



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

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, September 26, 2019 beginning at 9:00
a.m. and continuing on Friday, September 27,
2019 beginning at 9:00 a.m., if necessary

CalTrans District 11
4050 Taylor Street, Gallegos Room #1-134
San Diego, CA 92110

TABLE OF CONTENTS

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

BOARD MEETING

SEPTEMBER 26-27, 2019

CalTrans District 11
4050 Taylor Street, Gallegos Room #134
San Diego, CA 92110

BOARD MEMBERS

Fel Amistad, President; Steve Wilson, Vice President; Natalie Alavi; Alireza Asgari; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Mohammad Qureshi; Frank Ruffino; and Robert Stockton

I. Roll Call to Establish a Quorum	5
II. Pledge of Allegiance	7
III. Public Comment for Items Not on the Agenda NOTE: The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda. Please see the last page of this Official Notice and Agenda for additional information regarding Public Comment.	9
IV. Request from Professional Engineers in California Government (PECG) that the Board Remove its Opposition to the Creation of Title Act Licenses (Possible Action)	11
V. Administration A. Fiscal Year 2017/18 Budget Status B. Fiscal Year 2018/19 Budget Report C. Fiscal Year 2019/20 Budget Report	19
VI. Legislation A. 2019 Legislative Calendar B. Discussion of Legislation for 2019 (Possible Action) AB 1522 Board for Professional Engineers, Land Surveyors, and Geologists SB 53 Open meetings	25 27 29 41
VII. Enforcement A. Enforcement Statistical Reports 1. Fiscal Year 2018/19 Update	45
VIII. Exams/Licensing	59
IX. Caltrans Director Presentation – update on Caltrans projects	61
X. Executive Officer's Report A. Rulemaking Status Report B. Update on Board's Business Modernization/PAL Process C. Personnel D. ABET E. Association of State Boards of Geology (ASBOG)	63 65 67

1. Fall 2019 Meeting	
F. National Council of Examiners for Engineering and Surveying (NCEES)	
1. Report on the 2019 Annual Meeting	
G. Update on Outreach Efforts	68
H. Request from Staff for Direction from the Board Regarding Unlicensed Activity Enforcement Discussion Item	
XI. Technical Advisory Committees (TACs)	73
A. Assignment of Items to TACs (Possible Action)	
B. Appointment of TAC Members (Possible Action)	
C. Reports from the TACs (Possible Action)	
XII. President's Report/Board Member Activities	75
XIII. Approval of Meeting Minutes (Possible Action)	77
A. Approval of the Minutes of the August 8, 2019, Board Meeting	
XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting	93
A. November 21-22, 2019, Board Meeting will be held in Oakland, CA at the Elihu M. Harris Building, 1515 Clay Street, Oakland, CA.	
XV. Closed Session – The Board will meet in Closed Session to discuss, as needed:	95
A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]	
1. Executive Officer Performance Evaluation	
B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]	
C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]	
D. Pending Litigation [Pursuant to Government Code section 11126(e)]	
XVI. Open Session to Announce the Results of Closed Session	97
XVII. Adjourn	99

I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

NOTE: The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda. Please see the last page of this Official Notice and Agenda for additional information regarding Public Comment.

IV. Request from Professional Engineers in California Government (PECG) that the Board Remove its Opposition to the Creation of Title Act Licenses

Request from Professional Engineers in California Government (PECG) that the Board Remove Its Opposition to the Creation of Title Act Licenses

The Professional Engineers in California Government (PECG) has submitted the following letter to the Board requesting that the Board remove its opposition to the creation of Title Act licenses, especially for the creation of a Title Act license for “Environmental Engineer.” PECG is the State bargaining unit (“union”) that represents individuals employed by the State of California in various engineering classifications (as well as other related professions).

As PECG notes in the letter, PECG sponsored legislation (Assembly Bill (AB) 320 (Wilk)) in 2015 to create a new discipline of professional engineer license for environmental engineers. This new license would have restricted the use of the title “Environmental Engineer” to only those individuals licensed by the Board in that discipline [although later amendments to the bill would have allowed civil, electrical, and mechanical engineers to also use that title without having to obtain a second license]. The Board opposed this legislation based on its opposition to the creation a new Title Act licenses in any discipline.

Although there is no similar legislation currently pending, PECG is asking the Board to rescind its opposition to the creation of a new Title Act license for environmental engineers.

PECG states in its letter that there is even more need for an environmental engineer Title Act license because “thousands of California engineers currently provide essential environmental engineering services to all levels of government, private industry and the public” and notes that they do so without “licensure or regulation.” It is important to note that the creation of a Title Act license would not regulate who could provide environmental engineering services; it would only regulate who could use the title “Environmental Engineer.”

The mission of the Board is to protect the health, safety, welfare, and property of the public by promoting standards for competence and integrity through licensing and regulation of the Board's professions. Licenses and certificates 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, but the actual practice is not. Title Authorities represent additional authorities obtained by an individual that is subsequent to and in concurrence with a Practice Act license.

For over 25 years, the Board has held the position that restricting only the use of the title without also regulating the associated practice does not provide sufficient public protection. Based on that position, the Board has been opposed to the creation of new Title Act licenses in any discipline. The Board reconfirmed this position in 2015 when it voted to oppose AB 320.

PECG claims that 48 other states offer a licensing path for environmental engineers. In actuality, 48 other states administer the National Council of Examiners for Engineering and Surveying (NCEES) examination on the principles and practices of environmental engineering. However, 44 of those states issue a “professional engineer” license that is not discipline-specific, and it is solely the licensee’s responsibility to practice in the area of his or her expertise and competency, regardless of the discipline in which he or she has experience or was examined. In California, licenses are issued by discipline, based on the person’s experience and examination.

Furthermore, PECG indicates that the Board would be able to adopt through the regulatory process a definition of “environmental engineering.” Additionally, PECG suggests that the Board could “adopt the national standardized examination materials applicable to environmental engineering,” presumably meaning that the Board would use the NCEES environmental engineering examination. PECG also claims that creating a new Title Act license would not require the expenditure of any State General or Special Fund monies because the fees paid by the applicants would cover the cost of licensure.

However, before the Board could determine if the NCEES environmental engineering examination would be appropriate, the Board would need to conduct an occupational analysis to develop the definition of environmental engineering. Since environmental engineering itself would not be a regulated practice, the Board would have to ensure that the definition did not overlap with regulated practices, such as civil engineering and geology. In 2015, the Board was concerned that the resulting definition would be so narrow in scope that it would preclude people from having the required experience needed to qualify for licensure. Furthermore, at the time, the Board estimated that it would cost \$60,000 and \$150,000 to perform the occupational analysis to develop the definition. Once the definition was adopted, the Board would then be able to decide if the NCEES environmental engineering examination would be appropriate for licensure in California, or if it would need to develop its own examination. If it were to be determined that the NCEES examination was not appropriate and the Board had to develop its own examination, the costs incurred by the Board could range from \$100,000 to \$200,000. All of these costs would have to be paid for by the Board through its fund prior to the creation of the new Title Act license and before any applicant fees could be charged or collected.

Restricting the use of a title without regulating the associated practice does not provide sufficient protection for the public. Although the Board would be able to investigate and take disciplinary action against the holder of a Title Act license, the Board would not be able to prevent the person from continuing to practice. For example, if the Board were to issue an administrative disciplinary decision that found that a person licensed in a Title Act discipline practiced incompetently, the Board could order the revocation of the license. The person would then be prohibited from using the title associated with the revoked license; however, they would be able to continue practicing (incompetently), and there would be no further action the Board could take to protect the public. If the Board revokes a Practice Act license, the person is prohibited from continuing to practice, and if they do so, the Board has remedies against unlicensed practice, such as issuing citations or

requesting that criminal charges be filed. These are not options available with the Title Act licenses unless the person continues to use the title after the license is revoked.

STAFF RECOMMENDATION:

Staff recommends that the Board, by motion, reconfirm its opposition to the creation of new license categories in which only the use of the title is restricted and the associated practice is not regulated.



PROFESSIONAL ENGINEERS



IN CALIFORNIA GOVERNMENT

June 20, 2019

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

RE: Board Support for an Environmental Engineer Title Act

Dear President Qureshi:

On behalf of the Professional Engineers in California Government (PECG), I write to encourage the Board for Professional Engineers, Land Surveyors, and Geologists (Board) to support the establishment of an environmental engineer title act. In 2015, you may recall, PECG sponsored AB 320 (Wood) to create a new environmental engineer title act.

Regrettably, the Board officially opposed that legislation. The need for an environmental engineer title act grows more apparent every day and we urge you to officially rescind your opposition to this license.

Over the past few decades, the study and practice of environmental engineering has expanded greatly throughout the nation. Despite leading the way in environmental remediation programs, including our significant actions to address global climate change, the State of California is an anomaly in that it does not currently offer a pathway for the licensure of environmental engineers. Many colleges in California have accredited environmental engineering programs and thousands of California engineers currently provide essential environmental engineering services to all levels of government, private industry and the public. They do so, unfortunately, without official licensure or regulation.

As programs of environmental mitigation and protection continue to expand in scope and complexity for our air, water, and soil -- testing and certification of environmental engineers is needed to establish benchmarks for competency to help protect and safeguard the public.

The Board was created and exists to safeguard the life, health, property and public welfare by regulating the practice of professional engineering. The Board provides this public service by testing and licensing individuals, establishing regulations, enforcing laws and regulations, and providing information so that consumers can make informed decisions.

In the early 1970's, the Board created title acts in the branches of agriculture, control system, corrosion, fire protection, manufacturing, nuclear, quality, safety and traffic. At that time,

HEADQUARTERS: 455 Capitol Mall, Suite 501, Sacramento, CA 95814 • (916) 446-0400
LOS ANGELES: 215 N. Marengo Avenue, Suite 185, Pasadena, CA 91101 • (818) 500-9941
SAN FRANCISCO: 100 Pine Street, Suite 750, San Francisco, CA 94111 • (415) 861-5720

the Board did not approve a petition to add an environmental engineer title act. In 1986, the authority to establish new title registration branches returned to the Legislature.

In California, Professional Engineers are licensed in the three (3) practice act categories of civil, electrical and mechanical engineering, and licensed in the ten (10) title act categories of agricultural, chemical, control system, fire protection, industrial, manufacturing, metallurgical, nuclear, petroleum, and traffic engineering. Forty-eight other states currently test and provide a licensing path for environmental engineers. Hawaii and California currently do not.

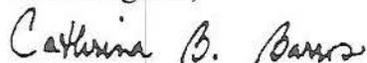
Environmental engineering is the branch of engineering which understands and applies engineering principles in the areas of solid waste management, water supply and treatment, wastewater treatment, air pollution management, hazardous waste management and related environmental and public health impact, assessment, and mitigation including the physical, chemical and biological processes by which pollutants form, release, disperse, react or neutralize in air, water or soil.

PECG urges the Board to remove its opposition to the creation of an environmental engineer title act. Under any legislation to create this license, the Board would be responsible for defining “environmental engineering” through rulemaking (adding to the definitions found in Title 16 CCR §404). This is the same process used to define the other title acts.

We would suggest that the Board adopt the national standardized examination materials applicable to environmental engineering, similar to what is done in testing for other branches of engineering. Creating a new environmental engineering title will not require the expenditure of any general or special funds. Just as is the case with other practice and title act licensees, applicant fees will cover the cost of license and registration.

Thank you for your consideration of this request. Adoption of an environmental engineer title act will enhance public safety for all consumers receiving environmental engineer services. If you would like to discuss this matter, or have questions, please call Ted Toppin at 916/446-0400.

Warm Regards,



Cathrina Barros
PECG President

cc: Governor Gavin Newsom
Alexis Podesta, Secretary – Business, Consumer Affairs and Housing Agency
Christopher Shultz, Chief Deputy Director, Department of Consumer Affairs
Keeley Bosler, Director, Department of Finance
Assembly Member Jim Wood
Ric Moore, Executive Director, Board for Professional Engineers, Land Surveyors and Geologists

V. Administration

- A. Fiscal Year 2017/18 Budget Status
- B. Fiscal Year 2018/19 Budget Report
- C. Fiscal Year 2019/20 Budget Report

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

Prepared 9/16/19

	FY 2017-18 Month 12 (7/17-6/18)	FY 2018-19 Month 12 (7/18-6/19)	% Change	FY 2018-19 FM 1 Projections	FY 2018-19 Updated Projections	% Change
Revenue						
Applications/Licensing Fees	1,643,132	1,842,185	12%	1,643,000	1,842,185	12%
1 Renewal fees	6,850,563	6,260,454	-9%	6,310,000	6,260,454	-1%
2 Delinquent fees	88,452	74,991	-15%	90,000	74,991	-17%
Other & Reimbursements	237,134	251,830	6%	138,000	251,830	82%
3 Interest	97,400	145,202	49%	97,000	161,202	66%
Total Revenue:	8,916,681	8,574,662	-4%	8,278,000	8,590,662	4%
Expense						
Personnel Services:						
4 Salary & Wages (Staff)	2,711,361	2,811,947	4%	2,707,527	2,811,947	4%
Temp Help	121,576	108,766	-11%	53,212	120,766	127%
Statutory Exempt (EO)	128,878	129,072	0%	134,037	129,072	-4%
Board Member Per Diem	8,000	10,100	26%	17,200	10,100	-41%
Overtime/Flex Elect/Lump Sum	64,081	0	-100%	27,866	0	-100%
Staff Benefits	1,429,493	1,642,058	15%	1,552,500	1,648,058	6%
Total Personnel Services	4,463,389	4,701,943	5%	4,492,342	4,719,943	5%
Operating Expense and Equipment:						
General Expense	60,757	62,280	3%	72,905	67,480	-7%
5 Printing	33,164	7,609	-77%	120,505	7,609	-94%
Communication	22,595	24,524	9%	28,270	26,524	-6%
Postage	42,948	59,180	38%	42,948	59,180	38%
Insurance	19,373	16,441	-15%	19,373	16,441	-15%
Travel In State	65,300	47,131	-28%	37,281	60,131	61%
Travel, Out-of-State	1,425	751	-47%	0	751	0%
Training	145	155	7%	930	155	-83%
Facilities Operations	377,418	412,390	9%	414,665	412,390	-1%
6 C & P Services - Interdept.	504,643	445,090	-12%	704,486	457,090	-35%
7 C & P Services - External	1,096,308	1,203,632	10%	1,677,814	1,832,960	9%
8 DCA Pro Rata	1,953,000	2,009,000	3%	2,009,000	2,009,000	0%
DOI - Investigations	326,000	336,000	3%	336,000	336,000	0%
Interagency Services	16,467	15,719	-5%	27,000	15,719	-42%
Consolidated Data Center	52	30,625	58794%	22,000	30,625	39%
9 Information Technology	97,581	23,075	-76%	7,961	23,075	190%
Equipment	246	6,476	2528%	0	6,476	0%
Other Items of Expense	41	10,225	24669%	0	10,225	0%
Vehicle Operations	0	0	0%	0	0	0%
Total OE&E	4,617,463	4,710,302	2%	5,521,138	5,371,830	-3%
Total Expense:	9,080,852	9,412,245	4%	10,013,481	10,091,773	1%
Total Revenue:	8,916,681	8,574,662		8,278,000	8,590,662	
Total Expense:	9,080,852	9,412,245		10,013,481	10,091,773	
Difference:	(164,171)	(837,583)		(1,735,481)	(1,501,111)	

Financial Statement Notes

- 1 **Renewal fees** - Internal tracking indicates \$6.1 million in renewal fee revenue. Renewal fees are not collected equally throughout the year. On average, the Board collects 75% of its renewal fees revenue in the first half of the fiscal year.
- 2 **Delinquent fees** - Approximately 90% of delinquent fee revenue is collected in the second half of the fiscal year.
- 3 **Interest** - Includes income from surplus money investments earned on money in the Board's fund. The state treasury manages this money and the Board earns income based on the current interest rate. Line item projection was provided by the DCA Budgets office.
- 4 **Salary & Wages (Staff)** - The projected expenditure increase for salaries and wages is due to new hires. The Board has filled the following positions: SSA, PT II, 2.0 AGPA's and Senior Registrar - Civil.
- 5 **Printing** - Projections have decreased because of external tracking documents data. There are no large printing projects planned for this fiscal year. Printing was higher in previous fiscal years because of large one-time costs for plastic cards and college outreach publications.
- 6 **C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 7 **C&P Services External** - Includes all external contracts (examination development, exam site rental, expert consultant agreements, and credit card processing).
- 8 **DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 9 **Information Technology** - California Department of Technology (CDT) oversight for review and approval of the Project Approval Lifecycle (PAL) project.

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

Prepared 7.16.2019

Analysis of Fund Condition

(Dollars in Thousands)

2019-2020 Budget Act	Budget Act				
	PY 2017-18	PY 2018-19	CY 2019-20	BY 2020-21	BY + 1 2021-22
BEGINNING BALANCE	\$ 10,042	\$ 7,955	\$ 6,400	\$ 2,919	\$ -959
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 10,042	\$ 7,955	\$ 6,400	\$ 2,919	\$ -959
REVENUES AND TRANSFERS					
Revenues:					
4121200 Delinquent fees					
4127400 Renewal fees	\$ 88	\$ 75	\$ 88	\$ 76	\$ 89
4129200 Other regulatory fees	\$ 6,851	\$ 6,260	\$ 6,891	\$ 6,891	\$ 6,891
4129400 Other regulatory licenses and permits	\$ 124	\$ 252	\$ 109	\$ 109	\$ 109
4163000 Income from surplus money investments	\$ 1,643	\$ 1,842	\$ 1,646	\$ 1,646	\$ 1,646
4171400 Escheat of unclaimed checks and warrants	\$ 97	\$ 145	\$ 163	\$ -	\$ -
4172500 Miscellaneous revenues	\$ 13	\$ 13	\$ 13	\$ 13	\$ 13
Totals, Revenues	\$ 10	\$ 1	\$ 1	\$ 1	\$ 1
	\$ 8,826	\$ 8,588	\$ 8,911	\$ 8,736	\$ 8,749
Transfers from Other Funds					
Revenue Transfer from Geology/General Fund	\$ -		\$ 1,134		
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ 800	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 8,826	\$ 9,388	\$ 10,045	\$ 8,736	\$ 8,749
Totals, Resources	\$ 18,868	\$ 17,343	\$ 16,445	\$ 11,654	\$ 7,790
EXPENDITURES					
Disbursements:					
1111 Department of Consumer Affairs (State Operations)	\$ 10,214	\$ 10,092	\$ 11,249	\$ 11,586	\$ 11,934
SFL - Licensing & Case Management System			\$ 1,250		
8880 Financial Information System for CA (State Operations)	\$ 15	\$ 1	\$ -1	\$ -1	\$ -1
9892 Supplemental Pension Payments (State Operations)	\$ -	\$ 98	\$ 209	\$ 209	\$ 209
9900 Statewide Admin. (State Operations)	\$ 684	\$ 753	\$ 819	\$ 819	\$ 819
Total Disbursements	\$ 10,913	\$ 10,944	\$ 13,526	\$ 12,613	\$ 12,961
FUND BALANCE					
Reserve for economic uncertainties	\$ 7,955	\$ 6,400	\$ 2,919	\$ -959	\$ -5,171
Months in Reserve	8.7	5.7	2.8	-0.9	-4.7

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.
- B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1
- C. ASSUMES INTEREST RATE AT 0.3%.
- D. REVENUE AND EXPENDATURES PROJECTED THROUGH FM 12.

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

Prepared 9/16/19

	FY 2019-20 CY Budget (before CY adj)	FY 2019-20 FM 1 Projections	% Change
Revenue			
Applications/Licensing Fees	1,646,000	1,646,000	0%
Renewal fees	6,891,000	6,891,000	0%
Delinquent fees	88,000	88,000	0%
Other & Reimbursements	140,000	140,000	0%
Interest	163,000	163,000	0%
Total Revenue:	8,928,000	8,928,000	0%
Expense			
Personnel Services:			
Salary & Wages (Staff)	3,020,000	2,924,425	-3%
Temp Help	232,000	123,785	-47%
Statutory Exempt (EO)	111,000	135,526	22%
Board Member Per Diem	22,000	10,000	-55%
Overtime/Flex Elect/Lump Sum	14,000	0	-100%
Staff Benefits	1,596,000	1,713,980	7%
Total Personnel Services	4,995,000	4,907,716	-2%
Operating Expense and Equipment:			
General Expense	32,000	67,000	109%
Printing	26,000	8,000	-69%
Communication	15,000	44,000	193%
Postage	36,000	50,000	39%
Insurance	0	16,000	100%
Travel In State	22,000	60,000	173%
Travel, Out-of-State	0	800	100%
Training	15,000	150	-99%
Facilities Operations	377,000	416,004	10%
C & P Services - Interdept.	1,045,000	457,090	-56%
C & P Services - External	4,147,000	1,243,885	-70%
DCA Pro Rata	1,579,000	1,579,000	0%
DOI - Investigations	0	0	0%
Interagency Services	27,000	27,000	0%
Consolidated Data Center	22,000	22,000	0%
Information Technology	175,000	1,143,000	553%
Equipment	0	0	0%
Other Items of Expense	0	0	0%
Vehicle Operations	3,000	0	-100%
Total OE&E	7,521,000	5,133,929	-32%
Total Expense:	12,516,000	10,041,645	-20%
Total Revenue:	8,928,000	8,928,000	
Total Expense:	12,516,000	10,041,645	
Difference:	(3,588,000)	(1,113,645)	

VI. Legislation

A. 2019 Legislative Calendar

B. Discussion of Legislation for 2019

AB 1522 Board for Professional Engineers, Land Surveyors, and Geologists

SB 53 Open meetings

DEADLINES

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

[Jan. 1](#) Statutes take effect (Art. IV, Sec. 8(c)).

[Jan. 7](#) Legislature **reconvenes** (J.R. 51(a)(1)).

[Jan. 10](#) Budget must be submitted by Governor (Art. IV, Sec. 12(a)).

[Jan. 21](#) Martin Luther King, Jr. Day.

[Jan. 25](#) Last day to submit **bill requests** to the Office of Legislative Counsel

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		

[Feb. 18](#) Presidents' Day.

[Feb. 22](#) Last day for **bills to be introduced** (J.R. 61(a)(1)), (J.R. 54(a)).

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						

[Mar. 29](#) Cesar Chavez Day observed.

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				

[Apr. 11](#) **Spring recess** begins upon adjournment of this day's session (J.R. 51(a)(2)).

[Apr. 22](#) Legislature **reconvenes** from Spring recess (J.R. 51(a)(2)).

[Apr. 26](#) Last day for **policy committees** to hear and report to **fiscal committees** **fiscal bills** introduced in their house (J.R. 61(a)(2)).

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	

[May 3](#) Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).

[May 10](#) Last day for **policy committees** to meet prior to June 3 (J.R. 61(a)(4)).

[May 17](#) Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)). Last day for **fiscal committees** to meet prior to June 3 (J.R. 61(a)(6)).

[May 27](#) Memorial Day.

[May 28-31](#) **Floor Session Only.**
No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61(a)(7)).

[May 31](#) Last day for bills to be **passed out of the house of origin** (J.R. 61(a)(8)).

*Holiday schedule subject to 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						

Jun. 3 Committee meetings may resume (J.R. 61(a)(9)).

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

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			

Jul. 4 Independence Day.

Jul. 10 Last day for policy committees to hear and report fiscal bills to fiscal committees (J.R. 61(a)(10)).

Jul. 12 Last day for policy committees to meet and report bills (J.R. 61(a)(11)).
Summer recess begins upon adjournment of this day's session, provided Budget Bill has been passed (J.R. 51(a)(3)).

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. 12 Legislature reconvenes from Summer recess (J.R. 51(a)(3)).

Aug. 30 Last day for fiscal committees to meet and report bills to Floor (J.R. 61(a)(12)).

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

Sep. 2 Labor Day.

Sep. 3-13 Floor Session Only. No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(a)(13)).

Sep. 6 Last day to amend bills on the floor (J.R. 61(a)(14)).

Sep. 13 Last day for each house to pass bills (J.R. 61(a)(15)).
Interim Study Recess begins upon adjournment of this day's session (J.R. 51(a)(4)).

*Holiday schedule subject to Senate Rules committee approval.

IMPORTANT DATES OCCURRING DURING INTERIM STUDY RECESS

2019

Oct. 13

Last day for Governor to sign or veto bills passed by the Legislature on or before Sep. 13 and in the Governor's possession after Sep. 13 (Art. IV, Sec.10(b)(1)).

2020

Jan. 1

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

Jan. 6

Legislature reconvenes (J.R. 51 (a)(4)).

AB 1522 (Committee on Business and Professions)
Board for Professional Engineers, Land Surveyors, and Geologists

Status: 9/16/2019 – Senate amendments concurred in by Assembly; to Engrossing and Enrolling

Location: 9/16/2019 – To Engrossing and Enrolling

Amended: 6/25/2019

Board Position: Support, as amended 6/25/2019

Board Staff Analysis: 9/16/19

Bill Summary: Current law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate engineers under the Professional Engineers Act, to license and regulate geologists and geophysicists under the Geologist and Geophysicist Act, and to license and regulate land surveyors under the Professional Land Surveyors' Act. Existing law requires the board to appoint an executive officer. Current law repeals the provisions establishing the board, requiring the board to appoint an executive officer, and vesting the board with the power to administer these provisions on January 1, 2020. This bill would extend these repeal dates to January 1, 2024. This bill would also make changes to the three Acts as requested by the Board during the Sunset Review process.

Staff Comment: The bill was amended on June 25, 2019, to include all of the amendments requested by the Board.

The Senate amendments to AB 1522 were unanimously approved by the Assembly on September 13. The bill will now be presented to the Governor for consideration.

Staff Recommendation: No Board action required at this time.

Laws: An act to amend Sections 6710, 6714, 6775.2, 6787, 6788, 7830, 7830.1, 7860.2, 7872, 8710, 8727, 8780.2, and 8792 of, to add Section 7860.1 to, and to repeal Section 6704.1 of, the Business and Professions Code, relating to professions and vocations.

AMENDED IN SENATE JUNE 25, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1522

**Introduced by ~~Committee on Business and Professions~~ Assembly
Member Low**

February 22, 2019

An act to amend ~~Section 6710 and 6714 of Sections 6710, 6714, 6775.2, 6787, 6788, 7830, 7830.1, 7860.2, 7872, 8710, 8727, 8780.2, and 8792 of, to add Section 7860.1 to, and to repeal Section 6704.1 of, the Business and Professions Code, relating to professions and vocations.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1522, as amended, ~~Committee on Business and Professions~~ *Low*. Board for Professional Engineers, Land Surveyors, and ~~Geologists~~. *Geologists: licensees*.

Existing

(1) *Existing* law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is within the Department of Consumer Affairs, to license and regulate ~~engineers, engineers under the Professional Engineers Act, to license and regulate land surveyors, surveyors under the Professional Land Surveyors' Act, and to license and regulate geologists and geophysicists and authorizes under the Geologist and Geophysicist Act. Existing law requires the board to appoint an executive officer. Existing law officer. Existing law repeals these~~ the provisions establishing the board, requiring the board to appoint an executive officer, and vesting the board with the power to administer these provisions on January 1, 2020.

~~This bill would extend the repeal date of the provision establishing the board and the board's authority to appoint an executive officer until these repeal dates to January 1, 2024.~~

(2) The Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act contain provisions that make it a cause for disciplinary action for a licensee to fail or refuse to respond to a request by the board to cooperate in an investigation of a complaint against the licensee. Existing law repeals those provisions on January 1, 2020.

This bill would instead make it a cause for disciplinary action for a licensee to fail or refuse to respond to a request by the board in an investigation of a complaint against the licensee and would extend the operation of those provisions indefinitely.

(3) The Professional Engineers Act makes it a misdemeanor for a person to impersonate or use the seal of a licensed professional engineer.

This bill would also make it a misdemeanor for a person to use the signature or license number of a licensed professional engineer or use a false license number.

(4) The Geologist and Geophysicist Act makes it unlawful for anyone other than a licensed specialty geologist or licensed geophysicist to use certain titles. The act also makes it a misdemeanor for a person to impersonate or use the seal of any other practitioner.

This bill would also make it unlawful to use a combination of the words and phrases or abbreviations that are restricted pursuant to the aforementioned provisions and would make it a misdemeanor for a person to use the license number of a licensee or use a false license number.

(5) The Geologist and Geophysicist Act provides for certification as a geologist-in-training by the board upon application and satisfaction of specified requirements.

This bill would authorize the board to investigate the actions of a geologist-in-training, make findings, and, by majority vote, revoke the certificate of a geologist-in-training for specified acts, including conviction of certain crimes.

(6) The Professional Land Surveyors' Act specifies that surveys made exclusively for geological or landscaping purposes that do not involve the determination of any property line do not constitute surveying for purposes of the act. The act also makes it a misdemeanor to impersonate

or use the seal of a professional land surveyor or to use an expired, suspended, or revoked license.

This bill would exclude from the act's provisions a survey specified above only if the survey is performed by a person authorized to practice geology or licensed to practice landscape architecture. The bill would make it a misdemeanor to use the signature or license number of a professional land surveyor or to use a surrendered license or a false license number.

(7) This bill would make other conforming and nonsubstantive changes to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act, including deleting an obsolete reporting requirement.

(8) Because the bill would expand the scope of crimes under those acts, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 6704.1 of the Business and Professions
2 Code is repealed.

3 ~~6704.1. (a) The Department of Consumer Affairs, in~~
4 ~~conjunction with the board, and the Joint Committee on Boards,~~
5 ~~Commissions, and Consumer Protection shall review the~~
6 ~~engineering branch titles specified in Section 6732 to determine~~
7 ~~whether certain title acts should be eliminated from this chapter,~~
8 ~~retained, or converted to practice acts similar to civil, electrical,~~
9 ~~and mechanical engineering, and whether supplemental engineering~~
10 ~~work should be permitted for all branches of engineering. The~~
11 ~~department shall contract with an independent consulting firm to~~
12 ~~perform this comprehensive analysis of title act registration.~~

13 ~~(b) The independent consultant shall perform, but not be limited~~
14 ~~to, the following: (1) meet with representatives of each of the~~
15 ~~engineering branches and other professional groups; (2) examine~~

1 the type of services and work provided by engineers in all branches
2 of engineering and interrelated professions within the marketplace,
3 to determine the interrelationship that exists between the various
4 branches of engineers and other interrelated professions; (3) review
5 and analyze educational requirements of engineers; (4) identify
6 the degree to which supplemental or “overlapping” work between
7 engineering branches and interrelated professions occurs; (5)
8 review alternative methods of regulation of engineers in other
9 states and what impact the regulations would have if adopted in
10 California; (6) identify the manner in which local and state agencies
11 utilize regulations and statutes to regulate engineering work; and
12 (7) recommend changes to existing laws regulating engineers after
13 considering how these changes may affect the health, safety, and
14 welfare of the public.

15 (e) The board shall reimburse the department for costs associated
16 with this comprehensive analysis. The department shall report its
17 findings and recommendations to the Legislature by September 1,
18 2002.

19 **SECTION 1.**

20 *SEC. 2.* Section 6710 of the Business and Professions Code is
21 amended to read:

22 6710. (a) There is in the Department of Consumer Affairs a
23 Board for Professional Engineers, Land Surveyors, and Geologists,
24 which consists of 15 members.

25 (b) Any reference in any law or regulation to the Board of
26 Registration for Professional Engineers and Land Surveyors, or
27 the Board for Professional Engineers and Land Surveyors, is
28 deemed to refer to the Board for Professional Engineers, Land
29 Surveyors, and Geologists.

30 (c) This section shall remain in effect only until January 1, 2024,
31 and as of that date is repealed. Notwithstanding any other law, the
32 repeal of this section renders the board subject to review by the
33 appropriate policy committees of the Legislature.

34 ~~SEC. 2.~~

35 *SEC. 3.* Section 6714 of the Business and Professions Code is
36 amended to read:

37 6714. The board shall appoint an executive officer at a salary
38 to be fixed and determined by the board with the approval of the
39 Director of Finance.

1 This section shall remain in effect only until January 1, 2024,
2 and as of that date is repealed.

3 *SEC. 4. Section 6775.2 of the Business and Professions Code*
4 *is amended to read:*

5 6775.2. ~~(a)~~ The failure of, or refusal by, a licensee or a
6 certificate holder to respond to a written request from a
7 representative of the board to cooperate in the investigation of a
8 complaint against that licensee or certificate holder constitutes a
9 cause for disciplinary action under Section 6775 or 6775.1.

10 ~~(b) This section shall remain in effect only until January 1, 2020,~~
11 ~~and as of that date is repealed.~~

12 *SEC. 5. Section 6787 of the Business and Professions Code is*
13 *amended to read:*

14 6787. ~~Every~~ A person who does any of the following is guilty
15 of a misdemeanor:

16 (a) ~~Who, unless he or she~~ Unless the person is exempt from
17 licensure under this chapter, ~~practices or offers practice or offer~~
18 to practice civil, electrical, or mechanical engineering in this state
19 according to the provisions of this chapter without legal
20 authorization.

21 (b) ~~Who presents~~ Present or attempts attempt to file as his or
22 her the person's own the certificate of licensure of a licensed
23 professional engineer unless he or she is they are the person named
24 on the certificate of licensure.

25 (c) ~~Who gives~~ Give false evidence of any kind to the board, or
26 to any member thereof, board member, in obtaining a certificate
27 of licensure.

28 (d) ~~Who impersonates~~ Impersonate or uses use the seal seal,
29 signature, or license number of a licensed professional engineer.
30 engineer or use a false license number.

31 (e) ~~Who uses~~ Use an expired, suspended, surrendered, or
32 revoked certificate issued by the board. license.

33 (f) ~~Who represents himself or herself~~ Represent themselves as,
34 or uses the title of, a licensed or registered civil, electrical, or
35 mechanical engineer, or any other title whereby that person could
36 be considered as practicing or offering to practice civil, electrical,
37 or mechanical engineering in any of its branches, unless he or she
38 is they are correspondingly qualified by licensure as a civil,
39 electrical, or mechanical engineer under this chapter.

1 (g) ~~Who, unless~~ *Unless* appropriately licensed, ~~manages, or~~
2 ~~conducts~~ *manage, or conduct* as manager, proprietor, or agent,
3 any place of business from which civil, electrical, or mechanical
4 engineering work is solicited, performed, or practiced, except as
5 authorized pursuant to subdivision ~~(d)~~ *(e)* of Section 6738 and
6 Section 8726.1.

7 (h) ~~Who uses~~ *Use* the title, or any combination of that title, of
8 “professional engineer,” “licensed engineer,” “registered engineer,”
9 or the branch titles specified in Section 6732, or the authority titles
10 specified in Sections 6736 and 6736.1, or “engineer-in-training,”
11 ~~or who makes use of any abbreviation of that title that might lead~~
12 ~~to the belief that he or she~~ *the person* is a licensed engineer, is
13 authorized to use the titles specified in Section 6736 or 6736.1, or
14 holds a certificate as an engineer-in-training, without being
15 licensed, authorized, or certified as required by this chapter.

16 (i) ~~Who uses~~ *Use* the title “consulting engineer” without being
17 licensed as required by this chapter or without being authorized
18 to use that title pursuant to legislation enacted at the 1963, 1965
19 or 1968 Regular Session.

20 (j) ~~Who violates~~ *Violate* any provision of this chapter.

21 *SEC. 6. Section 6788 of the Business and Professions Code is*
22 *amended to read:*

23 6788. Any person who violates any provision of subdivisions
24 (a) to ~~(i)~~, *(j)*, inclusive, of Section 6787 in connection with the
25 offer or performance of engineering services for the repair of
26 damage to a residential or nonresidential structure caused by a
27 disaster for which a state of emergency is proclaimed by the
28 Governor pursuant to Section 8625 of the Government Code, or
29 for which an emergency or major disaster is declared by the
30 President of the United States, shall be punished by a fine up to
31 ten thousand dollars (\$10,000), or by imprisonment pursuant to
32 subdivision (h) of Section 1170 of the Penal Code for 16 months,
33 or for two or three years, or by both the fine and imprisonment, or
34 by a fine up to one thousand dollars (\$1,000), or by imprisonment
35 in a county jail not exceeding one year, or by both the fine and
36 imprisonment.

37 *SEC. 7. Section 7830 of the Business and Professions Code is*
38 *amended to read:*

39 7830. It is unlawful for anyone other than a geologist ~~registered~~
40 *licensed* under this chapter to stamp or seal any plans,

1 specifications, plats, reports, or other documents with the seal or
2 stamp of a professional geologist or ~~registered licensed~~ certified
3 specialty geologist, or to use in any manner the title “professional
4 geologist” or the title of any ~~registered licensed~~ certified specialty
5 geologist ~~unless registered or registered and certified~~ geologist,
6 or any combination of the words and phrases or abbreviations
7 thereof, unless licensed, or licensed and certified, under this
8 chapter.

9 *SEC. 8. Section 7830.1 of the Business and Professions Code*
10 *is amended to read:*

11 7830.1. It is unlawful for ~~anyone~~ any person other than a
12 geophysicist ~~registered licensed~~ under this chapter to stamp or seal
13 any plans, specifications, plats, reports, or other documents with
14 the seal or stamp of a ~~registered licensed~~ geophysicist, professional
15 geophysicist, or ~~registered licensed~~ certified specialty geophysicist,
16 or to use in any manner the title “registered geophysicist,”
17 “professional geophysicist,” or the title of any registered certified
18 specialty geophysicist ~~unless registered, or registered~~ geophysicist,
19 or any combination of the words and phrases or abbreviations
20 thereof, unless the person is licensed, or licensed and certified,
21 under this chapter.

22 *SEC. 9. Section 7860.1 is added to the Business and Professions*
23 *Code, to read:*

24 7860.1. The board may, upon its own initiative or upon the
25 receipt of a complaint, investigate the actions of any
26 geologist-in-training and make findings. By a majority vote, the
27 board may revoke the certificate of any geologist-in-training who
28 does any of the following:

29 (a) Has been convicted of a crime as defined in subdivision (a)
30 of Section 480.

31 (b) Committed an act that would be grounds for denial of a
32 license pursuant to Section 480 or 496.

33 (c) Committed an act of fraud, deceit, or misrepresentation in
34 obtaining their geologist-in-training certificate or license as a
35 professional geologist, certified specialty geologist, professional
36 geophysicist, or certified specialty geophysicist.

37 (d) Aids or abets any person in the violation of any provision
38 of this chapter or any regulation adopted by the board pursuant
39 to this chapter.

1 (e) *Violates Section 119 with respect to a geologist-in-training*
2 *certificate.*

3 (f) *Commits any act described in Section 7872.*

4 (g) *Violates any provision of this chapter.*

5 *SEC. 10. Section 7860.2 of the Business and Professions Code*
6 *is amended to read:*

7 7860.2. ~~(a) The failure of, or refusal by, a licensee or a~~
8 ~~certificate holder to respond to a written request from a~~
9 ~~representative of the board to cooperate in the investigation of a~~
10 ~~complaint against that licensee or certificate holder constitutes a~~
11 ~~cause for disciplinary action under Section 7860: 7860 or 7860.1.~~

12 ~~(b) This section shall remain in effect only until January 1, 2020,~~
13 ~~and as of that date is repealed.~~

14 *SEC. 11. Section 7872 of the Business and Professions Code*
15 *is amended to read:*

16 7872. ~~Every~~ *A person who does any of the following is guilty*
17 ~~of a misdemeanor and for each offense of which he or she is~~
18 ~~convicted is punishable by a fine of not more than one thousand~~
19 ~~dollars (\$1,000) or by imprisonment not to exceed three months,~~
20 ~~or by both fine and imprisonment:~~

21 ~~(a) Who, unless he or she~~ *Unless the person is exempt from*
22 ~~registration licensure~~ *under this chapter, practices or offers to*
23 *practice geology or geophysics for others in this state according*
24 *to the provisions of this chapter without legal authorization.*

25 ~~(b) Who presents~~ *Presents or attempts to file as his or her their*
26 *own the certificate of registration of another: another person.*

27 ~~(c) Who gives~~ *Gives false evidence of any kind to the board, or*
28 *to any member thereof, board member, in obtaining a certificate*
29 *of registration.*

30 ~~(d) Who impersonates or uses the seal of any other practitioner.~~

31 ~~(e) Who uses an expired or revoked certificate of registration.~~

32 *(d) Impersonates or uses the seal, signature, or license number*
33 *of any professional geologist, certified specialty geologist,*
34 *professional geophysicist, or certified specialty geophysicist or*
35 *who uses a false license number.*

36 *(e) Uses an expired, suspended, surrendered, or revoked license.*

37 ~~(f) Who shall represent himself or herself~~ *Represents themselves*
38 *as, or use uses the title of, professional geologist, or any other title*
39 *whereby the person could be considered as practicing or offering*
40 *to practice geology for others, unless he or she the person is*

1 qualified by ~~registration~~ licensure as a professional geologist under
2 this chapter, or ~~who shall represent himself or herself~~ represents
3 themselves as, or ~~use~~ uses the title of, professional geophysicist,
4 or any other title whereby the person could be considered as
5 practicing or offering to practice geophysics for others, unless ~~he~~
6 ~~or she~~ the person is qualified by ~~registration~~ licensure as a
7 professional geophysicist under this chapter.

8 (g) ~~Who manages,~~ Unless the person is licensed, manages, or
9 conducts as manager, proprietor, or agent, any place of business
10 from which geological or geophysical work is solicited, ~~performed~~
11 performed, or practiced for others, unless the geological work is
12 supervised or performed by a professional geologist, or unless the
13 geophysical work is supervised or performed by a professional
14 geophysicist or geologist. *except as authorized pursuant to Section*
15 *7834.*

16 (h) *Uses the title, or any combination of that title, of*
17 *“professional geologist,” “registered geophysicist,” or*
18 *“professional geophysicist,” the title of any licensed certified*
19 *specialty geologist or any licensed certified specialty geophysicist,*
20 *or “geologist-in-training,” or who makes use of any abbreviation*
21 *of a title that might lead to the belief that the person is licensed*
22 *as a geologist, a geophysicist, a certified specialty geologist, or a*
23 *certified specialty geophysicist, or holds a certificate as a*
24 *geologist-in-training, without being licensed, licensed and certified,*
25 *or certified, as required by this chapter.*

26 ~~(h)~~

27 (i) ~~Who violates~~ Violates any provision of this chapter.

28 SEC. 12. Section 8710 of the Business and Professions Code
29 is amended to read:

30 8710. (a) The Board for Professional Engineers, Land
31 Surveyors, and Geologists is vested with power to administer the
32 provisions and requirements of this chapter, and may make and
33 enforce rules and regulations that are reasonably necessary to carry
34 out its provisions.

35 (b) The board may adopt rules and regulations of professional
36 conduct that are not inconsistent with state and federal law. The
37 rules and regulations may include definitions of incompetence and
38 negligence. Every person who holds a license or certificate issued
39 by the board pursuant to this chapter, or a license or certificate

1 issued to a civil engineer pursuant to Chapter 7 (commencing with
2 Section 6700), shall be governed by these rules and regulations.

3 (c) This section shall remain in effect only until January 1, ~~2020,~~
4 2024, and as of that date is repealed. Notwithstanding any other
5 law, the repeal of this section renders the board subject to review
6 by the appropriate policy committees of the Legislature.

7 *SEC. 13. Section 8727 of the Business and Professions Code*
8 *is amended to read:*

9 8727. Surveys made exclusively for geological ~~or landscaping~~
10 ~~purposes, which purposes performed by a person authorized to~~
11 ~~practice geology under Chapter 12.5 (commencing with Section~~
12 ~~7800) or exclusively for landscaping purposes performed by a~~
13 ~~person authorized to practice landscape architecture pursuant to~~
14 ~~Chapter 3.5 (commencing with Section 5615), that do not involve~~
15 the determination of any property line do not constitute surveying
16 within the meaning of this chapter.

17 *SEC. 14. Section 8780.2 of the Business and Professions Code*
18 *is amended to read:*

19 8780.2. ~~(a)~~ The failure of, or refusal by, a licensee or a
20 certificate holder to respond to a written request from a
21 representative of the board to ~~cooperate~~ in the investigation of a
22 complaint against that licensee or certificate holder constitutes a
23 cause for disciplinary action under Section 8780 or 8780.1.

24 ~~(b) This section shall remain in effect only until January 1, 2020,~~
25 ~~and as of that date is repealed.~~

26 *SEC. 15. Section 8792 of the Business and Professions Code*
27 *is amended to read:*

28 8792. ~~Every~~ A person who does any of the following is guilty
29 of a misdemeanor:

30 (a) ~~Who, unless he or she~~ Unless the person is exempt from
31 ~~licensing~~ licensure under this chapter, practices, or offers to
32 practice, land surveying in this state without legal authorization.

33 (b) ~~Who presents as his or her~~ Presents as their own the license
34 of a professional land surveyor unless ~~he or she is~~ they are the
35 person named on the license.

36 (c) ~~Who attempts~~ Attempts to file as ~~his or her~~ their own any
37 record of survey under the license of a professional land surveyor.

38 (d) ~~Who gives~~ Gives false evidence of any kind to the board,
39 or to any board member, in obtaining a license.

1 ~~(e) Who impersonates or uses the seal of a professional land~~
2 ~~surveyor.~~

3 *(e) Impersonates or uses the seal, signature, or license number*
4 *of a professional land surveyor or who uses a false license number.*

5 ~~(f) Who uses~~ *Uses* an expired, suspended, *surrendered*, or
6 *revoked* license.

7 ~~(g) Who represents himself or herself~~ *Represents themselves*
8 *as, or uses the title of, professional land surveyor, or any other title*
9 *whereby that person could be considered as practicing or offering*
10 *to practice land surveying, unless he or she the person is*
11 *correspondingly qualified by licensure as a land surveyor under*
12 *this chapter.*

13 ~~(h) Who uses~~ *Uses* the title, or any combination of that title, of
14 *“professional land surveyor,” “licensed land surveyor,” “land*
15 *surveyor,” or the titles specified in Sections 8751 and 8775, or*
16 *“land surveyor-in-training,” or who makes use of any abbreviation*
17 *of that title that might lead to the belief that he or she the person*
18 *is a licensed land surveyor or holds a certificate as a land*
19 *surveyor-in-training, without being licensed or certified as required*
20 *by this chapter.*

21 ~~(i) Who, unless~~ *Unless* appropriately licensed, manages, or
22 *conducts as manager, proprietor, or agent, any place of business*
23 *from which land surveying work is solicited, performed, or*
24 *practiced, except as authorized pursuant to Section 6731.2 and*
25 *subdivision ~~(d)~~ (e) of Section 8729.*

26 ~~(j) Who violates~~ *Violates* any provision of this chapter.

27 *SEC. 16. No reimbursement is required by this act pursuant*
28 *to Section 6 of Article XIII B of the California Constitution because*
29 *the only costs that may be incurred by a local agency or school*
30 *district will be incurred because this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section 17556 of*
33 *the Government Code, or changes the definition of a crime within*
34 *the meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*

O

SB 53 (Wilk R-Santa Clarita)

Open meetings

Status: 8/30/2019 – Held in Committee under submission; was scheduled for hearing on 8/30/19

Location: 8/30/2019 – Assembly Appropriations Committee

Amended: 3/5/2019

Board Position: Oppose as amended 3/5/2019

Board Staff Analysis: 9/6/19

Bill Summary: The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of “state body” includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her their official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Staff Comment: As originally introduced, this bill would amend Government Code section 11121 by adding the phrase “except as provided in subdivision (d)” to the end of the sentence in subdivision (c). The March 5, 2019, amendment simply replaces the gender-specific terms with gender-neutral language. This bill is identical to AB 85 (Wilk) from 2015 and nearly identical to AB 2058 (Wilk) from 2014, both of which were vetoed by then-Governor Brown. The Board opposed AB 85 due to concerns with the ambiguous wording; the same wording is used in SB 53.

The Department of Consumer Affairs (DCA) advised in August that it had received approval from the Governor’s Office to express its formal opposition to SB 53. Several other boards are also opposed to the bill.

The bill was originally set for hearing in the Assembly Appropriations Committee on August 14, 2019. It was placed on the suspense file to be considered on August 30, 2019. At the time, DCA estimated that the cost for its constituent boards and commissions to comply with the provisions of the bill could exceed \$850,000 annually. The bill was held under submission in the Committee and was not brought up for vote on August 30, the last day for fiscal bills to be considered this year. Therefore, the bill is considered dead for now and cannot be acted upon until January 2020 (absent a rule waiver).

Staff Recommendation: No Board action required at this time

Laws: An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

AMENDED IN SENATE MARCH 5, 2019

SENATE BILL

No. 53

Introduced by Senator Wilk

~~(Coauthor: Assembly Member Lackey)~~

(Coauthors: Senators Bates, Glazer, Jones, and Portantino)

(Coauthors: Assembly Members Choi, Gallagher, Lackey, Mathis, and Patterson)

December 10, 2018

An act to amend Section 11121 of the Government Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 53, as amended, Wilk. Open meetings.

The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public and that all persons be permitted to attend and participate in a meeting of a state body, subject to certain conditions and exceptions.

This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in ~~his or her~~ *their* official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 11121 of the Government Code is
2 amended to read:

3 11121. As used in this article, “state body” means each of the
4 following:

5 (a) Every state board, or commission, or similar multimember
6 body of the state that is created by statute or required by law to
7 conduct official meetings and every commission created by
8 executive order.

9 (b) A board, commission, committee, or similar multimember
10 body that exercises any authority of a state body delegated to it by
11 that state body.

12 (c) An advisory board, advisory commission, advisory
13 committee, advisory subcommittee, or similar multimember
14 advisory body of a state body, if created by formal action of the
15 state body or of any member of the state body, and if the advisory
16 body so created consists of three or more persons, except as
17 provided in subdivision (d).

18 (d) A board, commission, committee, or similar multimember
19 body on which a member of a body that is a state body pursuant
20 to this section serves in ~~his or her~~ *their* official capacity as a
21 representative of that state body and that is supported, in whole or
22 in part, by funds provided by the state body, whether the
23 multimember body is organized and operated by the state body or
24 by a private corporation.

25 (e) Notwithstanding subdivision (a) of Section 11121.1, the
26 State Bar of California, as described in Section 6001 of the
27 Business and Professions Code. This subdivision shall become
28 operative on April 1, 2016.

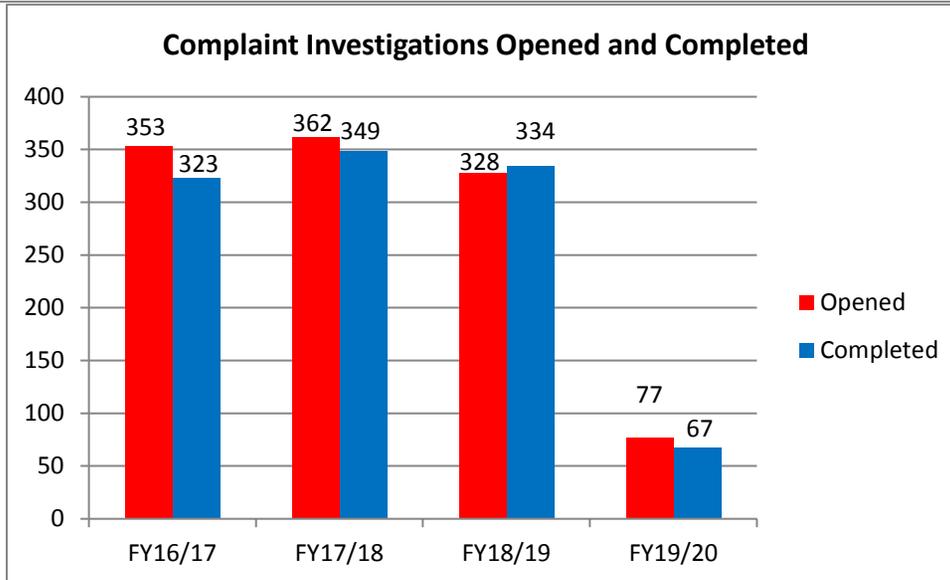
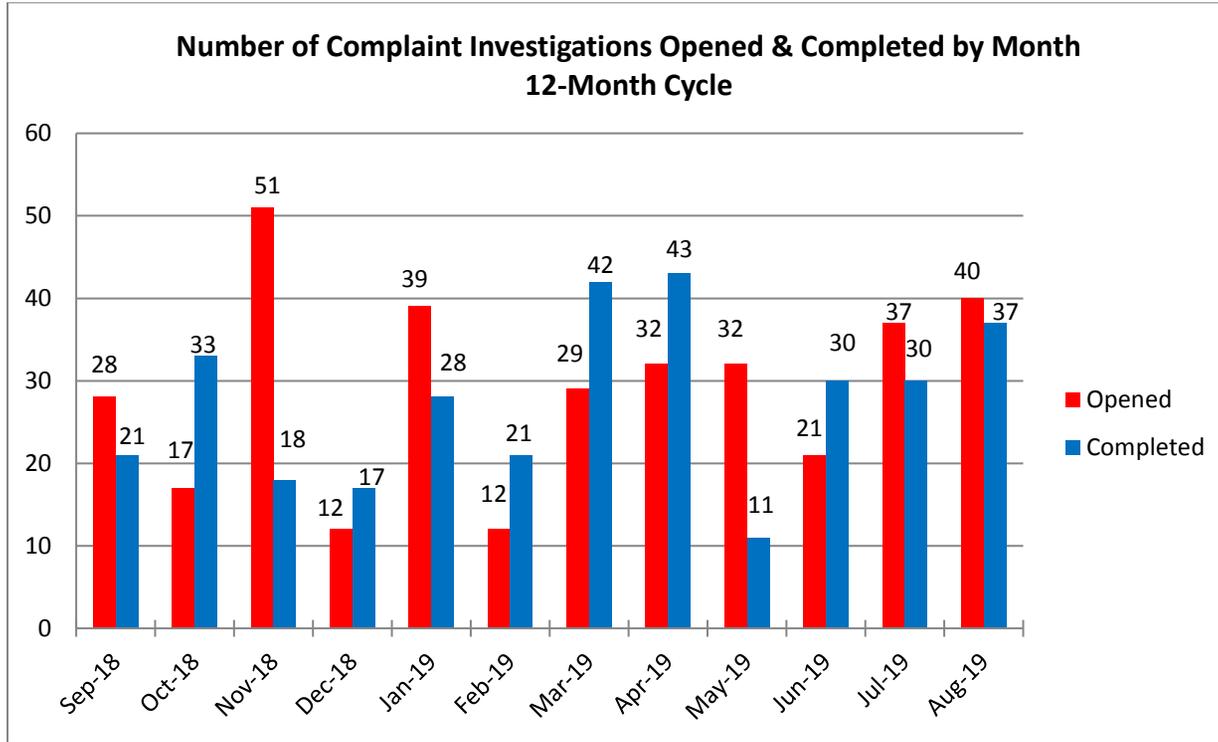
29 SEC. 2. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety within
31 the meaning of Article IV of the California Constitution and shall
32 go into immediate effect. The facts constituting the necessity are:

1 In order to avoid unnecessary litigation and ensure the people's
2 right to access the meetings of public bodies pursuant to Section
3 3 of Article 1 of the California Constitution, it is necessary that
4 this act take effect immediately.

VII. Enforcement

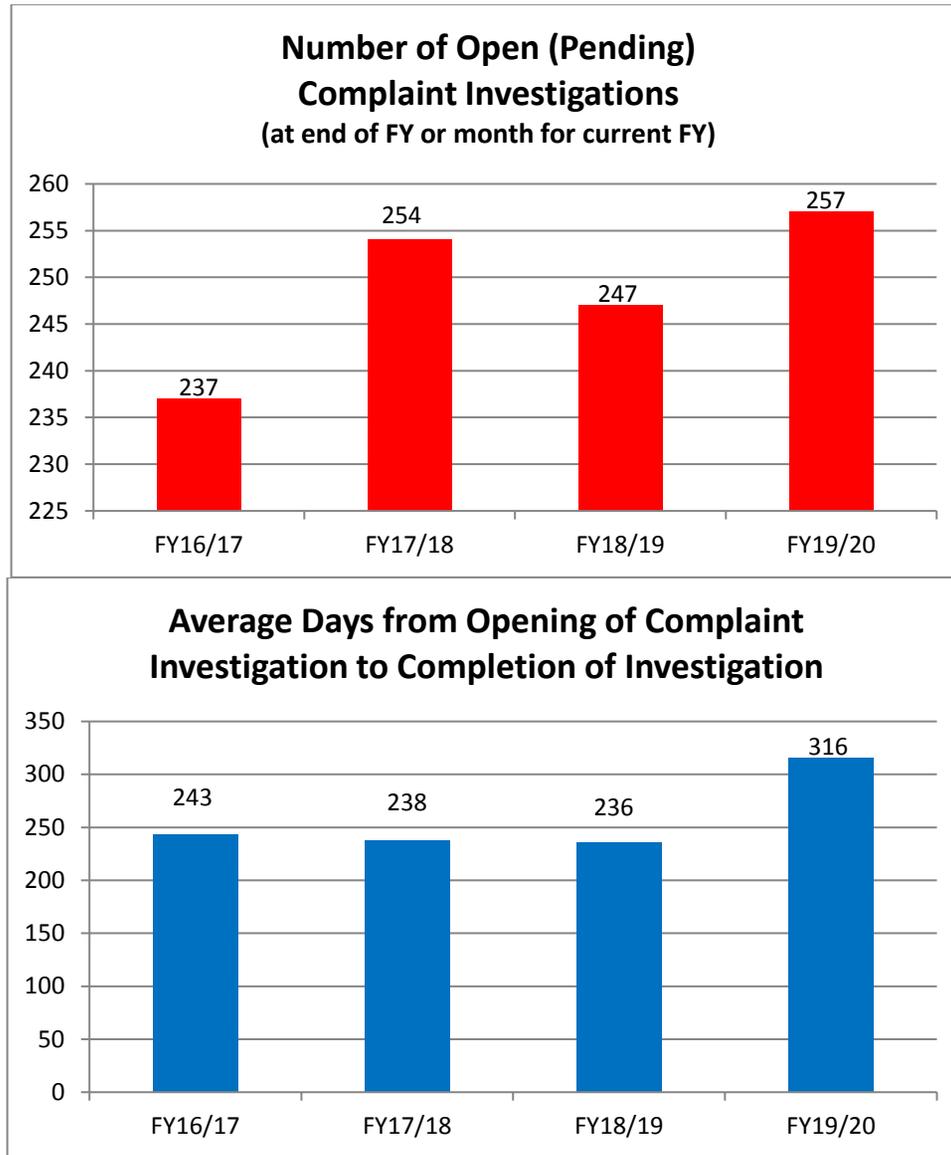
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2018/19 Update

Complaint Investigation Phase



NOTE: FY19/20 statistics are through August 31, 2019

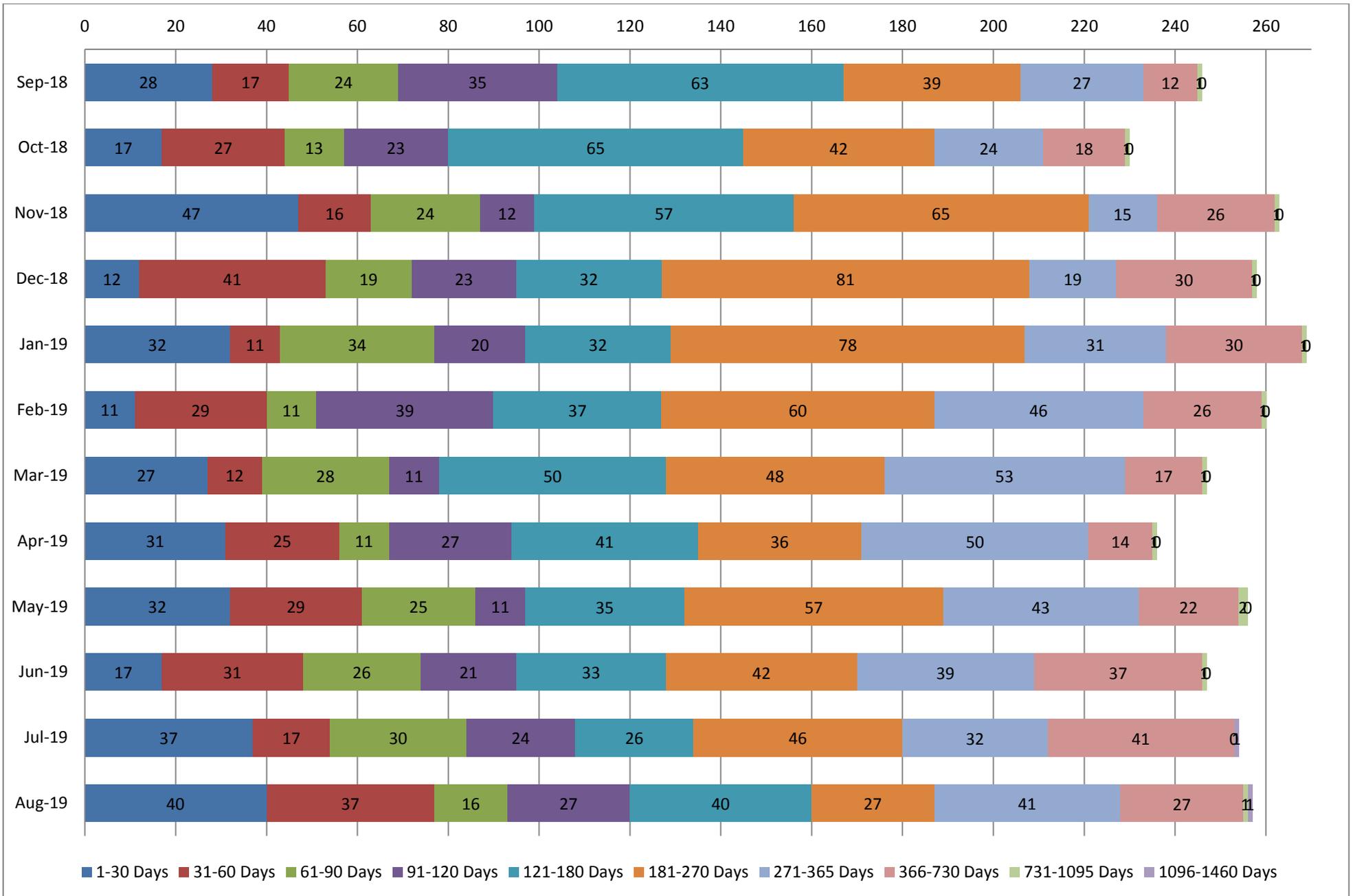
Complaint Investigation Phase



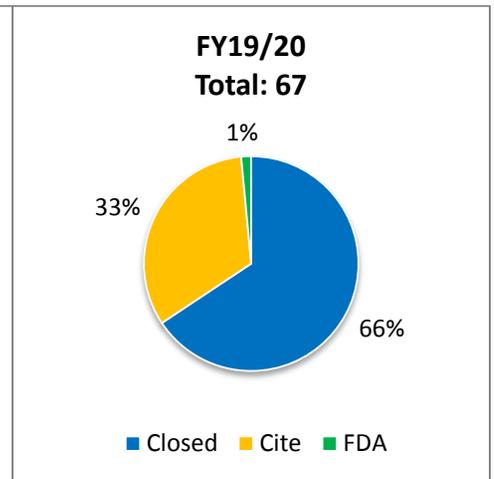
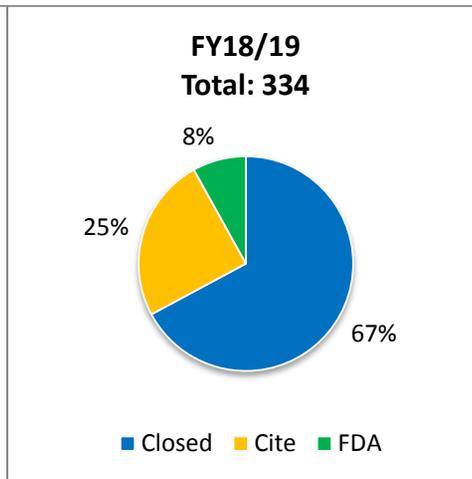
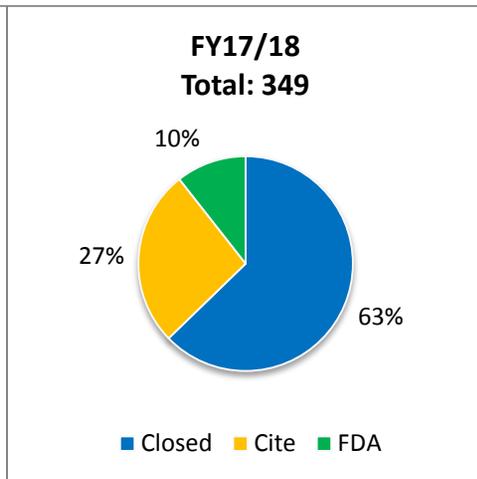
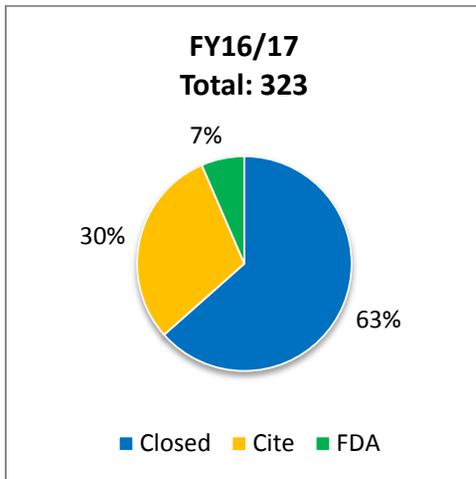
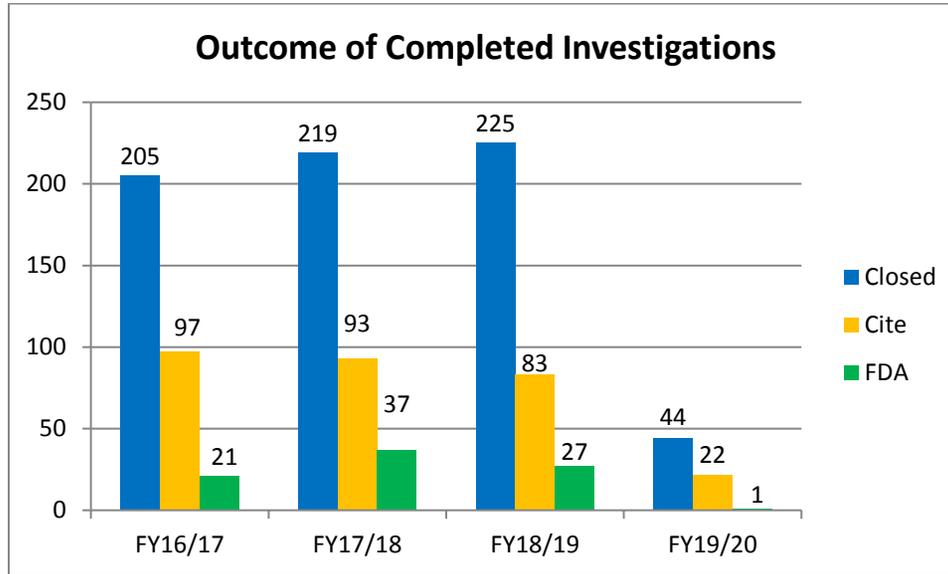
NOTE: FY19/20 statistics are through August 31, 2019

Complaint Investigation Phase

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



Complaint Investigation Phase Outcome of Completed Investigations



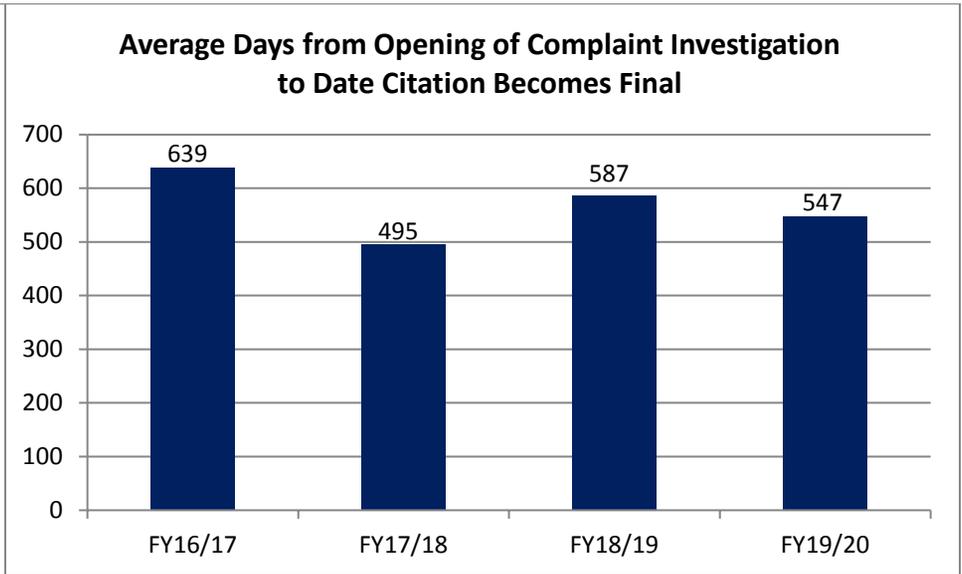
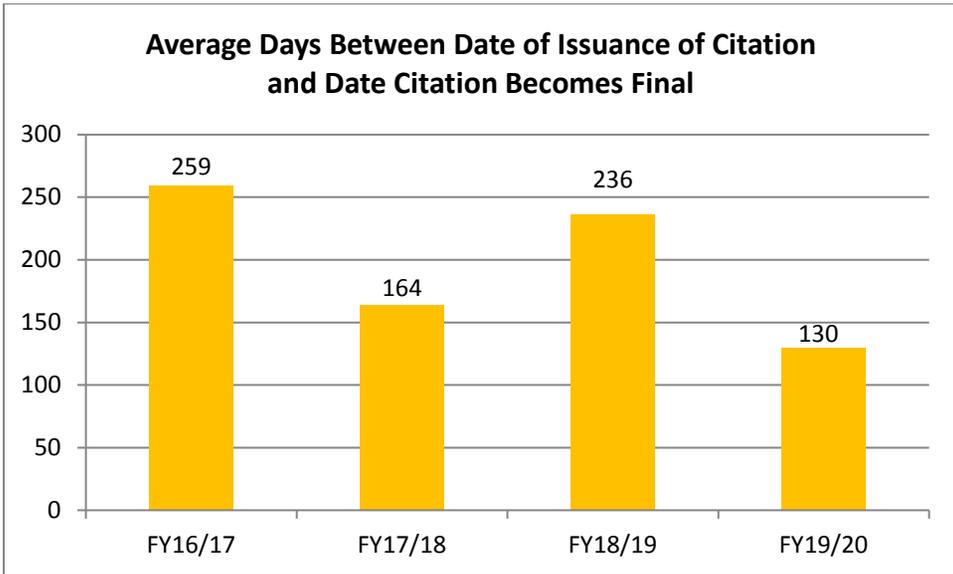
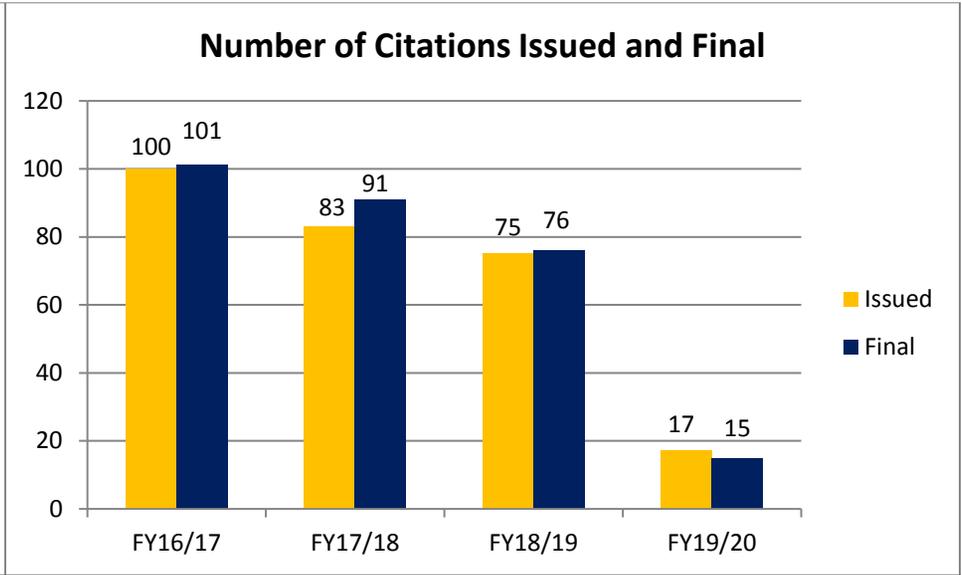
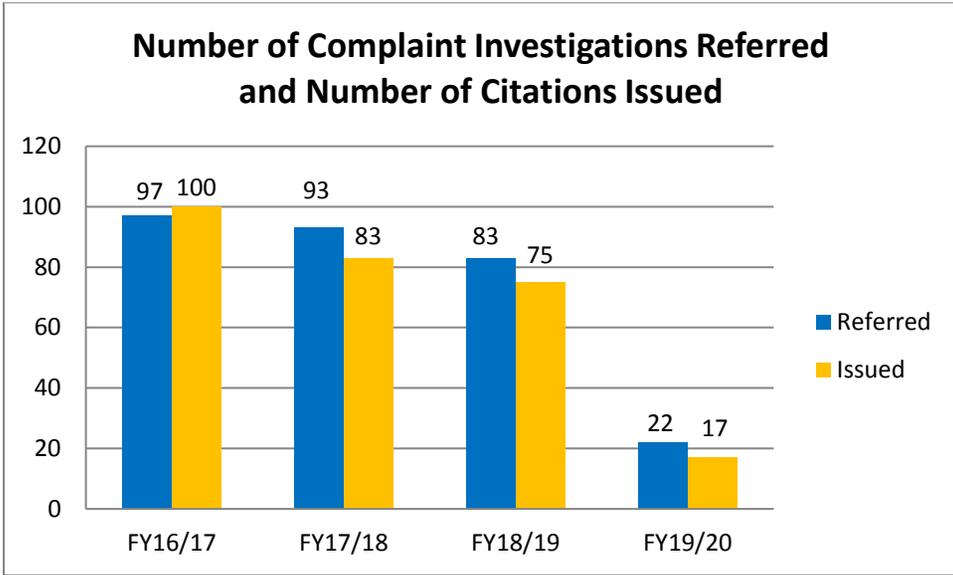
NOTE: FY19/20 statistics are through August 31, 2019

Closed with No Action Taken, includes the No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

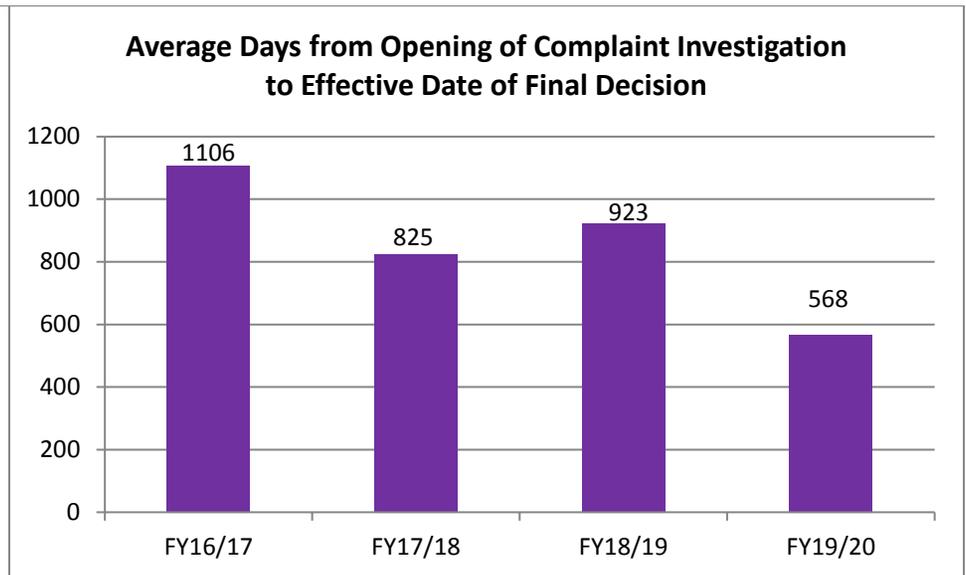
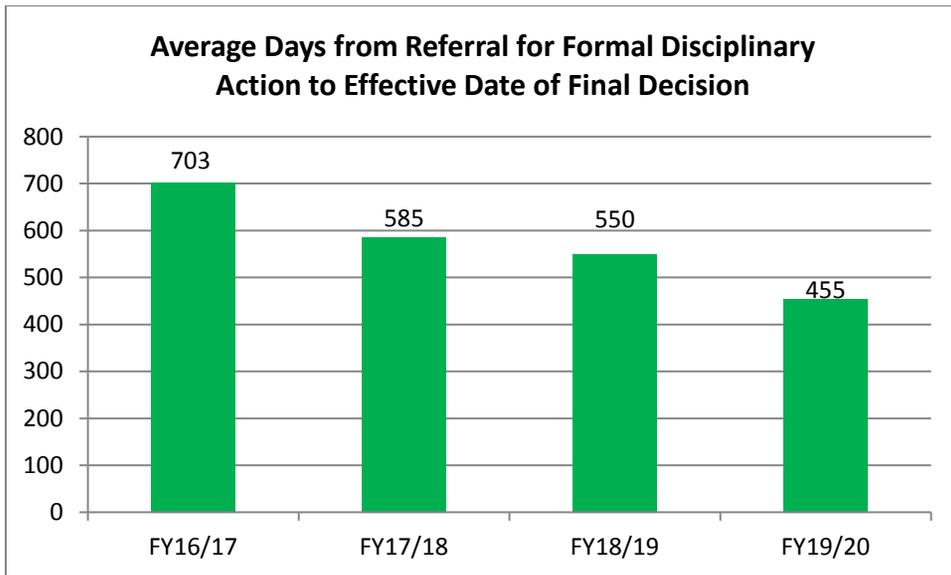
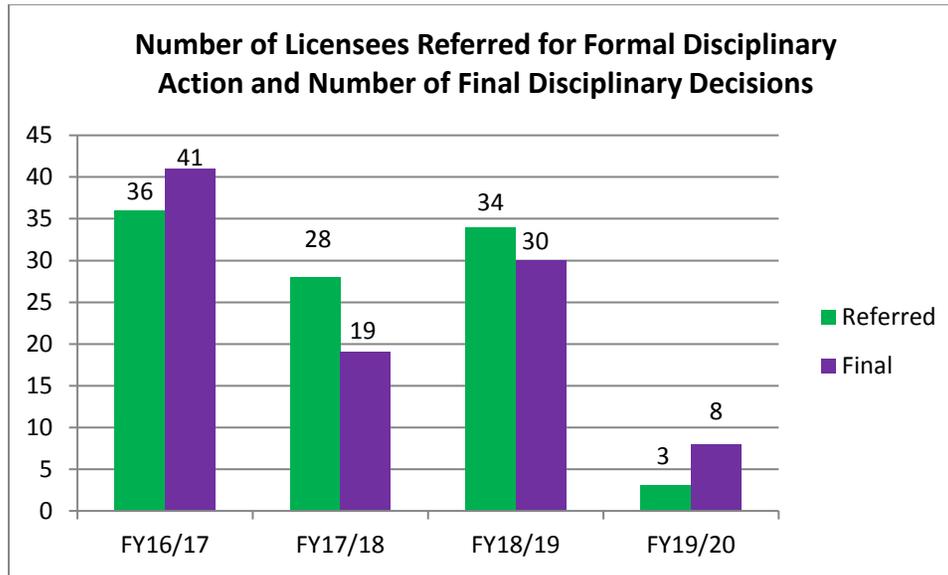
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY19/20 statistics are through August 31, 2019

Formal Disciplinary Actions Against Licensees



NOTE: FY19/20 statistics are through August 31, 2019

**Number of Complaint Investigations Opened & Completed by Month
12-Month Cycle**

Month	Complaint Investigations Opened	Complaint Investigations Completed
September 2018	28	21
October 2018	17	33
November 2018	51	18
December 2018	12	17
January 2019	39	28
February 2019	12	21
March 2019	29	42
April 2019	32	43
May 2019	32	11
June 2019	21	30
July 2019	37	30
August 2019	40	37

**Complaint Investigations Opened and Completed
Total by Fiscal Year**

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2016/17	353	323
2017/18	362	349
2018/19	328	334
2019/20	77	67

Current Fiscal Year through August 31, 2019

**Number of Open (Pending) Complaint Investigations
(at end of FY or month for current FY)**

Fiscal Year	Number of Open (Pending) Complaint Investigations
2016/17	237
2017/18	254
2018/19	247
2019/20	257

Current Fiscal Year through August 31, 2019

Complaint Investigation Phase

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2016/17	243
2017/18	238
2018/19	236
2019/20	316

Current Fiscal Year through August 31, 2019

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2016/17	205	63%	97	30%	21	7%
2017/18	219	63%	93	27%	37	10%
2018/19	225	67%	83	25%	27	8%
2019/20	44	66%	22	33%	1	1%

Current Fiscal Year through August 31, 2019

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

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

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
September 2018	28	17	24	35	63	39	27	12	1	0
October 2018	17	27	13	23	65	42	24	18	1	0
November 2018	47	16	24	12	57	65	15	26	1	0
December 2018	12	41	19	23	32	81	19	30	1	0
January 2019	32	11	34	20	32	78	31	30	1	0
February 2019	11	29	11	39	37	60	46	26	1	0
March 2019	27	12	28	11	50	48	53	17	1	0
April 2019	31	25	11	27	41	36	50	14	1	0
May 2019	32	29	25	11	35	57	43	22	2	0
June 2019	17	31	26	21	33	42	39	37	1	0
July 2019	37	17	30	24	26	46	32	41	0	1
August 2019	40	37	16	27	40	27	41	27	1	1

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2016/17	97	100
2017/18	93	83
2018/19	83	75
2019/20	22	17

Current Fiscal Year through August 31, 2019

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2016/17	100	101
2017/18	83	91
2018/19	75	76
2019/20	17	15

Current Fiscal Year through August 31, 2019

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

Fiscal Year	Number of Days
2016/17	259
2017/18	164
2018/19	236
2019/20	130

Current Fiscal Year through August 31, 2019

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

Fiscal Year	Number of Days
2016/17	639
2017/18	495
2018/19	587
2019/20	547

Current Fiscal Year through August 31, 2019

**Number of Licensees Referred for Formal Disciplinary Action
and Number of Final Disciplinary Decisions**

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2016/17	36	41
2017/18	28	19
2018/19	34	30
2019/20	3	8

Current Fiscal Year through August 31, 2019

**Average Days from Referral for Formal Disciplinary Action
to Effective Date of Final Decision**

Fiscal Year	Number of Days
2016/17	703
2017/18	585
2018/19	550
2019/20	455

Current Fiscal Year through August 31, 2019

**Average Days from Opening of Complaint Investigation
to Effective Date of Final Decision**

Fiscal Year	Number of Days
2016/17	1106
2017/18	825
2018/19	923
2019/20	568

Current Fiscal Year through August 31, 2019

X. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization/PAL Process
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
 - 1. Fall 2019 Meeting
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. Report on the 2019 Annual Meeting
- G. Update on Outreach Efforts
- H. Request from Staff for Direction from the Board Regarding Unlicensed Activity Enforcement Discussion Item

Rulemaking Overview

1. Geology Education (3022, 3022.1, 3022.2, and 3031)

- The Office of Administrative Law (OAL) approved the rulemaking file on July 11, 2019. This regulatory action becomes effective on October 1, 2019.

2. Fees and Certificates (404, 410, 3005, and 3010)

- Initial review with DCA for approval of rulemaking package on May 30, 2019.
 - Board directed staff to pursue initial rulemaking on November 1, 2018.

3. Repeal Professional Engineer and Land Surveyor Appeals (443 and 444)

- Initial rulemaking package submitted to DCA Legal for review on September 5, 2019.
 - Board directed staff to pursue initial rulemaking on March 1, 2013.

4. Assembly Bill 2138 Conformance (416, 418, 3060, and 3061)

- Initial review with DCA Legal for approval of rulemaking package on June 11, 2019.
 - Board directed staff to pursue initial rulemaking on February 21, 2019.

5. Definition of Traffic Engineering (404)

- Developing initial rulemaking package to submit to DCA, Legal, and Budget Office.
 - Board directed staff to pursue initial rulemaking on March 8, 2018.

6. Definitions of Negligence and Incompetence (3003 and 3003.1)

- Initial rulemaking package submitted to DCA Legal on August 8, 2019.
 - Board directed staff to pursue initial rulemaking on September 6, 2018.

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

BPELSG Licensing System Project Timeline

2019
<ul style="list-style-type: none"> • Project Approval Lifecycle (PAL) Stage 3 (S3) Solution Development (SD) approved by the California Department of Technology (CDT) - August • S3SD submitted to CDT – August • S3SD approved by Business, Consumer Services and Housing Agency (Agency)– August • S3SD submitted to Agency - August • Senate and Assembly Budget Subcommittees approved Spring Finance Letter (SFL) for project funding – May • S3SD kickoff meeting with CDT - April • CDT approved Stage 2 Alternatives Analysis (S2AA) – March • Finalized SFL for project funding and inclusion in Governor’s May [Budget] Revise - January
2018
<ul style="list-style-type: none"> • Submitted S2AA to CDT - December • Agency approved S2AA - December • Submitted S2AA to Agency - November. • Submitted S2AA to DCA Office of Information Services (OIS) – October • System demonstrations from various vendors – July through September • Completed contract with Business Advantage Consulting (BAC) - July • S2AA Kickoff meeting with DCA, OIS, and CDT - June • Completed mid-level solution requirements draft with BAC vendor - April • Nationwide market research with other regulatory programs - March • BreZE system demonstration provided by DCA and OIS - March • Stage 1 Business Analysis (S1BA) approved by CDT - February • Executed contract with BAC - January
2017
<ul style="list-style-type: none"> • Contract awarded to BAC - November • S1BA approved by Agency - November • DCA OIS submitted Business Modernization Plan (BMP) to Legislature November • BMP submitted to Board members - November • DCA OIS developing BMP - September • Submitted S1BA to DCA, OIS, Agency, and CDT - September • System demonstrations from various vendors – January through May
2016
<ul style="list-style-type: none"> • Completed contract with Visionary Integration Professionals (VIP) - December • Completed stakeholder requirements gathering - November • Completed To-Be workshops - October • Completed As-Is business process workshops - August • Identified business processes directly associated with licensing, regulation, and enforcement - June • Executed contract with VIP to conduct a business process improvement study - June

BOARD OUTREACH REPORT

2nd Quarter: April - June 2019

SOCIAL MEDIA & WEBPAGE VIEWS

TOP 5 TWITTER 'TWEETS'	DATE	VIEWS
Board Notice & Agenda (May)	May 1	1,280
Board Notice & Agenda (June)	May 31	1,225
Meeting Materials (June) Published	May 8	1,180
Meeting Materials (May) Published	April 10	1,068
Board Notice & Agenda (April)	March 14	918

TOP 5 FACEBOOK POSTS	DATE	VIEWS
Meeting Materials (May) Published	May 9	613
Board Notice & Agenda (June)	May 31	457
Records of Survey Workshops announced	April 2	354
Meeting Materials (June) Published	May 8	284
Board Notice & Agenda (May)	May 1	280

TOP 5 WEBPAGE HITS	VIEWS
License Lookup	231,339
Home Page	144,491
Professional Engineer Application	102,298
Application Information	72,226
Licensee Information	70,710

OUTREACH EVENTS

UNIVERSITY OUTREACH

April

April 3 & April 4: Cal Poly, San Luis Obispo and Mid Pacific Conference
Several classroom and ASCE presentations on the path to professional licensure. Mike Donelson, P.E. and Brooke Phayer.

April 11 & April 12: San Diego State University
Several classroom presentations on the path to professional licensure. Mike Donelson, P.E. and Brooke Phayer.

April 12: CSU Sacramento
Laurie Racca, PG, teamed with a representative of the California Geological Survey (CGS) for a presentation to geology students and faculty regarding professional licensing requirements. The presentation encouraged students to begin taking control of their careers by understanding licensing requirements, explained how having a professional license affects their career options, and encouraged attendees to keep up to date both with the standards of the profession and with activities at the Board.

April 17-19: San Jose State University
Brooke Phayer attended the annual Mid-Pacific Conference of civil engineering programs: Cal Berkeley, Cal State Chico, San Francisco State, San Jose State, Santa Clara University, UC Davis, Sacramento State, University of the Pacific, and CSU Fresno were all represented.

April 18: CSU San Bernardino
Student/faculty presentation to provide information regarding professional licensing requirements. Laurie Racca, P.G.

April 23: University of California, Riverside
Presentations on the path to professional licensure: two student presentations; one faculty presentation. Mike Donelson, P.E., and Natalie King, P.E.

April 23: University of California, Los Angeles
ASCE Student Chapter presentation on the path to professional licensure. Mike Donelson, P.E., and Natalie King, P.E.

April 25: Cal Poly, Pomona
ASCE Student Chapter presentation on the path to professional licensure. Natalie King, P.E.

April 25: CSU Fullerton
ASCE Student Chapter presentation on the path to professional licensure. Natalie King, P.E.

April 30: UC Davis
ASCE Student Chapter presentation on the path to professional licensure. Natalie King, P.E.

May

May 1: CSU Northridge
Presentation on the path to professional licensure. Mike Donelson, P.E.

May 6: CSU Sacramento
Presentation on the path to professional licensure. Natalie King, P.E and Mike Donelson, P.E.

May 7: CSU Sacramento
Additional presentation at CSU Sacramento. Natalie King, PE.

UNIVERSITY OUTREACH

May 17: UC Riverside

Laurie Racca, PG, encouraged students to obtain their Geologist-In-Training (GIT) certificate by taking the national Fundamentals of Geology examination as soon as they are qualified.

June

June 6: UC Davis

Senior Project Day attended by Mike Donelson, P.E., and Brooke Phayer with video interviews recorded and produced by DCA Media Department.

PROFESSIONAL SOCIETY OUTREACH

April

April 17: San Diego

Record of Survey Workshop. Dallas Sweeny, P.L.S., and Ric Moore, P.L.S.

April 26: Turlock

Record of Survey Workshop. Dallas Sweeney, P.L.S., and Ric Moore, P.L.S.

April 26: Redding

ASCE Shasta Branch presentation on the process of obtaining a professional license by Dr. M. Qureshi, PE., who visited with the Shasta Branch of ASCE as it attempts to re-launch its branch. There were 17 audience members who were mostly recent graduates interested in licensure as civil or electrical engineers.

May

May 15: WEBINAR

American Geosciences Institute (AGI) Geoscience Online Learning Initiative (GOLI) The Board's Geology and Geophysics Program and the National Association of State Boards of Geology (ASBOG®) were invited by the American Geosciences Institute (AGI) to provide a nationwide webinar on Professional Geologist Licensure Requirements and the ASBOG® National Geology License Examinations. The webinar covered the following topics:

- An overview of geology licensure qualification requirements in the United States,
- A discussion of the national licensing examinations for geologists prepared by the National Association of State Boards of Geology (ASBOG®),
- Explained how data from the ASBOG® Fundamentals of Geology (FG) examination can be used as a curriculum assessment and curriculum modification tool by colleges and universities.

The BPELSG/ASBOG® webinar attracted over 1,000 registrations and broke the AGI record for webinar attendance. The webinar was recorded and is available for free viewing on the AGI GOLI webpage: <https://www.americangeosciences.org/webinars/professional-geologist-licensure-requirements-and-asbog-national-geology-license>

Laurie Racca, P.G., spearheaded the organization and presentation of this webinar.

June

June 18 & 19: Bakersfield and Long Beach

The California Department of Conservation (DOC), Division of Oil, Gas and Geothermal Resources (DOGGR) requested that the Board provide presentations on licensure requirements to staff in each of their offices. Enforcement Manager Tiffany Criswell, Senior Registrar Mike Donelson, P.E., and Senior Registrar Laurie Racca PG, provided information to staff in these DOGGR regional offices. Additional presentations are planned for other DOGGR offices throughout the summer.

June 20: Camp Pendleton Military Base

Information on the path to professional licensure for current and retired military personnel by Mike Donelson PE at annual military educational event.

June 26: Santa Barbara

Monument Preservation Seminar. Dallas Sweeney, P.L.S.

June 26: Altec Engineering

Presentation on the path to professional licensure. Mike Donelson, P.E.

June 27: Santa Maria

Monument Preservation Seminar. Dallas Sweeney, P.L.S.

PRINTED MATERIAL

Summer 2019 *Bulletin*:

<https://www.bpelsg.ca.gov/pubs/bulletin59.pdf>

XI. Technical Advisory Committees (TACs)

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

XII. President's Report/Board Member Activities

XIII. Approval of Meeting Minutes

A. Approval of the Minutes of the August 8, 2019, Board Meeting

DRAFT

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

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

August 8, 2019

August 8, 2019

Board Members Present:	Fel Amistad, President; Steve Wilson, Vice President; Alireza Asgari; Duane Friel; Eric Johnson; Coby King; Betsy Mathieson; Mohammad Qureshi; and Frank Ruffino
Board Members Absent:	Natalie Alavi; Andrew Hamilton; Kathy Jones Irish; Asha Lang; and Robert Stockton
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); and Reza Pejuhesh (Legal Counsel)

I. Roll Call to Establish a Quorum

President Amistad called the meeting to order at 9:03 a.m., and a quorum was established.

II. Pledge of Allegiance

Vice-President Wilson led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

Rob McMillan, representing CLSA, thanked the Board for having the meeting in Santa Rosa.

Bob DeWitt, representing ACEC, expressed his interest in the progress of the legal opinion of SB 2 fees that are imposed on record of survey maps. There may be a legal opinion from the Attorney General.

IV. Request from Professional Engineers in California Government (PECG) that the Board Remove its Opposition to the Creation of Title Act Licenses

Mr. Moore advised that he received a phone call from PECG asking the Board to defer this topic to the September Meeting. The Board agreed to do so.

V. Administration

A. Fiscal Year 2017/18 Budget Status

Mr. Moore reported that the Board continues to wait for Fiscal Year 17/18 closing reports.

- B. Fiscal Year 2018/19 Budget Report
Mr. Moore reported that the final report for Fiscal Year 18/19 is not yet available, and he hopes it will be available for the September meeting.
- C. Fiscal Year 2019/20 Budget Report
Mr. Moore reviewed the Governor’s Budget that included the Budget Change Proposal (BCP) for the IT system.

II. Legislation

- A. 2019 Legislative Calendar
Ms. Eissler reported that fiscal committees have until August 30, 2019, to report bills to the floor. The last day for each house to pass bills is September 13, 2019, and the Governor will have until October 13, 2019, to act on bills.

- B. Discussion of Legislation for 2019

AB 544 Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
Ms. Eissler reviewed the bill analysis and reported that the Board currently has an oppose position. She reported that the bill did not make it out of the Appropriations Committee and is considered dead for this year. No Board action needed at this time.

AB 613 Professions and vocations: regulatory fees.
This bill would have authorized the boards and bureaus to increase their license fees based on the consumer price index. It did not make it out of the Senate Business, Professions and Economic Development Committee. It is currently dead for this year. No Board action needed at this time.

AB 1522 Board for Professional Engineers, Land Surveyors, and Geologists
The amendments the Board had approved are now included in the bill, as amended June 25, 2019. Ms. Eissler recommended that the Board take a position of support as amended. She does not anticipate any issues going forward.

MOTION:	Mr. King and Ms. Mathieson moved to support AB 1522 as amended June 25, 2019.
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi				X	
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton				X	

Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton				X	

SB 53 Open meetings.

The Board maintains an oppose position as the wording creates ambiguity and confusion. DCA now has an official opposed position. It is scheduled to be heard in the Assembly Appropriations Committee on August 14, 2019. Ms. Eissler advised that a letter expressing the Board's opposition will be sent. No Board action needed at this time.

SB 339 Land surveyors.

This bill was sponsored by the California Land Surveyors Association (CLSA). It was signed by the Governor and chaptered on July 30, 2019 and will go into effect January 1, 2020. No Board action needed at this time.

SB 556 Professional land surveyors and engineers

Ms. Eissler advised that the bill was scheduled for a hearing in the Assembly Business and Professions Committee, but the author pulled it prior to the hearing. Therefore, it did not make it out of the policy committee of the second house and is considered dead for this year. It may be acted upon in January. No Board action needed at this time.

Alex Calder, PLS, expressed dissatisfaction with the enforcement of violations of the Professional Land Surveyors' Act. He believes a large portion of complaints go without penalty. He stated he has extensive documentation in which a complaint was filed, and an investigation was opened, but nothing was done. He received notification that the case had been dismissed. He expressed his frustration with the outcome. He would like to overhaul the Board's enforcement program and enforce the PLS Act.

Mr. King questioned how Mr. Calder's comments related to SB 556, the topic of the agenda item. Mr. King expressed concerns with the way the licensing laws are structured and whether they limit what the Board can do regarding unlicensed activity.

Jim Dickey, PLS, indicated he appreciates the Board coming to Santa Rosa. He has been behind the effort and voiced his support of SB 556. He explained the bill will be converted to a two-year bill to gain support and make changes. The intent was to clarify the language in Business and Professions Code section 8726. Some language was removed from the bill, and he hopes to get that language back in the bill. The other issue is the regulation of companies. The intent is to say that a company that offers to practice surveying needs to meet certain criteria. If a company is practicing surveying, and does not meet this criteria, then they are in violation. He would like to see a certificate of authority that allows a company to offer land surveying services and to allow the Board to go after unlicensed companies, not just individuals.

Mr. King asked if Mr. Dickey has had an opportunity to review the Board's June 20, 2019, letter to Assembly Member Low as it accurately expresses the opinion of the Board. He does not believe regulating companies in the manner that the organization is promoting is a good policy. If there are specific regulatory or legal changes that are believed need to be made to state statute to better regulate the unlicensed practice of land surveying, the Board would be interested in those suggestions, but the Board does not believe adding another layer of regulation on licensees is the correct approach. While he recognizes there is a problem, Mr. King suggested a better approach would be to tighten the unregulated practice of land surveying statutes to actually deal with the problem and not add another layer of regulation.

Chris Snider, political director of Operating Engineers Local 3 from Santa Rosa, stated he supports SB 556. Mr. Snider stated he met with Attorney General Becerra and indicated Mr. Becerra supported the concept and offered assistance.

John Rector, with Local 3, stated that the problem is not going away and is getting worse. He has been receiving calls from industry partners and contractors who are battling against unlicensed practitioners who are on construction sites competing directly with them while beating them out of projects using their own staff to do survey work. He indicated that the Board needs to tighten existing laws. The industry is starting to wane.

Mr. King added that there is no doubt that the Board is very concerned about the unregulated practice of land surveying. However, the Board does not think that adding a company certification is going to solve the problem and will only add a layer of regulation that will not have any positive effect on the issues that are

being discussed. His point is to take a new look at the statutes that are already in place and see if there is a way to tighten them. It is a path that is already consistent with the regulatory structure. He stated that the Board would welcome specific suggestions from the community. However, the Board does not believe that adding another regulation on top of the regulatory structure the Board already has will be effective.

Mr. Rector explained this is a model that is being used across the country that has been proven effective. Increasing fines and penalties will help but addressing it with the Contractors State Licensing Board (CSLB) will help as well. He implores the Board to come forward with another solution.

Mr. Wilson noted that the Board has a great deal of authority but not over the unlicensed practice and that is where it can be strengthened.

Mr. Rector added that SB 556 would allow the Board to go after the company.

Joe Thompson, PLS, expressed support for SB 556 and indicated that he is seeing chaos in the industry. He provided examples of contractors practicing surveying. By supporting SB 556, the companies would be cited for practicing unlicensed surveying, not the individuals. He stated that all professional surveyors are being affected and asked for the Board's support. He stated that there is a need to further define surveying so contractors can clearly comprehend the law.

Mr. Wilson indicated he would like to hear about specific issues that have risen as a result.

Mr. Calder stated that this is big business in a small community. He requested the Board not hinge on the specifics.

Mr. King suggested the various parties consider joining together to provide a written response as to why they disagree with the Board's June 20, 2019, letter. Mr. King indicated he had reviewed the Board's Sunset Report and, while there are a number of items related to unlicensed practice, he believes the Board needs to prioritize how the Board can effectively respond to trends in unlicensed practice.

Mr. Calder stated he would provide a summary letter and data based on their own research.

Dr. Asgari requested data from other boards and the effect on unlicensed practice.

III. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

Ms. Criswell reviewed the enforcement statistics. Ms. Mathieson requested color graphs be included in the report.

IV. Exams/Licensing

A. Update on 2019 Examinations – First and Second Quarter Examination Results

Mr. Moore reported on the examination results. He noted that the civil engineering exams are working very well in terms of passing percentages, and the land surveying exams had the highest pass rate since the introduction of Computer Based Testing (CBT).

The Board issued approximately 2,500 licenses during FY 2018-19, which is about average. The civil engineer licenses continue to be the most popular license issued.

V. Executive Officer's Report

A. Rulemaking Status Report

Geology education - The Office of Administrative Law approved the rulemaking file on July 11, 2019, and it will become effective October 1, 2019.

Fees and Certificates – The rulemaking package was submitted to DCA for the pre-notice review process on May 30, 2019. Mr. Moore explained there is a chance that the Board will be able to adopt the final rulemaking proposal at the November meeting, but it is more likely that there will be a need to schedule a teleconference meeting between the November meeting and the end of the year. The Board must adopt the final rulemaking file after the close of the public comment period and prior to submittal of the final rulemaking file to the Office of Administrative Law (OAL) for review and approval. However, the rulemaking cannot be noticed for public comment until the pre-notice review process has been completed.

Assembly Bill 2138 Conformance - Ms. Eissler reported that the changes in the regulations need to go into effect July 1, 2020, to coincide with the new laws. DCA is aware of this deadline since all boards and bureaus are required to make changes to their regulations to address the changes in statute.

Ms. Eissler explained that staff has elected not to submit the other rulemaking proposals to DCA for the pre-notice review process at this time because it is imperative that the fees and certificates proposal be reviewed expeditiously by DCA to avoid any delays in its implementation, which would be a detriment to the Board's fund condition.

B. Update on Board’s Business Modernization/PAL Process

Mr. Moore reported that the Board along with three other programs are collectively moving through the PAL Stage 3 and 4 process. The Board has submitted Stage 3 to the California Department of Technology (CDT) and agency. This is the stage in the process in which the package is assembled to go out for bid. It is anticipated that this stage will be completed by the end of the month. Stage 4 will end with a contract with the vendor being executed.

Mr. King requested to add a status to the existing chart to notate where the Board currently is in the PAL Process.

C. Personnel

No report given.

D. ABET

1. Status of Board Observer Assignments for Fall 2019

Brooke Phayer, Outreach Coordinator, will be contacting Board members who expressed interest in attending ABET visits.

E. Association of State Boards of Geology (ASBOG)

The ASBOG Selection Committee did not choose Laurie Racca for the Secretary position. Mr. Moore explained that member boards of ASBOG do not vote on who serves on the Board of Directors; the Board of Directors are selected by the Selection Committee.

The ASBOG annual meeting will take place in early November in Minneapolis and travel was approved for Board representatives to attend.

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

1. Annual Meeting Motions

a. Advisory Committee on Council Activities (ACCA) Motion 2 – Relating to Proxy Voting

Ms. Eissler reported that the proposal is to add language to the NCEES bylaws that would specifically prohibit proxy voting.

MOTION:	Mr. King and Mr. Friel moved to direct the Board’s delegates to support any motions that prohibit proxy voting.
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi				X	
Alireza Asgari	X				
Duane Friel	X				

Andrew Hamilton				X	
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton				X	

b. Education Committee Motion 1 – Relating to Engineering Technology Degrees

Ms. Eissler reported that there are engineering degrees and engineering technology degrees; ABET accredits both degrees. She explained that applicants for engineering licensure in California are not required to have a degree at all but be awarded credit towards the number of years of experience required for having an engineering degree. If an applicant has an ABET accredited engineering degree, the applicant is awarded four years of credit towards the required six years, assuming the applicant has an EIT certificate. If the applicant has an ABET accredited engineering technology degree, the applicant is awarded two years of credit. The proposal is to add language into the NCEES model law and model rules that would say an ABET accredited engineering technology degree can be accepted to satisfy the education requirements as long as the ABET accredited engineering technology degree has been vetted against the NCEES engineering education standard. She explained that this motion is coming from the Education Committee, which was tasked to research this issue; however, the Member Board Administrators Committee has indicated it has concerns with the motion and feels that ABET accredited engineering technology degrees should be accepted without further vetting against the NCEES engineering education standard. It is likely that alternate motions will be proposed on the floor.

Ms. Eissler recommended the Board should direct its delegates to vote on any motions in a way that is consistent with the Board's laws, which allowed for the acceptance of an ABET accredited engineering technology degree without further vetting against the NCEES engineering education standard.

MOTION:	Mr. King and Ms. Mathieson moved to direct delegates to support concepts and motions that are consistent with the Board's laws to accept ABET accredited engineering technology degrees without further evaluations.
VOTE:	9-0, Motion Carried

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

- c. Committee on Examination Policy and Procedures (EPP) Motion 1 – Relating to Exam Irregularity Procedures
Ms. Eissler noted that the proposed wording is consistent with the procedures the Board and NCEES currently follow.
- d. EPP Motion 2 – Relating to the Naming of Examinations in the *Manual of Policy and Position Statements*
Ms. Eissler noted that this motion renames the examinations but does not make any changes to the exam content.
- e. EPP Motion 3 – Relating to the Procedures for Reinstatement of Examinations in the *Manual of Policy and Position Statements*
Ms. Eissler explained that this motion addresses how a previously-discontinued examination can be reinstated.
- f. Finance Committee Motions 4 and 5 and Board of Directors Motion 1 – Relating to Funding Delegates to Meetings and Zone Meeting Budgeting and Finances

Mr. Moore reported that many of the changes that are proposed are due to NCEES changing their financial system. For each of the zone secretary/treasurers, it would alleviate some of the budget reporting. Ms. Eissler explained there are two Finance Committee motions and a Board of Directors motion. All three motions are on consent. It is possible that these will be pulled from consent due to the manner in which they are worded. Once it is explained, it does make sense and is just a change in the manner of record keeping.

- g. Surveying Exam Module Task Force Motion 1 – Relating to the Restructuring of the Professional Surveyor Exam into Separately-Scored Divisions

Ms. Eissler reported that this motion has been placed on consent, but it is possible that it will be pulled from consent. This originated with the California Board’s request to evaluate the national professional surveyor exam. The task force has studied the issue, and they are recommending that the exam be separated into five separate divisions. It would go to Examinations for Professional Surveyors (EPS) Committee to work on the development of these five separate divisions and the implementation. This is in line with what the Board proposed.

MOTION:	Dr. Qureshi and Mr. King moved direct the Board’s delegates to support separating the Professional Surveyor exam into divisions as proposed.
VOTE:	9-0, Motion Carried

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

Ms. Eissler noted that for the delegates attending the meeting, for motions that the Board did not specifically discuss, the delegates are expected to vote in line with the Board’s previously stated and acted upon policies and procedures.

Dr. Qureshi recommended that the delegates discuss any issues that come up and how the Board as a whole would vote.

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach report.

VI. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

Ms. Mathieson expressed some difficulties in recruiting TAC members because of the required completion of the Conflict of Interest Form 700 despite not having any meetings.

MOTION:	Ms. Mathieson and Mr. Johnson moved to appoint William Owen, Mark Riches, and Christopher Watt to the Geologist and Geophysicist TAC.
VOTE:	9-0, Motion Carried

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

C. Reports from the TACs

No report given

VII. President’s Report/Board Member Activities

President Amistad reported that on July 12, 2019, he attended a meeting at DCA regarding the Executive Officer salary study. He will have more comments at the next meeting. He is grateful for the staff.

Dr. Qureshi will be an ABET program evaluator in Pennsylvania, which is not associated with his duties as a Board Member.

VIII. Approval of Meeting Minutes

A. Approval of the Minutes of the June 13, 2019, Board Meeting

MOTION:	Ms. Mathieson and Mr. King moved to approve the June 13, 2019, Board meeting minutes as amended.
VOTE:	8-0-1, Motion Carried

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

IX. Discussion Regarding Proposed Agenda Items for Next Board Meeting

A. September 26-27, 2019, Board Meeting will be held in San Diego at CalTrans District 11.

Mr. Moore noted that the meeting will most likely last two days. Mr. King indicated that he will not be able to attend.

X. 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

XI. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on five stipulations, two default decisions, and two proposed decisions and discussed litigation as noticed.

XII. Adjourn

The meeting adjourned at 3:00 p.m.

PUBLIC PRESENT

Rob McMillan, CLSA

Bob DeWitt, ACEC

Karen Nelson, DCA

Aaron Smith

Alan Escarda, PECG

Jim Dickey, CELSA and Cinquini & Passarino, Inc.

Alex Calder

Joe Thompson

Jerry Hammond

Gene Feickert, F3 & Associates, Inc.

XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

- A. November 21-22, 2019, Board Meeting will be held in Oakland, CA at the Elihu M. Harris Building, 1515 Clay Street, Oakland, CA.

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

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

XVI. Open Session to Announce the Results of Closed Session

XVII. Adjourn
