



Gavin Newsom, Governor

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

Board for Professional Engineers,  
Land Surveyors, and Geologists

Thursday, February 2, 2023, beginning at 9:00 a.m.,  
and continuing Friday, February 3, 2023, beginning at  
9:00 a.m., if necessary

Ventura County Public Works Agency  
11251 - B Riverbank Dr.  
Saticoy Conference Room A  
Ventura, CA 93004



# TABLE OF CONTENTS

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

BOARD MEETING

FEBRUARY 2-3, 2023

Ventura County Public Works Agency  
Saticoy Conference Room A  
11251-B Riverbank Dr.  
Ventura, CA 93004

### BOARD MEMBERS

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

<b>I. Roll Call to Establish a Quorum</b>	<b>5</b>
<b>II. Pledge of Allegiance</b>	<b>7</b>
<b>III. Public Comment for Items Not on the Agenda</b>	<b>9</b>
<b>NOTE:</b> The Board cannot discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).) The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.	
<b>IV. Legislation</b>	<b>11</b>
A. 2023 Legislative Calendar	
<b>V. Consideration of Rulemaking Proposals (Possible Action)</b>	<b>15</b>
A. Consideration of Comments Received During the 45-day Comment Period and Proposed Modifications to Noticed Text Relating to Rulemaking on Amendments to California Code of Regulations (CCR), Title 16, Sections 3005 (Fees), 3024 (Abandoned Applications), and 3031 (Examinations: Geologist-in-Training, Professional Geologist, Professional Geophysicist and Specialty Certification), Addition of Section 3024.5 (Postponements), and Repeal of Section 3026 (Unqualified Applicant: Refund of Examination Fee) and Adoption of Proposed Rulemaking	
<b>VI. Administration</b>	<b>29</b>
A. Fiscal Year 2022/23 Budget Report	
<b>VII. Enforcement</b>	<b>37</b>
A. Enforcement Statistical Reports	
1. Fiscal Year 2022/23 Update	

<b>VIII.</b>	<b>Exams/Licensing</b>	<b>51</b>
	A. Examination/Licensing Updates	
<b>IX.</b>	<b>Executive Officer's Report</b>	<b>53</b>
	A. Rulemaking Status Report	<b>55</b>
	B. Update on Board's Business Modernization Project	<b>56</b>
	C. Personnel	
	D. ABET	
	E. Association of State Boards of Geology (ASBOG)	
	F. National Council of Examiners for Engineering and Surveying (NCEES)	
	G. Update on Outreach Efforts	<b>58</b>
	H. Strategic Plan Discussion – Review of Objective 1.3 Develop a strategy to implement a continuing education requirement to help licensees maintain and improve their professional knowledge and awareness of new, pertinent laws. <b>(Possible Action)</b>	<b>59</b>
<b>X.</b>	<b>President's Report/Board Member Activities</b>	<b>63</b>
<b>XI.</b>	<b>Approval of Meeting Minutes (Possible Action)</b>	<b>65</b>
	A. Approval of December 8, 2022, Board Meeting Minutes	
<b>XII.</b>	<b>Discussion Regarding Proposed Agenda Items for Next Board Meeting</b>	<b>75</b>
<b>XIII.</b>	<b>Closed Session – The Board will meet in Closed Session to discuss, as needed:</b>	<b>77</b>
	A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)	
	B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:	
	1. <i>Ryan Crownholm, et al. vs. Richard B. Moore, et al.</i> , United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD	
	2. <i>Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al.</i> , Sacramento County Superior Court. Case No. 34-2022-00328379	
<b>XIV.</b>	<b>Adjourn</b>	<b>79</b>

**I. Roll Call to Establish a Quorum**



## II. Pledge of Allegiance





**III. Public Comment for Items Not on the Agenda**

**NOTE:** The Board cannot discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).) The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.



**IV. Legislation**  
A. 2023 Legislative Calendar



**2023 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 11-4-22

**DEADLINES**

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

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16** Martin Luther King, Jr. Day.
- Jan. 20** Last day to submit **bill requests** to the Office of Legislative Counsel.

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

- Feb. 17** Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).
- Feb. 20** Presidents' Day.

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

- Mar. 30** **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).
- Mar. 31** Cesar Chavez Day observed.

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

- Apr. 10** Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- Apr. 28** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

MAY							
	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Wk. 2	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

- May 5** Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).
- May 12** Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 19** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).  
Last day for **fiscal committees** to meet prior to June 5 (J.R. 61(a)(6)).
- May 29** Memorial Day.
- May 30-June 2** **Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)).

\*Holiday schedule subject to final approval by Rules Committee.

**2023 TENTATIVE LEGISLATIVE CALENDAR**

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE  
Revised 11-4-22

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.					1	2	3
Wk. 4	4	5	6	7	8	9	10
Wk. 1	11	12	13	14	15	16	17
Wk. 2	18	19	20	21	22	23	24
Wk. 3	25	26	27	28	29	30	

- June 2** Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).
- June 5** Committee meetings may resume (J.R. 61(a)(9)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

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

- July 4** Independence Day.
- July 14** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).
- Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

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

- Aug. 14** Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

SEPTEMBER							
	S	M	T	W	TH	F	S
Wk. 4						1	2
No Hrgs.	3	4	5	6	7	8	9
No Hrgs.	10	11	12	13	14	15	16
Interim Recess	17	18	19	20	21	22	23
Interim Recess	24	25	26	27	28	29	30

- Sept. 1** Last day for **fiscal committees** to meet and report bills (J.R. 61(a)(11)).
- Sept. 4** Labor Day.
- Sept. 5-14** **Floor session only.** No committees may meet for any purpose, except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(a)(12)).
- Sept. 8** Last day to **amend** on the Floor (J.R. 61(a)(13)).
- Sept. 14** Last day for each house to pass bills. (J.R. 61(a)(14)).
- Interim Recess** begins upon adjournment (J.R. 51(a)(4)).

**IMPORTANT DATES OCCURRING DURING INTERIM RECESS**

**2023**

Oct. 14 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 14 and in the Governor's possession on or after Sept. 14 (Art. IV, Sec. 10(b)(1)).

**2024**

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

Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).

\*Holiday schedule subject to final approval by Rules Committee.

**V. Consideration of Rulemaking Proposals (Possible Action)**

- A. Consideration of Comments Received During the 45-day Comment Period and Proposed Modifications to Noticed Text Relating to Rulemaking on Amendments to California Code of Regulations (CCR), Title 16, Sections 3005 (Fees), 3024 (Abandoned Applications), and 3031 (Examinations: Geologist-in-Training, Professional Geologist, Professional Geophysicist and Specialty Certification), Addition of Section 3024.5 (Postponements), and Repeal of Section 3026 (Unqualified Applicant: Refund of Examination Fee) and Adoption of Proposed Rulemaking





**Consideration of Comments Received During the 45-day Comment Period and Proposed Modifications to Noticed Text Relating to Rulemaking on Amendments to California Code of Regulations (CCR), Title 16, Sections 3005 (Fees), 3024 (Abandoned Applications), and 3031 (Examinations: Geologist-in-Training, Professional Geologist, Professional Geophysicist and Specialty Certification), Addition of Section 3024.5 (Postponements), and Repeal of Section 3026 (Unqualified Applicant: Refund of Examination Fee) and Adoption of Proposed Rulemaking**

On November 10, 2022, the Board noticed the proposed rulemaking relating to California Code of Regulations, Title 16, Sections 3005, 3024, 304.5, 3026, and 3031 (generally, Fees, Abandoned Applications, Postponements, and Examinations) for a 45-day public comment period. The public comment period ended on December 27, 2022. Comments were received from Scott Borg, Ph.D., Registered Geologist.

Below is the Summary of Comments Received During the Public Comment Period and Responses as proposed by Board staff. If approved by the Board, this Summary and Responses will be included in the Final Statement of Reasons that is submitted to the Office of Administrative Law as part of the final rulemaking package. Also included for the Board's review are the comments as submitted and the proposed text as noticed.

**SUMMARY OF COMMENTS RECEIVED  
DURING THE PUBLIC COMMENT PERIOD AND RESPONSES**

The proposed text was made available to the public for comment from November 10, 2022, to December 27, 2022. One public comment was received during this 45-day public comment period and is responded to below.

**November 13, 2022, Comments from Scott Borg**

Comments were received from Scott Borg, a Registered Geologist, via email. Dr. Borg's email transmitting the comments and his comments are included.

Summary of Borg Comments:

Dr. Borg indicates that he believes the proposed updates to the regulations are appropriate and the explanations sound, with one exception. He indicates that the removal of the language "in the absence of special circumstances" from Section 3024 relating to abandoned applications takes away the Board's ability "...to address potential problems from foreseeable, albeit low probability, circumstances..." relating to the provision that only two postponements may be granted before an application is considered abandoned. Dr. Borg provides a few example scenarios. Additionally, he expresses concerns with applicants having to request a postponement in the event the examination administration is cancelled by the Board or its examination administrator. He

also suggests that the Board consider delegating, with high-level guidance from the Board, the authority to consider and grant postponements to ASBOG.

Response to Borg Comments:

The Board rejects these comments and no changes will be made to the proposed regulatory text. “Unforeseen circumstances beyond the applicant’s control” is one of the reasonable causes for being granted a postponement that is included in the proposed language, which does provide for consideration by the Board of situations that may occur that do not necessarily fall within the other areas that are also reasonable causes to grant a postponement. Additionally, existing regulations for geologists and geophysicists provide that an application will be considered abandoned if the applicant fails to appear within the next two subsequent examinations without obtaining a postponement, and existing regulations for engineers and land surveyors provide that two postponements may be granted per application. There is no historical evidence to indicate that applicants have needed more than two postponements of scheduled examinations. As such, there is not sufficient justification to support increasing this number. Additionally, it is necessary to provide applicants with a definitive number of postponements of scheduled examinations that may be granted so that they can make determinations on how to proceed with scheduling their examinations. Furthermore, it is proposed to change the time frame in which the applicant may request a postponement to allow them up to 10 days after the examination, which addresses situations that may occur closer to the examination date than the 5 to 50 days prior to the examination that existing regulations provide. If a scheduled examination is cancelled by the Board or its examination administrator, it is considered that the examination was never scheduled. Therefore, it is not necessary for individual applicants to request a postponement because there was no scheduled examination and nothing to postpone. Finally, ASBOG does not provide the service of considering or granting postponements; this is the responsibility of the Board. As such, it is not an option for the Board to consider delegating this authority to ASBOG..

### **RECOMMENDED MOTIONS**

1. Direct staff to proceed as recommended to reject the comments as specified and provide the responses to the comments as indicated in the staff recommended responses.
2. Direct staff to take all steps necessary to complete the rulemaking process including the filing of the final rulemaking package with the Office of Administrative Law and authorize the Executive Officer to make any non-substantive changes to the proposed regulation and the rulemaking documents and adopt the proposed regulations as described in the notice for 16 CCR sections 3005, 3024, 3024.5, 3026, and 3031, as noticed.

**From:** [Scott Borg](#)  
**To:** [Yu, Angela@DCA](#)  
**Cc:** [Eissler, Nancy@DCA](#)  
**Subject:** Comments on Proposed Amendments to Title 16, CCR sections 3005, 3024, 3031 etc  
**Date:** Tuesday, November 15, 2022 10:47:07 AM  
**Attachments:** [CA BPELSG Reg Comments Nov2022.docx](#)

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WARNING: This message was sent from outside the CA Gov network. Do not open attachments unless you know the sender: [REDACTED]

To: BPELSG

This note is in response to the notification of an open comment period for proposed changes to regulations associated with California professional licensing for geologists and geophysicists. The attached file contains my comments on the proposed changes.

Please let me know if you have any questions.

Sincerely, Scott


Scott Borg  
[REDACTED]

Date: 13 November 2022

To: Board for Professional Engineers, Land Surveyors, and Geologists  
California Dept of Consumer Affairs

POC: Angela Yu (Backup POC: Nancy Eissler)  
2535 Capitol Oaks Drive, Suite 300  
Sacramento, CA 95833

Email: [Angela.Yu@dca.ca.gov](mailto:Angela.Yu@dca.ca.gov) (Backup: [Nancy.Eissler@dca.ca.gov](mailto:Nancy.Eissler@dca.ca.gov))

From: Scott Borg, Ph.D., California RG GEO 4875  


Subject: Comments on Proposed Amendments to Title 16, CCR sections 3005, 3024, 3031...and related changes related to ASBOG Fees, Abandoned Applications, Postponements, and Examinations

#### General Comment

The update of these regulations is clearly appropriate (and overdue in my view). At a high level, I find the explanations for the need for changes to be sound, and the proposed changes generally reasonable, but with an exception. As you note, the old language has many cross-over points linking issues of postponements with abandoned applications. I believe that the proposed language does not adequately address potential problems from foreseeable, albeit low probability, circumstances and would lead to unintended consequences.

The critical issue, in my view, is that the proposed new regulations do not contain language that would allow reasonable discretion by the Board in acting on some of the potential causes for delays in completing the examinations. Specifically, at the beginning of paragraph 3024 (Abandoned Applications), elimination of the phrase “In the absence of special circumstances, the board shall consider an application abandoned when...” removes important discretion from the Board and/or Board Executive Officer. This is particularly important because this paragraph covers both abandoned applications and postponement issues in the existing regulations whereas the proposed new regulations separate these two issues and neither has language that would allow management discretion in the event of unforeseen or unplanned circumstances. Since the proposed language for Abandoned Applications ties to issues of postponement of examinations, I think that the need for some discretionary language is most acute in the language related to Postponements. See below for further explanation.

The list of acceptable reasons (proposed paragraph 3024.5 Postponements, subparagraph (b) “Reasonable Cause”) for postponements seems to encompass two categories of circumstances. One is things that might be called issues of happenstance that affect an individual (deaths, illnesses or injuries, accidents – basically items (1), (2), and (6). The other category, composed of items (3), (4), and (5) – natural disasters – and particularly any organizational response to a disaster, military service, and jury duty – are issues where some authority either has made, or may make, a decision that affects an individual’s ability to show up at a testing site at the appointed day/time. My concern is that the proposed regulations do not allow reasonable discretion to the Board for scenarios associated with the second category.

The following examples of possible scenarios illustrate my concern.

- 1) An applicant has a scheduled examination on some date just into the second year of the 2-year period allowed for the examination process to run its course. The applicant is a member of the National Guard, and her unit is called up for foreign service. Ultimately, she is deployed for a year on military service and so has exceeded the 2-year period allowed for completion of the examinations. While a postponement could have been sought for military service, and would have been granted under the proposed rules, the timing is such that it pushes her beyond the 2-year limit and there appears to be no provision for a reasonable adjudication to allow sitting for the examination shortly after completing her military service.
- 2) An applicant has a time and place scheduled for an examination. A day or two before the examination, a significant earthquake occurs in the vicinity of the examination venue and the venue is declared unsafe for use. The administrator of the examination, either ASBOG or its contractor, decides that carrying out the examination is not feasible. Under the proposed rules each applicant scheduled for this examination must seek a separate postponement by submitting a request and explanation, and the Board must act on each request. In this circumstance, it is hard to see why the Board would not simply allow rescheduling to occur without need for efforts by the applicant and the Board to request and grant a postponement. In my view, this kind of situation should not count as a postponement against two that an individual might need to seek.
- 3) An applicant is well within the first year of the 2-year period allowed for completion of the examinations and so clearly has been trying to act expeditiously in this process. Despite their efforts, the applicant has sought and been granted two postponements, one for the death of a family member and one because they were caught in a 6-hour traffic jam from a major accident on a freeway. Now they just received a jury summons that interferes with the currently scheduled examination. It seems to me very unreasonable to have this kind of circumstance lead to a bureaucratic decision that they must begin a new application process de novo.

For any of the situations above, or any number of potential similar scenarios, the issue could be handled more reasonably if the Board were allowed the discretion to grant exceptions for truly exceptional circumstances. Alternatively, perhaps things like military service, jury duty, or instances in which the examination administrator postpones or cancels the examination should simply not count as postponements against the allowance of up to 2 postponements per applicant. Or, admittedly a more out of the box suggestion – since the Board has delegated to ASBOG the authority and responsibility for administering the examinations, why not delegate to ASBOG, with only high-level “outcome” guidance from the Board, the issue of determining how to deal with particular circumstances associated with the postponements section of the proposed regulation?

Thanks for your attention to my comments.

PS: I find the rationale, cited many times, of changing the regulations for geologists and geophysicists to match the regulations for Professional Engineers and Land Surveyors because those regulations have been in place for 60 years to be wanting. Except for the lack of language allowing some discretion for the Board on postponement decisions discussed above, the changes seem reasonable. However, the rationale should be that the proposed new language, even if it matches the language for engineers and land surveyors, will serve the people of California, the profession, and the State well, not simply that it's been in place for 60 years for a similar professional group. I would hope that the regulations for engineers and land surveyors that has stood unchanged for so long was nevertheless reviewed periodically, even if only once a decade, to ensure that it truly is viable in a society that has changed considerably in 60 years. I also hope, and suspect this to be the case, that there is language in the regulations for engineers and land surveyors that allows some discretion on the part of the Board for reasonable decisions when circumstances occur that may not have been foreseen by the Board.

**BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS, AND GEOLOGISTS  
PROPOSED REGULATION**

**ASBOG EXAMINATION FEES, ABANDONED APPLICATIONS, POSTPONEMENTS,  
AND EXAMINATIONS**

**Legend:**      Added text is indicated with an underline.  
Deleted text is indicated by ~~strikeout~~.

**1. Amend Section 3005, Article 1, Division 29 of Title 16 of the California Code of Regulations**

§ 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, 7844, 7851, 7880, 7881 and 7887, Business and Professions Code.

## **2. Amend Section 3024, Article 2, Division 29 of Title 16 of the California Code of Regulations**

§ 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.~~

(a) Any of the following actions by an applicant for certification or licensure shall be considered to constitute abandonment of the application with no refund of the application fee:

(1) Failure to provide additional information pursuant to Section 3022.2 within 90 days from the date of a written request by the Board's staff; or,

(2) 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,

(3) 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,

(4) Failure to appear for the examination(s) at the designated time and place after having obtained two postponements in accordance with Section 3024.5.

(b) An application submitted subsequent to an abandoned application shall be treated as a new application.

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.

### **3. Add Section 3024.5, Article 2, Division 29 of Title 16 of the California Code of Regulations**

#### § 3024.5. Postponements

(a) 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 day or time fixed, provided the applicant's request for postponement and the written request and reason therefor is filed



with the principal office of the board specified in Section 3000 at any time prior to the examination or within the ten (10) day period immediately following the date of such examination.

(b) "Reasonable cause" as used in this section includes any of the following:

(1) Death of an immediate family member of the applicant, when accompanied by documentation, such as a copy of the death certificate.

(2) Illness, including contagious disease, or injury to the applicant or an immediate family member of the applicant, when accompanied by an original letter on letterhead from the health care provider, which includes the date(s), nature of the illness or injury, and the health care provider's signature.

(3) Natural disaster or other declared national, state, or local emergency.

(4) Military service, when accompanied by official military orders.

(5) Jury duty, when accompanied by documentation, such as the summons issued by the court.

(6) Unforeseen circumstances beyond the control of the applicant, including an accident, on the day of the examination that prevent the applicant from appearing at the examination location at the time and place set for the examination, when accompanied by documentation such as police reports, witness statements and photos.

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

#### **4. Repeal Section 3026, Article 2, Division 29 of Title 16 of the California Code of Regulations**

##### **§ 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.

**5. Amend Section 3031, Article 3, Division 29 of Title 16 of the California Code of Regulations**

3031. ~~Examination Credit:~~ Examinations: Geologist-in-Training, Professional Geologist, Professional Geophysicist and Specialty Certification.

(a) Pursuant to Section 7841.2 of the Code, each applicant for certification as a geologist-in-training shall successfully pass the Fundamentals of Geology examination created and conducted by the National Association of State Boards of Geology, also known as ASBOG, by meeting the requirements set by ASBOG for taking, and receiving a passing score for, that examination. After January 1, 2023, applicants shall directly contact ASBOG, or its designated vendor, if applicable, to obtain a date, time and place (testing facility) to take the Fundamentals of Geology examination. Applicants shall pay all ASBOG's required examination fees for examination materials and services directly to ASBOG, or its designated vendor, if applicable, and shall comply with all ASBOG examination and test center policies, procedures, and rules.

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

(1) Each applicant shall meet the requirements set by ASBOG for taking, and receiving a passing score for, Fundamentals of Geology and Practice of Geology examinations. After January 1, 2023, applicants shall directly contact ASBOG, or its designated vendor, if applicable, to obtain a date, time and place (testing facility) to take the Fundamentals of Geology and the Practice of Geology examinations. Applicants shall pay all ASBOG's required examination fees for examination materials and services directly to ASBOG, or its designated vendor, if applicable, and shall comply with all ASBOG examination and test center policies, procedures, and rules.

~~(1)~~ (2) Candidates Applicants shall receive credit for obtaining a passing score on the Fundamentals of Geology examination, the Practice of Geology examination, and the supplemental California specific examination as separate examinations

and shall be required to ~~submit an application to~~ retake and pass only those examinations previously failed.

(b) (c) Every applicant for licensure as a geophysicist or for certification in any specialty, who obtains a passing score determined by a recognized criterion-reference method of establishing the pass point in the California examination required by Section 7841.1 of the Code or Section 7842 of the Code, respectively, shall be deemed to have passed the California examination required by Section 7841.1 of the Code or Section 7842 of the Code, respectively. Such a passing score may vary moderately with changes in test composition.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.1, 7841.2, 7842, and ~~7842.1~~ 7844, Business and Professions Code.



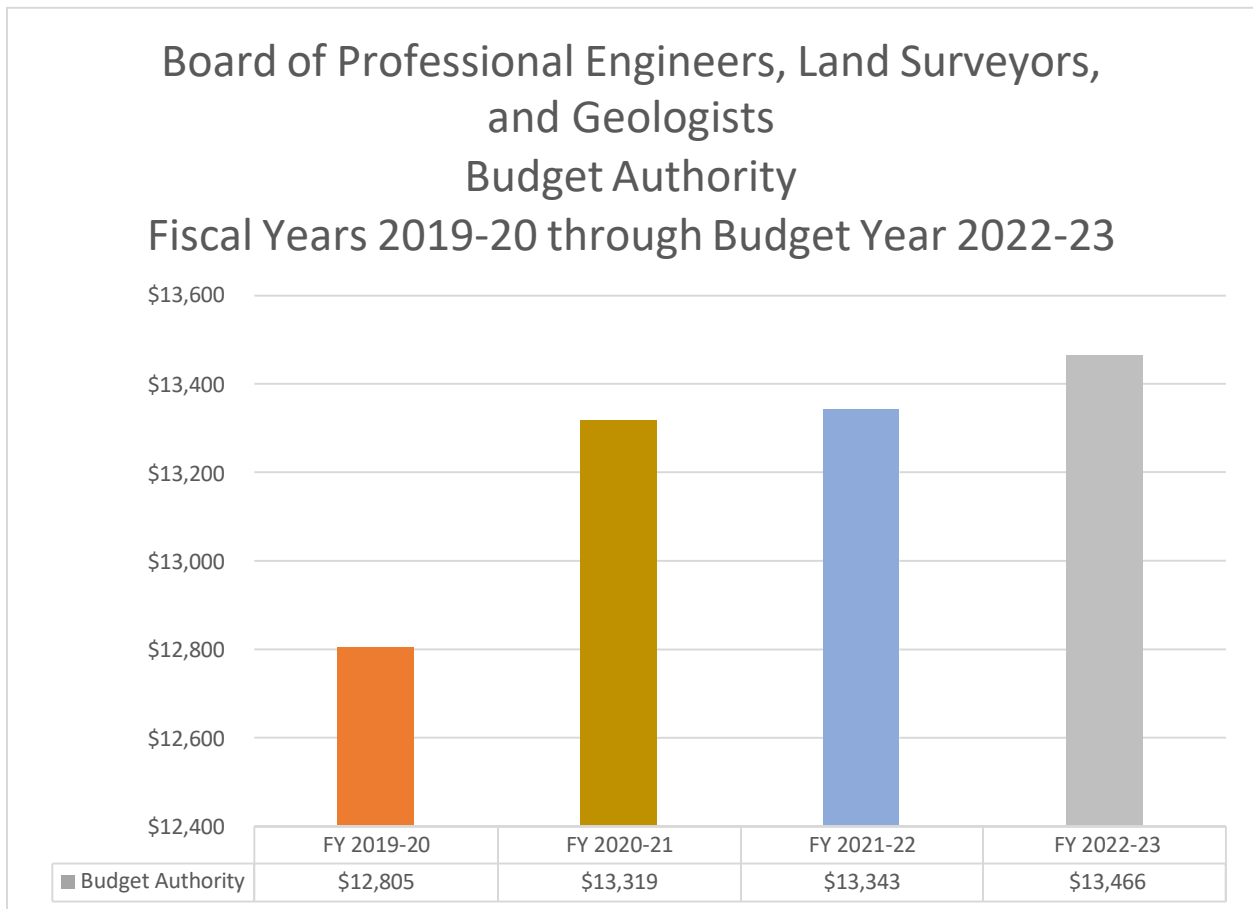
**VI. Administration**  
A. Fiscal Year 2022/23 Budget Report



# FINANCIAL REPORT

## BUDGET AUTHORITY

The Board's Budget Authority for fiscal year (FY) 2022-23 is \$13,466,000 (1% increase over FY 2021-22). Board actual expenditures for FY 2021-22 were 90% of Budget Authority.



GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

**Current Year Projections**  
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
<b>Total</b>	<b>\$3,805,560</b>	<b>↑ \$5,082,440</b>	<b>\$12,316,649</b>

**Revenue Category**  
Provides the name of the line item where our revenues occur.

**Arrows**  
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

**Current Year**  
Revenue collected up to FM 4 in October of 2021.

**Prior Year**  
Revenue collected up to FM 4 in October of 2020.

Department of Consumer Affairs  
Expenditure Projection Report

Fiscal Month: 4  
Fiscal Year: 2021 - 2022  
Run Date: 12/09/2021

**Fiscal Month**  
Identifies the expenditures up to October 2021

**Fiscal Year**  
Identifies the current year

**Run Date**  
Identifies the date this report was pulled from QBIRT

**CY 21-22 YTD + Encumbrance**  
Provides a FM 4 total of YTD Actual and Encumbrance.

**Governor's Budget**  
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	<b>PERSONAL SERVICES</b>	<b>\$1,550,611</b>	<b>\$1,780,065</b>	<b>\$5,396,000</b>	<b>33%</b>	<b>\$5,380,536</b>

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

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

**PY 20-21 YTD + Encumbrance**  
Provides a FM 4 total of YTD Actual and Encumbrance.

**Percent of Governor's Budget spent**  
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

**Projections to Year End**  
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$3,239,095</b>	<b>\$2,474,539</b>	<b>\$6,831,000</b>	<b>36%</b>	<b>\$5,308,996</b>
	<b>OVERALL TOTALS</b>	<b>\$4,789,706</b>	<b>\$4,254,604</b>	<b>\$12,227,000</b>	<b>35%</b>	<b>\$10,689,532</b>

\*Does not include additional Architecture Revolving Fund Expenses TBD

**SURPLUS/(DEFICIT): 13%**

**Surplus/(Deficit)**  
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.



# FINANCIAL REPORT

## FISCAL YEAR 2022-23 FISCAL MONTH 5 FINANCIAL STATEMENT

### Revenues

Fee increase effective January 1, 2021, and significant increase in initial application volume has had a positive impact on revenues. Total revenue down \$6,983,919 (-10%) over prior year. Current Fiscal Year 2022-23 is a low volume year for renewals.

Revenue Category	PRIOR YEAR FY 2021-22 FM 5	CURRENT YEAR FY 2022-23 FM 5	CURRENT YEAR FY 2022-23 PROJECTION
Delinquent Fees	\$59,001	\$63,014	\$150,044
Other Regulatory Fees	\$53,298	\$44,090	\$117,586
Other Regulatory Licenses & Permits	\$847,353	\$807,806	\$1,638,188
Other Revenue	\$13,332	\$30,664	\$16,156
Renewal Fees	\$6,739,417	\$6,038,345	\$9,081,441
Total	\$7,712,400	\$6,983,919	\$11,003,811

There was a significant increase in FY 2021-22 initial application volume and revenue over prior years. The increase in revenue is due to the fee increase effective January 2021, and the uptick in volume of initial applications received. The current year projections do not assume the increase in volume will continue to trend up and the projections are based on the average of applications received over a five-year lookback period.

Reimbursements totaled \$27,748 including \$27,048 for background checks and \$9,775 in cost recovery. Background check expenses are included in the General Expense category.

FY 2021-22 includes \$2,650,380 Revenue in advance. FY 2022-23 includes \$2,301,473 Revenue in advance.

**Department of Consumer Affairs  
Expenditure Projection Report**

**Fiscal Month: 5**

**Fiscal Year: 2022 - 2023**

Run Date: 01/05/2023

**PERSONAL SERVICES**

Notes	Fiscal Code	PY 21-22 FM 5 YTD + Encumbrance	CY 22-23 FM 5 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$1,355,064	\$1,399,164	\$3,589,000	39%	\$3,529,367
	5100 TEMPORARY POSITIONS	\$56,271	\$60,600	\$232,000	26%	\$115,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$38,876	\$16,192	\$36,000	45%	\$28,104
	5150 STAFF BENEFITS	\$768,895	\$854,814	\$1,790,000	48%	\$2,040,846
	<b>PERSONAL SERVICES</b>	<b>\$2,219,107</b>	<b>\$2,330,769</b>	<b>\$5,647,000</b>	<b>41%</b>	<b>\$5,713,317</b>

**OPERATING EXPENSES & EQUIPMENT**

2	5301 GENERAL EXPENSE	\$29,726	\$49,266	\$32,000	154%	\$80,000
3	5302 PRINTING	\$72,185	\$51,937	\$26,000	200%	\$87,000
	5304 COMMUNICATIONS	\$4,872	\$4,492	\$15,000	30%	\$18,000
	5306 POSTAGE	\$1,462	\$2,343	\$36,000	7%	\$26,000
	5308 INSURANCE	\$0	\$0	\$0	0%	\$100
	53202-204 IN STATE TRAVEL	\$177	\$8,622	\$22,000	39%	\$13,000
	53206-208 OUT OF STATE TRAVEL	\$0	\$0	\$0	0%	\$2,500
	5322 TRAINING	\$2,000	\$0	\$15,000	0%	\$1,000
4	5324 FACILITIES*	\$438,564	\$440,172	\$377,000	117%	\$540,832
5	53402-53403 C/P SERVICES (INTERNAL)	\$289,315	\$244,041	\$871,000	28%	\$731,546
6	53404-53405 C/P SERVICES (EXTERNAL)	\$695,544	\$1,713,158	\$3,280,000	52%	\$1,808,100
7	5342 DEPARTMENT PRORATA	\$947,000	\$945,000	\$1,886,000	50%	\$1,886,000
8	5342 DEPARTMENTAL SERVICES	\$5,524	\$6,531	\$27,000	24%	\$26,000
	5344 CONSOLIDATED DATA CENTERS	\$42	\$37	\$22,000	0%	\$13,000
	5346 INFORMATION TECHNOLOGY	\$279,755	\$34,477	\$166,000	21%	\$65,900
	5362-5368 EQUIPMENT	\$16,809	\$14,588	\$0	0%	\$57,000
	5390 OTHER ITEMS OF EXPENSE	\$0	\$12	\$3,000	0%	\$50
	54 SPECIAL ITEMS OF EXPENSE	\$0	\$0	\$0	0%	\$4,100
	<b>OPERATING EXPENSES &amp; EQUIPMENT</b>	<b>\$2,782,975</b>	<b>\$3,514,676</b>	<b>\$6,778,000</b>	<b>52%</b>	<b>\$5,360,128</b>
	<b>TOTALS</b>	<b>\$5,002,083</b>	<b>\$5,845,445</b>	<b>\$12,425,000</b>	<b>47%</b>	<b>\$11,073,445</b>
9	4840-4850 REIMBURSEMENTS					\$108,200
	<b>OVERALL TOTALS &amp; REIMBURSEMENTS</b>					<b>\$10,965,245</b>

\*Includes additional \$75k Architecture Revolving Fund Expenses

## Expenditure Report Notes

- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements. The Board has the following vacancies: 1.0 OT.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 5 are \$27,048.
- 3 Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months.
- 4 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, security, COVID-19 sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 5 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 6 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 7 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 8 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 9 Reimbursements** - Includes Reimbursements-Private Sectors, Fingerprint Reports, US Cost Recovery, and US DOI Civil Case.

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

## Analysis of Fund Condition

Prepared 01/05/2023

(Dollars in Thousands)

### PY 21-22 Actuals & CY 22-23 FM 5 Projections

	Actual 2021-22	CY 2022-23	BY 2023-24	BY+1 2024-25
<b>BEGINNING BALANCE</b>	\$ 2,351	\$ 3,405	\$ 2,413	\$ 2,138
Prior Year Adjustment	\$ 654	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,005	\$ 3,405	\$ 2,413	\$ 2,138
<b>REVENUES, TRANSFERS AND OTHER ADJUSTMENTS</b>				
Revenues:				
4121200 Delinquent fees	\$ 149	\$ 150	\$ 152	\$ 150
4127400 Renewal fees	\$ 10,142	\$ 9,081	\$ 9,886	\$ 9,081
4129200 Other regulatory fees	\$ 131	\$ 118	\$ 124	\$ 118
4129400 Other regulatory licenses and permits	\$ 2,064	\$ 1,638	\$ 1,600	\$ 1,638
4163000 Income from surplus money investments	\$ 26	\$ 27	\$ 32	\$ 11
4171400 Escheat of unclaimed checks and warrants	\$ 15	\$ 16	\$ 15	\$ 16
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 12,528	\$ 11,031	\$ 11,810	\$ 11,015
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -385	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 12,143	\$ 11,031	\$ 11,810	\$ 11,015
Totals, Revenues, Transfers and Other Adjustments	\$ 15,148	\$ 14,436	\$ 14,223	\$ 13,153
<b>EXPENDITURES</b>				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,878	\$ 10,965	\$ 11,294	\$ 11,633
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 656	\$ 849	\$ 582	\$ 582
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,743	\$ 12,023	\$ 12,085	\$ 12,424
<b>FUND BALANCE</b>				
Reserve for economic uncertainties	\$ 3,405	\$ 2,413	\$ 2,138	\$ 729
<b>Months in Reserve</b>	3.4	2.4	2.1	0.7

### NOTES:

A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1

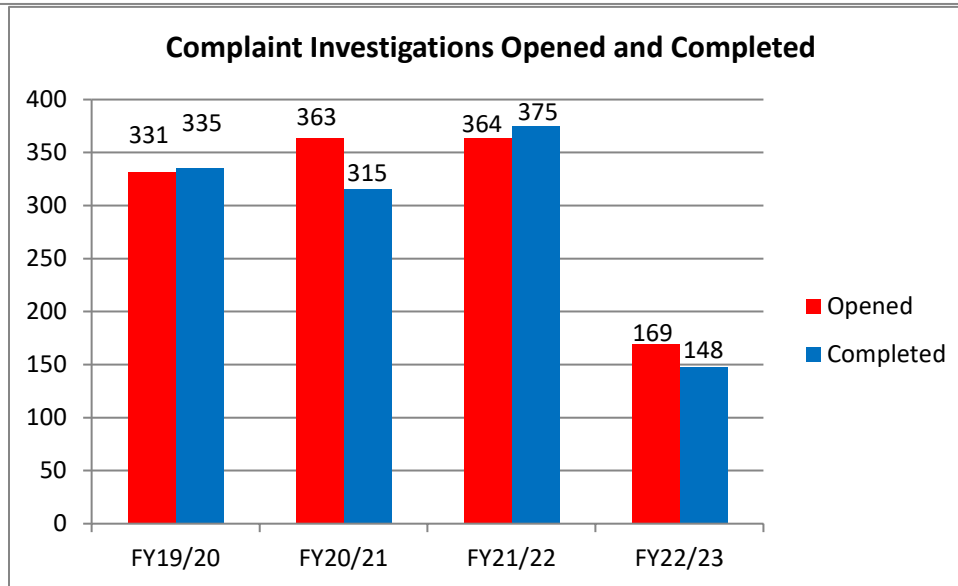
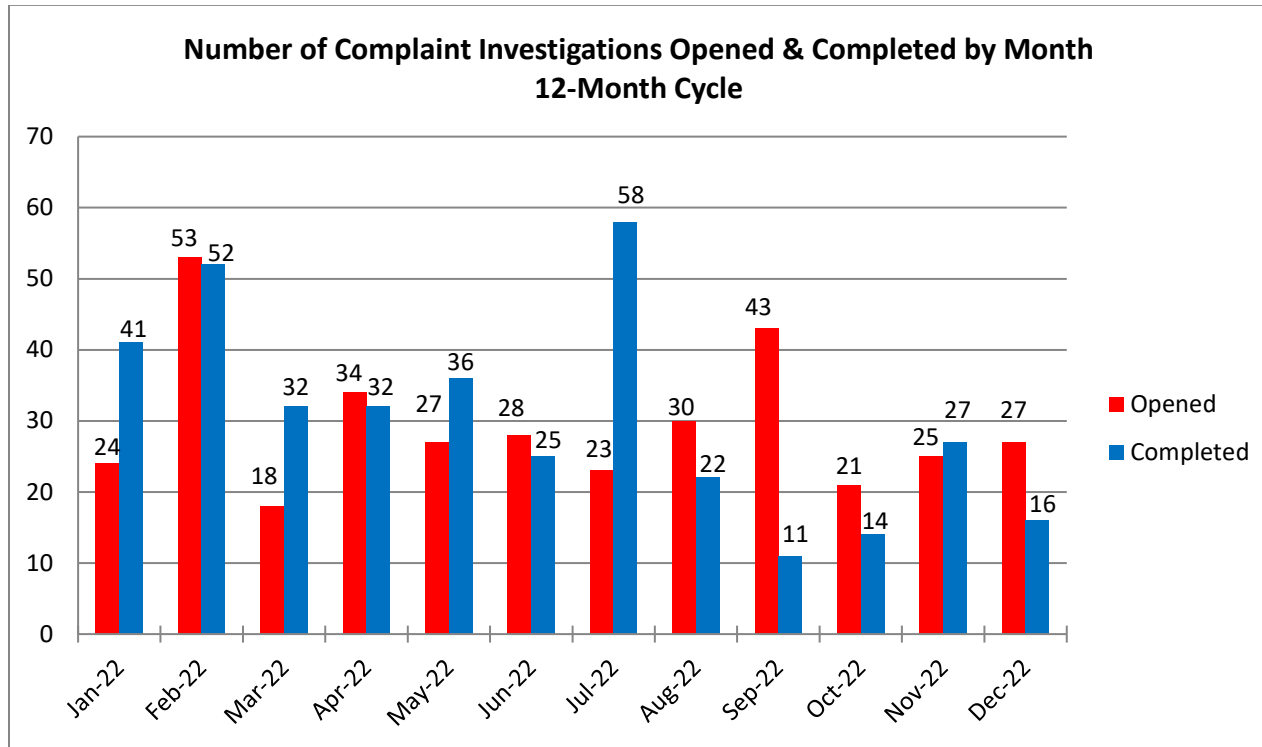
**VII. Enforcement**

A. Enforcement Statistical Reports

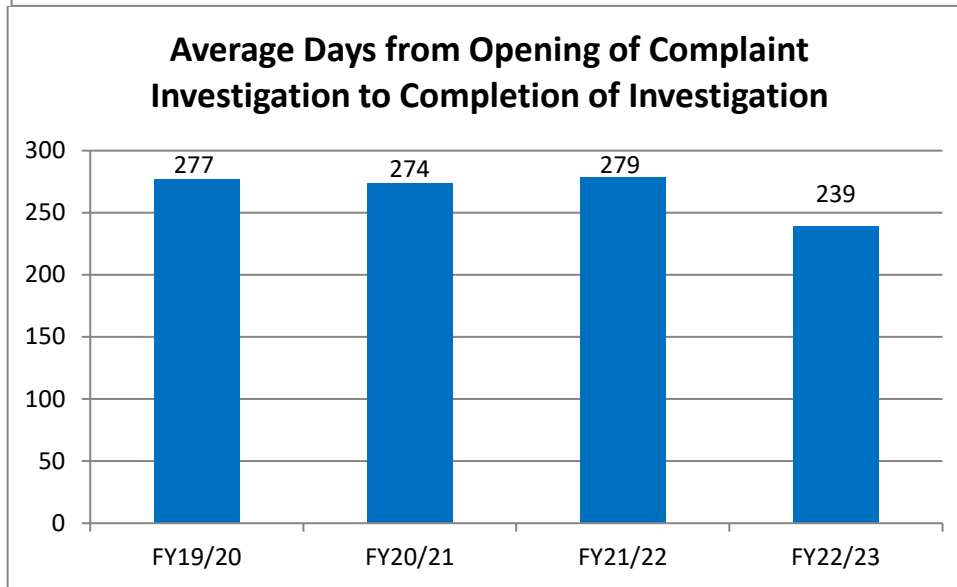
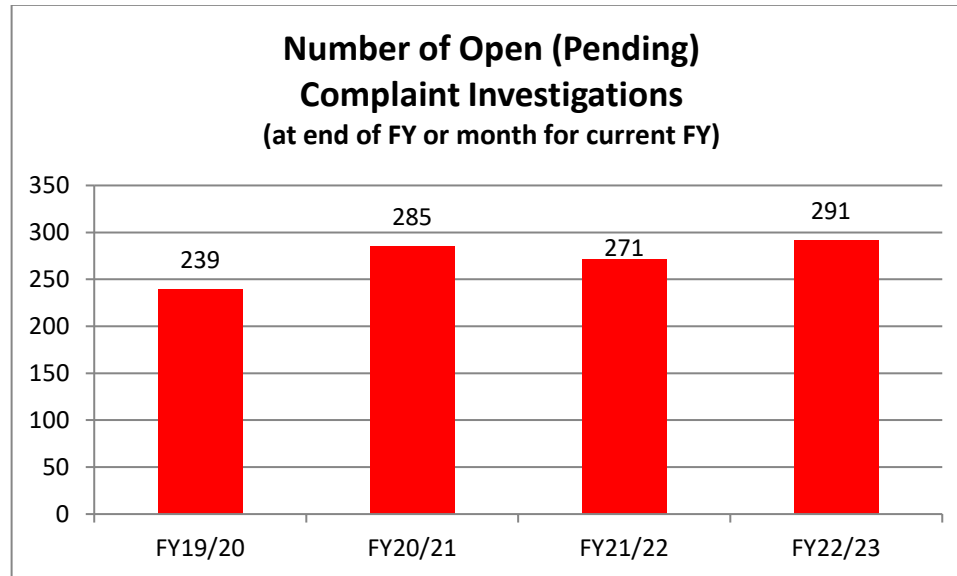
1. Fiscal Year 2022/23 Update



# Complaint Investigation Phase



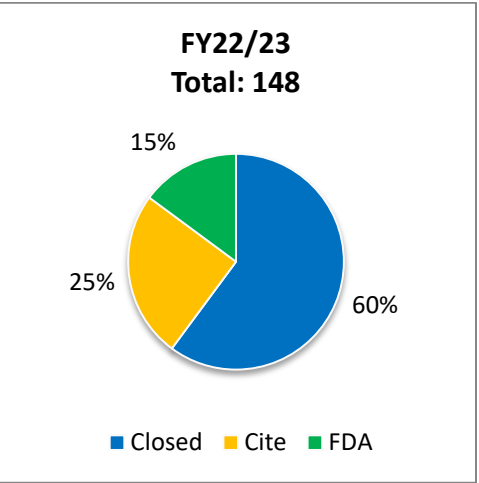
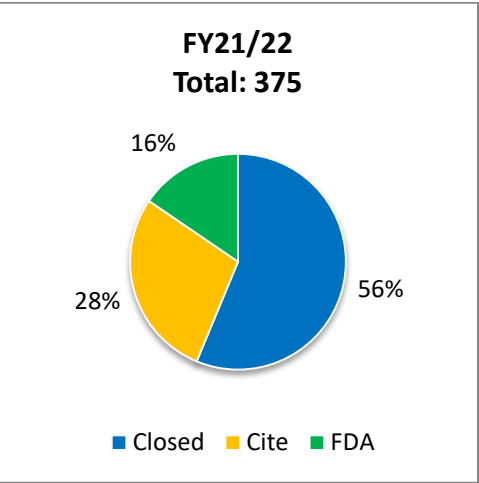
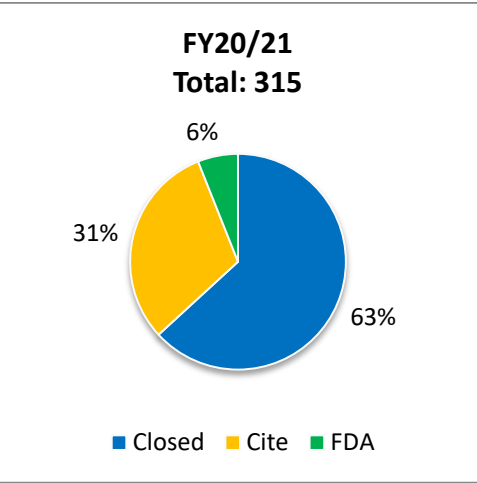
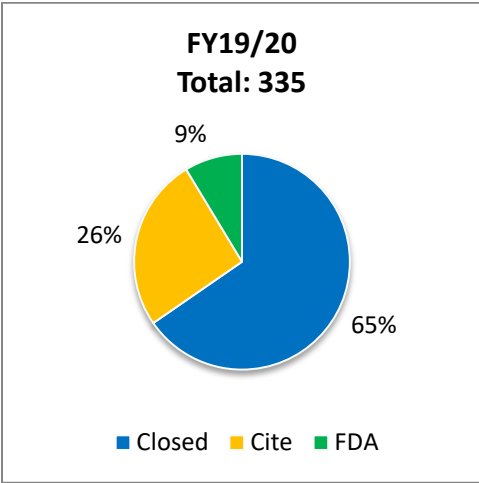
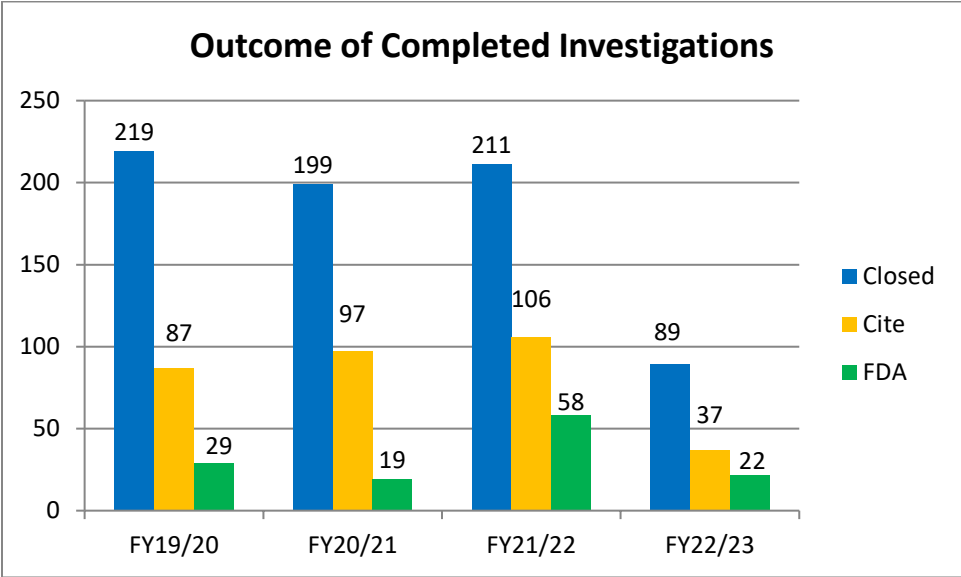
NOTE: FY22/23 statistics are through December 31, 2022



**NOTE: FY22/23 statistics are through December 31, 2022**







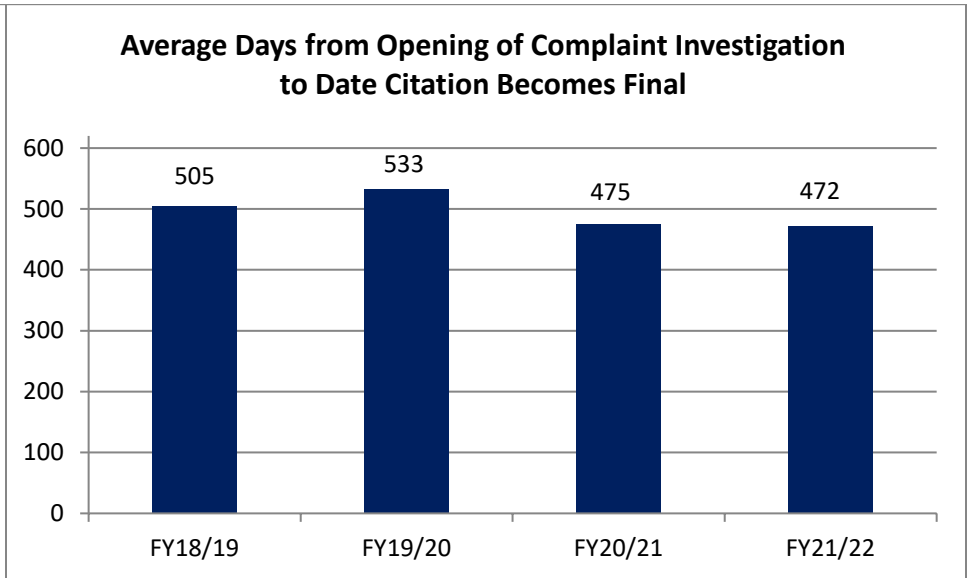
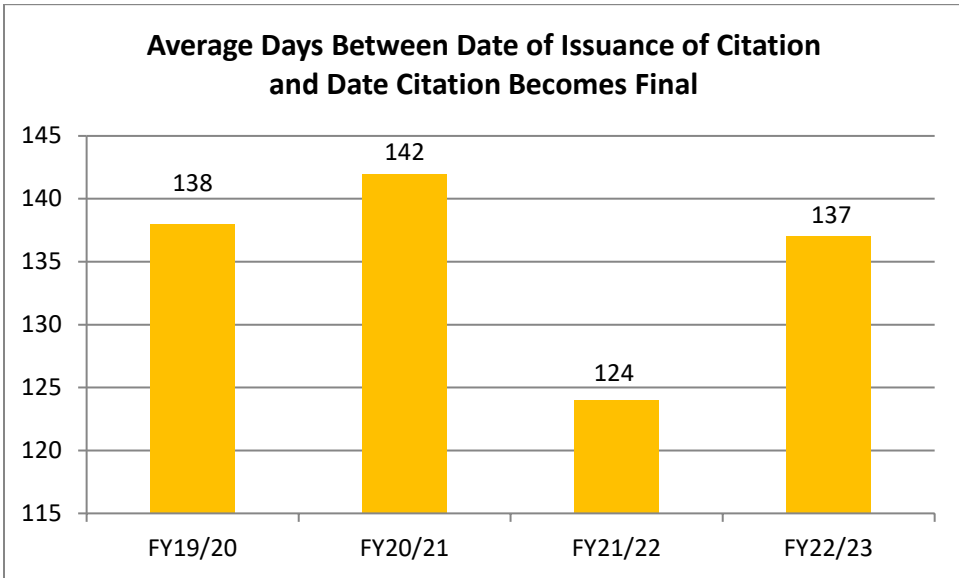
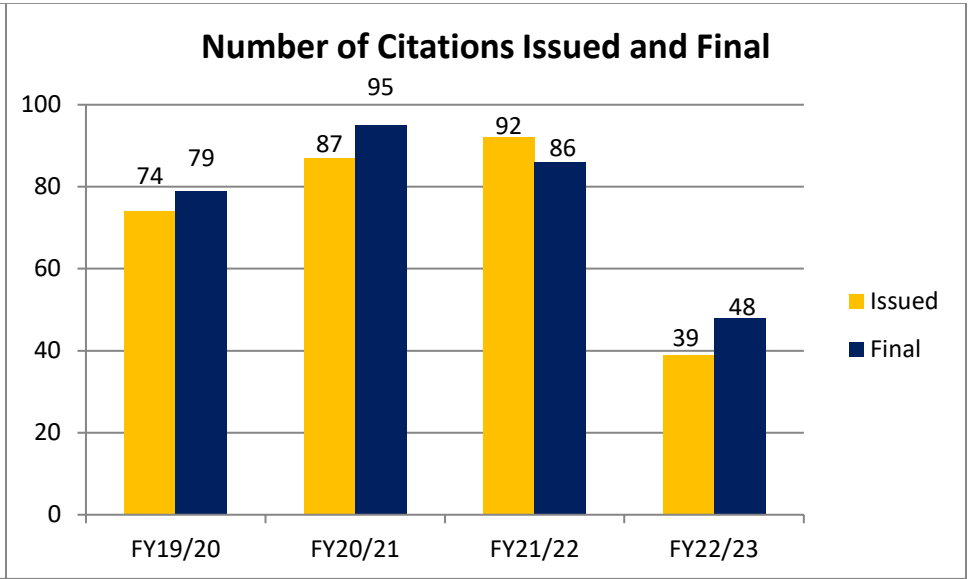
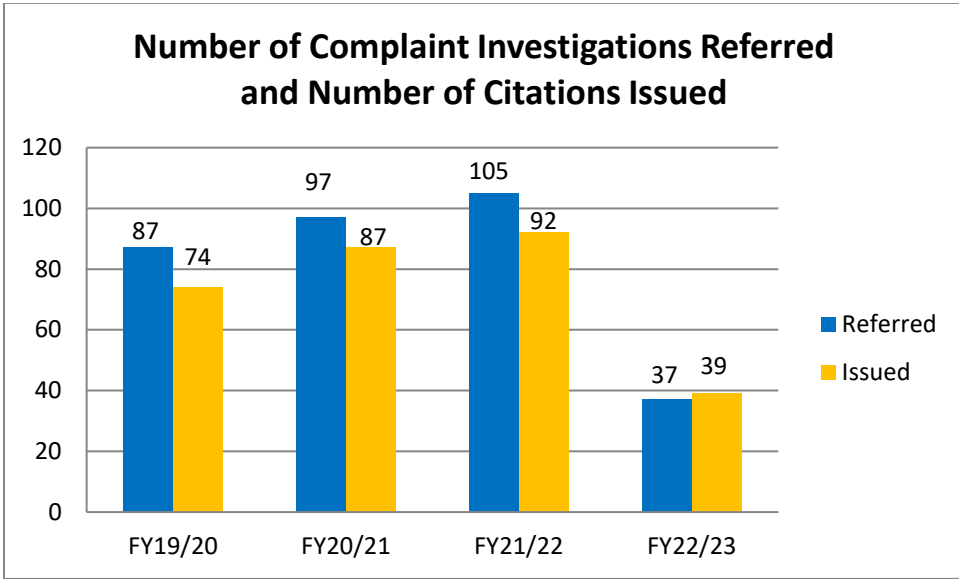
**NOTE: FY22/23 statistics are through December 31, 2022**

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.

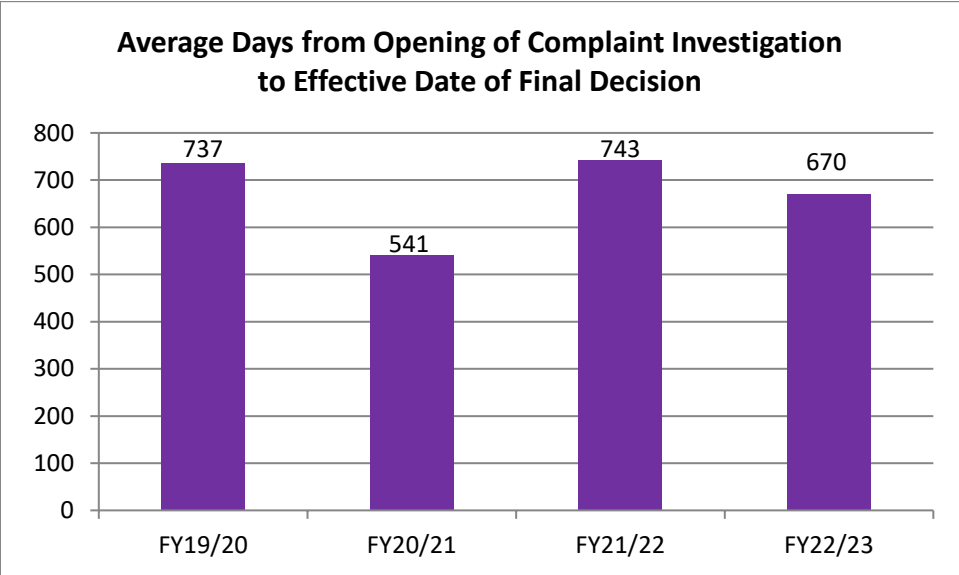
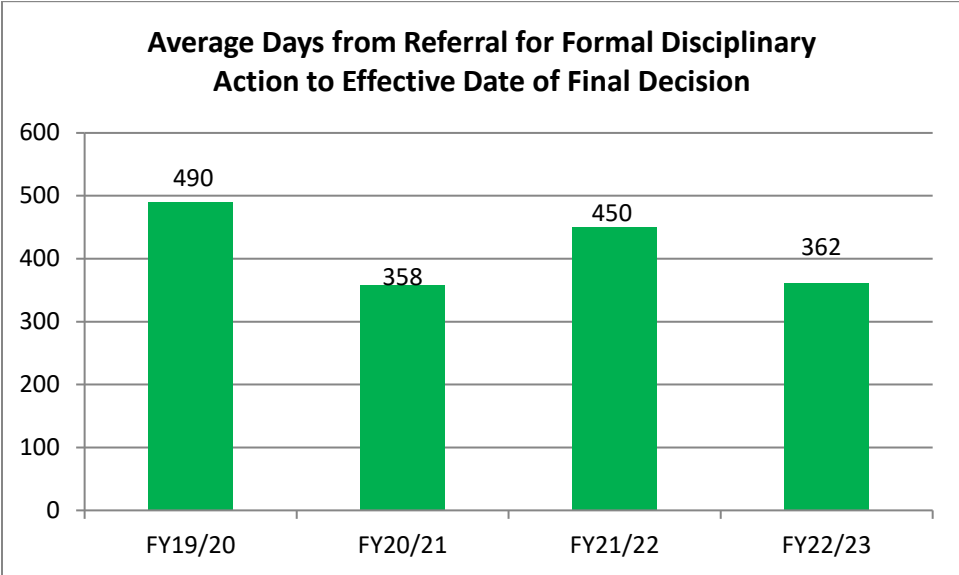
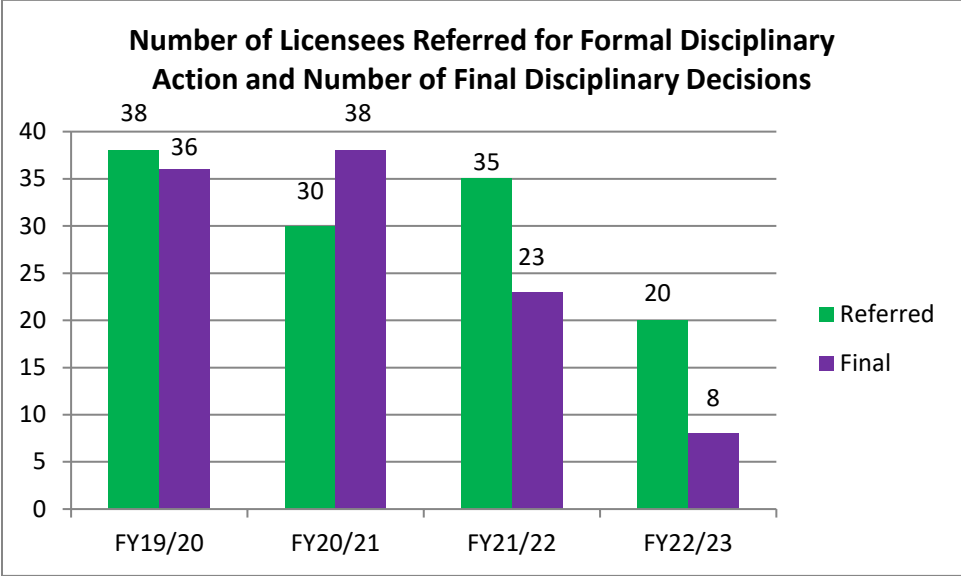
Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

# Citations (Informal Enforcement Actions)



NOTE: FY22/23 statistics are through December 31, 2022



**NOTE: FY22/23 statistics are through December 31, 2022**

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

Month	Complaint Investigations Opened	Complaint Investigations Completed
January 2022	24	41
February 2022	53	52
March 2022	18	32
April 2022	34	32
May 2022	27	36
June 2022	28	25
July 2022	23	58
August 2022	30	22
September 2022	43	11
October 2022	21	14
November 2022	25	27
December 2022	27	16

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

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2019/20	331	335
2020/21	363	315
2021/22	336	350
2022/23	169	148

Current Fiscal Year through December 31, 2022

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

Fiscal Year	Number of Open (Pending) Complaint Investigations
2019/20	239
2020/21	285
2021/22	268
2022/23	291

Current Fiscal Year through December 31, 2022

## 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
2019/20	277
2020/21	274
2021/22	278
2022/23	239

Current Fiscal Year through December 31, 2022

### Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	89	60%	37	25%	22	15%

Current Fiscal Year through December 31, 2022

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
January 2022	24	19	28	41	45	48	41	39	4	0
February 2022	43	23	20	32	40	59	36	37	0	0
March 2022	18	43	20	17	53	44	37	44	0	0
April 2022	33	17	41	20	36	56	34	39	1	0
May 2022	27	32	17	40	34	39	44	34	1	0
June 2022	28	27	30	16	58	43	25	43	1	0
July 2022	22	25	26	25	31	37	35	31	3	0
August 2022	23	24	22	28	29	47	29	38	3	0
September 2022	42	23	24	22	46	44	36	35	3	0
October 2022	20	36	25	25	44	40	45	45	2	0
November 2022	24	18	30	23	42	49	43	49	2	0
December 2022	26	24	16	28	43	50	39	62	3	0

**Number of Complaint Investigations Referred and Number of Citations Issued**

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2019/20	87	74
2020/21	97	87
2021/22	105	87
2022/23	37	39

Current Fiscal Year through December 31, 2022

**Number of Citations Issued and Final**

Fiscal Year	Issued	Final
2019/20	74	79
2020/21	87	95
2021/22	87	85
2022/23	39	48

Current Fiscal Year through December 31, 2022

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

Fiscal Year	Number of Days
2019/20	138
2020/21	142
2021/22	125
2022/23	137

Current Fiscal Year through December 31, 2022

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

Fiscal Year	Number of Days
2019/20	505
2020/21	533
2021/22	475
2022/23	472

Current Fiscal Year through December 31, 2022



**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
2019/20	38	35
2020/21	30	38
2021/22	32	19
2022/23	20	8

Current Fiscal Year through December 31, 2022

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

Fiscal Year	Number of Days
2019/20	490
2020/21	358
2021/22	419
2022/23	362

Current Fiscal Year through December 31, 2022

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

Fiscal Year	Number of Days
2019/20	737
2020/21	541
2021/22	747
2022/23	670

Current Fiscal Year through December 31, 2022



**VIII. Exams/Licensing**  
A. Examination/Licensing Updates



**IX. Executive Officer's Report**

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
- G. Update on Outreach Efforts
- H. Strategic Plan Discussion – Review of Objective 1.3 Develop a strategy to implement a continuing education requirement to help licensees maintain and improve their professional knowledge and awareness of new, pertinent laws. **(Possible Action)**



## Rulemaking Status Report

### **1. Examination Fees, Abandoned Applications, and Postponements (16 CCR sections 3005, 3024, 3024.5, 3026, and 3031)**

- Review revised text at the February 2-3, 2023, Board meeting for approval to notice.
  - The Office of Administrative Law has approved the notice of publication for a 45-day comment period that was posted on the Board website on November 10, 2022.
  - Board staff finalizing initial rulemaking documents for submittal to DCA and Agency for review prior to public notice in October 2022.
  - Initial rulemaking package submitted to DCA Legal for review on July 27, 2022.
  - Board approved revised text at the June 23-24, 2022, Board meeting.
  - Staff working with DCA Legal to finalize proposal for notice (April 2022).
  - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
  - Board directed staff to pursue rulemaking proposal on November 8, 2021.

### **2. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)**

- Staff working with Legal to prepare language for Board review at the April 2023 meeting.
  - Staff working on final text for submittal to DCA Legal in September 2022.
  - Staff working with DCA Legal to finalize proposal for notice (April 2022).
  - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
  - Board directed staff to pursue rulemaking proposal on November 8, 2021.

### **3. Definition of Traffic Engineering (16 CCR 404)**

- Board staff will work with DCA Legal to prepare documents for initial notice in 2023.
  - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
  - Board directed staff to pursue rulemaking proposal on March 8, 2018.

### **4. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)**

- Board staff will work on the pre-notice documents in 2023.
  - 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.bpelsg.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsg.ca.gov/about_us/rulemaking.shtml).

## PROJECT STATUS REPORT

<b>Reporting period:</b>	1/21/2020 – 1/17/2023	<b>Project title:</b>	Business Modernization Cohort 1
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### EXECUTIVE SUMMARY

<b>Narrative Summary of Status</b>	<b>Schedule:</b>	<b>GREEN</b>	<b>Budget:</b>	<b>GREEN</b>	<b>Issues:</b>	<b>GREEN</b>
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The Maintenance & Operations (M&O) phase of project began July 2022. Product Increment (PI5) of the project went live on October 12 and for BPELSG, consisted primarily of bug fixes and requested refinements. Staff is currently working with Agile Team on additional application (GIT and Professional Geologist) types for the Feb 2023 release.

### PROJECT MILESTONE STATUS REVIEW

<b>Project Milestones</b>	<b>Status</b>	<b>Completion Date</b>	<b>Issues Exist (Yes/No)</b>
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
Go Live - Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live - Product Increment 4 (PI4)	Complete	4/29/2022	No
Go Live - Product Increment 5 (PI5)	Complete	10/12/2022	No
Go Live – Product Increment X	On-going	2/14/2023	No



In addition to addressing bugs and priority refinements, the following is the overall plan for further development in Connect for BPELSG during the Maintenance & Operations (M&O) phase:

First half of 2023:

- Professional Geologist (PG) and Geologist-In-Training (GIT) applications
- Traffic Engineer application
- Geotechnical Engineer application
- Structural Engineer application

Second Half of 2023:

- Enforcement Discipline Queue
- (Possible) Certified Engineering Geologist (CEG) and Certified Hydrogeologist (CHG) applications

2024:


- Informal Conference and Appeals management
- Backoffice Dashboard
- License Renewal Assessment

Reports – BPELSG, along with other project entities for BMC1 and BMC2, are collaborating with DCA to utilize QBIRT, the departments integrated reporting system for the production of necessary reporting.

# QUARTERLY OUTREACH REPORT (Q1)

## OCTOBER, NOVEMBER, and DECEMBER 2022

 TOP FACEBOOK POSTS	DATE	VIEWS
Geotechnical Exam Results	12/22	355
Meeting Materials posted for Dec 8-9 Mtg	12/02	269
Notice & Agenda posted for Dec 8-9 Mtg	11/21	263
“Thank You for hosting” Monterey Chapter Am Pub Works Assn	11/15	247
Office of Administrative Law Notification	11/09	103

 TOP TWEETS	DATE	VIEWS
“Thank You for Hosting” Monterey Chapter Am Pub Works Assn.	11/09	260
Summer <i>Bulletin</i> posted	10/10	165
Notice & Agenda posted for Dec 8-9 Mtg	11/21	119
Meeting Materials posted for Oct 20-21 Mtg	12/12	117
Office of Administrative Law Notification	11/14	116

WEB PAGE VIEWS	VIEWS
License lookup	1,097,243
Board Home Page	166,958
Applicant Information	92,656
Licensee Renewal Information	89,282
PE Application	75,824

OUTREACH EVENTS	
Nov 9	Monterey Chapter of the American Public Works Assn. Presentation by N. King, PE

## **IX. Executive Officer's Report**

- H. Strategic Plan Discussion – Review of Objective 1.3 Develop a strategy to implement a continuing education requirement to help licensees maintain and improve their professional knowledge and awareness of new, pertinent laws. **(Possible Action)**

At the December 8, 2022 Board Meeting, the Board requested to discuss Objective 1.3 from the adopted Strategic Plan 2022-2027 related to continuing education. In addition to the general Business and Professions section 166 language and the Board's statutes related to the license renewal assessment (included below), staff recommends that the Board consider the following suggestions/recommendations to aid in this discussion:

- Identify what concerns are needed which address this effort and what supporting evidence is available to demonstrate how the public is not being protected now.
- Research other DCA boards/bureaus with similar license disciplines who have implemented new requirements in recent years and what hurdles they faced in this process.
- Research what other NCEES/ASBOG member boards do in terms of managing and verifying compliance as well as any that have implemented new requirements in recent years and what hurdles they faced in this process.
- Evaluate the potential effect this would have on the Board's operations in terms of staffing and implementing processes to record, manage, and verify compliance.
- Evaluate the potential fiscal impact this would have on the Board's current budget authority (i.e., new staff positions, impact on fees, etc.)
- Identify and evaluate any potential impact on licensees in terms of increasing regulatory requirements to maintain a license.
- Evaluate any potential fiscal impact this would have on application and license renewal revenue (i.e., increase, decrease, etc.)

### **Business and Professions Code, section 166**

The director shall, by regulation, develop guidelines to prescribe components for mandatory continuing education programs administered by any board within the department.

(a) The guidelines shall be developed to ensure that mandatory continuing education is used as a means to create a more competent licensing population, thereby enhancing public protection. The guidelines shall require mandatory continuing education programs to address, at least, the following:

- (1) Course validity.
- (2) Occupational relevancy.

(3) Effective presentation.

(4) Actual attendance.

(5) Material assimilation.

(6) Potential for application.

(b) The director shall consider educational principles, and the guidelines shall prescribe mandatory continuing education program formats to include, but not be limited to, the following:

(1) The specified audience.

(2) Identification of what is to be learned.

(3) Clear goals and objectives.

(4) Relevant learning methods (participatory, hands-on, or clinical setting).

(5) Evaluation, focused on the learner and the assessment of the intended learning outcomes (goals and objectives).

(c) Any board within the department that, after January 1, 1993, proposes a mandatory continuing education program for its licensees shall submit the proposed program to the director for review to assure that the program contains all the elements set forth in this section and complies with the guidelines developed by the director.

(d) Any board administering a mandatory continuing education program that proposes to amend its current program shall do so in a manner consistent with this section.

(e) Any board currently administering a mandatory continuing education program shall review the components and requirements of the program to determine the extent to which they are consistent with the guidelines developed under this section. The board shall submit a report of their findings to the director. The report shall identify the similarities and differences of its mandatory continuing education program. The report shall include any board-specific needs to explain the variation from the director's guidelines.

(f) Any board administering a mandatory continuing education program, when accepting hours for credit which are obtained out of state, shall ensure that the course for which credit is given is administered in accordance with the guidelines addressed in subdivision (a).

(g) Nothing in this section or in the guidelines adopted by the director shall be construed to repeal any requirements for continuing education programs set forth in any other provision of this code.

*(Amended by Stats. 1994, Ch. 146, Sec. 1. Effective January 1, 1995.)*

(Please Note: the Department of Consumer Affairs (DCA) is currently working on draft regulations related to the following statute and is expected to begin the rulemaking process soon.)

Second, the Board sponsored Senate Bill 1085 (Roth) – Ch. 629, Stat. 2016, which added sections 6795.2 (PE Act), 7881.5 (Geologist and Geophysicist Act), and 8801.1 (PLS Act) to the Business and Professions Code containing the following language respectively for each Act (example from PE Act):

**6795.2.**

(a) At the time of renewal specified in Section 6795 or 6796, the board shall administer an assessment of the certificate holder to reinforce the certificate holder’s knowledge of state laws and the board’s rules and regulations. Failure to complete this assessment within 60 days after the date of expiration of the certificate may result in disciplinary action under Section 6775, but shall not affect the renewal of the certificate.

(b) The crime in subdivision (j) of Section 6787 shall not apply to this section.

(c) The board shall not charge the certificate holder a fee for the administration or development of the assessment.

(d) For the purposes of this section, “assessment” means an online program that contains educational reading material and questions. The material shall be based on state law and the board’s rules and regulations relating to the practice of professional engineers. The scope of the assessment shall be limited to the board’s top five types of violations related to the administrative and procedural aspects of the practice of professional engineers and any changes or additions to existing law related to such administrative and procedural aspects.

Please Note: It is anticipated that development for the license renewal assessment for licensees within the Connect system will be begin in 2024.



## **X. President's Report/Board Member Activities**





- XI. Approval of Meeting Minutes (Possible Action)**
  - A. Approval of December 8, 2022, Board Meeting Minutes



**DRAFT**

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

Thursday, December 8, 2022, beginning at 9:00 a.m.

**Thursday, December 8, 2022**

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

**I. Roll Call to Establish a Quorum**

President D’Antonio called the meeting to order at 9:00 a.m., and a quorum was established.

**II. Pledge of Allegiance**

Dr. Amistad 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 Reinstatement of Revoked License of Richard Joseph Godina**

This hearing was held on Thursday, December 8, 2022.

Paul Novak arrived at 9:11 a.m.

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

A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)

B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section

11126(e)(1) and (2)(A), on the following matters:

1. *Ryan Crownholm, et al. vs. Richard B. Moore, et al.*, United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
2. *Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al.*, Sacramento County Superior Court. Case No. 34-2022-00328379

## **VI. Report from the Department of Consumer Affairs (DCA) on Departmental Activities**

Yvonne Dorantes-Giles, Assistant Deputy Director of Board and Bureau Relations, reviewed the newly appointed leaders to DCA's Board and Bureau Relations team.

Ms. Giles reported that Director Kimberly Kirchmeyer established the Department's first Diversity, Equity, and Inclusion Steering Committee (DEI committee) to guide the Department in its equity strategy, initiatives, and action plans. The DEI committee held its official kick-off meeting on November 9 and will convene its second meeting in January 2023.

In accordance with Governor Newsom's Executive Order, as of July 2023, strategic plans must be updated to more effectively advance equity and drive outcomes that increase opportunities. By March 2023, DCA will begin implementing the revised processes and will work with boards in updating their existing strategic plans or developing new ones.

On November 2, 2022, DCA released its 2022-2027 Strategic Plan. Additionally, the Department also released a new logo.

Ms. Giles also announced the annual Our Promise campaign and encouraged all members and staff to contribute.

She reminded Board members and staff that all state travel requests must be made through CalTravel Store or Concur and to use the most economical fares possible when traveling by air on official state business. The traveler will be responsible for any associated charges to flight changes for personal convenience that are not approved or for a justified reason.

## **VII. Administration**

### **A. Fiscal Year 2021/22 Year-End Summary**

Ms. Hall reported there was \$175,000 in additional technology expenses which was included in the prior Fiscal Year, and there were no changes in revenue.

### **B. Fiscal Year 2022/23 Budget Report**

The Fiscal Month 3 revenue for the current year is slightly lower than the Fiscal Month 3 of the prior year. It was noted that there was a higher than anticipated volume in paper applications that were received in the first three quarters.

## **VIII. Enforcement**

### **A. Enforcement Statistical Reports**

#### **1. Fiscal Year 2022/23 Update**

Ms. Criswell presented the Enforcement statistics. Ms. Wong asked if there have been any notable trends that the Board should be made aware of. Ms. Criswell noted that initial complaints are taking a bit longer during the intake process due to incomplete information and certain file types that the Connect system cannot upload and therefore, attachments are not being transmitted properly. She is concerned that this trend may increase timeframes. In addition, the Board is receiving a lot of complaints that are not within the Board's jurisdiction or duplicative complaints as the complainant was not certain that the initial complaint was properly submitted through Connect.

## **X. Executive Officer's Report**

### **A. Rulemaking Status Report**

Ms. Eissler reported on the rulemaking package relating to exam fees specific to the ASBOG examinations and abandoned applications and postponements. It is currently in the 45-day public comment period that will conclude at the end of December. The Board has received one comment, and staff will review and prepare the response and information that will be presented to the Board at the February meeting. The other rulemaking packages are still being worked on by staff in consultation with DCA's Legal Office Regulations Review Unit.

### **B. Update on Board's Business Modernization Project**

Mr. Moore reported that the Board is in the Maintenance and Operations (M&O) phase. The M&O phase of the project began July 2022. Product Increment (PI5) of the project went live on October 12, and for our Board, it consisted primarily of bug fixes and requested refinements. Staff is currently working with the Agile Team on additional application types with a focus on Geologist-In-Training (GIT) and Professional Geologist types. It is anticipated to go live sometime in late January. Mr. King inquired as to what is left. Mr. Moore will provide a more in-depth report at the next meeting.

### **C. 2023 Board Meeting Schedule**

Mr. Moore reviewed the amended 2023 Board meeting schedule and advised that staff has reserved DCA hearing rooms for the April, June, and September meetings. Mr. Ruffino indicated that he has conflicts with the July and September meetings. Mr. Novak has a conflict with the June meeting, and Vice-President Hartley has a conflict with the February meeting. Mr. Moore reminded Board members that we do not usually adjust dates for one or two members unless there is an issue with quorum.

### **D. Personnel**

Mr. Moore reported that Corrine Grey, Enforcement Analyst, retired from State service. She came to the Board from the Board for Geologists and

Geophysicists. Staff is currently working on recruiting for licensing support. Mr. Moore also announced that the Board has hired a Senior Registrar Geologist, Joshua Goodwin, who will start January 3, 2023. In addition, two Seasonal Clerks have termed out and exhausted their allotted time.

E. ABET

No report given.

F. Association of State Boards of Geology (ASBOG)

1. Annual Meeting Report

Mr. Moore and Ms. Mathieson attended the Annual Meeting virtually. Mr. Moore reported that the Computer Based Testing (CBT) conversion was discussed. In addition, continuing education was discussed as well. One of the states reported that when they recently implemented mandatory continuing education, many of their licensees who may be retired from employment but would normally have maintained their license gave up their licenses rather than have to complete the continuing education requirements. They experienced a dramatic decrease in renewals resulting in a significant financial impact. Ms. Mathieson concurred with what Mr. Moore reported. She further reported that some view continuing education as a barrier to licensure in some states. North Carolina added a Continuing Education requirement after the North Carolina Dental Board case as those involved indicated that it made the license more “solid”.

Ms. Mathieson reported that the ASBOG Secretary’s Report included a statement saying that the profession is one of the least racially and ethnically diverse of all the STEM professions. ASBOG has a role in promoting licensure to all ethnicities, and he wants individuals to promote the profession to people of color and minorities and create a more diverse workforce in the future. This aligns with DCA’s diversity, equity, and inclusion goals.

There was discussion on whether ASBOG can maintain member records similar to the NCEES Record for engineers and surveyors. The initial response was ASBOG was too small and cannot afford to maintain records so once they become licensed in one state it is simpler to get licensed in another state. The American Institute of Professional Geologists reported that they have been considering providing this service to geologists.

Ms. Mathieson also participated in a panel discussion pertaining to how states are handling curriculum requirements for qualifying geological degrees.

**IX. Exams/Licensing**

A. Examination/Licensing Updates

Mr. Kereszt reported that the Fall 2022 exams have been completed, and the results have started to be released; the remaining results are expected to be

released next week.

As for the ASBOG transition to CBT (Computer Based Testing), he is encouraging GIT (Geologists-In-Training) and PG (Professional Geologists) applicants to visit the ASBOG website, and the Board will provide updates as they are made available.

President D'Antonio inquired whether the Board maintains applicant and licensee demographics. Mr. Moore noted that the Board does not. Ms. Welch explained that some Practice Acts provide different statutory authority for boards to collect certain demographic data because the board must have that statutory authority in place. If the information collected is identified with the person, it may be confidential and contain identifying information. Given the recent trends to improve equity and diversity, we may see something during the Sunset Review process regarding gathering demographic data.

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

1. Request NCEES Designate Board Member Mohammed Qureshi as an Emeritus Member of the California Board

<b>MOTION:</b>	Mr. Ruffino and Ms. Wong moved to nominate Dr. Qureshi to be designated by NCEES as an emeritus member of the California Board once his term on the Board ends.
<b>VOTE:</b>	12-0, Motion Carried

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

2. 2023 NCEES Zone Interim Meeting, April 27-29, 2023, Houston, TX – Selection of Board Delegates

<b>MOTION:</b>	Mr. King and Ms. Irish moved to designate Vice-President Hartley as a Board delegate.
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<b>VOTE:</b>	12-0, Motion Carried
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Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Kathy Jones Irish	X				
Coby King	X				
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

**IX. Exams/Licensing (Cont.)**

**B. Presentation from Prometric, Inc., Regarding Civil Engineer Occupational Analysis**

Julie Morby, Ebony Broussard, and Colvin Franklin, representing Prometric, were available in the event there were any questions in reference to the test plans or to explain the process.

**C. Adoption of Test Plan Specifications for the California Civil Engineering Surveying and Civil Seismic Principles Examinations**

Mr. Kereszt reported that the Test Plan for both examinations is the result of an Occupational Analysis that was conducted over the last six months with Prometric. Once the Test Plans are approved, it will take effect January 2024 coinciding with the most recent building code that will also take effect January 2024.

<b>MOTION:</b>	Dr. Qureshi and Ms. Irish moved to adopt the Test Plans for the California Civil Engineering Surveying and Civil Seismic Principles Examinations.
<b>VOTE:</b>	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	



Kathy Jones Irish	X				
Coby King	X				
Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

**X. Executive Officer's Report (cont.)**

H. Update on Outreach Efforts

Mr. Moore reviewed the July-September 2022 outreach events.

I. Strategic Plan Discussion – Review of the Strategic Plan Values and Their Potential Impact on Board Operations

Mr. Moore reported on the Strategic Plan. He recommended the Board consider discussion of the Governor’s Executive Order. Ms. Eissler clarified that the Governor’s Executive Order came out after the Board had adopted the Strategic Plan. The Board had already included elements of diversity, equity, and inclusion in its Strategic Plan by including equity as one of the values, which the Board discussed in depth during the development of the Strategic Plan. Some of the objectives and goals relate to trying to create a more diverse population for applicants and licensees to benefit consumers in California. Several Board members discussed the definitions of equity and equality, and Ms. Giles explained to the Board that DCA through a DEI committee is working on developing definitions and terms, which will become available within the next quarter.

**XI. President’s Report/Board Member Activities**

Dr. Asgari reported that he attended the NCEES Structural Engineering exam meeting where they discussed the format for the new Structural Exam. Mr. King attended the NCEES Bylaws Committee meeting. Ms. Mathieson offered her condolences to Vice-President Hartley on the passing of his father. Vice-President Hartley added that he was appointed to serve on the NCEES Member Board Administrator (MBA) Committee and will attend his first meeting in January.

**XII. Approval of Meeting Minutes**

A. Approval of October 20, 2022, Board Meeting Minutes

<b>MOTION:</b>	Mr. King and Ms. Mathieson moved to approve the October 20, 2022, meeting minutes.
<b>VOTE:</b>	9-0-3, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				

Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel				X	
Kathy Jones Irish			X		
Coby King	X				
Betsy Mathieson	X				
Paul Novak			X		
Mohammad Qureshi	X				
Frank Ruffino			X		
Wilfredo Sanchez	X				
Christina Wong	X				

**XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

President D’Antonio would like to create a committee to explore the feasibility of a continuing education component to licensure. Mr. Moore recommended having an initial discussion at the Board level to explore what to do as a board and if we want to pursue it. This is most likely a multi-year discussion.

**XIV. Adjourn**

Adjourned at 4:27 p.m.

**PUBLIC PRESENT**

Annette Hovorka, PLS  
 John Thompson  
 Patrick Eikenberry  
 Richard Godina  
 Sharon O’Grady, Department of Justice

**XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting**



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

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
  - 1. *Ryan Crownholm, et al. vs. Richard B. Moore, et al.*, United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
  - 2. *Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al.*, Sacramento County Superior Court. Case No. 34-2022-00328379



**XIV. Adjourn**