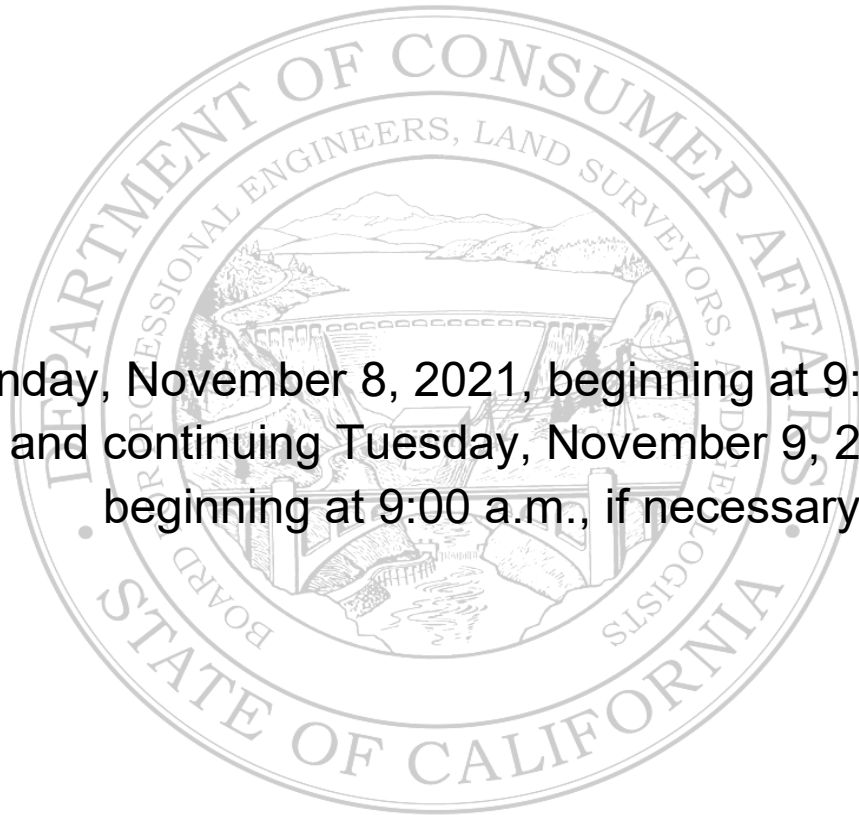




Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Monday, November 8, 2021, beginning at 9:00 a.m.,
and continuing Tuesday, November 9, 2021,
beginning at 9:00 a.m., if necessary



Teleconference Public Board Meeting

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BOARD MEETING

NOVEMBER 8-9, 2021

TELECONFERENCE

BOARD MEMBERS

President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong

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VIII. Adjournment

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.

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.

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NOTE: The Board will meet in Closed Session immediately following the Hearing on the Petition for Reduction or Modification and the Hearing for Petition for Reinstatement of Revoked License to decide those matters.

VII. Administration

- A. Fiscal Year 2020/21 Year-End Summary
- B. Fiscal Year 2021/22 Budget Report

GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Department of Consumer Affairs
Revenue Projection Report

Reporting Structure(s): 11112900 Support
Fiscal Month: 2
Fiscal Year: 2021 - 2022
Run Date: 10/26/2021

Object Description
Provides the name of the line item where our revenues occur

Year To Date
Revenue collected up to the Run Date of the report

Revenue			
Notes	Fiscal Code	Board Projections	YTD
3	Delinquent Fees	\$ 150,076	\$ 13,991
	Other Regulatory Fees	\$ 102,138	\$ 19,270
1	Other Regulatory License and Permits	\$ 1,743,588	\$ 377,765
4	Other Revenue	\$ 51,328	\$ 2,492
2	Renewal Fees	\$ 10,269,519	\$ 1,858,670
	Revenue	\$ 12,316,649	\$ 2,272,187
Reimbursements			
	Fiscal Code	Board Projections	YTD
	Scheduled Reimbursements	\$ 40,000	\$ 12,605
	Unscheduled Reimbursements	\$ 80,000	\$ 19,911
	Reimbursements	\$ 120,000	\$ 32,516

Board Projections
Identifies the revenue amount that BPELSG projects for FY 21-22

Encumbrance
This represents valid obligations related to unfilled purchase orders or unfilled contracts

Department of Consumer Affairs
Expenditure Projection Report
Fiscal Month: 2
Fiscal Year: 2021 - 2022
Run Date: 10/26/2021

Object Description
Provides the name of the line item where our expenditures occur

YTD + Encumbrance
Provides a total of YTD Actual and Encumbrance

PERSONAL SERVICES						
Notes	Fiscal Code	Governor's Budget	YTD Actual	Encumbrance	YTD + Encumbrance	Board Projections
5	5100 PERMANENT POSITIONS	\$ 3,425,000	\$ 549,482	\$ -	\$ 549,482	\$ 3,400,845
	5100 TEMPORARY POSITIONS	\$ 232,000	\$ 24,357	\$ -	\$ 24,357	\$ 130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$ 36,000	\$ 8,376	\$ -	\$ 8,376	\$ 52,476
	5150 STAFF BENEFITS	\$ 1,703,000	\$ 317,890	\$ -	\$ 317,890	\$ 1,700,453
	PERSONAL SERVICES	\$ 5,396,000	\$ 900,105	\$ -	\$ 900,105	\$ 5,283,774
OPERATING EXPENSES & EQUIPMENT						
	5301 GENERAL EXPENSE	\$ 32,000	\$ 948	\$ 3,580	\$ 4,528	\$ 72,348
6	5302 PRINTING	\$ 26,000	\$ -	\$ 795	\$ 795	\$ 33,966
	5304 COMMUNICATIONS	\$ 15,000	\$ 669	\$ -	\$ 669	\$ 22,100
	5306 POSTAGE	\$ 36,000	\$ -	\$ -	\$ -	\$ 26,562

Governor's Budget
Publication that the Governor presents which identifies estimates for the current year expenditures

YTD Actual
Expenses up to the Run Date of the report

Board Projections
Identifies the expenditure amount that BPELSG projects for FY 21-22

Department of Consumer Affairs

Revenue Report

Board for Professional Engineers, Land Surveyors and Geologists

Reporting Structure(s): 11112900 Support

Fiscal Month: 13

Fiscal Year: 2020 - 2021

Run Date: 10/01/2021

Revenue

Fiscal Code	Board Projections	YTD	Difference
Delinquent Fees	\$ 108,428	\$ 121,554	\$ 13,126
Other Regulatory Fees	\$ 106,848	\$ 104,065	\$ (2,783)
Other Regulatory License and Permits	\$ 1,508,009	\$ 1,571,215	\$ 63,206
Other Revenue	\$ 20,700	\$ 55,419	\$ 34,719
Renewal Fees	\$ 7,849,383	\$ 6,706,847	\$ (1,142,536)
Revenue	\$ 9,593,368	\$ 8,559,100	\$ (1,034,269)

Reimbursements

Fiscal Code	Board Projections	YTD	Difference
Scheduled Reimbursements	\$ -	\$ 54,849	\$ 54,849
Unscheduled Reimbursements	\$ -	\$ 135,758	\$ 135,758
Reimbursements	\$ -	\$ 190,607	\$ 190,607

Department of Consumer Affairs

Expenditure Report

Board for Professional Engineers, Land Surveyors and Geologists

Reporting Structure(s): 11112900 Support

Fiscal Month: 13

Fiscal Year: 2020 - 2021

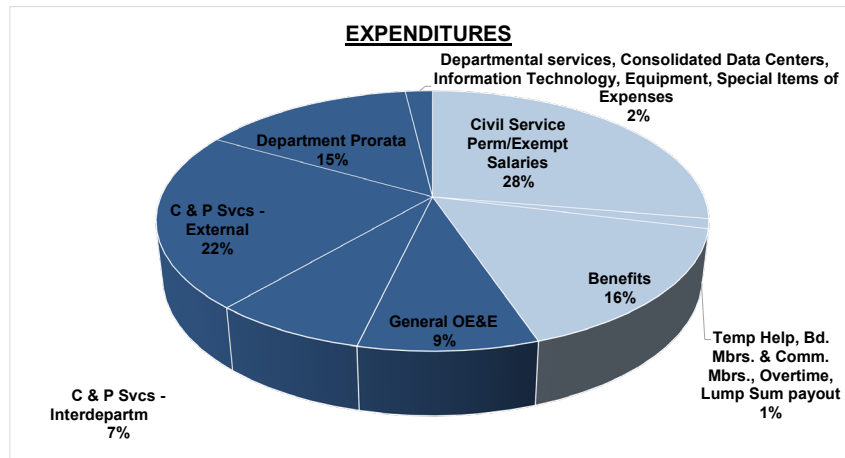
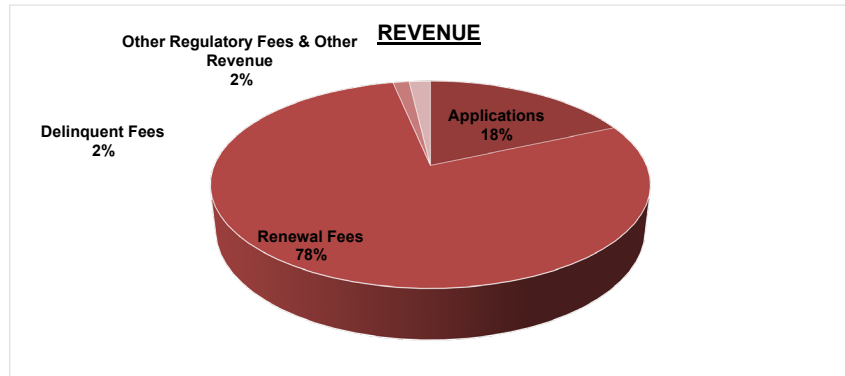
Run Date: 10/01/2021

PERSONAL SERVICES

Fiscal Code	Governor's Budget	Current Month	YTD	Encumbrance	YTD + Encumbrance	Board Projections	Difference
5100 PERMANENT POSITIONS	\$ 3,110,000	\$ 252,788	\$ 2,889,399	\$ -	\$ 2,889,399	\$ 2,820,463	\$ (68,936)
5100 TEMPORARY POSITIONS	\$ 232,000	\$ 16,832	\$ 117,593	\$ -	\$ 117,593	\$ 124,444	\$ 6,851
5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$ 36,000	\$ 1,500	\$ 11,581	\$ -	\$ 11,581	\$ 10,700	\$ (881)
5150 STAFF BENEFITS	\$ 1,584,000	\$ 139,249	\$ 1,654,806	\$ -	\$ 1,654,806	\$ 1,618,800	\$ (36,006)
PERSONAL SERVICES	\$ 4,962,000	\$ 410,369	\$ 4,673,379	\$ -	\$ 4,673,379	\$ 4,574,407	\$ (98,972)
OPERATING EXPENSES & EQUIPMENT							
5301 GENERAL EXPENSE	\$ 32,000	\$ 18,945	\$ 71,757	\$ 1,716	\$ 73,473	\$ 80,000	\$ 6,527
5302 PRINTING	\$ 26,000	\$ 167	\$ 668	\$ 43,550	\$ 44,218	\$ 27,000	\$ (17,218)
5304 COMMUNICATIONS	\$ 15,000	\$ 3,308	\$ 21,489	\$ -	\$ 21,489	\$ 25,000	\$ 3,511
5306 POSTAGE	\$ 36,000	\$ 1,320	\$ 26,378	\$ -	\$ 26,378	\$ 50,000	\$ 23,622
5308 INSURANCE	\$ -	\$ 548	\$ 641	\$ -	\$ 641	\$ 150	\$ (491)
53202-204 IN STATE TRAVEL	\$ 22,000	\$ -	\$ 543	\$ -	\$ 543	\$ 60,000	\$ 59,457
53206-208 OUT STATE TRAVEL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 800	\$ 800
5322 TRAINING	\$ 15,000	\$ -	\$ -	\$ -	\$ -	\$ 250	\$ 250
5324 FACILITIES	\$ 377,000	\$ 36,051	\$ 758,293	\$ -	\$ 758,293	\$ 360,000	\$ (398,293)
53402-53403 C/P SERVICES (INTERNAL)	\$ 965,000	\$ 112,520	\$ 689,705	\$ 104,401	\$ 794,105	\$ 670,000	\$ (124,105)
53404-53405 C/P SERVICES (EXTERNAL)	\$ 4,176,000	\$ 212,656	\$ 1,822,548	\$ 473,099	\$ 2,295,647	\$ 1,930,000	\$ (365,647)
5342 DEPARTMENT PRORATA	\$ 1,642,000	\$ (15,396)	\$ 1,547,520	\$ -	\$ 1,547,520	\$ 1,748,000	\$ 200,480
5342 DEPARTMENTAL SERVICES	\$ 27,000	\$ 168	\$ 16,269	\$ -	\$ 16,269	\$ 25,000	\$ 8,731
5344 CONSOLIDATED DATA CENTERS	\$ 22,000	\$ 27,687	\$ 41,854	\$ -	\$ 41,854	\$ 22,000	\$ (19,854)
5346 INFORMATION TECHNOLOGY	\$ 172,000	\$ 3,580	\$ 71,542	\$ 39,045	\$ 110,587	\$ 32,000	\$ (78,587)
5362-5368 EQUIPMENT	\$ -	\$ 247	\$ 23,744	\$ 3,732	\$ 27,475	\$ 143,000	\$ 115,525
5390 OTHER ITEMS OF EXPENSE	\$ 3,000	\$ -	\$ -	\$ -	\$ -	\$ 300,000	\$ 300,000
54 SPECIAL ITEMS OF EXPENSE	\$ -	\$ 1,853	\$ 1,853	\$ -	\$ 1,853	\$ -	\$ (1,853)
OPERATING EXPENSES & EQUIPMENT	\$ 7,530,000	\$ 403,654	\$ 5,094,801	\$ 665,543	\$ 5,760,344	\$ 5,473,200	\$ (287,144)
OVERALL TOTALS	\$ 12,492,000	\$ 814,023	\$ 9,768,180	\$ 665,543	\$ 10,433,723	\$ 10,047,607	\$ (386,116)

Fiscal Year 2020/21 Year-End Summary		Prepared 10/1/21
Revenue		
Applications	\$	1,571,215
Renewal Fees	\$	6,706,847
Delinquent Fees	\$	121,554
Other Regulatory Fees & Other Revenue	\$	159,484
Total Revenue	\$	8,559,100
Expenditure		
Civil Service Perm/Exempt Salaries	\$	2,889,399
Temp Help, Bd. Mbrs. & Comm. Mbrs., Overtime, Lump Sum payout	\$	129,173
Benefits	\$	1,654,806
Total Personal Services	\$	4,673,378
General OE&E	\$	925,033
C & P Svcs -Interdepartmental	\$	794,105
C & P Svcs - External	\$	2,295,647
Department Prorata	\$	1,547,520
Departmental services, Consolidated Data Centers, Information Technology, Equipment, Special Items of Expenses	\$	198,039
Total Operating Expenses & Equipment	\$	5,760,344
Total Expenditures	\$	10,433,722

Source: 10/1 FISCAL Activity Log



Department of Consumer Affairs

Revenue Projection Report

Fiscal Month: 2

Fiscal Year: 2021 - 2022

Run Date: 10/26/2021

Revenue

Notes	Fiscal Code	Board Projections	YTD
3	Delinquent Fees	\$ 150,076	\$ 13,991
	Other Regulatory Fees	\$ 102,138	\$ 19,270
1	Other Regulatory License and Permits	\$ 1,743,588	\$ 377,765
4	Other Revenue	\$ 51,328	\$ 2,492
2	Renewal Fees	\$ 10,269,519	\$ 1,858,670
	Revenue	\$ 12,316,649	\$ 2,272,187

Reimbursements

	Fiscal Code	Board Projections	YTD
	Scheduled Reimbursements	\$ 40,000	\$ 12,605
	Unscheduled Reimbursements	\$ 80,000	\$ 19,911
	Reimbursements	\$ 120,000	\$ 32,516

Department of Consumer Affairs

Expenditure Projection Report

Fiscal Month: 2

Fiscal Year: 2021 - 2022

Run Date: 10/26/2021

PERSONAL SERVICES

Notes	Fiscal Code	Governor's Budget	YTD Actual	Encumbrance	YTD + Encumbrance	Board Projections
5	5100 PERMANENT POSITIONS	\$ 3,425,000	\$ 549,482	\$ -	\$ 549,482	\$ 3,400,845
	5100 TEMPORARY POSITIONS	\$ 232,000	\$ 24,357	\$ -	\$ 24,357	\$ 130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$ 36,000	\$ 8,376	\$ -	\$ 8,376	\$ 52,476
	5150 STAFF BENEFITS	\$ 1,703,000	\$ 317,890	\$ -	\$ 317,890	\$ 1,700,453
	PERSONAL SERVICES	\$ 5,396,000	\$ 900,105	\$ -	\$ 900,105	\$ 5,283,774

OPERATING EXPENSES & EQUIPMENT

	5301 GENERAL EXPENSE	\$ 32,000	\$ 948	\$ 3,580	\$ 4,528	\$ 72,348
6	5302 PRINTING	\$ 26,000	\$ -	\$ 795	\$ 795	\$ 33,966
	5304 COMMUNICATIONS	\$ 15,000	\$ 669	\$ -	\$ 669	\$ 22,100
	5306 POSTAGE	\$ 36,000	\$ -	\$ -	\$ -	\$ 26,562
	5308 INSURANCE	\$ -	\$ -	\$ -	\$ -	\$ 200
	53202-204 IN STATE TRAVEL	\$ 22,000	\$ -	\$ -	\$ -	\$ 650
	5322 TRAINING	\$ 15,000	\$ -	\$ 1,000	\$ 1,000	\$ 600
7	5324 FACILITIES*	\$ 377,000	\$ 69,361	\$ -	\$ 69,361	\$ 451,500
8	53402-53403 C/P SERVICES (INTERNAL)	\$ 696,000	\$ -	\$ 40,000	\$ 40,000	\$ 761,100
9	53404-53405 C/P SERVICES (EXTERNAL)	\$ 3,504,000	\$ 25,748	\$ 465,630	\$ 491,378	\$ 2,613,691
10	5342 DEPARTMENT PRORATA	\$ 1,890,000	\$ 473,500	\$ -	\$ 473,500	\$ 1,890,000
11	5342 DEPARTMENTAL SERVICES	\$ 27,000	\$ -	\$ -	\$ -	\$ 27,000
	5344 CONSOLIDATED DATA CENTERS	\$ 22,000	\$ 11	\$ -	\$ 11	\$ 22,000
	5346 INFORMATION TECHNOLOGY	\$ 166,000	\$ -	\$ 7,840	\$ 7,840	\$ 118,500
	5362-5368 EQUIPMENT	\$ -	\$ -	\$ 14,588	\$ 14,588	\$ 28,500
12	5390 OTHER ITEMS OF EXPENSE	\$ 3,000	\$ -	\$ -	\$ -	\$ -
	54 SPECIAL ITEMS OF EXPENSE	\$ -	\$ -	\$ -	\$ -	\$ -
	OPERATING EXPENSES & EQUIPMENT	\$ 6,831,000	\$ 570,236	\$ 533,433	\$ 1,103,669	\$ 6,068,717
	OVERALL TOTALS	\$ 12,227,000	\$ 1,470,341	\$ 533,433	\$ 2,003,774	\$ 11,352,491

*Does not include additional Architecture Revolving Fund expenses TBD

VIII. Consideration of Rulemaking Proposals (Possible Action)

- A. Amendments to Title 16, California Code of Regulations sections 3005, 3024, and 3026 relating to Examination Fees
- B. Amendments to Title 16, California Code of Regulations section 3024 relating to Abandoned Applications and Postponements
- C. Amendments to Title 16, California Code of Regulations sections 420, 422, 3021, 3023, and 3032 relating to Applications, Final Filing Dates, and Schedules of Examinations
- D. Amendments to Title 16, California Code of Regulations sections 426.14, 427.10, 427.20, and 427.30 regarding References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers.

**Amendments to Title 16, California Code of Regulations
Sections 3005, 3024, and 3026 relating to Examination Fees**

It is anticipated that the Association of State Boards of Geology (ASBOG) will be converting the national Fundamentals of Geology (FG) and Professional Geology (PG) examinations to a computer based testing (CBT) format with the Spring 2023 administration. At that time, candidates will pay the examination fees for the FG and PG examinations directly to ASBOG, rather than paying them to the Board, which in turn then pays the fees to ASBOG.

Business and Professions Code (BPC) section 7844, subdivision (c), already authorizes the Board to have candidates pay fees directly to an organization for examination materials and services, including the administration of the examination. Subdivision (e) of BPC section 7887 states:

Each applicant for licensure as a geologist shall pay an examination fee fixed at an amount equal to the actual cost to the board to administer the examination described in subdivision (d) of Section 7841, unless an applicant pays the examination fee directly to an organization pursuant to Section 7844. [Emphasis added.]

Since the candidates will be paying the examination fees directly to ASBOG, the Board needs to update some of its regulations. Title 16, California Code of Regulations section (16 CCR) 3005 needs to be amended to remove the references to the ASBOG FG and PG examination fees. Additionally, 16 CCR 3024 needs to be amended to remove references to the Board retaining portions of the national examination fees in the event a candidate fails to appear for the examinations (as well as making other conforming and clarifying changes). Furthermore, 16 CCR 3026 needs to be repealed because the Board will no longer be collecting the examination fees for the ASBOG examinations and the candidates will not pay the examination fees for the state-specific examinations until after it has been determined that they meet the qualifications required for licensure other than passing the examinations. As such, 16 CCR 3026 will no longer apply.

RECOMMENDED MOTION:

Direct staff to begin the rulemaking process to amend Title 16, California Code of Regulations sections 3005 and 3024 and to repeal Title 16, California Code of Regulations section 3026, relating to examination fees.

3005. Fees.

- (a) The following is the prescribed application fee for:
 - (1) Licensure as a Professional Geologist or a Professional Geophysicist \$175
 - (2) Certification as a specialty geologist or specialty geophysicist \$175
 - (3) Certification as a geologist-in-training \$75
- (b) The following is the prescribed examination fee for:
 - (1) ~~The Practice of Geology national examination \$250~~
 - (2) The California specific geologist examination \$175
 - (3) ~~The Fundamentals of Geology national examination \$200~~
 - (4) (2) Examination for licensure as a geophysicist \$175
 - (5) (3) Examination for certification as a specialty geologist or specialty geophysicist

\$175

(c) The duplicate certificate fee shall be \$10.

(d) The two-year biennial renewal fee for a license that expires on or after January 1, 2021, shall be \$180.

(e) The delinquency fee for renewal of a license is 50% of the renewal fee in effect on the last regular renewal date.

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

(g) The fee for the retired license shall be \$75. No renewal fee or other fee shall be charged for the retired license.

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

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

(i) As used in this section, "license" includes certificate of registration or license as a professional geologist, certificate of registration or license as a professional geophysicist, and certificate of registration or license as a registered certified specialty geologist or specialty geophysicist.

Note: Authority cited: Sections 7818 and 7887, Business and Professions Code. Reference: Sections 158, 7851, 7880, 7881 and 7887, Business and Professions Code.

3024. Abandoned Applications.

(a) In the absence of special circumstances, the board shall consider an application abandoned when:

~~(1) The applicant fails to submit a registration fee within 6 months of the date of the letter of notification that the application has been received and approved or~~

(2) The applicant fails to appear for a scheduled examination without obtaining a postponement from the board prior to the date of the examination or without scheduling to take the examination within the next two subsequent examinations as follows:

(A) An applicant for registration as a geologist shall obtain a postponement no later than fifty (50) days prior to the date of the examination.

(B) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist shall obtain a postponement no later than fifteen (15) days prior to the date of the examination, or

~~(3) (2)~~ The applicant fails to respond within 6 months of a board request for additional information concerning the applicant's educational background or professional geological or geophysical work experience.

(b) An applicant may be granted an emergency postponement not less than five days prior to such examination by the board for good cause.

(c) The application fee will be retained by the board when an application has been declared abandoned.

(d) In the event an applicant fails to appear for a scheduled examination without obtaining a postponement from the board, the board shall retain a portion of the examination fees paid directly to the Board. as follows:

~~(1) For failure to appear as scheduled for two sections of the national examination the board shall retain \$75.00 of the examination fee.~~

~~(2) For failure to appear as scheduled for one section of the national examination, the board shall retain \$50.00 of the examination fee.~~

~~(3) For failure to appear as scheduled for an examination for registration as a geophysicist or certified engineering geologist or certified hydrogeologist, the Board shall retain \$25.00 of the examination fee.~~

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7818 and 7841, 7841.1, 7841.2, 7842, and 7844, Business and Professions Code.

3026. ~~Unqualified Applicant: Refund of Examination Fee.~~

~~If an applicant for registration as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist is found by the Board to lack the qualifications required for admission to the examination for such registration, the board shall refund to the applicant the amount of the applicant's examination fee only.~~

~~Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7822, 7841, 7841.1, 7842 and 7887, Business and Professions Code.~~

**Amendments to Title 16, California Code of Regulations section 3024
relating to Abandoned Applications and Postponements**

Board staff recommends that Title 16, California Code of Regulations section (16 CCR) 3024, pertaining to abandoned applications, postponements, and refunds of examination fees for geology and geophysics applicants, be amended. It is also recommended that a new section be adopted to address postponements, rather than including that language in the same section as the provisions relating to abandoned applications.

Staff makes these recommendations for the following reasons:

- The current language regarding abandoned applications is confusing because it is comingled with the provisions regarding postponements. Postponement and abandoned application language should be separated into two different regulations in order to maintain the clarity between the two issues.
- The regulation currently requires requests for postponements to be submitted prior to the administration of the examination. Requiring postponements to be requested prior to the examination does not take into account unforeseen situations that may occur on the day of the examination. The regulations should allow for the submission of such a request after the examination is administered.
- Refunds (including partial refunds) of examination fees are not granted for failing to appear at an examination after the candidate has been scheduled for the examination. As such, the regulation needs to be amended to remove references to refunding examination fees.

RECOMMENDED MOTION:

Direct staff to begin the rulemaking process to amend Title 16, California Code of Regulations section 3024 and to adopt Title 16, California Code of Regulations section 3024.5, relating to abandoned applications and postponements.

3024. Abandoned Applications.

~~(a) In the absence of special circumstances, the board shall consider an application abandoned when:~~

~~—(1) The applicant fails to submit a registration fee within 6 months of the date of the letter of notification that the application has been received and approved or~~

~~—(2) The applicant fails to appear for a scheduled examination without obtaining a postponement from the board prior to the date of the examination or without scheduling to take the examination within the next two subsequent examinations as follows:~~

~~—(A) An applicant for registration as a geologist shall obtain a postponement no later than fifty (50) days prior to the date of the examination.~~

~~—(B) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist shall obtain a postponement no later than fifteen (15) days prior to the date of the examination, or~~

~~—(3) The applicant fails to respond within 6 months of a board request for additional information concerning the applicant's educational background or professional geological or geophysical work experience.~~

~~(b) An applicant may be granted an emergency postponement not less than five days prior to such examination by the board for good cause.~~

~~(c) The application fee will be retained by the board when an application has been declared abandoned.~~

~~(d) In the event an applicant fails to appear for a scheduled examination without obtaining a postponement from the board, the board shall retain a portion of the examination fee as follows:~~

~~—(1) For failure to appear as scheduled for two sections of the national examination the board shall retain \$75.00 of the examination fee.~~

~~—(2) For failure to appear as scheduled for one section of the national examination, the board shall retain \$50.00 of the examination fee.~~

~~—(3) For failure to appear as scheduled for an examination for registration as a geophysicist or certified engineering geologist or certified hydrogeologist, the Board shall retain \$25.00 of the examination fee.~~

In the absence of special circumstances, any of the following actions by an applicant for certification or licensure shall be considered to constitute abandonment of the application and shall result in cancellation of the application with no refund of the application fee:

(a) Failure to provide additional information or references within 90 days following the submittal of a request by the Board's staff; or,

(b) Failure to complete the examination(s) to which the applicant has been assigned within two (2) years from the date of filing of the application; or,

(c) Failure to appear for the examination(s) at the designated time and place unless a postponement has been obtained in accordance with Section 3024.5; or,

(d) Failure to appear for the examination(s) at the designated time and place after having obtained two postponements.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7818 and 7841, 7841.1, 7841.2, 7842, and 7844, Business and Professions Code.

3024.5. Postponements.

The executive officer may grant a postponement, not to exceed two such postponements for each application, to any applicant who for reasonable cause is prevented from appearing for examination at the time fixed, provided the applicant's request for postponement and the reason therefor is filed with the principal office of the board at any time prior to the expiration of the ten (10) day period immediately following the date of such examination.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.1, 7841.2, 7842, and 7844, Business and Professions Code.

**Amendments to Title 16, California Code of Regulations
Sections 420, 422, 3021, 3023, and 3032
relating to Applications, Final Filing Dates, and Schedules of Examinations**

Board staff has reviewed the regulations codified in Divisions 5 and 29 of Title 16, California Code of Regulations (16 CCR) pertaining to applying for certification or licensure and believes some of the regulations need to be amended to provide clarity and consistency and to address changes in the application and examination processes that have occurred or will soon be occurring as the Board transitions from paper-based applications to applications submitted through its online portal, BPELSG Connect.

Staff recommends that the following regulations be amended or added:

- 16 CCR 420 and 3021: These regulations address the general procedures for submitting applications for certification or licensure to the Board. The proposed amendments will provide for consistency in the processing of applications for all certification and license types issued by the Board. In addition, they change the terminology from referring to a paper-based “form” to more general terminology that will cover both paper-based applications as well as online submittals. Other conforming and non-substantive changes are also proposed.
- 16 CCR 422 and 3023.1: 16 CCR 422 addressed final filing dates for the submission of applications relating to certifications and licenses issued under the Professional Engineers Act (Business and Professions Code section 6700, et seq.) and the Professional Land Surveyors’ Act (Business and Professions Code section 8700, et seq.). There is no similar regulation relating to applications for certifications and licenses issued under the Geologist and Geophysicist Act (Business and Professions Code section 7800, et seq.). Although the Board is moving away from final filing dates, there are still some license types that have final filing dates based on the internal processes involved with scheduling approved applicants for examinations. For the purposes of consistency and clarity, it is recommended that 16 CCR 3023.1 be added to address final filing dates for applications under the Geologist and Geophysicist Act.
- 16 CCR 3023: This section will need to be amended due to the changes proposed to be made to 16 CCR 3021. For professional engineer and land surveyor applicants, qualifying experience for current, on-going work experience is calculated up to the date of submitted of the application or to the final filing date, if the application is submitted within 30 days preceding the final filing date. For consistency in the processing of applications for all license types, it is recommended that 16 CCR 3023 be amended to provide the same calculation periods for professional geologist and geophysicist and certified specialty geologist licenses.
- 16 CCR 3032: Currently, the regulation requires the geologist- and geophysicist-related examinations to be given once each year and prohibits the them from being

given more than twice per year. Although these examinations are currently only given once or twice each year, the Board should not be precluded from given the examinations more than twice each year in case it were to become feasible in the future to administer them more often.

RECOMMENDED MOTION:

Direct staff to begin the rulemaking process to amend Title 16, California Code of Regulations sections 420, 422, 3021, 3023, and 3032 and to adopt Title 16, California Code of Regulations section 3023.1, relating to applications, final filing dates, computations of qualifying experience, and schedules of examinations.

420. Applications.

- (a) Applications for certification, for licensure, or for a certificate of authority shall be:
- (1) ~~Filed on a form~~ Submitted in a format prescribed by the executive officer ~~and shall be typewritten.~~
 - (2) ~~Filed at the office of the Board and a~~ Accompanied by the required application fee.
 - (3) Made out properly in every respect and ~~must~~ contain full complete information.
 - (4) Subscribed and certified to “under penalty of perjury” as provided by Section 2015.5 of the Code of Civil Procedure.
- (b) An application made otherwise will not be accepted by the Board, and it may be returned by the executive officer with a statement of the reason therefor.
- (c) Upon evaluation of the applicant’s qualifications, ~~his/her~~ the applicant’s examination results, and any other supporting data, ~~his/her~~ the application will be either:
- (1) Denied without prejudice, and the application fee retained by the Board for the Professional ~~Engineers’~~ Engineer’s, Land Surveyor’s, and Geologist’s Fund.
 - (2) Approved, and ~~he/she~~ the applicant will be granted the certification or license for which application was made.
- (d) The Board may request each applicant ~~to~~ provide the Board with a current photograph after ~~an~~ the applicant has become licensed or certified.

Note: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections ~~6706.3, 6710, 6732,~~ 6750, ~~6758,~~ 6759, 8740, ~~8746~~ and 8748, Business and Professions Code; and Section 2015.5, Code of Civil Procedure.

3021. Applications.

~~(a) Applications for registration as a geologist, certified specialty geologist, or geophysicist certification or licensure shall be:~~

~~(a) (1) Filed on a form Submitted in a format prescribed by the board, executive officer.~~

~~(2) Accompanied by the required application fee and examination fee.~~

~~(3) Made out properly in every respect and contain complete information.~~

~~(4) Subscribed and certified to "under penalty of perjury" as provided by Section 2015.5 of the Code of Civil Procedure.~~

~~(b) Filed with the board at least one hundred (100) days prior to the scheduled examination.~~

~~All documentation in support of the applications shall be submitted to the board within seventy (70) days prior to the scheduled examination. Applications and supporting documentation not received by the board within the timeframes specified shall not be considered for that examination. An application mailed to the board shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope.~~

~~(e) An application which is not submitted in proper form made otherwise will not be accepted by the board, it may and will be returned by the executive officer with a statement of the reason therefor.~~

~~(c) Upon evaluation of the applicant's qualifications, the applicant's examination results, and any other supporting data, the application will be either:~~

~~(1) Denied without prejudice, and the application fee retained by the Board for the Professional Engineer's, Land Surveyor's, and Geologist's Fund.~~

~~(2) Approved, and the applicant will be granted the certification or license for which application was made.~~

~~(d) The Board may request each applicant provide the Board with a current photograph after the applicant has become licensed or certified.~~

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

422. Final Filing Date.

(a) An application filed with the board after the final filing date announced for an examination shall not be considered for such examination.

(b) Whenever the final filing date announced for an examination falls upon a Saturday, Sunday or holiday, it shall be extended to the next business day following.

(c) If an application is filed with the board through the United States mail, it shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date mailed if satisfactory proof is made that the mailing occurred on an earlier date.

Note: Authority cited: Sections ~~6707, 6716, and 8710, Business and Professions Code~~ and ~~11003, Government Code~~. Reference: Sections 6750, 6754, 6759, 8740, 8745, and 8748, Business and Professions Code; and Section 11003, Government Code.

3023.1. Final Filing Date.

(a) An application filed with the board after the final filing date announced for an examination shall not be considered for such examination.

(b) Whenever the final filing date announced for an examination falls upon a Saturday, Sunday or holiday, it shall be extended to the next business day following.

(c) If an application is filed with the board through the United States mail, it shall be deemed filed on the date shown by the post office cancellation mark stamped on the envelope containing it, or on the date mailed if satisfactory proof is made that the mailing occurred on an earlier date.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.1, 7841.2, 7842, and 7842.1, Business and Professions Code; and Section 11003, Government Code.

3023. ~~Date of Education and Computation of Qualifying Experience.~~

~~The qualifying education and experience for examination and registration as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist shall include the one hundred (100) days provided in Section 3021 for processing and acceptance of the application by the board prior to the date of the examination. The applicant shall promptly give written notice to the board in the event the applicant's work situation changes and the one hundred (100) days from the final filing date of the application to the examination date credited for qualifying education and experience, or the portion that is required for qualification, are not performed.~~

Computation of qualifying experience shall be to the date of filing of the application; or it shall be to the final filing date announced for the examination if the application is filed within a period of thirty (30) days preceding the final filing date announced for such examination.

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

3032. Schedule of Regular Written Examinations.

(a) ~~The regular w~~Written examinations for registration as a geologist, geophysicists, or for certification in a specialty shall ~~be held not less than once nor more than twice each calendar year~~ given at intervals determined by the board but not less than once each year.

(b) The executive officer shall publish annually, not later than October 1st of each calendar year, a schedule of examinations for the following year.

(c) Whenever circumstances warrant, the board may postpone, advance, or otherwise change without notice the examination schedule previously published.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Section 7844, Business and Professions Code.

Amendments to Title 16, California Code of Regulations Sections 426.14, 427.10, 427.20, and 427.30 relating to References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers

Board staff has reviewed the regulations codified in Division 5 of Title 16, California Code of Regulations (16 CCR) pertaining to applying for certification or licensure and believes some of the regulations need to be amended to address changes in the application process that have occurred or will soon be occurring as the Board transitions from paper-based applications to applications submitted through its online portal, BPELSG Connect.

Specifically, staff recommends that amendments be made to 16 CCR 426.14, 427.10, 427.20, and 427.30 to clarify the requirements for and submittal of professional references for applicants for licensure as professional engineers, professional land surveyors, geotechnical engineers, and structural engineers. The changes proposed address changes to the process as the applications transition submittal as paper-based “forms” to submittal through an online portal. Other conforming and non-substantive changes are also proposed.

RECOMMENDED MOTION:

Direct staff to begin the rulemaking process to amend Title 16, California Code of Regulations sections 426.14, 427.10, 427.20, and 427.30, relating to references for professional engineers and land surveyors, soils engineers, and structural engineers.

426.14. Experience for Structural Engineering Gained Out of State.

(a) The Board may consider an application for authority to use the title “structural engineer” from an applicant who does not possess three (3) years of qualifying experience subsequent to the date of licensure as a California civil engineer but who possesses experience equivalent to that provided in Section 426.11 based upon either:

(1) A minimum of three (3) years of structural engineering qualifying experience gained after the applicant’s registration or licensure as a civil engineer in another state.

(2) A minimum of three (3) years of structural engineering qualifying experience which was gained while exempt from licensure pursuant to Section 6739 of the Code or while employed or registered or licensed in another country. Such experience shall be in addition to the experience required for licensure as a civil engineer in this state.

~~(b) Applicants seeking approval of their structural engineering qualifying experience, pursuant to this section, shall file their application at least six months prior to the final filing deadline to be considered for the next scheduled examination. Applicants may be required to appear for an interview regarding their structural engineering qualifying experience.~~

Note: Authority cited: Section 6716, Business and Professions Code. Reference: Sections ~~6706.3, 6710, 6717, 6732,~~ 6736, 6739, 6751.2, ~~6753.5~~ and 6763, Business and Professions Code.

427.10. References Requirements for Applicants for Licensure as Professional Engineers and Land Surveyors.

(a) To assist the Board in evaluating qualifications, each applicant for licensure as a professional engineer or a professional land surveyor shall ~~submit completed reference forms from as many~~ furnish references as may be consistent with the length and character of the professional experience claimed. ~~Professional engineer applicants shall use the form entitled “Professional Engineer Engagement Record and Reference Form (PE09)(2017),” hereby incorporated by reference. Professional Land Surveyor applicants shall use the form entitled “Professional Land Surveyor Engagement Record and Reference Form (LS09)(2017),” hereby incorporated by reference. Professional land surveyor applicants may also use the form entitled “Log Book for Professional Land Surveyor Applicants (LB09)(2017),” hereby incorporated by reference, as an optional supplement to the “Professional Land Surveyor Engagement Record and Reference Form (LS09)(2017).”~~

(b) The applicant for licensure as a professional engineer or a professional land surveyor shall furnish ~~not less than the number of~~ references ~~required hereafter:~~

(1) ~~An applicant for a license as a professional land surveyor or as a professional engineer shall refer to~~ from not less than four persons who are authorized to practice in the discipline for which the applicant is applying and who have personal knowledge of the applicant’s qualifying experience, none of whom is a relative either by birth or marriage.

(c) The Board may waive the requirement that only licensed individuals give references for the applicants in disciplines other than civil engineering or land surveying when the applicants have no association with licensed individuals in their work environment.

~~(2) (d) Nothing herein contained shall be construed to limit authority of the Board to seek such other information pertinent to the education and experience of the applicant as may be required to verify his or her qualifications. The Board may waive the requirement that only registered or licensed individuals give references for the applicants in disciplines other than civil engineering or land surveying when the applicants have no association with registered or licensed individuals in their work environment.~~

(e) Information submitted by references is confidential.

Note: Authority cited: Sections 6716 and 8710, Business and Professions Code. Reference: Sections 6751, 6752, 8742, and 8743, Business and Professions Code.

427.20. Reference Requirements for “Soil Engineer.”

(a) To assist the Board in evaluating qualifications, An applicant for authority to use the title “soil engineer” shall submit furnish references as may be consistent with the length and character of the professional experience claimed.

(b) The applicant shall furnish at least four completed reference forms references from individuals who hold or held current, valid, unexpired California licenses as civil engineers during the time of the applicant’s experience. None of the references shall be related to the applicant by birth or marriage. At least two of these individuals shall be civil engineers who are or were actively engaged in the practice of “soil engineering.” Each civil engineer individual providing a reference shall clearly indicate areas of personal knowledge of the applicant’s qualifying experience.

(c) References forms completed by civil engineers registered or provided by individuals licensed outside of California, in lieu of or in addition to California references, will be considered; however, the Board may require additional information as specified in Section 427.20(d). Reference forms completed by civil engineers registered or licensed outside of the State of California shall be notarized. Information submitted by references is confidential.

(b) Notwithstanding Section 427(a), a reference form shall be submitted for each period of qualifying experience listed on the engagement record form for which the applicant desires credit.

(e) An applicant will be required to verify employment inclusive dates for each period of qualifying experience. Employment verification forms may be used for this purpose.

(d) Nothing contained in this section shall be construed to limit the authority of the Board to require that an applicant submit additional references, employment verifications and seek such other information pertinent to education or experience to verify that the applicant has met the minimum qualifications as defined in Sections 6736.1(a) and (e) of the Code and Sections 426.50 and 426.51.

(e) Information submitted by references is confidential.

(f) As used in this section, “soil engineer” includes “soils engineer” and “geotechnical engineer.”

(g) As used in this section, “soil engineering” includes “soils engineering” and “geotechnical engineering.”

Note: Authority cited: Section 6716, Business and Professions Code. Reference: Sections 6706.3, 6710, 6716, 6732, 6736.1 and 6763, Business and Professions Code.

427.30. References for Structural Engineer Authority.

(a) To assist the Board in evaluating qualifications, An applicant for authority to use the title “structural engineer” shall submit furnish references as may be consistent with the length and character of the professional experience claimed.

~~(b) The applicant shall furnish at least three completed reference forms, using the form entitled “Structural Engineer Engagement Record and Reference Form (SE09)(2017),” hereby incorporated by reference, references from individuals who hold current, valid California licenses as civil engineers and who are authorized by the Board to use the title “structural engineer,” or equivalent thereto, none of whom is related to the applicant by birth or marriage. Each reference shall have personal knowledge of the applicant’s qualifying experience and shall have examined the applicant’s work. It is preferred that at least one of the references has been a direct supervisor for a period of not less than six months.~~

~~(b) (c) “Equivalent thereto” as used in this section, means a professional engineer who is authorized to use the title “structural engineer” practice structural engineering in a another state, which has a comity agreement with this state related to “structural engineering.”~~

~~Reference forms completed by a “structural engineer” registered outside of this state but registered or licensed in a state which has a comity agreement with the State of California shall be notarized.~~

~~(e) (d) Nothing contained in this section shall be construed to limit the authority of the Board to require that an applicant submit additional references, employment verifications and seek such other information pertinent to the applicant’s education and/or experience to verify that the applicant meets the minimum qualifications as defined in Sections 426.10, 426.11, 426.12, and/or 426.13, and 426.14.~~

(e) Information submitted by references is confidential.

Note: Authority cited: Section 6716, Business and Professions Code. Reference: Sections 6736 and 6763, Business and Professions Code.

IX. Legislation

A. Possible Legislative Proposals for 2022 (Possible Action)

1. Amendments regarding Engineering and Land Surveying Businesses (Business and Professions Code sections 6738 and 8729)
2. Amendments regarding Requirements for Certification as a Geologist-in-Training (Business and Professions Code section 7841.2)
3. Addition of New Sections to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act (Business and Professions Code sections 6700-6799, 7800-7887, and 8700-8805) regarding Collection of Email Addresses from Applicants and Licensees

**Amendments regarding Engineering and Land Surveying Businesses
(Business and Professions Code sections 6738 and 8729)**

Board staff recommends that Business and Professions Code sections 6738 and 8729 be amended to remove subdivision (e) from each section.

Subdivision (e) of Sections 6738 and 8729 provide that an individual or business engaged in any line of endeavor, other than the practice of civil, electrical, or mechanical engineering and land surveying, respectively, is not prevented from employing or contracting with an appropriately-licensed individual to perform the respective engineering or land surveying services that are incidental to the conduct of the business. This subdivision does not allow unlicensed individuals to offer or provide (contract for) civil, electrical, or mechanical engineering or land surveying services and then employ or contract with an appropriately-licensed individual to perform the work. However, many members of the public misread and misinterpret this section as allowing unlicensed individuals to offer or provide (contract for) such services as long as they then hire an appropriately-licensed person to perform the work. This interpretation is contrary to the overall public protection requirements of the Professional Engineers Act (Business and Professions Code section 6700, et seq.) and the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.), which require individuals to be licensed in order to offer or provide civil, electrical, or mechanical engineering or land surveying services. This misinterpretation of the laws causes individuals to unknowingly violate the laws relating to the unauthorized offering of professional services. Removal of this subdivision will not change the current ability of individuals or business to hire an appropriately-licensed individual to perform professional engineering or land surveying services but will provide clarity by removing a provision that is widely misread and misinterpreted.

Conforming amendments would need to be made to Sections 6787 and 8792 based on the amendments proposed to be made to Sections 6738 and 8729.

RECOMMENDED MOTION:

Direct staff to pursue legislation to amend Business and Professions Code sections 6738, 6787, 8729, and 8792, relating to engineering and land surveying businesses.

Section 6738 of the Business and Professions Code, as amended by Section 1 of Chapter 150 of the Statutes of 2018, is amended to read:

6738. (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice, within the scope of their license, civil (including geotechnical and structural), electrical, or mechanical engineering as a sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

(1) A civil, electrical, or mechanical engineer currently licensed in this state is an owner, partner, or officer in charge of the engineering practice of the business.

(2) All civil, electrical, or mechanical engineering services are performed by, or under the responsible charge of, a professional engineer licensed in the appropriate branch of professional engineering.

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have an owner, partner, or officer who is in charge of the engineering work in the branch in this state, who is licensed in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of any person not licensed in this state if that person is appropriately registered or licensed in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the names of the individuals in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) The business name of a California engineering business may be a fictitious name. However, if the fictitious name includes the name of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter may also be a partner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. Nothing in this section shall be construed to permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.

~~(e) This chapter does not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering from employing or contracting with a licensed civil, electrical, or mechanical engineer to perform the respective engineering services incidental to the conduct of business.~~

~~(f)~~

(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).

~~(g)~~

(f) A business engaged in rendering civil, electrical, or mechanical engineering services may use in its name the name of a deceased or retired person provided all of the following conditions are satisfied:

(1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to and after the death or retirement of the person.

(2) The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a professional engineer, or a land surveyor, or an architect, or a geologist, (A) by the appropriate licensing board if that person is operating a place of business or practice in this state, or (B) by the applicable state board if no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use ~~his or her~~ their name as the name of a new or purchased business if it is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to the provisions of paragraphs (1) and (2) of subdivision (a).

~~(h)~~

(g) This section does not affect the provisions of Sections 6731.2 and 8726.1.

~~(i)~~

(h) A current organization record form shall be filed with the board for all businesses engaged in rendering civil, electrical, or mechanical engineering services.

~~(j)~~

(i) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 6738 of the Business and Professions Code, as amended by Section 2 of Chapter 150 of the Statutes of 2018, is amended to read:

6738. (a) This chapter does not prohibit one or more civil, electrical, or mechanical engineers from practicing or offering to practice within the scope of their license civil (including geotechnical and structural), electrical, or mechanical engineering as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if all of the following requirements are met:

(1) A civil, electrical, or mechanical engineer currently licensed in this state is an owner, partner, or officer in charge of the engineering practice of the business.

(2) All civil, electrical, or mechanical engineering services are performed by, or under the responsible charge of, a professional engineer licensed in the appropriate branch of professional engineering.

(3) If the business name of a California engineering business contains the name of any person, then that person shall be licensed as a professional engineer, a licensed land surveyor, a licensed architect, or a geologist registered under the Geologist and Geophysicist Act (Chapter 12.5 (commencing with Section 7800)). Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of an individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have an owner, partner, or officer who is in charge of the engineering

work in the branch in this state, who is licensed in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of any person not licensed in this state if that person is appropriately registered or licensed in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the names of the individuals in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) The business name of a California engineering business may be a fictitious name. However, if the fictitious name includes the name of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter may also be a partner or an officer of a civil, electrical, or mechanical engineering business if the requirements of subdivision (a) are met. Nothing in this section shall be construed to permit a person who is not licensed under this chapter to be the sole owner of a civil, electrical, or mechanical engineering business, unless otherwise exempt under this chapter.

~~(e) This chapter does not prevent an individual or business engaged in any line of endeavor other than the practice of civil, electrical, or mechanical engineering from employing or contracting with a licensed civil, electrical, or mechanical engineer to perform the respective engineering services incidental to the conduct of business.~~

~~(f)~~

(e) This section shall not prevent the use of the name of any business engaged in rendering civil, electrical, or mechanical engineering services, including the use by any lawful successor or survivor, that lawfully was in existence on December 31, 1987. However, the business is subject to paragraphs (1) and (2) of subdivision (a).

~~(g)~~

(f) A business engaged in rendering civil, electrical, or mechanical engineering services may use in its name the name of a deceased or retired person provided all of the following conditions are satisfied:

(1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to and after the death or retirement of the person.

(2) The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a professional engineer, or a land surveyor, or an architect, or a geologist, (A) by the appropriate licensing board if that person is operating a place of business or practice in this state, or (B) by the applicable state board if no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another professional engineering business in this state during the period of the consent. However, the retired person may use ~~his or her~~ their name as the name of a new or purchased business if it is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to the provisions of paragraphs (1) and (2) of subdivision (a).

~~(h)~~

(g) This section does not affect the provisions of Sections 6731.2 and 8726.1.

~~(i)~~

(h) A current organization record form shall be filed with the board for all businesses engaged in rendering civil, electrical, or mechanical engineering services.

(j)

(i) This section shall become operative on January 1, 2026.

Section 6787 of the Business and Professions Code is amended to read:

6787. A person who does any of the following is guilty of a misdemeanor:

(a) Unless the person is exempt from licensure under this chapter, ~~practice practices~~ or ~~offer offers~~ to practice civil, electrical, or mechanical engineering in this state according to the provisions of this chapter without legal authorization.

(b) ~~Present Presents~~ or ~~attempt attempts~~ to file as the person's own the certificate of licensure of a licensed professional engineer unless they are the person named on the certificate of licensure.

(c) ~~Give Gives~~ false evidence of any kind to the board, or to any board member, in obtaining a certificate of licensure.

(d) ~~Impersonate Impersonates~~ or ~~use uses~~ the seal, signature, or license number of a licensed professional engineer or ~~use uses~~ a false license number.

(e) ~~Use Uses~~ an expired, suspended, surrendered, or revoked license.

(f) ~~Represent Represents~~ themselves as, or uses the title of, a licensed or registered civil, electrical, or mechanical engineer, or any other title whereby that person could be considered as practicing or offering to practice civil, electrical, or mechanical engineering in any of its branches, unless they are correspondingly qualified by licensure as a civil, electrical, or mechanical engineer under this chapter.

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

(h) ~~Use Uses~~ the title, or any combination of that title, of "professional engineer," "licensed engineer," "registered engineer," or the branch titles specified in Section 6732, or the authority titles specified in Sections 6736 and 6736.1, or "engineer-in-training," or makes use of any abbreviation of that title that might lead to the belief that the person is a licensed engineer, is authorized to use the titles specified in Section 6736 or 6736.1, or holds a certificate as an engineer-in-training, without being licensed, authorized, or certified as required by this chapter.

(i) ~~Use Uses~~ the title "consulting engineer" without being licensed as required by this chapter or without being authorized to use that title pursuant to legislation enacted at the 1963, 1965, or 1968 Regular Session.

(j) ~~Violate Violates~~ any provision of this chapter.

Section 8729 of the Business and Professions Code, as amended by Section 3 of Chapter 150 of the Statutes of 2018, is amended to read:

8729. (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state prior to 1982 (hereinafter called civil engineers) from practicing or offering to practice, within the scope of their licensure, land surveying as a sole proprietorship, partnership, limited liability partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

(1) A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.

(2) All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.

(3) If the business name of a California land surveying business contains the name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of a person not licensed in this state, if that person is appropriately licensed or registered in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) The business name of a California land surveying business may be a fictitious name. However, if the fictitious name includes the names of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter or licensed as a civil engineer in this state prior to 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. Nothing in this section shall be construed to permit a person who is not licensed under this chapter or licensed as a civil engineer in this state prior to 1982 to be the sole owner or office of a land surveying business, unless otherwise exempt under this chapter.

~~(e) This chapter does not prevent an individual or business engaged in any line of endeavor, other than the practice of land surveying, from employing or contracting with a licensed land surveyor or a licensed civil engineer to perform the respective land surveying services incidental to the conduct of business.~~

~~(f)~~

(e) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, that lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a).

~~(g)~~

(f) A business engaged in rendering land surveying services may use in its name the name of a deceased or retired person if the following conditions are satisfied:

(1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to the death or retirement of the person.

(2) The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use ~~his or her~~ their name as the name of a new or purchased

business, if that business is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to paragraphs (1) and (2) of subdivision (a).

~~(h)~~

(g) This section does not affect Sections 6731.2 and 8726.1.

~~(i)~~

(h) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

~~(i)~~

(i) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

Section 8729 of the Business and Professions Code, as amended by Section 4 of Chapter 150 of the Statutes of 2018, is amended to read:

8729. (a) This chapter does not prohibit one or more licensed land surveyors or civil engineers licensed in this state prior to 1982 (hereinafter called civil engineers) from practicing or offering to practice within the scope of their licensure, land surveying as a sole proprietorship, partnership, firm, or corporation (hereinafter called business), if the following conditions are satisfied:

(1) A land surveyor or civil engineer currently licensed in the state is an owner, partner, or officer in charge of the land surveying practice of the business.

(2) All land surveying services are performed by or under the responsible charge of a land surveyor or civil engineer.

(3) If the business name of a California land surveying business contains the name of a person, then that person shall be licensed by the board as a land surveyor or licensed by the board in any year as a civil engineer. Any offer, promotion, or advertisement by the business that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license discipline of each individual named.

(b) An out-of-state business with a branch office in this state shall meet the requirements of subdivision (a) and shall have an owner, partner, or officer who is in charge of the land surveying work in this state, who is licensed in this state, and who is physically present at the branch office in this state on a regular basis. However, the name of the business may contain the name of a person not licensed in this state, if that person is appropriately licensed or registered in another state. Any offer, promotion, or advertisement that contains the name of any individual in the business, other than by use of the name of the individual in the business name, shall clearly and specifically designate the license or registration discipline of each individual named.

(c) The business name of a California land surveying business may be a fictitious name. However, if the fictitious name includes the names of any person, the requirements of paragraph (3) of subdivision (a) shall be met.

(d) A person not licensed under this chapter or licensed as a civil engineer in this state prior to 1982 may also be a partner or an officer of a land surveying business if the conditions of subdivision (a) are satisfied. Nothing in this section shall be construed to permit a person who is not licensed under this chapter or licensed as a civil engineer in this state prior to 1982 to be the sole owner or office of a land surveying business, unless otherwise exempt under this chapter.

~~(e) This chapter does not prevent an individual or business engaged in any line of endeavor, other than the practice of land surveying, from employing or contracting with a licensed land surveyor~~

~~or a licensed civil engineer to perform the respective land surveying services incidental to the conduct of business.~~

~~(f)~~

(e) This section shall not prevent the use of the name of any business engaged in rendering land surveying services, including the use by any lawful successor or survivor, that lawfully was in existence on June 1, 1941. However, the business is subject to the provisions of paragraphs (1) and (2) of subdivision (a).

~~(g)~~

(f) A business engaged in rendering land surveying services may use in its name the name of a deceased or retired person if the following conditions are satisfied:

(1) The person's name had been used in the name of the business, or a predecessor in interest of the business, prior to the death or retirement of the person.

(2) The person shall have been an owner, partner, or officer of the business, or an owner, partner, or officer of the predecessor in interest of the business.

(3) The person shall have been licensed as a land surveyor or a civil engineer by the board, if operating a place of business or practice in this state, or by an applicable state board in the event no place of business existed in this state.

(4) The person, if retired, has consented to the use of the name and does not permit the use of the name in the title of another land surveying business in this state during the period of that consent, except that a retired person may use ~~his or her~~ their name as the name of a new or purchased business, if that business is not identical in every respect to that person's name as used in the former business.

(5) The business shall be subject to paragraphs (1) and (2) of subdivision (a).

~~(h)~~

(g) This section does not affect Sections 6731.2 and 8726.1.

~~(i)~~

(h) A current organization record form shall be filed with the board for all businesses engaged in rendering professional land surveying services.

~~(j)~~

(i) This section shall become operative on January 1, 2026.

Section 8792 of the Business and Professions Code is amended to read:

8792. A person who does any of the following is guilty of a misdemeanor:

(a) Unless the person is exempt from licensure under this chapter, practices, or offers to practice, land surveying in this state without legal authorization.

(b) Presents as their own the license of a professional land surveyor unless they are the person named on the license.

(c) Attempts to file as their own any record of survey under the license of a professional land surveyor.

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

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

(f) Uses an expired, suspended, surrendered, or revoked license.

- (g) Represents themselves as, or uses the title of, professional land surveyor, or any other title whereby that person could be considered as practicing or offering to practice land surveying, unless the person is correspondingly qualified by licensure as a land surveyor under this chapter.
- (h) Uses the title, or any combination of that title, of “professional land surveyor,” “licensed land surveyor,” “land surveyor,” or the titles specified in Sections 8751 and 8775, or “land surveyor-in-training,” or who makes use of any abbreviation of that title that might lead to the belief that the person is a licensed land surveyor or holds a certificate as a land surveyor-in-training, without being licensed or certified as required by this chapter.
- (i) Unless appropriately licensed, manages, or conducts as manager, proprietor, or agent, any place of business from which land surveying work is solicited, performed, or practiced, except as authorized pursuant to Section ~~6731.2~~ and subdivision (e) of Section ~~8729~~. 6731.2.
- (j) Violates any provision of this chapter.

**Amendments regarding Requirements for Certification as a Geologist-in-Training
(Business and Professions Code section 7841.2)**

Board staff recommends that Business and Professions Code section 7841.2 be amended to add a provision specifying that the Board is not required to verify an applicant's eligibility for certification as a geologist-in-training as long as the applicant signs or acknowledges a statement at the time of submission of the application attesting to the completion of the education requirements established by the statutes and regulations. Similar language is already included in Sections 6751 and 8741 for engineer-in-training and land surveyor-in-training applicants.

RECOMMENDED MOTION:

Direct staff to pursue legislation to amend Business and Professions Code section 7841.2, relating to requirements for certification as a geologist-in-training.

Section 7841.2 of the Business and Professions Code is amended to read:

An applicant for certification as a geologist-in-training shall comply with all of the following:

(a) Not have committed acts or crimes constituting grounds for denial of certification under Section 480.

(b) Successfully pass the Fundamentals of Geology examination.

(c) Meet either of the following education requirements fulfilled at a school or university whose curricula meet criteria established by the rules of the board:

(1) Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.

(2) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.

(d) The board need not verify the applicant's eligibility for certification as a geologist-in-training other than to require the applicant to sign or acknowledge a statement of eligibility at the time of submission of the application attesting to completion of the education requirements established by this section and the rules of the board.

Addition of New Sections to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act (Business and Professions Code sections 6700-6799, 7800-7887, and 8700-8805) Regarding Collection of Email Addresses from Applicants and Licensees

Staff recommends that new sections be added to the Professional Engineers Act (Business and Professions Code section 6700, et seq.), the Geologist and Geophysicist Act (Business and Professions Code section 7800, et seq.), and the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.) to require applicants and licensees to provide the Board with their email addresses, if they have one.

Email has become the preferred method of communication, and other DCA entities require their applicants and licensees to provide email addresses, if they have one, to allow the DCA entities to communicate via email. Staff believes it would be beneficial to the Board to be authorized to collect email addresses from its applicants and licensees (if they have one), which would allow the Board to send notices and information to its applicants and licensees via email rather than being required to mail printed documents, allowing for a more prompt distribution of the information, as well as a more cost-effective method.

The language proposed to be added to the Acts is based on language from the California Accountancy Act (specifically, Business and Professions Code sections 5009.5, 5070, and 5070.5).

RECOMMENDED MOTION:

Direct staff to pursue legislation to add new sections to the Professional Engineers Act (Business and Professions Code section 6700, et seq.), the Geologist and Geophysicist Act (Business and Professions Code section 7800, et seq.), and the Professional Land Surveyors' Act (Business and Professions Code section 8700, et seq.) to require applicants and licensees to provide the Board with their email addresses, if they have one.

Section 6767 of the Business and Professions Code is added to read:

6767. (a) Each applicant for licensure or certification who has a valid email address shall report to the board that email address at the time of application.

(b) Each certificate or license holder who has a valid email address shall report that email address to the board at the time of renewal.

(c) Each applicant or certificate or license holder shall notify the board within 30 days of any change to their email address on file with the board. The board may periodically, as it determines necessary, require applicants and certificate or license holders to confirm that their email address on file with the board is current.

(d) In the interest of protecting the privacy of applicants and certificate or license holders, the email address provided to the board pursuant to this chapter shall not be considered a public record and shall not be disclosed pursuant to Section 27 or pursuant to a request under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), unless required pursuant to a court order by a court of competent jurisdiction.

Section 7856 of the Business and Professions Code is added to read:

7856. (a) Each applicant for licensure or certification who has a valid email address shall report to the board that email address at the time of application.

(b) Each certificate or license holder who has a valid email address shall report that email address to the board at the time of renewal.

(c) Each applicant or certificate or license holder shall notify the board within 30 days of any change to their email address on file with the board. The board may periodically, as it determines necessary, require applicants and certificate or license holders to confirm that their email address on file with the board is current.

(d) In the interest of protecting the privacy of applicants and certificate or license holders, the email address provided to the board pursuant to this chapter shall not be considered a public record and shall not be disclosed pursuant to Section 27 or pursuant to a request under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), unless required pursuant to a court order by a court of competent jurisdiction.

Section 8753 of the Business and Professions Code is added to read:

8753. (a) Each applicant for licensure or certification who has a valid email address shall report to the board that email address at the time of application.

(b) Each certificate or license holder who has a valid email address shall report that email address to the board at the time of renewal.

(c) Each applicant or certificate or license holder shall notify the board within 30 days of any change to their email address on file with the board. The board may periodically, as it determines necessary, require applicants and certificate or license holders to confirm that their email address on file with the board is current.

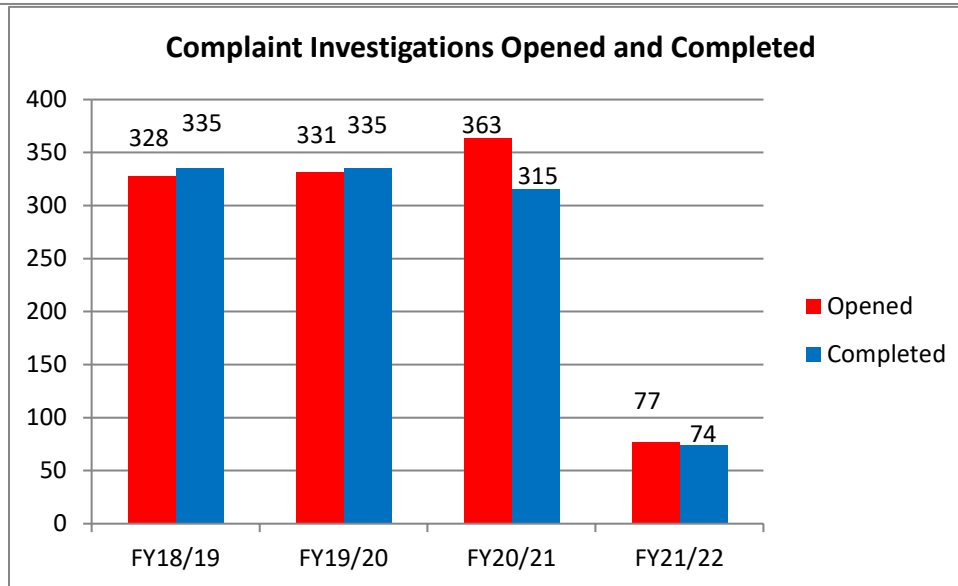
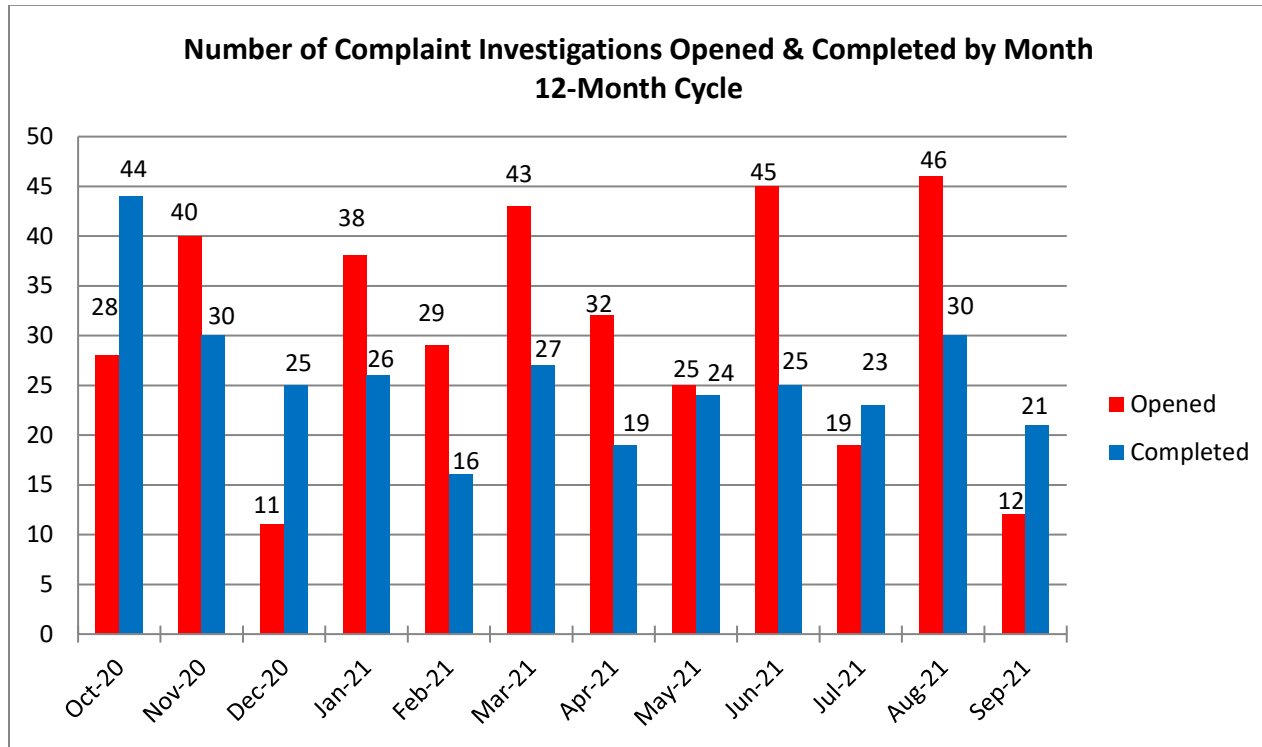
(d) In the interest of protecting the privacy of applicants and certificate or license holders, the email address provided to the board pursuant to this chapter shall not be considered a public record and shall not be disclosed pursuant to Section 27 or pursuant to a request under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code), unless required pursuant to a court order by a court of competent jurisdiction.

X. Enforcement

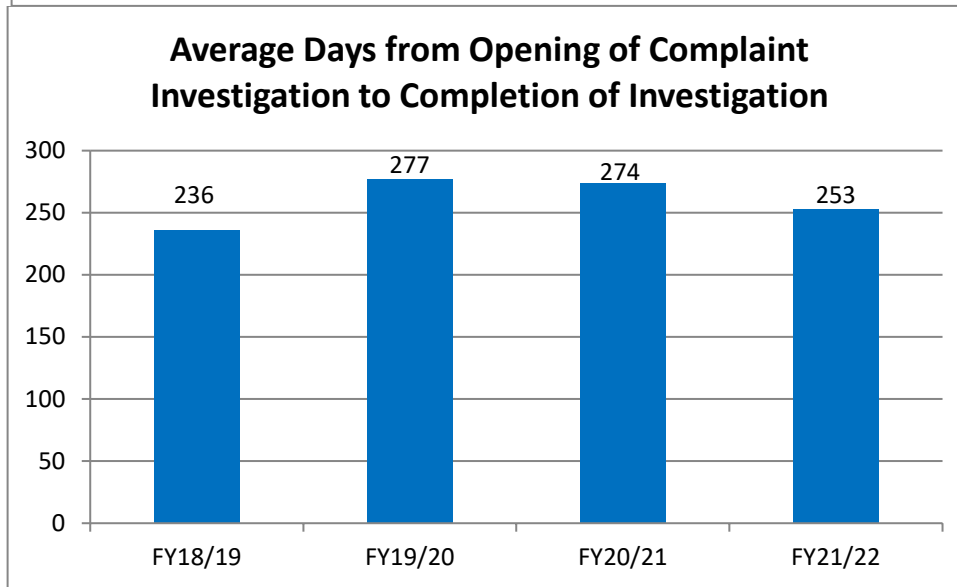
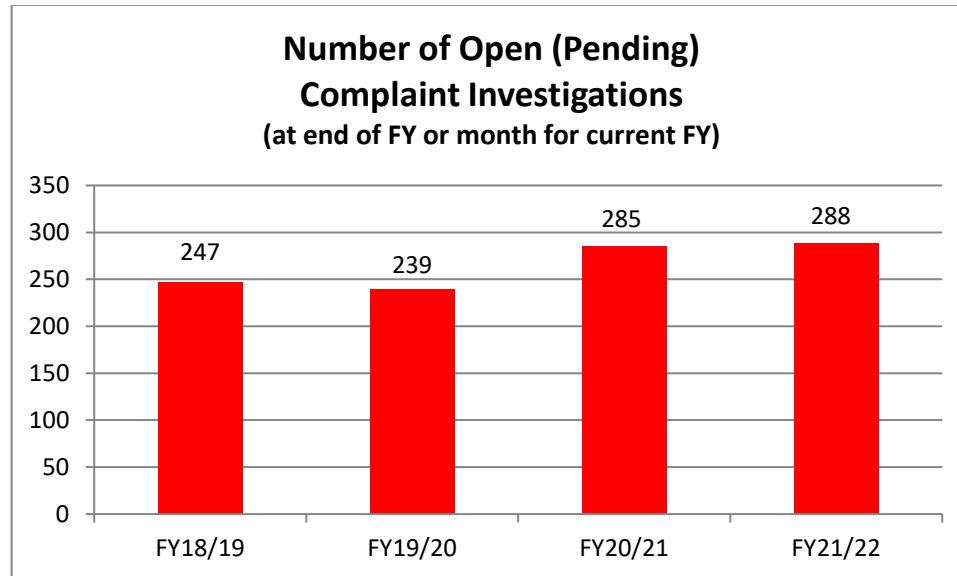
A. Enforcement Statistical Reports

1. Fiscal Year 2021/22 Update

Complaint Investigation Phase



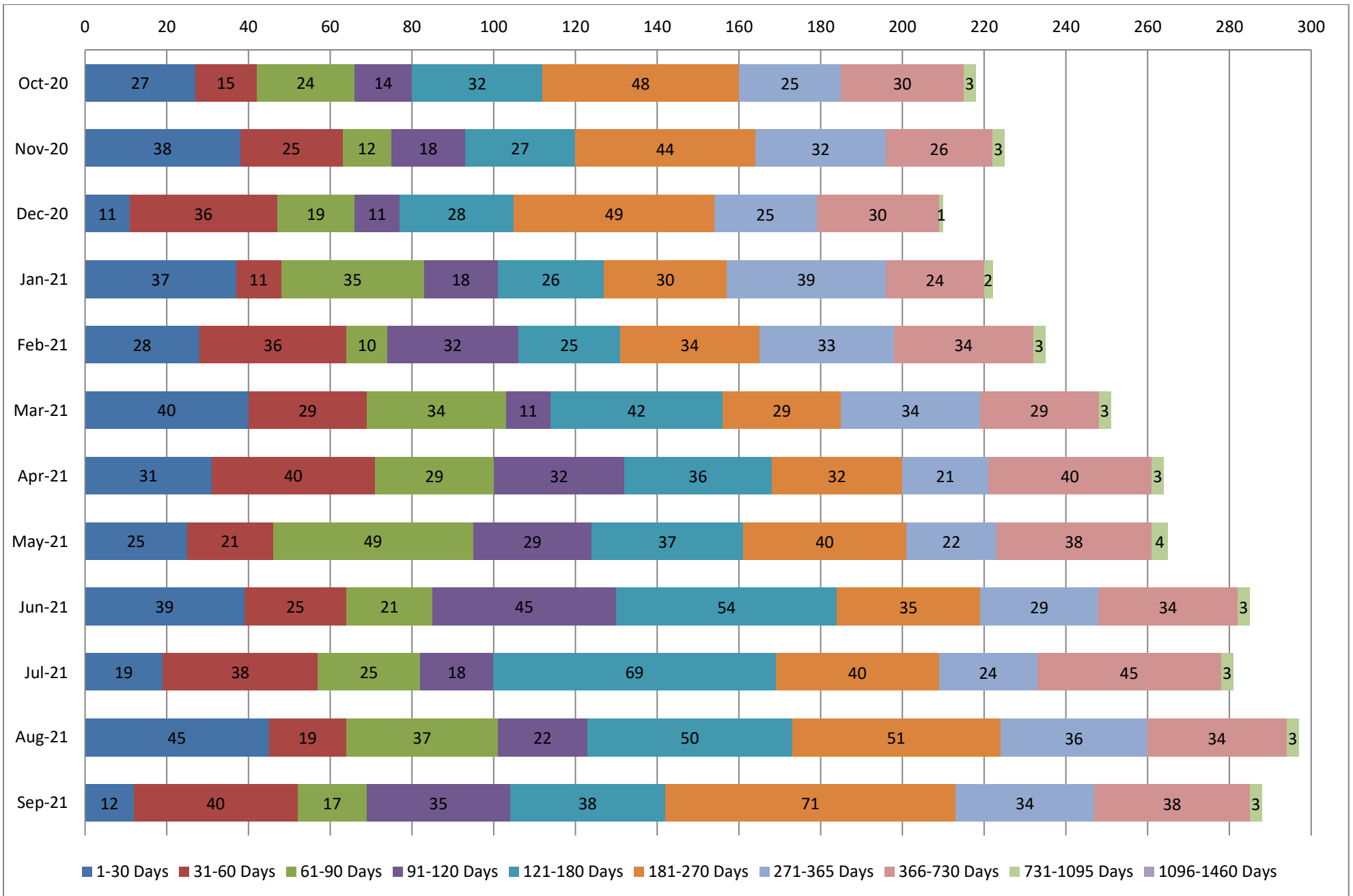
NOTE: FY20/21 statistics are through September 30, 2021



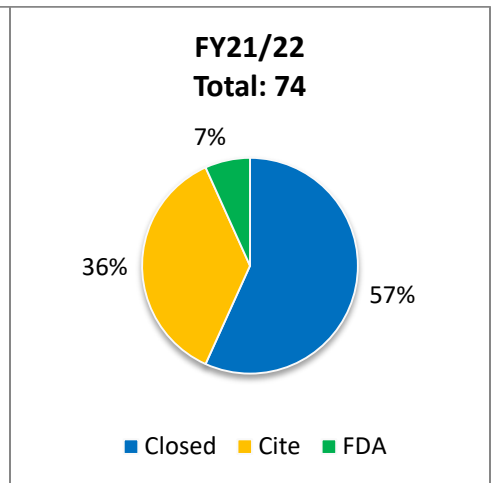
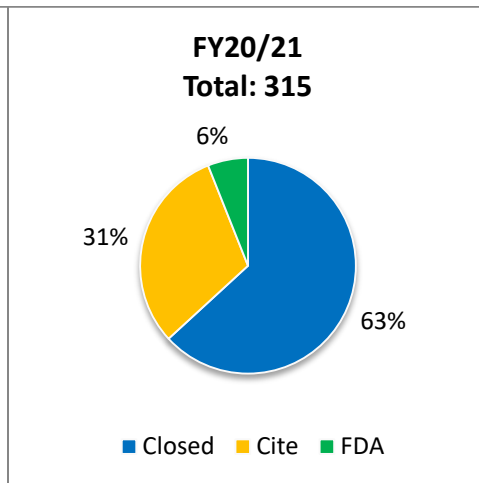
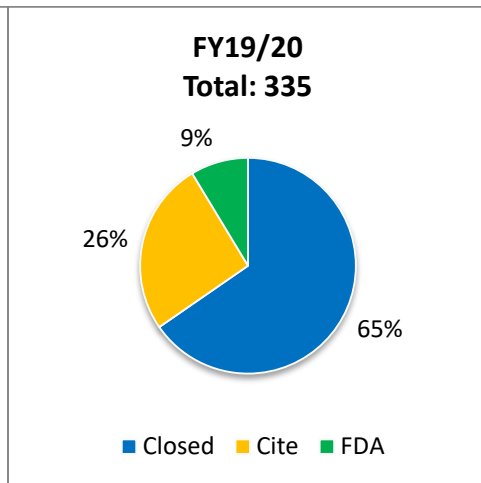
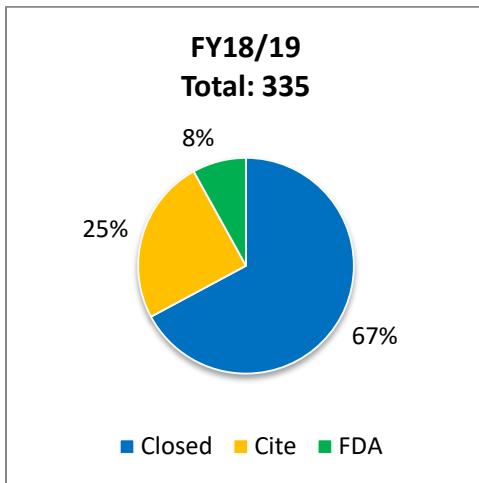
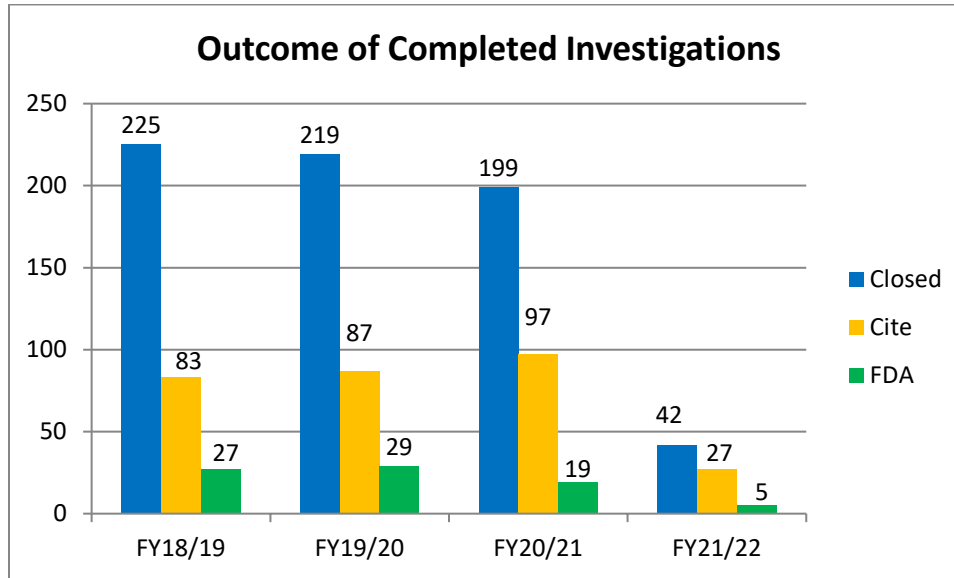
NOTE: FY20/21 statistics are through September 30, 2021

Complaint Investigation Phase

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



Complaint Investigation Phase Outcome of Completed Investigations



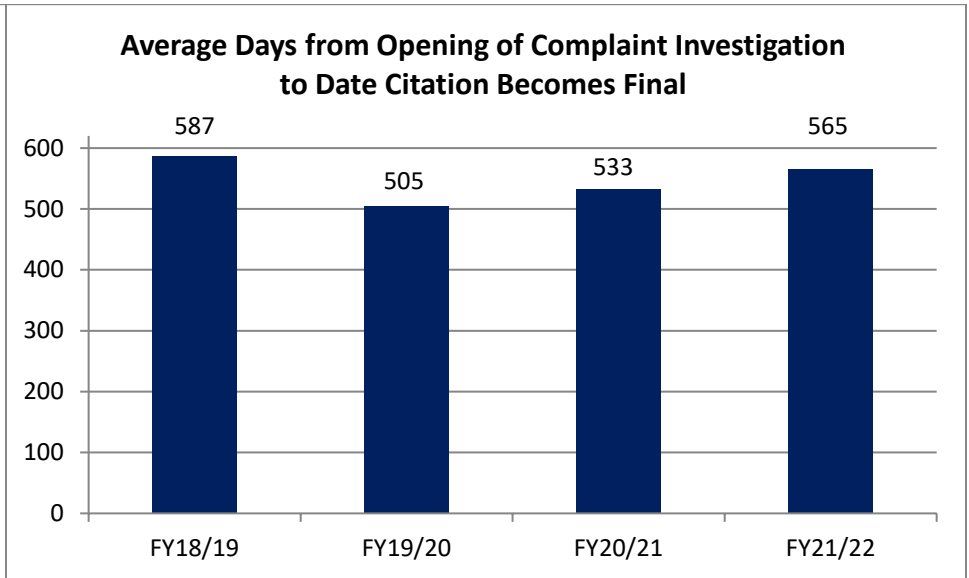
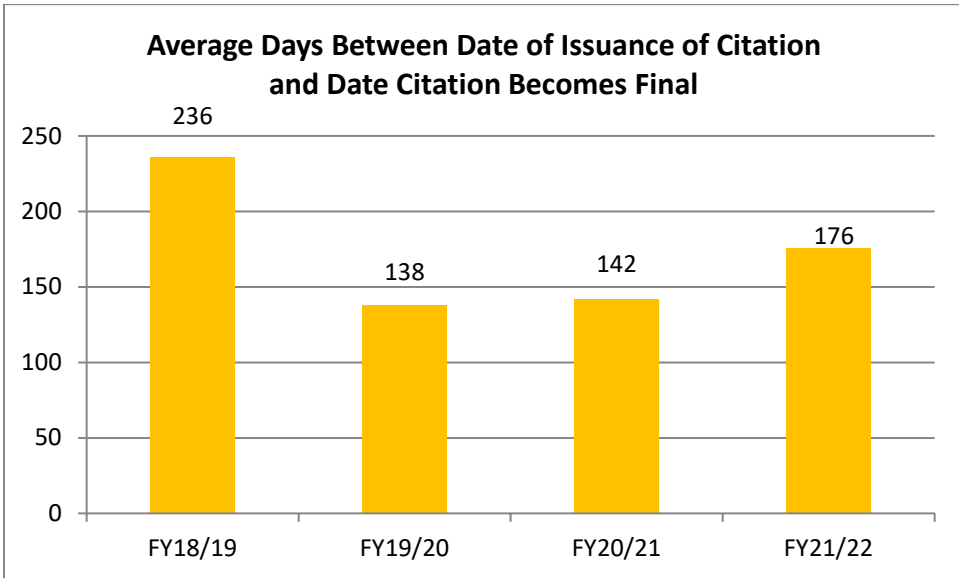
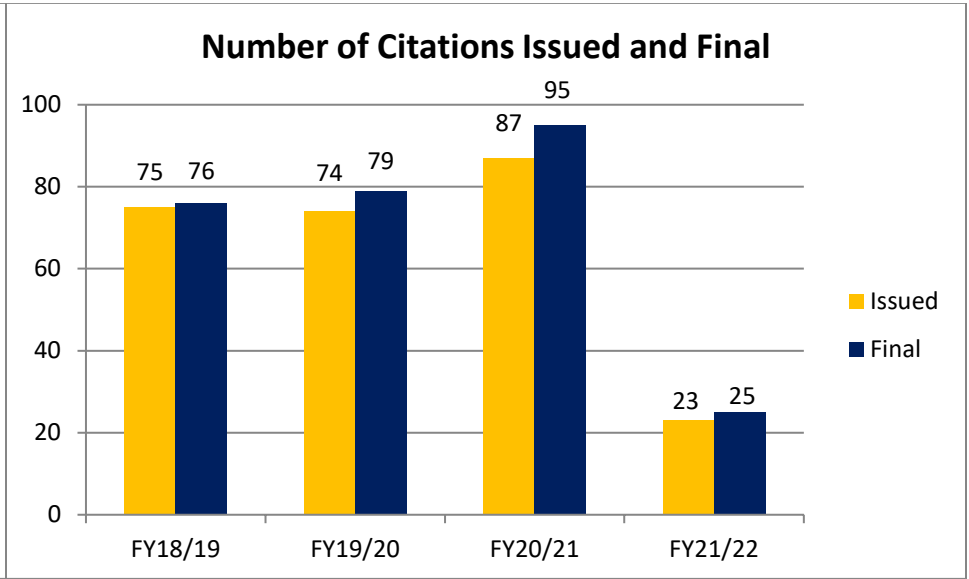
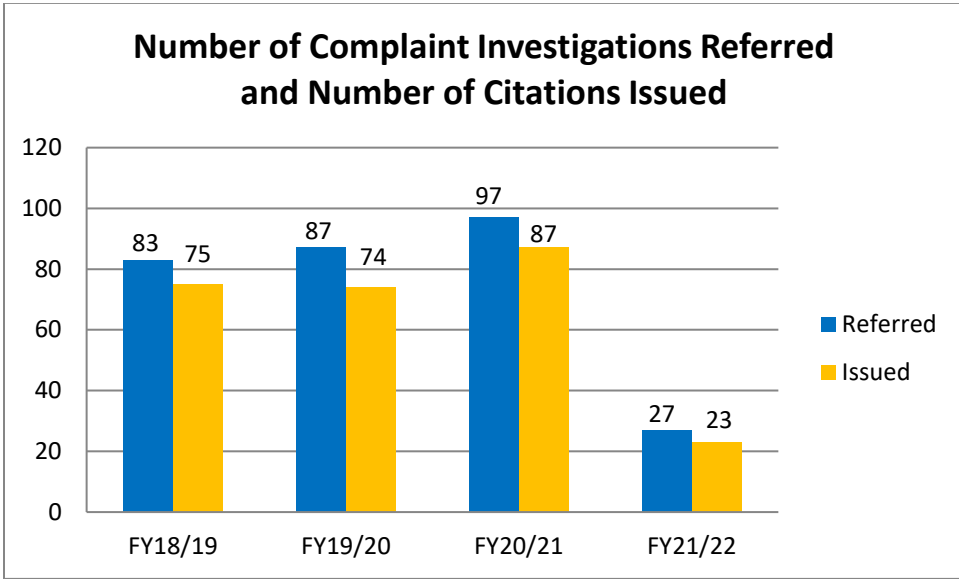
NOTE: FY20/21 statistics are through September 30, 2021

Closed with No Action Taken, includes 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.

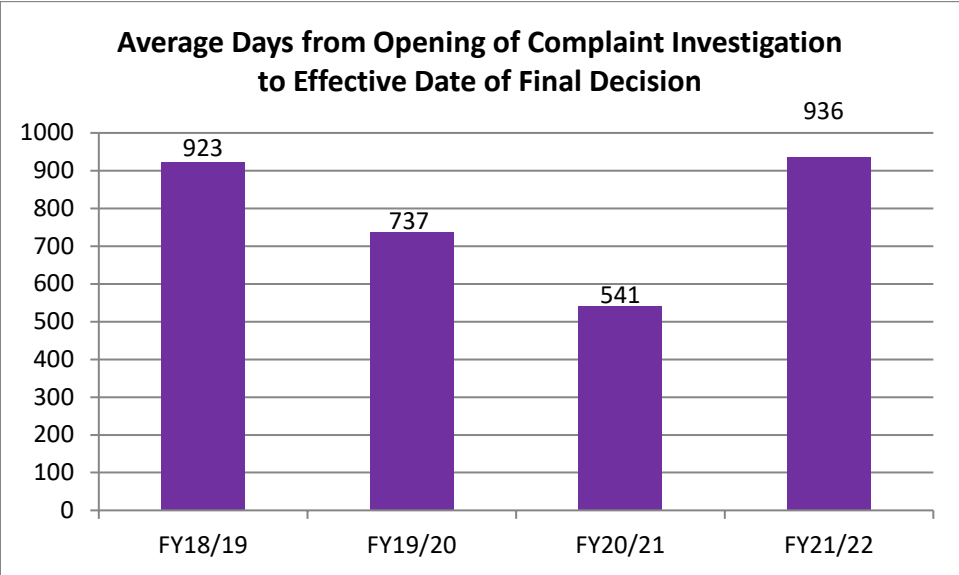
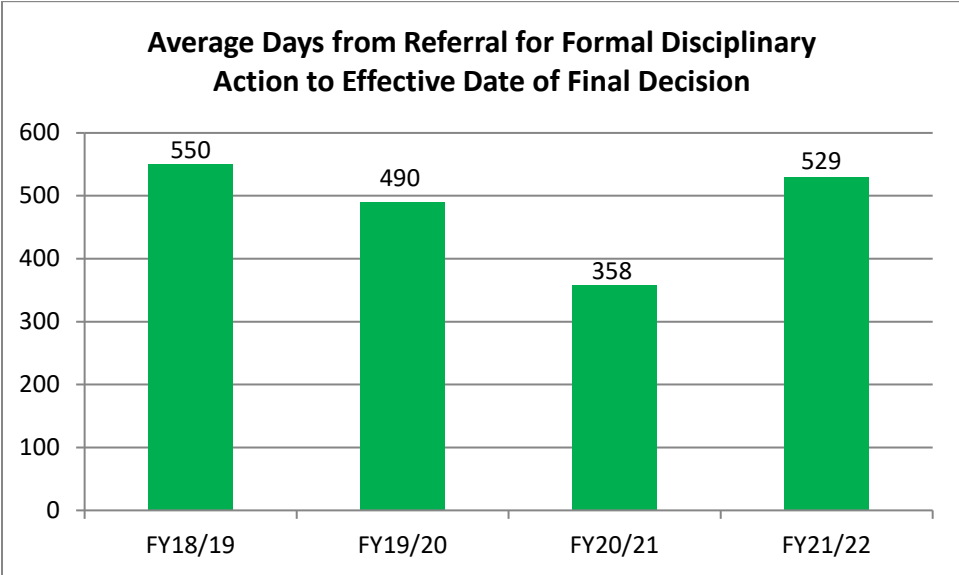
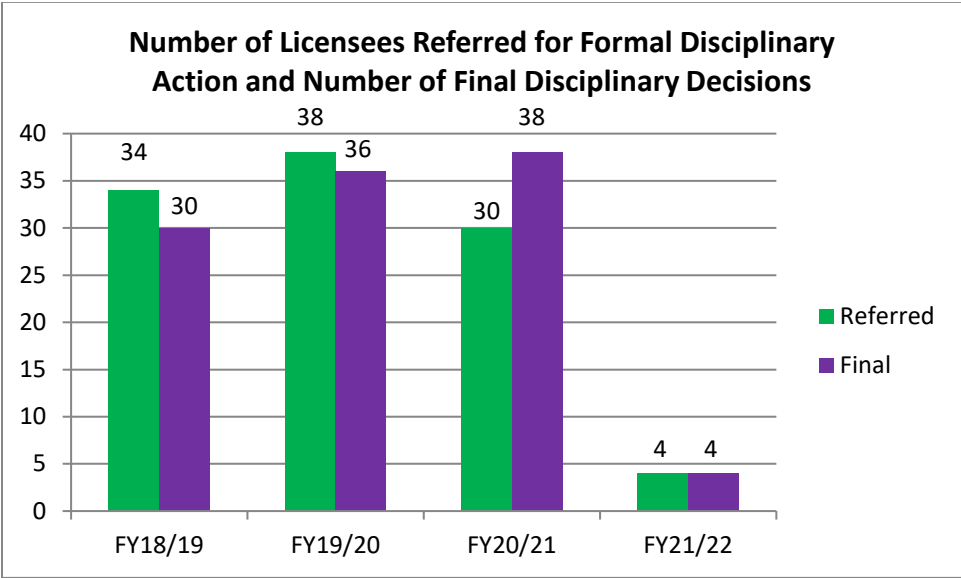
Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY20/21 statistics are through September 30, 2021



NOTE: FY20/21 statistics are through September 30, 2021

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

Month	Complaint Investigations Opened	Complaint Investigations Completed
October 2020	28	41
November 2020	40	30
December 2020	11	25
January 2021	38	26
February 2021	29	16
March 2021	43	27
April 2021	32	19
May 2021	25	24
June 2021	45	25
July 2021	19	23
August 2021	46	30
September 2021	12	21

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

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2018/19	328	335
2019/20	331	335
2020/21	363	315
2021/22	77	74

Current Fiscal Year through September 30, 2021

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

Fiscal Year	Number of Open (Pending) Complaint Investigations
2018/19	247
2019/20	239
2020/21	285
2021/22	288

Current Fiscal Year through September 30, 2021

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
2018/19	236
2019/20	277
2020/21	274
2021/22	253

Current Fiscal Year through September 30, 2021

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2018/19	225	67%	83	25%	27	8%
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	42	57%	27	36%	5	7%

Current Fiscal Year through September 30, 2021

Closed = Closed with No Action Taken, includes 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

**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
October 2020	27	15	24	14	32	48	25	30	3	0
November 2020	38	25	12	18	27	44	32	26	3	0
December 2020	11	36	19	11	28	49	25	30	1	0
January 2021	37	11	35	18	26	30	39	24	2	0
February 2021	28	36	10	32	25	34	33	34	3	0
March 2021	40	29	34	11	42	29	34	29	3	0
April 2021	31	40	29	32	36	32	21	40	3	0
May 2021	25	21	49	29	37	40	22	38	4	0
June 2021	39	25	21	45	54	35	29	34	3	0
July 2021	19	38	25	18	69	40	24	45	3	0
August 2021	45	19	37	22	50	51	36	34	3	0
September 2021	12	40	17	25	38	71	34	38	3	0

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2018/19	83	75
2019/20	87	74
2020/21	97	87
2021/22	27	23

Current Fiscal Year through September 30, 2021

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2018/19	75	76
2019/20	74	79
2020/21	87	95
2021/22	23	25

Current Fiscal Year through September 30, 2021

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

Fiscal Year	Number of Days
2018/19	236
2019/20	138
2020/21	142
2021/22	176

Current Fiscal Year through September 30, 2021

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

Fiscal Year	Number of Days
2018/19	587
2019/20	505
2020/21	533
2021/22	565

Current Fiscal Year through September 30, 2021

**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
2018/19	34	30
2019/20	38	35
2020/21	30	38
2021/22	4	4

Current Fiscal Year through September 30, 2021

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

Fiscal Year	Number of Days
2018/19	550
2019/20	490
2020/21	358
2021/22	529

Current Fiscal Year through September 30, 2021

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

Fiscal Year	Number of Days
2018/19	923
2019/20	737
2020/21	541
2021/22	936

Current Fiscal Year through September 30, 2021

XI. Exams/Licensing

A. 2021 Examination Update

XII. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. 2022 Board Meeting Schedule (Possible Action)
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
 - 1. 2021 Annual Meeting – Report from October 27, 2021, Meeting
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. 2022-24 Western Zone Vice President Nomination (Possible Action)
- G. Update on Outreach Efforts
- H. Strategic Plan 2021-22 Update

Rulemaking Status Report

- 1. Examination Fees (Title 16, California Code of Regulations sections [16 CCR] 3005, 3024, and 3026)**
 - 11/8/2021 - Proposal to be presented to Board for approval to proceed
- 2. Abandoned Applications and Postponements (16 CCR 3024)**
 - 11/8/2021 - Proposal to be presented to Board for approval to proceed
- 3. Applications, Final Filing Dates, and Schedules of Examinations (16 CCR sections 420, 422, 3021, 3023, and 3032)**
 - 11/8/2021 - Proposal to be presented to Board for approval to proceed
- 4. References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers (16 CCR 426.14, 427.10, 427.20, and 427.30)**
 - 11/8/2021 - Proposal to be presented to Board for approval to proceed
- 5. Definition of Traffic Engineering (16 CCR 404)**
 - Board staff working with DCA Legal to prepare documents for initial notice.
 - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
 - Board directed staff to pursue rulemaking proposal on March 8, 2018.
- 6. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (3003 and 3003.1)**
 - Board staff working on pre-notice documents on September 3, 2021.
 - Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: http://www.bpelsq.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 10/28/2021	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
<p>PI 3.5 – Interim release for BPELSG related to civil engineer and land surveyor applications. Scheduled to go live in early November. PI 4 – Further development on investigation monitoring/management and additional engineering applications. PI 5 – Additional Product Increment extended to allow for further core development.</p>						

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Product Increment 4 (PI4) – Commenced shortly after PI3 Go Live	On-going	Dec. 2021	No
Product Increment 3.5 (PI4 – BPELSG Only) anticipated Go Live	On-going	Nov 2021	No
Go Live – PI4	Estimated	Jan. 2022	No
Go Live – PI5	Estimated	April 2022	No

January 2022

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March 2022

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Holidays

1/1	New Year's
1/17	M. L. King, Jr. Day
2/21	President's Day
3/31	Cesar Chavez Day
5/30	Memorial Day
7/4	Independence Day
9/5	Labor Day
11/11	Veteran's Day
11/24-11/25	Thanksgiving Break
12/26	Christmas

April 2022

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May 2022

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Board Meeting Dates

January 10-11
March 7-8
May 2-3
June 23-24
August 18-19
October 13-14
December 8-9

July 2022

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August 2022

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September 2022

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Key

BOARD MEETINGS	HOLIDAYS
NCEES FUNCTIONS	ASBOG FUNCTIONS

Western Zone Meeting
May 19-21
State Line, NV

NCEES Annual Meeting
August 23-26
Carlsbad, CA

ASBOG Annual Meeting
October 24-29
Wilmington, NC

October 2022

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November 2022


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December 2022

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SOCIAL MEDIA: July - September 2021

 TOP FACEBOOK POSTS	DATE	VIEWS
"Connect" Platform announcement (Civil and Land Surveyor applications)	Sep 3	822
21 Day Notice of Exam Deadline	Aug 5	81
Natalie King, P.E., awarded the ASCE 2021 Community Service Award	Oct 1	555
The Summer 2021 edition of the Board Bulletin is now available	Jul 29	329
The Board is beginning the development of the 2021-22 Strategic Plan	Aug 27	328

 TOP TWEETS	DATE	VIEWS
Board "Connect" Platform Announcement	July 2	439
Natalie King, P.E., Awarded ASCE 2021 Community Service Award	Sept 4	298
Board Outreach/Presentation Availability Announcement	Aug 16	284
NCEES 2021 Registration Dates Announced	Aug 5	267
7 Day Notice of 2021 Exam Registration Deadline	Aug 19	248

WEB PAGE VIEWS	VIEWS
License Lookup	277,302
Board Home Page	177,371
Applicant Information	113,922
P.E. Application	99,087
Licensee Renewal Information	80,548

OUTREACH EVENTS: JULY -
SEPTEMBER 2021

ALL VIRTUAL EVENTS HELD BY BOARD REGISTRARS

JULY
July 15 – California Underground Facilities Safe Evacuation Board Dallas Sweeney, PS
July 20 – DWR Division of Engineering Lunch & Learn Presentation, Natalie King PE & Ric Moore PS
July 20 – ASCE OC YMF Presentation Natalie King PE

AUG
August 10 - ASCE SF YMF Presentation Natalie King PE
August 18 – CLSA Marin Chapter Presentation Dallas Sweeney, PS
August 26 – SMARA Presentation on Licensing: <i>A Virtual Workshop</i> Laurie Racca PG

SEPT
September 15 - CSU Chico Engineering Presentation Mike Donelson PE (In Person)
September 22 - CSLA Monterey Bay Chapter Presentation Dallas Sweeney, PS & Ric Moore PS
September 29 - USF Engineering Presentation Betsy Mathieson PG, CEG and Natalie King PE

XIII. Discussion for an Increase in the Exempt Salary Level of the Executive Officer (Possible Action)

Discussion for an Increase in the Exempt Salary Level of the Executive Officer

During the December 2020 Board meeting, the Board discussed the Executive Officer's Annual Performance Evaluation. At the conclusion of that evaluation, the Board provided direction to seek an exempt salary pay increase of 5% for the current Executive Officer. Additionally, at the same meeting, the Board discussed and approved submitting a formal request for an exempt level change for the Executive Officer position from the current Level I to Level G.

The Department of Consumer Affairs Office of Human Resources (OHR) provided guidance based on successful requests submitted by other boards. Based on that guidance, Board staff has prepared the included *Background and Justification for Executive Officer Exempt Level Change and Exempt Salary Pay Increase* in support of the Board's request.

At this time, the Board needs to formally direct that an Exempt Position Request using the included justification be submitted to OHR to request an exempt level change for its Executive Officer position from Level I to Level G and to request a simultaneous 5% exempt salary pay increase for the current Executive Officer due to his excellent performance, based on the last performance evaluation.

RECOMMENDED MOTION:

Direct that an Exempt Position Request using the included justification be submitted to the Department of Consumer Affairs Office of Human Resources to request an exempt level change for its Executive Officer position from Level I to Level G and to request a simultaneous 5% exempt salary pay increase for the current Executive Officer due to his excellent performance, based on the last performance evaluation.


BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

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**Background and Justification for Executive Officer
Exempt Level Change and Exempt Salary Pay Increase
<date>**

The California Board for Professional Engineers, Land Surveyors, and Geologists (“Board”) is requesting an exempt level change for its Executive Officer (EO) position from Level I to Level G. The following information provides a comprehensive overview of the changes that have occurred during the prior 10 years, supporting the need to change the salary level. In addition, the Board is requesting a simultaneous 5% exempt salary pay increase for the current Executive Officer due to his excellent performance.

Salary Level Information

Level I (Board for Professional Engineers, Land Surveyors, and Geologists)	\$10,546.00 - \$11,755.00
Level G	\$11,614.00 - \$12,940.00

Background on Request

During the December 2020 Board meeting, the Board discussed the Executive Officer’s Annual Performance Evaluation. At the conclusion of that evaluation, the Board provided direction to seek an exempt salary pay increase of 5% for the current Executive Officer. Additionally, at the same meeting, the Board discussed and approved submitting a formal request for an exempt level change for the EO position from the current Level I to Level G.

Overview of the Board Organization

The Board is charged with safeguarding the life, health, property, welfare, and safety of the public by regulating the practices of professional engineering, land surveying, geology, and geophysics under the provisions of the Professional Engineers Act (Business and Professions Code [BPC] section 6700, et seq.), the Geologist and Geophysicist Act (BPC section 7800, et seq.), and the Professional Land Surveyors’ Act (BPC section 8700, et seq.), and their related regulations (Divisions 5 and 29 of Title 16, California Code of Regulations [16 CCR]). The Board provides this public service by qualifying and licensing individuals, establishing regulations, enforcing laws and regulations, and providing information so that consumers can make informed decisions. It regulates over 180,000 licensees, representing the largest group of individuals in these professions in the nation.

The Executive Officer is the principal operations officer of the Board with direction from the 15-member board that pursuant to the Business and Professions Code is comprised

of seven licensed members and eight public members appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly.

The Board plays both a statewide and a national role in the regulation and policy formation relating to the professions of engineering, land surveying, geology, and geophysics. At the national level, the Executive Officer actively represents the Board and frequently participates in committees and task force discussions regarding consumer protection and professional regulation. Significantly, while the Board is not a large organization, its licensee population is the largest group of licensed professional engineers, land surveyors, and geologists in the nation. It is also one of two states that license individuals to specifically practice geophysics as a separate profession from geology. Therefore, California's active participation in the policy formation and decision-making relative to these professions is appropriate and consistent with its consumer-protection mandate and the considerable influence it wields nationwide.

Program Overview

The Executive Officer is responsible for interpreting and executing the intent of all Board policies and governs the management of the Board's programs to meet its mission of regulating the professions in order to protect the health, welfare, property, and safety of the public. The Board has four primary operational programs: Licensing, Examinations, Enforcement, and Administrative Services. In addition, it employs four licensees in the Senior Registrar classification ("Senior Registrars") who perform the review of applicants' technical qualifications, assist with examination development, and provide support to the Enforcement Program through their technical expertise.

Licensing Program

Through its Licensing Program, the Board issues certificates and licenses in 22 different disciplines of professional engineering, land surveying, geology, and geophysics. The Licensing Program's primary is to ensure that only those individuals who are qualified are licensed to practice in California. The Licensing Program's staff of evaluators review the applications to verify that all required documentation regarding education and work experience has been submitted by the applicant and the applicant's references. The evaluators also reviewed criminal history reports obtained from the Department of Justice (DOJ) and determine if further inquiry by the Enforcement Program into an applicant's criminal conviction is warranted. The Senior Registrars also serve an important role in the licensure process by reviewing the information provided by the applicants and references relating to the applicant's work experience. The Senior Registrars are responsible for determining if the applicant's work experience is appropriate for the type of license they are seeking. After review of all of the applicant information, the evaluators are responsible for either verifying that the applicant has passed the required licensing examinations or notifying the Examination Program that the applicant is eligible to sit for the examinations. Once it has been determined that the applicant meets all of the legal requirements for licensure, including education, experience, examinations, and

enforcement review (as needed), the Licensing Program is responsible for issuing the certificates or licenses to the new licensees.

Examinations Program

The Examinations Program is responsible for overseeing the development of eight California state-specific licensure examinations and the administration of these eight examinations and two national examinations. The Examinations Program staff work with the Board's contracted examination development vendor to ensure that the examinations are developed and administered in accordance with psychometrically validated procedures so that the examinations appropriately test the applicant's competency to enter the professions of professional engineering, land surveying, geology, and geophysics. The Board's staff recruits licensees to serve as Expert Consultants in the role of Subject Matter Experts (SMEs) to develop the content of the examinations under the guidance of the vendor's psychometricians. The Senior Registrars also assist with the development of the examinations by providing additional technical review and oversight.

The Examinations Program staff also deal with the administration of the state-specific examinations, which are conducted through Computer Based Testing (CBT) methods. The staff ensures that accurate lists of eligible applicants is providing to the CBT vendor and works with the applicants and vendors to help with the scheduling of the applicants to sit for the examinations. The staff is also responsible for receiving the examination results from the CBT vendor and then providing them to the applicants and to the Licensing Program. Additionally, the Examinations Program works with the National Association of State Boards of Geology (ASBOG) to administer the two paper-and-pencil national geology examinations in California. The staff arranges sites and hires proctors to administer the examinations, as well as providing lists of approved applicants to ASBOG.

Enforcement Program

The Enforcement Program is responsible for ensuring compliance with the laws and regulations under the Board's jurisdiction. This is done both proactively, by responding to inquiries regarding the laws, and reactively, by investigating complaints and taking appropriate action if violations have occurred. The Enforcement Program staff responds to written and oral inquiries from licensees, consumers, public agency employees, and other interested parties regarding the laws and regulations, thus providing educational information that can help to prevent violations before they occur. The staff also provides information regarding the complaint investigation process in order to help individuals determine if a complaint should be filed.

Once a complaint is filed, the Enforcement Program staff conducts the investigation by obtaining information from all relevant parties. Cases may involve allegations of negligence or incompetence or breach of contract against licensees, as well as allegations that unlicensed individuals are engaging in activities that require licensure. Due to the technical nature of the professions the Board regulates, most cases are also

reviewed by independent Expert Consultants who provide an opinion regarding whether or not violations of the laws have occurred. The Enforcement Program staff is responsible for communicating with the subjects and complainants of the case regarding the status and outcome of the investigations. If it is determined that violations have occurred, the staff makes a recommendation to the Enforcement Program Manager regarding the appropriate course of action that should be taken to ensure that violations do not occur again. Such actions may include working with the subjects of the complaint to education on the laws and advise them of penalties that may occur should they violate the law again or ensuring that the subject takes steps necessary to become compliant with the law. More serious violations may result in the issuance of administrative citations, which may be issued to both licensed and unlicensed individuals, or formal disciplinary action, which may result in the revocation, suspension, or probation of the license. The Enforcement Program staff also monitors licensee who have been placed on probation as part of a formal disciplinary action to ensure compliance with probationary terms.

The Senior Registrars provide assistance to the Enforcement Program relating to inquiries regarding what activities may constitute the practice of the professions the Board regulates.

Additionally, the Enforcement Program oversees the filing of Organization Record forms by private engineering and land surveying businesses and Notice of Department Designation forms by government agencies that perform professional engineering and land surveying. These forms provide information as to the types of services provided and the names of the licensees in responsible charge, thus allowing the Enforcement Program to confirm that the businesses and agencies are in compliance with the laws.

Administrative Services Program

The Administrative Services Program has the primary responsibility of monitoring and engaging with the legislature to ensure the stability and currency of the Board's statutory framework; overseeing the review of the Board's regulations and the processing of rulemaking proposals; managing a multi-million dollar budget through monitoring revenue and expenditures to ensure fiscal stability; ensuring personnel policies and laws and labor contracts are adhered to; and guiding business services consistent with both the Department of Consumer Affairs' (DCA) and State Administrative Manual requirements. The Administrative Services Program is also responsible for a multi-faceted public affairs and outreach program that provides applicants, licensees, consumers, and other stakeholders information in order to educate them regarding the Board and its mission.

Overview of Significant Legislative and Regulatory Changes

Ensuring a strong statutory and regulatory foundation and structure is critical in ensuring the Board can meet the needs of consumers and be responsive to stakeholder needs. The Board has sponsored and supported a significant amount of legislative proposals during the prior years, as well as working with sponsors and authors to assist with other legislative proposals that may have impact on the Board's licensees and, in turn, the

consumers. Furthermore, the Board has initiated regulatory proposals that support the Board's consumer protection mission.

The Executive Officer position, with direction from the Board members, assumes a leadership role in guiding the Board through the implementation of legislative mandates, regulatory changes, and business process reengineering resulting from new requirements. In addition to taking an active role in sponsoring legislation when needed to update the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act, the Board also takes positions on bills that affect its operations and the three Acts. Furthermore, under the oversight of the Executive Officer, Board staff monitors other legislation that may impact the professions regulated by the Board to determine if the proposals could cause a detrimental impact to the Board's consumer protection mission. In recent years, the Executive Officer and staff have worked with authors and sponsors of legislative proposals to ensure that the terminology used in the bills accurately reflects the professional practices and who may perform such services.

Below are overviews of some of the most significant legislative and regulatory changes within the last several years that have increased the complexity of work within the Licensing, Examinations, Enforcement, and Administrative Services Programs, with some having statewide and national impact.

Legislative Changes

2010 Legislative Session

- Assembly Bill (AB) 1431 Hill. (Chapter 696, Statutes of 2010) – Renamed the Board for Professional Engineers and Land Surveyors to the Board for Professional Engineers, Land Surveyors, and Geologists. It also changed the membership of the Board from 13 to 15 to include a professional member licensed under the Geologist and Geophysicist Act and an additional public member.
- Senate Bill (SB) 1491 Committee on Business, Professions & Economic Development. (Chapter 415, Statutes of 2010) – Among other things, this Committee Omnibus bill made minor changes regarding the Board's application fees and allowed applicants qualifying for the Engineer-in-Training (EIT) examination to use education or experience or a combination of education and experience totaling three years.

2011 Legislative Session

- SB 541 Price. (Chapter 339, Statutes of 2011) – Authorized the boards of DCA to continue to utilize expert consultants for application review, examination development, and enforcement matters, as done in the past, without going through the formal contracting process.
- SB 543 Price. (Chapter 448, Statutes of 2011) – Among other things, this bill extended the Sunset date for the Board for Professional Engineers, Land Surveyors, and Geologists to January 1, 2016; added this Board to the list of

boards authorized to collect fingerprints from applicants for the purpose of a criminal history record check; deleted the requirement for a state-specific structural engineering examination; created the Geology and Geophysics Account within the Professional Engineer's and Land Surveyor's Fund; and deleted the provision that stated that the fee charged for a geology examination is limited to \$450.

2012 Legislative Session

- AB 2570 Hill. (Chapter 561, Statutes of 2012) – Prohibited a licensee who is regulated by DCA from including, or permitting to be included, a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the Department, board, bureau, or program, or that requires the other party to withdraw a complaint from the Department, board, bureau, or program, except as specified.
- SB 1576 Committee on Business, Professions & Economic Development. (Chapter 661, Statutes of 2012) – Among other things, this Committee Omnibus bill revised the exemption relating to the Fundamentals of Surveying (FS) examination and clarified the definition of “establish” when filing a record of survey.

2013 Legislative Session

- SB 152 Roth. (Chapter 178, Statutes of 2013) – Required geologists and geophysicists to use a written contract when contracting to provide geological or geophysical services and repealed temporary authorizations for engineers, geologists, and geophysicists. The Board sponsored this legislation.
- SB 679 Berryhill. (Chapter 471, Statutes of 2013) – Revised the circumstances under which a licensed engineer or land surveyor is required to report a civil action judgment, settlement, arbitration award, or administrative action to the Board.
- SB 822 Committee on Business, Professions and Economic Development (Chapter 319, Statutes of 2013) – Among other things, this Committee Omnibus bill created a “retired license” status for geologists and geophysicists.

2014 Legislative Session

- SB 1467 Senate Committee on Business, Professions and Economic Development (Chapter 400, Statutes of 2014): 1) Added a section to the Professional Land Surveyors' Act to state the legislative intent that the licensure requirements imposed on private sector professional land surveyors and land surveying business entities shall also be imposed on the state and any city, county, city and county, district, and special district and that an appropriately licensed person must be designated in responsible charge of the land surveying work practiced in any department or agency of any of the governmental entities listed; 2) added provisions to the Professional Engineers Act and the Professional Land Surveyors' Act to clarify that the designated person in responsible charge of civil engineering at the listed governmental entities is responsible for compliance with the monument preservation requirements of BPC section 8771; 3) added requirements to the Professional Engineers Act relating to the signing and sealing of civil engineering plans for public school structures and hospitals and certain

other medical facilities; 4) added a section to the Geologist and Geophysicist Act to address petitions for reinstatement of revoked licenses or modifications of penalty; and, 5) made other non-substantive, clarifying changes to various provisions of the three Acts under the Board's jurisdiction.

2015 Legislative Session

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

2016 Legislative Session

- SB 1165 Cannella (Chapter 236, Statutes of 2016): Board-sponsored legislation that 1) amended provisions in the three Acts to clarify that individuals apply for licensure or certification, not for examination; 2) amended provisions in the Geologist and Geophysicist Act to allow consideration of a broader range of geological and geophysical sciences education as qualifying for licensure as a professional geologist or professional geophysicist; 3) extended the period for renewal of an expired professional engineer or professional land surveyor license to five years and removed the provisions allowing for reinstatement of such a license that has been expired for more than five years; 4) amended the provisions relating to the maximum amount the Board may charge for the renewal of a professional engineer or a professional land surveyor license; and, 5) added requirements that professional geologists and professional geophysicists must sign and seal their work products.
- SB 1085 Roth (Chapter 629, Statutes of 2016): Board-sponsored legislation that 1) added provisions to the three Acts to require licensees, at the time of renewal, to complete an online assessment to reinforce their knowledge of the state laws and the Board's rules and regulations relating to the professional practice or subject their license to disciplinary action; and, 2) added a provision to the Geologist and Geophysicist Act to require applicants for licensure as a professional

geophysicist to complete an examination on the state laws and regulations relating to the practice of geophysics in California.

- SB 1479 Senate Committee on Business, Professions and Economic Development (Chapter 634, Statutes of 2016): Amended provisions of the Geologist and Geophysicist Act to allow the Board to 1) make arrangements with a public or private organization to conduct the licensing examinations; and, 2) authorize the organization to receive examination fee payments directly from the applicants.
- AB 685 Irwin (Chapter 177, Statutes of 2016) – Made non-substantive, clarifying changes to BPC section 6742 relating to terminology used in the Real Estate Law.
- SB 1171 Maintenance of the Codes (Chapter 86, Statutes of 2016) – Made grammatical changes to BPC section 7818.

2018 Legislative Session

- SB 920 Cannella (Chapter 150, Statutes of 2018): Extended the sunset date relating to the authorization for professional engineers and professional land surveyors to form Limited Liability Partnerships.
- SB 1098 Cannella (Chapter 154, Statutes of 2018): Board-sponsored legislation that 1) removed the requirement that geologist and geophysicist applicants pay an initial license fee in addition to an application fee; 2) fixed the fee for filing an application for a geologist-in-training certificate at not more than \$100; 3) fixed the fee for the geologist and geophysicist examinations at no more than the cost to maintain and administer the examinations; 4) fixed the renewal fee for geologist and geophysicist at no more than \$400; and, 5) made conforming changes.

2019 Legislative Session

- AB 1522 Low (Chapter 630, Statutes of 2019): 1) Extended the Board's sunset review date to January 1, 2024; 2) removed the sunset date from the provisions in the three Acts that require licensees to cooperate with the Board during investigations of the licensees themselves; 3) added provisions that make it a misdemeanor for a person to use the signature or license number of a licensee or use a false license number; 4) added a provision to allow the Board to revoke a Geologist-in-Training certificate for violations of the laws; 5) clarified that the exemption in the Professional Land Surveyors' Act for surveys conducted solely for geological or landscape purposes applies only when those surveys are done by individuals legally authorized to practice geology or landscape architecture, respectively; 6) repealed an obsolete provision of the Professional Engineers Act related to the Title Act Study that was completed in 2002; and, 7) made other conforming and non-substantive changes to the Acts.

2021 Legislative Session

- SB 414 Jones (Chapter 106, Statutes of 2021): Made clarifying changes to the Professional Land Surveyors' Act, including providing a definition for the term

“cadastral surveying” as used in BPC section 8726, which defines what constitutes the practice of land surveying.

Regulatory Changes

Over the course of the Executive Officer’s tenure, more than 20 rulemaking proposals have been initiated. Rulemaking proposals enable the Board to make changes to its regulations to ensure they are relevant, current, and appropriate in meeting the Board’s consumer protection mandate, enhancing services to stakeholders, and implementing new or amended statutes. The following provides an overview of the regulatory changes.

- Restructured Engineering & Land Surveying Fees (effective April 27, 2012) – 16 CCR 407 and 428
Adjusted fee structures for engineering and land surveying fees to properly cover expenditures. The fee change introduced separate application, examination, and renewal fees. In addition, the regulation change also amended technical language for abandon applications.
- Geology Examination Fees (effective May 23, 2012) – 16 CCR 3005
Adjusted the geology and geophysics examination fees to be equal to the Board’s actual cost to administer the examinations.
- Inspection of Examinations (effective June 18, 2012) – 16 CCR 443
Repealed 16 CCR 443(c)(1) so that applicants would no longer be able to appeal a national examination prepared by the National Council of Examiners for Engineering and Surveying (NCEES).
- Examination Subversion (effective January 1, 2014) – 16 CCR 442 and 3035
Updated and clarified what actions constitute examination subversion and what actions the Board can take based on evidence of examination subversion.
- Applicant Fingerprinting (effective January 1, 2014) – 16 CCR 420.1 and 3021.1
Added sections relating to applicant fingerprint submittals in order to implement legislation. In 2011, Senate Bill 543 (Steinberg & Price, Chapter 448, Statutes of 2011) was passed amending BPC section 144 requiring the Board to verify all applicants’ fingerprints for criminal history prior to approval.
- Seal, Signature, and Address Change (effective January 1, 2014) – 16 CCR 411, 412, 3008, and 3009
Clarified the design of the professional seal to be used by licensees, the signing requirements for professional documents, and the requirements to notify the Board of any change of the licensee’s address of record.
- Codes of Professional Conduct (effective January 1, 2014) – 16 CCR 475, 476, and 3065

Clarified and updated the Codes of Professional Conduct for professional engineers, land surveyors, geologists, and geophysicists.

- Disciplinary Orders for Professional Engineers, Land Surveyors, Geologists, and Geophysicists (effective October 1, 2014) – 16 CCR 419 and 3064
Updated and clarified the terms and conditions the Board may order in formal disciplinary decisions against licensees.
- Citation Program Relating to Violations of the Geologist and Geophysicist Act (effective October 1, 2014) – 16 CCR 3062, et seq., and 3063, et seq.
Updated and clarified the citation regulations relating to violations of the Geologist and Geophysicist Act.
- Definitions Relating to the Geologist and Geophysicist Act (effective January 1, 2015) – 16 CCR 3003
Clarified the definitions of “engineering geology” and “professional geophysical work.”
- Fees Authorized Pursuant to the Geologist and Geophysicist Act (effective January 1, 2015) – 16 CCR 3005
Removed the reference to the fee for a temporary license to conform with statute and added the fee for a retired license.
- Applicant Fingerprint Submittal and Review (effective April 1, 2016) – 16 CCR 420.1 and 3021.1
Removed the reference to temporary authorization/license to conform with statute.
- Waiver of Fundamentals Examination (effective October 1, 2016) – 16 CCR 438
Removed the reference to an “eight-hour” written examination to conform to statute.
- Corner Records (effective April 1, 2017) – 16 CCR 464
Clarified the requirements for preparing and filing a Corner Record, as required by the Professional Land Surveyors’ Act.
- Citation Program Relating to Violations of the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act (effective July 1, 2017) – 16 CCR 472, et seq.; 473, et seq.; 3062, et seq.; and 3063, et seq.
Clarified the citation regulations relating to violations of the Professional Engineers Act, the Professional Land Surveyors’ Act, and the Geologist and Geophysicist Act.

- Qualification Requirements for Structural Engineer Authority and Geotechnical Engineer Authority (effective July 1, 2017) – 16 CCR 426.10, 426.14, and 426.50
Clarified the experience requirements for licensure as a structural engineer or a geotechnical engineer.
- Review and Appeals of Geology and Geophysics Examinations (effective July 1, 2017) – 16 CCR 3036.1, 3036.2, 3037.1, 3037.2
Repealed sections that had become inoperative by their own terms.
- Experience Requirements for Licensure as a Professional Land Surveyor (effective October 1, 2017) – 16 CCR 425
Clarified the experience required to obtain a license as a professional land surveyor.
- Delinquent Reinstatement Requirements and Applicant Fingerprint Submittal and Review (effective January 17, 2018) – 16 CCR 424.5 and 420.1
Repealed provisions relating to delinquent license reinstatement requirements for professional engineers and professional land surveyors to conform to statute.
- Reference Forms for Applicants for Licensure (effective January 11, 2018) – 16 CCR 427.10 and 427.30
Made non-substantive changes to the reference forms required to be submitted by applicants for licensure as professional engineers, professional land surveyors, and structural engineers.
- Professional Geologist and Geophysicist Educational, Experience, and Reference Requirements, (effective October 1, 2019) – 16 CCR 3022, 3022.1, 3022.2, and 3031
Updated and clarified the educational and experience requirements for licensure as a professional geologist or geophysicist and added a provision relating to requirements for references for applicants applying for such licenses.
- Fees and Certificates (effective January 1, 2021) – 16 CCR 407, 410, 3005, and 3010
Aligned the Board's fees so that the same fees for the same services apply across all license types; adjusted the fees to address a structural imbalance in the Boards' fund; and updated and clarified the requirements for obtaining a duplicate certificate.
- Substantial Relationship Criteria and Criteria for Rehabilitation (effective May 17, 2021) – 16 CCR 416, 418, 3060, and 3061
Amendments made in order to conform to statutory changes made by AB 2138 (Chiu, Chapter 995, Statutes of 2018).

- Inspection of Examination and Examination Appeal (effective October 1, 2021) – 16 CCR 443 and 444
Repealed obsolete sections.

Sunset Review Process

Every four years, the Legislature performs its Sunset Review process on the Board to evaluate and discuss its value, performance, and to make recommendations for improvement. The California State Legislature created the sunset review process in 1994 to further its oversight responsibilities. Each year, the Assembly Business and Professions (B&P) Committee and the Senate Business, Professions and Economic Development (BP&ED) Committee meet in a joint hearing to review the boards and bureaus under DCA.

The term “sunset” is used because the statutory authority of those DCA boards and bureaus, including the Board, contain a deadline for the legislature to reauthorize the authority of that board or bureau.

BPC sections 6710 and 8710, which establish the Board and its membership, contain the sunset date. Therefore, if the Legislature does not change that date, the membership of the Board and its authority, would be dissolved. A similar provision is in BPC section 6714, which establishes the Board’s authority to appoint an Executive Officer.

The Executive Officer guided the Board in the Sunset Review process in 2014 and 2018. The process requires the preparation of an extensive report detailing all activities and statistics from the prior four years. In addition to the report, the Board must participate in legislative hearings and meetings with members of the Legislature, as well as with the Department and Agency. The Board views the Sunset Review process as another opportunity for it to conduct its own internal review of its functions and to provide information to the Legislature regarding areas in which the Board intends to take action for continued improvement between the Sunset Review periods.

What Has Changed – Historical Overview and Current Activities

Since 2011, the Board’s Executive Officer position has been at salary Level I. Over the course of the last ten years, under the leadership of the current Executive Officer, there have been many changes in the Programs of the Board. These changes have included modifications to staff duties, creation of new management positions through redirection and reclassification of existing positions, and changing Program functions in order to provide for more effective and efficient operations in service to the Board’s consumers, applicants, licensees, and other stakeholders.

Staffing Changes and Position Reclassifications

When the current Executive Officer was appointed in 2011, the four Senior Registrar positions were required, based on the classification specifications, to serve in supervisory

roles equivalent to the Staff Services Manager I (SSM I) level. There were also two SSM I positions that served as the supervisors/managers of the Enforcement Program and the Administrative Services Program. Having six positions that were required to perform supervisory functions of rank and file staff at certain levels had led to the separation of functional program units into smaller work groups. The Executive Officer determined that this arrangement had a detrimental impact on the Board's operations, leading to inefficiencies. The Executive Officer worked with DCA's Office of Human Resources (OHR) to obtain an exceptional allocation approval to remove the supervisory requirement from the Senior Registrars and to create, through redirection and reclassification of a vacant position, a third SSM I position to serve as the supervisory/manager over a combined Licensing and Examinations Program. This change allowed the Senior Registrars to focus on tasks more suited to the requirement that they hold a license issued by the Board: reviewing the technical qualifications of applicants for licensure; addressing inquiries regarding what activities constitute the professional practices; and performing outreach to help applicants understand the licensure process and to assist consumer, licensees, and other stakeholders in understanding the laws relating to the professions.

Upon the retirement of one of the Senior Registrars, the Executive Officer determined that it would be beneficial to the Board's operations to have one of the Senior Registrar positions be held by a professional geologist, in addition to the professional engineers and professional land surveyor in the other three positions. The Executive Officer again worked with OHR to obtain approval to hire a professional geologist through an equivalent classification since the Senior Registrar classification included only professional engineers and land surveyors. Having Senior Registrars licensed as professional engineers, professional land surveyors, and professional geologists allows for in-house technical expertise in the professions regulated by the Board.

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

Merger of Geologist and Geophysicist Account into Professional Engineer's, Land Surveyor's, and Geologist's Fund and Merger of Geology and Geophysics Program into the Board's Programs

When the Board of Geologists and Geophysicists was eliminated in 2009, and its functions transferred to the Board, the funding source for the Geology and Geophysics Program continued as a separate fund/account from the Professional Engineer's and Land Surveyor's Fund. Due to need to track revenue and expenditures separately, all functions relating to geology and geophysics applications, examinations, renewals, and complaint investigations were maintained separately. However, this did not allow for a cohesive work environment and impacted the Board's ability to make improvements across all processes. Through legislative efforts, the funds were combined into one fund. Once the funds were merged, the Executive Officer directed the merger of the programs,

allowing for better integration of staff and duties and to allow for process improvements to provide for more efficient and effective service to applicants, licensees, consumer, and other stakeholders.

Enforcement Activities

Since the appointment of the current Executive Officer in 2011, the Enforcement Program has reduced the amount of time it takes to investigate a complaint from 319 days in Fiscal Year (FY) 2011/12 to 279 days in FY 2020/21. Additionally, the number of days to impose formal disciplinary action against a licensee has been reduced from 1550 days in FY 2011/12 to 541 days in FY 2020/21, nearly meeting the DCA-established goal of 540 days.

The overall number of complaint investigation cases has increased from 344 in FY 2011/12 to 363 in FY 2020/21, the Board has seen an increase in the number of cases involving allegations of unlicensed practice, from 81 in FY 2011/12 to 102 in FY 2020/21.

It is also important to note the range and complexity of the matters investigated by the Board's Enforcement Program. Like many other DCA boards and bureaus, investigations can relate to administrative violations, such as failure to file required maps with the County or failure to execute a written contract. However, most of the complaints involve allegations relating to professional practice issues, such as negligence and incompetence. These complaints often involve highly technical issues, which require the Enforcement Program staff to work closely with independent Expert Consultants in order to gather all of the relevant information and data and determine whether or not a violation of the laws has occurred.

Applicant and Licensee Population

Over the past ten years, the licensee population has grown from 140,000 individuals to over 180,000, which is the largest licensee population in the United States. In that time, the number of days to process professional license applications decreased from an average of 211 days to 70 days, representing a 67% decrease in application to licensure timeframe, while the average number of days to process In-Training certification applications decreased from an average of 166 days to 20 days, representing a 88% decrease in application to certification timeframe

Examination Changes

Under the direction of the current Executive Officer, the Board has transitioned all eight of its state-specific licensure examinations to Computer Based Testing (CBT) delivery method. This change allows the Board to offer examinations on a continuous basis, rather than only once or twice a year. Additionally, the CBT delivery method provides for better examination security to maintain the integrity of the licensing examinations. It also allows for examination results to be released on a regular basis, which in turn allows qualified applicants to be licensed more promptly.

Outreach, Social Media, Website, and Email Subscriber List

In an effort to both improve operational processes and provide much-needed professional outreach to schools and licensed professionals, the Executive Officer established a staff Outreach Coordinator and tasked the four licensed Senior Registrars with implementing outreach efforts to students with the goal to increase awareness of the licensing process and to licensed professionals for the purposes to increase awareness of the responsibilities associated with being licensed and offering professional services to the consumer. Additionally, these efforts were bolstered by consistent reintroduction of the Board's quarterly Bulletin and regular online notices including a presence on Facebook and Twitter social media platforms.

The Board has seen significant growth of its website since the appointment of the Executive Officer. The website is now a central repository of key information for consumers, applicants, licensees, and stakeholders. In addition to posting information about rulemaking proposals and upcoming meetings, current and past issues of the Board's quarterly Bulletin and Board meeting minutes covering the last five years of meetings are also available. Furthermore, helpful information regarding the application and examination processes are posted and updated regularly.

The Board also maintains an email subscriber list of interested parties. Messages are sent regarding important updates to the website, as well as meeting notices and other pertinent announcements.

During the COVID-19 pandemic, the Executive Officer ensured that notices were placed on the website and social media platforms and sent to the subscribers' list in order to keep the Board's stakeholders informed of changes to the in-person availability of staff, how to maintain contact with staff during any office closures, and any changes to the examination administration schedules.

Business Modernization

At the recommendation of the Executive Officer, and with the support of DCA, the Board initially embarked on its Business Modernization Project in 2016 by contracting with a consultant to assist the Board with identifying business processes/needs and establishing over one thousand system requirements for the purposes of creating more efficient licensing, examination, and enforcement monitoring operations to serve the Board's stakeholders. While the main goal of this project was to determine the requirements to be used in the development of a new licensing and enforcement monitoring system, the review also highlighted other areas in which changes could be made to benefit the efficiency and effectiveness of the Board's operations, such as changes to the application process.

This overall effort led to the Board participating as one of four programs in DCA's Business Modernization Cohort 1 (BMC1), which began in January 2020. As of November 2021, the Board has participated in three Product Releases of the Connect system which has greatly benefitted stakeholders and also contributed to more efficient

operations by Board staff. These Product Releases include transitioning many of the applications for certification and licensure away from paper-based applications that had to be mailed to the Board office to an online submittal through the Connect system, thus allowing for a faster and more efficient receipt and processing of the applications. Additionally, the system allows users to create accounts and profiles so that they may update their addresses of record, rather than having to mail a notice of the change to the Board office for staff to process. Furthermore, licensees are able to renew their licenses through their online account in the Connect system. Upcoming releases include the transition of the remainder of the licensure applications and an enforcement module to allow for the submission and tracking of complaints. The initial contracted services are anticipated to be completed by mid-2022.

National Participation

Participation on a national level assists in ensuring that California is represented and has a voice during discussions on critical topics that impact the regulation of the engineering, land surveying, geology, and geophysics professions and consumer protection.

The Executive Officer was elected by zone membership to serve as 2013-15 Western Zone Secretary-Treasurer for the National Council of Examiners for Engineering and Surveying (NCEES) and was re-elected for two additional two-year terms ending August 2021. In this role, the Executive Officer assisted Western Zone leadership with coordinating licensing and regulatory concerns throughout the Western region of the nation and represented this region on the national level.

Additionally, the Executive Officer was selected by the NCEES National President-Elect on an annual basis to serve on the following national NCEES committees participating in ensuring that appropriate standardizing licensing/examination efforts were implemented:

- 2012-13 Member Board Administrators Task Force
- 2013-14 Examinations for Surveyors (EPS) Committee
- 2014-15 EPS Committee
- 2015-16 EPS Committee
- 2016-17 Member Board Administrators (MBA) Committee
- 2017-18 MBA Committee – Chair
- 2017-18 Surveying Task Force
- 2018-19 Surveying Task Force
- 2019-20 EPS Committee
- 2020-21 EPS Committee
- 2021-22 EPS Committee

Furthermore, the Executive Officer participates in national meetings for ASBOG by presenting on discussions related to geologist licensing and examinations.

Emergency Preparedness

The Executive Officer oversees all emergency preparedness operations, including the development and implementation of emergency operations, business continuity, and business resumption. The Executive Officer, working with DCA and other governmental agencies, has coordinated staff training to plan and be prepared for a variety of potential emergencies.

During 2020 and continuing, the Executive Officer has overseen the Board's operational changes that were necessitated by the COVID-19 pandemic. These changes including facilitating the transition to a telework environment to ensure the health and well-being of the Board staff while still ensuring the operational needs of the Board and its stakeholders were met.

COVID-19 created impacts on our applicants and licensees, primarily involving delays in the administration of licensing examinations. The Executive Officer worked closely with the Board's examination vendor for the state-specific examinations to ensure that accurate and relevant information was timely provided to applicants regarding any cancellations or delays in the administration of the examinations, as well as determining when to restart administering the examinations given due consideration of state and local health advisories. In addition, the Executive Officer worked closely with ASBOG and NCEES regarding the feasibility of administering the national examinations in California during the pandemic.

The Executive Officer also successfully transitioned Board meetings to a virtual platform. This format not only allowed the Board to continue to conduct business during the pandemic, it also allowed more members of the public to attend the Board meetings than had even attended prior to the pandemic.

Classification Considerations Summary

Under the general direction and policy guidance of the 15-member Board, the Executive Officer is responsible for the administration and management of Board programs, resources, and staff. The Executive Officer is responsible for interpreting and executing the intent of all Board policies, and governs the management of the Board's programs to meet the Board's mission of regulating the engineering, land surveying, geology, and geophysics professions in order to protect the health, welfare, property, and safety of the public.

The Executive Officer is also responsible for enforcing sound licensing standards and interpreting and executing the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act and all regulations implementing those Acts. The Executive Officer maintains responsibility for ensuring that qualified individuals are timely licensed and that licensing examinations are appropriate and legally defensible; enforcing the laws against unlicensed individuals; overseeing the disciplinary process and discipline of licensees; and educating the consumer public about the professions of engineering, land surveying, geology, and geophysics.

The Executive Officer functions as principal operations officer and administrative agent for the Board, and directly supervises a Staff Services Manager III (Assistant Executive Officer) position, which manages all Program operations.

Sincerely,

Elizabeth L. Mathieson, PG, CEG
President

DRAFT

XIV. President's Report/Board Member Activities

XV. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the September 16-17, 2021, Board Meeting

DRAFT

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

Thursday, September 16, 2021, beginning at 9:00 a.m., and continuing
Friday, September 17, 2021, beginning at 9:00 a.m.

Thursday, September 16, 2021

Board Members Present:	President Betsy Mathieson; Vice-President Rossana D’Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez
Board Members Absent:	
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Joseph Chin (Legal Counsel)

- I. Roll Call to Establish a Quorum**
President Mathieson called the meeting to order at 9:07 a.m., and a quorum was established.
- II. Pledge of Allegiance**
Mr. Novak led everyone in the recitation of the Pledge of Allegiance.
- III. Public Comment for Items Not on the Agenda**
There was no Public Comment.
- IV. Hearing on the Petition for Early Termination of Probation of Ron Barto**
This hearing was held on Thursday, September 16, 2021.
- V. Hearing on the Petition for Reinstatement of Revoked Certificate of Masih Tukhi**
This hearing was held on Thursday, September 16, 2021, immediately following the Hearing on Petition for Early Termination of Probation of Ron Barto.
- VI. Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]**
- XVI. Closed Session – The Board met in Closed Session to discuss, as needed:**
 - A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]

- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 1. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

4:30 p.m. Ms. D'Antonio left the meeting.

Meeting recessed at 4:44 p.m.

Friday, September 17, 2021

Board Members Present:	President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez
Board Members Absent:	
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Joseph Chin (Legal Counsel)

III. Public Comment for Items Not on the Agenda (Cont.)

There was no public comment.

Ms. Criswell announced that during Closed Session held the day before, the Board took action on a petition for early termination of probation, a petition for reinstatement of revoked certificate, four stipulations, two default decisions, two proposed decisions, and two petitions for reconsideration.

XVII. Administration

A. Fiscal Year 2020/21 Year-End Summary

Ms. Hall reported on the results through Fiscal Month 12, which did not represent the close of the Fiscal Year. However, the information was subsequently received, and she reported that the revenue and final expenses, which she will present at the next Board meeting, were anticipated to be within one percent of the final projections.

B. Fiscal Year 2021/22 Budget Report

Ms. Hall reviewed the projections for the current Fiscal Year that are included in the Governor's Budget and approved by the Department of Finance.

IX. Enforcement

A. Enforcement Statistical Reports

i. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the Enforcement statistics.

X. Exams/Licensing

A. 2021 Examination Update

Mr. Kereszt provided an update for the Fall 2021 Examination Administration. NCEES will have all their examinations administered in October. ASBOG will have their paper and pencil Fundamentals of Geology (FG) and Professional Geology (PG) examinations administered in person at The DoubleTree Hotel

in Sacramento October 1, 2021. All state-specific examinations are administered through Prometric Test Centers. The state-specific component for the Geology Examination (California Specific Exam (CSE)) will be administered October 5, 2021. The Certified Engineering Geology (CEG), Certified Hydrogeology (CHG), and Professional Geophysicist (PGp) examinations will all be administered October 7, 2021. The state-specific Land Surveyor examination will be administered October 26, 2021, and the Traffic Engineer examination will be administered in a 15-day window beginning October 14, 2021 through October 29, 2021. The Geotechnical Engineer examination will be administered within the window of November 1-15, 2021.

Mr. Moore reminded everyone that with the implementation of the Connect system, they have allowed for a short grace period after each “Go Live” date where paper applications were still being accepted. With the anticipated “Go Live” of the Civil Engineer and the Land Surveyor applications, which carry a much larger volume, staff elected to suspend acceptance of these applications during the month of October to allow staff to complete the workload of the paper applications that are received.

XI. Executive Officer's Report

A. Rulemaking Status Report

The Repeal of the Professional Engineer and Land Surveyor Appeals (Title 16, California Code of Regulations sections (16 CCR) 443 and 444) was approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on August 26, 2021 and will become effective on October 1, 2021.

Board staff continues to work with DCA Legal to prepare documents for the Definition of Traffic Engineering Rulemaking (16 CCR 404) and the Definition of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR 3003 and 3003.1).

B. Update on Board's Business Modernization Project

Mr. Moore reported on the progress of the development of Product Increment 4 (PI4), which began in June 2021. The Agile team recognized that there was a need to have additional sprints while the contract was in its first stage rather than the Maintenance and Operations (M&O) stage. This allowed the inclusion of additional sprints, extending the timeline for PI4 which allows the implementation of more information and functionality. However, there were concerns with the volume and the workload associated with the Civil Engineer and Land Surveyor applications. Due to the inclusion of additional sprints, the Board is planning for an interim Product Increment 3.5 release near end of October 2021 to accommodate the Civil Engineer and Land Surveyor applications.

1. Connect Presentation

Mr. Moore provided a presentation that outlined the capabilities and process of the new Connect system.

C. Personnel

Kara Williams has accepted a position with another Department starting September 1, 2021. In addition, we are hoping to recruit for the Human Resources Liaison Analyst by the end of the year. Linda Liu, one of the Board’s cashiers, will return October 1, 2021. There is a vacant fingerprint analyst position in the Board’s Licensing Unit. There is a new Office Technician, Maria Rodriguez, who will start Monday, September 27, 2021, in the Licensing Unit.

Mike Donelson, Senior Registrar, who was not available to introduce himself at the last Board meeting will be introduced at the Board’s November meeting.

Mr. Moore announced that the Board lost a valued staff member who passed away unexpectedly. Kate Tibbitts was responsible for coordinating the ASBOG examinations as well as exam development for the CSE geology exam. She started out with the Board as an examination proctor and was then hired to work in Licensing before transferring to the Exam Unit. The Board has received an outpouring of support from other DCA offices, DCA Executive Leadership, proctors, Prometric, and ASBOG. She will be greatly missed by all. Mr. King recommended that the Board adjourn in Kate’s honor, that the adjournment be reflected in the minutes, and that Board staff inform her family of that action.

11:00 a.m. Mr. Johnson left the meeting.

D. ABET

Dr. Amistad reported that he has a visit scheduled.

E. Association of State Boards of Geology (ASBOG)

1. 2021 Annual Meeting – October 25-30, 2021

Due to current pandemic requirements around the country, ASBOG made adjustments to hold hybrid in-person and virtual meetings. Since the meeting is to be held in Arkansas, which is one of the states prohibited for travel by the Attorney General’s Office, the Board will be able to attend in a virtual manner. Ms. Racca and Mr. Moore reviewed all the materials. In anticipation that the Board would select President Mathieson as the Board voting delegate to attend virtually, she reviewed the minutes and provided feedback which will be sent over to ASBOG.

MOTION:	Dr. Qureshi and Mr. Ruffino moved to nominate President Mathieson to be the voting delegate.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				

Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

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

- 2021 Annual Meeting – Report from September 15, 2021 (Virtual) Meeting
Due to the pandemic, the Annual Meeting in New Orleans was conducted virtually. Board Members Michael Hartley, Coby King, and Alireza Asgari represented the Board during this meeting, ensuring that one of them was always available for voting duties. Dr. Qureshi attended as Western Zone (WZ) Assistant Vice President and Ric Moore attended as the WZ Secretary Treasurer. Several other staff and Board Members attended throughout the meeting since it was held virtually. Brian Robertson, PE (Colorado Board), began his term as 2021-22 NCEES President at the conclusion of the meeting, and Christopher Duhamel, PE, PLS (Rhode Island PE Board), began his term as 2021-22 NCEES President-Elect.

G. Update on Outreach Efforts

President Mathieson reported that she and Civil Engineer Senior Registrar, Natalie King will provide a virtual presentation to first year engineering students at the University of San Francisco.

H. Strategic Plan 2021-22 Update

Mr. Moore confirmed that Board Members have been working with Sarah Irani from SOLID, who is coordinating the Board's Strategic Plan. The Board has received hundreds of responses from the survey for stakeholders and constituents. Mr. Moore reminded everyone that at the November meeting we will hold the Strategic Planning session. Once Ms. Irani is able to compile the feedback from interviews, it will be sent to all members for discussion.

Mr. Ruffino reported that he will not be available for the November Board meeting.

VIII. Legislation

A. 2021 Legislative Calendar

Ms. Eissler reviewed the calendar and reported that the Legislative Session ended September 10. For bills that passed, the Governor has until October 10 to act upon them.

B. Discussion of Legislation for 2021

1. **AB 107** Licensure: veterans and military spouses.

MOTION:	Mr. King and Mr. Friel moved to take a position of "Support" on AB 107, as amended September 2, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

2. **AB 1273** Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer.
No action taken.

3. **SB 607** Professions and vocations.
No action taken.

4. **SB 826** Business and professions.
Has been chaptered and will go into effect January 1, 2022

Ms. Eissler added that AB 361 would continue the provisions of the Governor's Executive Order that allow for these types of virtual Board meetings. Currently, the Executive Order was scheduled to end September 30 and this bill will extend those provisions to waive portions of the Bagley-Keene Open Meeting Act through January 31, 2022. This bill was signed by the Governor yesterday, September 15, 2021, and it included an urgency clause so it took effective immediately. If needed, the Board would be able to hold meetings between the end of September through the end of January through this virtual method. It is Ms. Eissler's understanding that there is still consideration of making this more

permanent, but at this point, they decided to have it go through the end of January.

XII. Discussion for an Increase in the Exempt Salary Level of the Executive Officer

This item will be deferred to the November 2021 Board meeting.

XIII. President’s Report/Board Member Activities

President Mathieson reported that she took part in the survey for the Strategic Plan. She signed up for DCA’s Learning Management System which will assist Board members with their training courses. She recommended that all Board members look for the email regarding the Learning Management System to enroll. She also participated in some portions of the NCEES Annual Meeting.

Vice-President D’Antonio reported that on September 8, 2021, she had the opportunity to represent the Board and NCEES to present the 2021 Engineering Education Award to the California State University, Los Angeles, Department of Civil Engineering. The project was entitled “Sustainable Recycled Water Recharge Program,” which has real world applications. She was grateful for the opportunity.

11:39 a.m. Mr. Johnson returned.

XIV. Approval of Meeting Minutes

A. Approval of the Minutes of the July 23, 2021, Board Meeting

MOTION:	Mr. King and Mr. Friel moved to approve the minutes.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish			X		
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

XV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Dr. Qureshi requested to have the Board’s support for his run for Vice-President of the NCEES Western Zone.

Mr. Novak asked if AB 361 will affect whether the November meeting will be held in person or virtually. Mr. Moore would like to have the November meeting held in person because of the Strategic Planning Session. However, the problem is due to the timeline of this bill and the deadline of Executive Order, there has been a rush on DCA facilities for meeting space. All options are being evaluated. The Office of Administrative Hearing is continuing to require all of their hearings to be held virtually, and there will likely be two petition hearings held in conjunction with the November meeting; the hearings would have to be held virtually. In addition, all Board members will have to meet the same criteria as staff to either provide proof they are vaccinated or provide a negative test within the week of meeting.

XVI. Adjournment

The Board adjourned at 11:57 a.m. in honor of Kate Tibbitts.

XVI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

XVII. 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. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

XVIII. Adjournment

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.