board has consistently stated that it is primarily the activities or actions being offered or conducted by the individuals that would be considered the practice and not directly the equipment or tool itself, these communications are not easily conveyed or understood by the general layperson or even licensees.

A prime example of this point centers around the use of Geographic Positioning System technology, more commonly referred to simply as “GPS”. By its very nature, GPS equipment calculates a three-dimensional position relative to, or on, the “mathematical model” of the earth’s surface. That is its sole intended purpose. Inherently, there is no practical manner in which GPS technology can be used without taking into account a (known) mathematical model of the earth’s surface.

Licensed land surveyors have used the sun and stars to perform calculations on positions relative to the earth’s surface for hundreds of years and more practically speaking since the early stages of the 20th century when, many decades prior to the introduction of GPS technology, agencies of the federal government published national modeling and geodetic positioning system standards. In California, the Professional Land Surveyors’ Act addresses the use of geodetic “coordinate” positions relative to these federal positioning standards as part of the definition of land surveying (Business

and Professions Code, section 8726(f)). The evolution of GPS technology and decreased cost of equipment have only simply made the acquisition and use of that equipment or tools more easily accessible to many others outside of the traditional land surveying industry.

Unfortunately, GPS equipment is not a perfect tool and just like any other highly sophisticated tools, can produce inconsistent or incorrect results if not used properly. This evolution has also made it very easy for many to use this technology to quickly achieve incorrect results, and if the individual(s) using this equipment or tool is not well versed and skilled in understanding how to mitigate errors by employing the proper techniques or methodologies, less knowledgeable reliance upon that data may result in errors being produced by its usage.

The Board is not stating that all usage of GPS equipment or tools is considered the practice of land surveying. Rather, the Board is stating that if that equipment or tool is being used to conduct activities that would ordinarily constitute the practice of land surveying, then it is very likely that the activity requires a license to practice in order to protect the public from improper and unknowledgeable application of technology.

The Board believes that the public has a need and a right to rely upon those individuals that have achieved an acceptable level of confirmed competence necessary to receive a license and to practice their craft within safe and reliable standards.

Another practical example, somewhat also related to the indirect use of GPS, but more directly related to the use of another highly sophisticated tool, Ground Penetrating Radar, is more commonly known as “GPR” technology. Simply put, GPR technology is an electromagnetic equivalent to sonar commonly used over bodies of water, but in the case of GPR, the electromagnetic waves are conducted through the earth to detect abnormalities within the subsurface portion of the earth’s crust. It is the Board’s understanding that licensed geophysicists consider GPR equipment as only one tool in their proverbial tool box which should primarily be used only in situations along with other technology or equipment to confirm data findings prior to reporting.

As with the use of GPS equipment, it is not the actual operation of GPR equipment or tool that is considered the practice of geophysics in California, but rather the intended purpose and interpretation of the data results that is being produced by the GPR device including any subsequent recommendations for how to rely upon that data which is considered an activity associated with the practice of geophysics in California. While primarily designed for the above stated purpose, many users of GPR technology also use the equipment to detect the presence of reinforcing steel within concrete buildings and bridges or for use by law enforcement personnel during criminal investigations for the purposes of recovering evidence of organic material within the subsurface of the earth.

More recently, the Board has seen an increase in the purported use of GPR instrumentation particularly by businesses that provide on-site field services throughout the nation and state involving the presence of locating existing underground utilities (i.e., water, sewer, gas pipelines; communication cables, etc.) prior to excavation efforts brought on due to engineering design, construction or utility maintenance efforts. It appears that many individuals/businesses that provide such services which involve the act of “finding” these existing underground utilities is increasing on a nationwide level due to the aging of infrastructure, and many just are not expecting to encounter the unique geophysical licensing requirements as regulated in California.

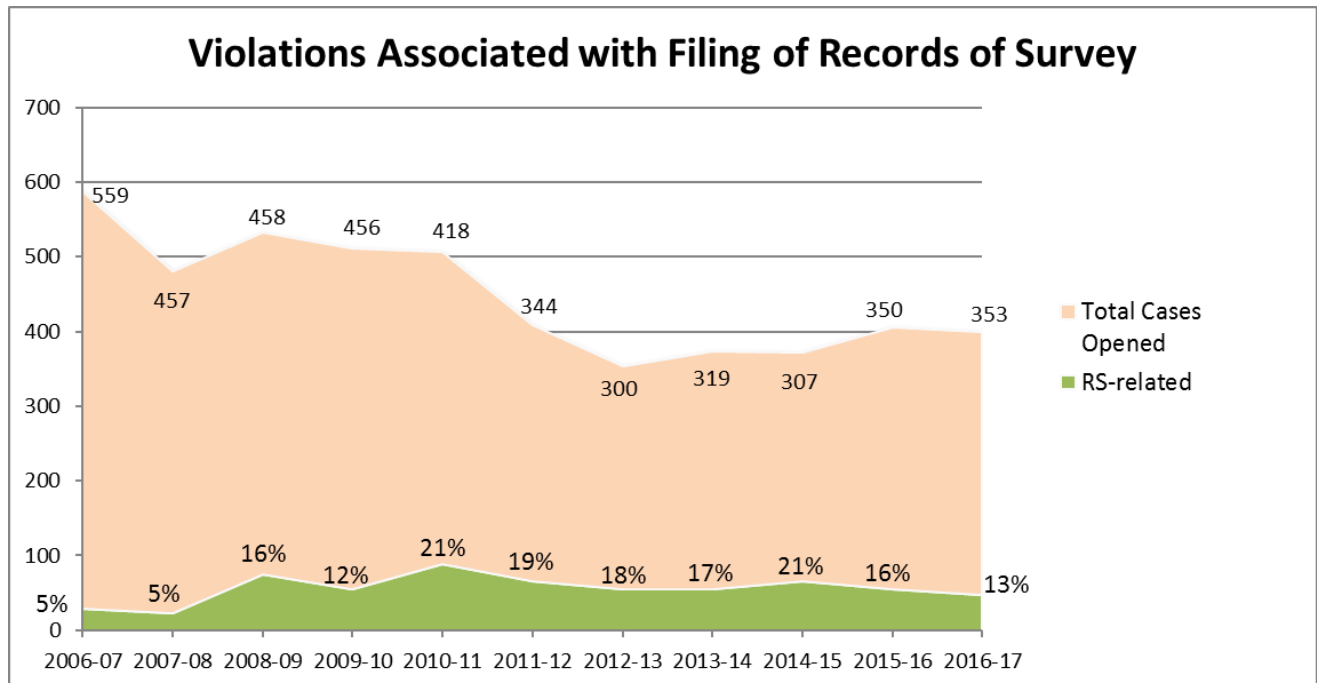
While the Board has participated in several outreach presentations at industry events related to the use of GPR and related services and has established a close working relationship with the recently formed California Facilities Safe Excavation Board (<https://digsafe.fire.ca.gov/>) in an effort to collaborate and extend its reach, the Board continues to receive complaints about this practice and encounters individuals/businesses throughout the state that are completely unaware of the geophysics licensing requirements or that they may be in violation of several state laws.

THIRD NEW ISSUE – REVIEW OF PROFESSIONAL LAND SURVEYORS’ ACT AND BOARD RULES RELATED TO THE PREPARATION AND SUBMITTAL OF RECORD OF SURVEY AND CORNER RECORD REQUIREMENTS

Background

B&P Code §§ 8762-8770.5 are primarily associated with Records of Survey and B&P Code §§ 8773-8773.4 and 16 CCR 464 with Corner Records.

Due to the unique nature of these requirements being considered as administrative while simultaneously related to the technical nature of the practice, the Board chose to monitor these violations separately for at least the last 25 years.



NOTE: Data currently not available for 2017-18

An average of 15% of the total investigation cases opened annually during the last decade correspond to allegations related to violations of the Board's laws associated with the requirements to file a Record of Survey or a Corner Record, with a peak of 21% occurring in 2010-11 and 2014-15. This trend has become increasingly more noticeable given that the number of these subject cases has remained relatively constant over the last decade while the overall number of cases opened has decreased. It is important to note that this data only represents what was actually reported to the Board and according to informal industry accounts, the number of violations are likely much higher.

As expected, Board staff is regularly exposed to incidents associated with substandard map submittals as well as inconsistencies with how County Surveyor Offices across the state interpret and implement the applicable requirements associated with their responsibilities on these matters. More recently over the last couple of years and primarily due to these reasons, Board staff has initiated outreach with the intent to assist various County Surveyor offices around the state by reviewing their procedures and policies related to the County Surveyor's responsibilities in receiving, reviewing, and processing submitted Records of Survey and Corner Records.

As a result, Board staff has informally sought the level of interest among those County Surveyors and the private (submitting) practitioners for the Board to provide an increased level of clarification of the requirements to help with resolving the inconsistencies.

Goals

1. Clarify the role and responsibilities of the “submitting” land surveyor relative to documenting the survey on the mandated map.
2. Clarify the role and responsibilities of the County Surveyor as it relates to the responsibilities to receive/review and file the submitted map.
3. Reduce the level of non-compliance which should result in a decrease in volume of related enforcement cases.

Objectives

1. Identify areas of concern associated with the current statutory/regulatory requirements.
2. Evaluate how best the Board can assist with clarifying the administrative requirements associated with the preparation and filing of Records of Survey and Corner Records.
3. Create or revise regulations for the purposes of establishing clarity and expectations for all the licensed professionals to follow in these processes.

Proposed Process

At its September 2018 meeting, the Board directed staff to proceed with the following tentative schedule as we work to ensure effective collaboration within the professional surveying community while also striving to standardize the responsibilities and processes more effectively throughout the state:

- A. Introduce these efforts collaboratively with the licensed surveying community.
- B. Facilitate “workshops” for the purposes of capturing and identifying areas of concern relative to the current statutory/regulatory requirements while also educating/advising on compliance.
- C. Staff compile information learned from these efforts.
- D. Interim report to Board with findings.
- E. Schedule a Land Surveying TAC meeting to obtain technical input relative to the recommendations
- F. Final report to Board with recommendations on how best to proceed which may include regulatory and/or legislative actions.

Section 12 – Attachments

- A. Board Member Manual
- B. Current Organizational Chart Showing Relationship of Committees to the Board and Membership of Each Committee

- C. Year-End Organization Charts for Fiscal Year 2014/15 through Fiscal Year 2017/18
- D. 2015 Strategic Plan and 2017 Updated Strategic Plan
- E. Quarterly and Annual Enforcement Performance Measures Reports for Fiscal Year 2014/15 through the first two quarters of Fiscal Year 2017/18, as published on the Department of Consumer Affairs website
- F. Enforcement Statistical Report for Fiscal Year 2017/18
- G. 2016 Letter to the Senate Committee on Business, Professions and Economic Development and the Assembly Committee on Business and Professions Regarding the Structural Engineers Association of California's "Significant Structures" Proposal