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

California Code of Regulations, Title 16, Division 5 §§ 400-476

Article 1. General Provisions

400. Introduction.

These regulations are adopted by the Board in order to implement and make specific the Professional Engineers Act and the Professional Land Surveyors' Act, Business and Professions Code Sections 6700, et seq., and 8700, et seq., respectively.

401. Declaratory Decisions.

No decision or opinion issued by or on behalf of the Board for Professional Engineers, Land Surveyors, and Geologists shall be considered a declaratory decision pursuant to Government Code section 11465.10 through 11465.70 unless the decision or opinion specifically states that it is a declaratory decision issued pursuant to Government Code sections 11465.10 through 11465.70.

403. Location of Offices.

The principal office of the Board is 2535 Capitol Oaks Drive, Suite 300, Sacramento, 95833-2944. All correspondence relating to the activities of the Board, including applications, renewals, and remittances, shall be directed to the Board's office.

404. Definitions.

For the purpose of the rules and regulations contained in this chapter, the following terms are defined. No definition contained herein authorizes the practice of engineering as defined in the Professional Engineers Act.

(a) "ABET" means ABET, Inc., formerly known as the Accreditation Board for Engineering and Technology.

(b) "Agricultural engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand and apply engineering principles to the design, construction, and use of specialized equipment, machines structures and materials relating to the agricultural industry and economy. It requires knowledge of the engineering sciences relating to physical properties and biological variables of foods and fibers; atmospheric phenomena as they are related to agricultural operations; soil dynamics as related to traction, tillage and plant-soil-water relationships; and human factors relative to safe design and use of agricultural machines. The safe and proper application and use of agricultural chemicals and their

effect on the environment are also concerns of the agricultural engineers. The above definition of agricultural engineering shall not be construed to permit the practice of civil, electrical or mechanical engineering, nor professional forestry.

(c) "Approved Cooperative Work-Study Engineering Curriculum" refers to any curriculum under an ABET accredited cooperative work-study engineering program.

(d) "Approved Cooperative Work-Study Land Surveying Curriculum" refers to any curriculum under an ABET accredited cooperative work-study surveying program.

(e) "Approved Engineering Curriculum" refers to any curriculum under an ABET accredited engineering program leading to a baccalaureate degree in engineering.

(f) "Approved Engineering Technology Curriculum" refers to any curriculum under an ABET accredited engineering program leading to a four-year degree or a baccalaureate degree in technology.

(g) "Approved Land Surveying Curriculum" refers to any curriculum under an ABET accredited program leading to a baccalaureate degree.

(h) "Approved Post-Graduate Engineering Curriculum" refers to any curriculum under an ABET accredited engineering program leading to a master's degree in engineering or to a post-graduate degree earned from an engineering program where the baccalaureate degree program is accredited by ABET.

(i) "Board" means the Board for Professional Engineers, Land Surveyors, and Geologists.

(j) "Chemical engineering" is that branch of professional engineering which embraces studies or activities relating to the development and application of processes in which chemical or physical changes of materials are involved. These processes are usually resolved into a coordinated series of unit physical operations and unit chemical processes. It is concerned with the research, design, production, operational, organizational, and economic aspects of the above. The above definition of chemical engineering shall not be construed to permit the practice of civil, electrical or mechanical engineering.

(k) "Civil engineer" refers to a person who holds a valid license in the branch of civil engineering, as defined in Section 6702 of the Code.

(l) "Civil engineering" is that branch of professional engineering as defined in Section 6731 of the Code.

(m) "Code" means the Business and Professions Code.

(n) "Consulting engineer" refers to any professional engineer who holds a valid license under the provisions of the code, or a person who possesses a valid authorization issued pursuant to Section 6732.2 of the Code, or a person who holds a valid exemption from provisions of the chapter as provided for in Sections 6704 and 6732.1 of the Code.

(o) "Control system engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand the science of instrumentation and automatic control of dynamic processes; and requires the ability to apply this knowledge to the planning, development, operation, and evaluation of systems of control so as to insure the safety and practical operability of such processes. The above definition of control system engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(p) "Corrosion engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand the environmental corrosion

behavior of materials; and requires the ability to apply this knowledge by recommending procedures for control, protection and cost effectiveness, resulting from the investigation of corrosion causes or theoretical reactions. The above definition of corrosion engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(q) “Electrical engineer” refers to a person who holds a valid license in the branch of electrical engineering, as defined in Section 6702.1 of the Code.

(r) “Electrical engineering” is that branch of professional engineering as defined in Section 6731.5 of the Code.

(s) “Engineer-in-training” refers to a person who has been granted a certificate as an “engineer-in-training” in accordance with Section 6756 of the Code.

(t) “Fire protection engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand the engineering problems relating to the safeguarding of life and property from fire and fire-related hazards; and requires the ability to apply this knowledge to the identification, evaluation, correction, or prevention of present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property. The above definition of fire protection engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(u) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, “incompetence” as used in Sections 6775 and 8780 of the Code is defined as the lack of knowledge or ability in discharging professional obligations as a professional engineer or land surveyor.

(v) “Industrial engineering” is that branch of professional engineering which requires such education and experience as is necessary to investigate, to design, and to evaluate systems of persons, materials and facilities for the purpose of economical and efficient production, use, and distribution. It requires the application of specialized engineering knowledge of the mathematical and physical sciences, together with the principles and methods of engineering analysis and design to specify, predict, and to evaluate the results to be obtained from such systems. The above definition of industrial engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(w) “Land surveying” is that practice defined in Section 8726 of the Code.

(x) “Land surveyor” refers to a person who holds a valid license as a land surveyor, as defined in Section 8701 of the Code.

(y) “Land surveyor-in-training” refers to a person who has been granted a certificate as a “land surveyor-in-training” in accordance with Section 8747 (a) of the Code.

(z) “Manufacturing engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand and apply engineering procedures in manufacturing processes and methods of production of industrial commodities and products; and requires the ability to plan the practices of manufacturing, to research and develop the tools, processes, machines, and equipment, and to integrate the facilities and systems for producing quality products with optimal expenditure. The above definition of manufacturing engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(aa) “Mechanical engineer” refers to a person who holds a valid license in the branch of mechanical engineering, as defined in Section 6702.2 of the Code.

(bb) “Mechanical engineering” is that branch of professional engineering as defined in Section 6731.6 of the Code.

(cc) “Metallurgical engineering” is that branch of professional engineering, which requires such education and experience as is necessary to seek, understand and apply the principles of the properties and behavior of metals in solving engineering problems dealing with the research, development and application of metals and alloys; and the manufacturing practices of extracting, refining and processing of metals. The above definition of metallurgical engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(dd) For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, “negligence” as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing.

(ee) “Non-Approved Engineering Curriculum” refers to any engineering program that has not been accredited by ABET.

(ff) “Non-Approved Land Surveying Curriculum” refers to any land surveying program that has not been accredited by ABET.

(gg) “Nuclear engineering” is that branch of professional engineering which requires such education and experience as is necessary to apply the principles of nuclear physics to the engineering utilization of nuclear phenomena for the benefit of mankind; it is also concerned with the protection of the public from the potential hazards of radiation and radioactive materials. Nuclear engineering is primarily concerned with interaction of radiation and nuclear particles with matter. Nuclear engineering requires the application of specialized knowledge of the mathematical and physical sciences, together with the principles and methods of engineering design and nuclear analysis to specify, predict and evaluate the behavior of systems involving nuclear reactions, and to ensure the safe, efficient operation of these systems, their nuclear products and by-products. Nuclear engineering encompasses, but is not limited to, the planning and design of the specialized equipment and process systems of nuclear reactor facilities; and the protection of the public from any hazardous radiation produced in the entire nuclear reaction process. These activities include all aspects of the manufacture, transportation and use of radioactive materials. The above definition of nuclear engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(hh) “Petroleum engineering” is that branch of professional engineering which embraces studies or activities relating to the exploration, exploitation, location, and recovery of natural fluid hydrocarbons. It is concerned with research, design, production, and operation of devices, and the economic aspects of the above. The above definition of petroleum engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(ii) “Professional engineer” refers to a person engaged in the practice of professional engineering as defined in Section 6701 of the Code.

(jj) “Professional engineering” within the meaning of this chapter comprises the following branches: agricultural engineering, chemical engineering, civil engineering, control system engineering, corrosion engineering, electrical engineering, fire protection engineering, industrial

engineering, manufacturing engineering, mechanical engineering, metallurgical engineering, nuclear engineering, petroleum engineering, quality engineering, safety engineering, and traffic engineering.

(kk) "Quality engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand and apply the principles of product and service quality evaluation and control in the planning, development and operation of quality control systems, and the application and analysis of testing and inspection procedures; and requires the ability to apply metrology and statistical methods to diagnose and correct improper quality control practices to assure product and service reliability and conformity to prescribed standards. The above definition of quality engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(ll) "Safety engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand the engineering principles essential to the identification, elimination and control of hazards to people and property; and requires the ability to apply this knowledge to the development, analysis, production, construction, testing, and utilization of systems, products, procedures and standards in order to eliminate or optimally control hazards. The above definition of safety engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

(mm) "Soil engineer" refers to a civil engineer who holds a valid authorization to use the title "soil engineer," as provided in Section 6736.1 of the Code.

(nn) "Soil engineering," as it relates to the authorization to use the title "soil engineer," is the investigation and engineering evaluation of earth materials including soil, rock, groundwater and man-made materials and their interaction with earth retention systems, structural foundations and other civil engineering works. The practice involves application of the principles of soil mechanics and the earth sciences, and requires a knowledge of engineering laws, formulas, construction techniques and performance evaluation of civil engineering works influenced by earth materials.

The terms "geotechnical engineer" and "soils engineer" are deemed to be synonymous with the term "soil engineer."

(oo) "Structural engineer" refers to a civil engineer who holds a valid authorization to use the title "structural engineer," as provided in Section 6736 of the Code.

(pp) "Structural engineering" for the purposes of structural authority is the application of specialized civil engineering knowledge and experience to the design and analysis of buildings (or other structures) which are constructed or rehabilitated to resist forces induced by vertical and horizontal loads of a static and dynamic nature. This specialized knowledge includes familiarity with scientific and mathematical principles, experimental research data and practical construction methods and processes. The design and analysis shall include consideration of stability, deflection, stiffness and other structural phenomena that affect the behavior of the building (or other structure).

(qq) "Traffic engineering" is that branch of professional engineering which requires such education and experience as is necessary to understand the science of measuring traffic and travel and the human factors relating to traffic generation and flow; and requires the ability to apply this knowledge to planning, operating, and evaluating streets and highways and their networks, abutting lands and interrelationships with other modes of travel, to provide safe and

efficient movement of people and goods. The above definition of traffic engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

404.1. Responsible Charge– Professional Engineering.

(a) As used in the Professional Engineers Act, the term "responsible charge" directly relates to the extent of control a professional engineer is required to maintain while exercising independent control and direction of professional engineering services or creative work and to the engineering decisions which can be made only by a professional engineer.

(1) Extent of Control. The extent of control necessary to be in responsible charge shall be such that the engineer:

(A) Makes or reviews and approves the engineering decisions defined and described in subdivision (a)(2) below.

(B) In making or reviewing and approving the engineering decisions, determines the applicability of design criteria and technical recommendations provided by others before incorporating such criteria or recommendations.

(2) Engineering Decisions. The term "responsible charge" relates to engineering decisions within the purview of the Professional Engineers Act.

Engineering decisions which must be made by and are the responsibility of the engineer in responsible charge are those decisions concerning permanent or temporary projects which could create a hazard to life, health, property, or public welfare, and may include, but are not limited to:

(A) The selection of engineering alternatives to be investigated and the comparison of alternatives for the project.

(B) The selection or development of design standards or methods, and materials to be used.

(C) The decisions related to the preparation of engineering plans, specifications, calculations, reports, and other documents for the engineered works.

(D) The selection or development of techniques or methods of testing to be used in evaluating materials or completed projects, either new or existing.

(E) The review and evaluation of manufacturing, fabrication or construction methods or controls to be used and the evaluation of test results, materials and workmanship insofar as they affect the character and integrity of the completed project.

(F) The development and control of operating and maintenance procedures.

(3) Reviewing and Approving Engineering Decisions. In making or reviewing and approving engineering decisions, the engineer shall be physically present or shall review and approve through the use of communication devices the engineering decisions prior to their implementation.

(b) Responsible Charge Criteria. In order to evaluate whether an engineer is in responsible charge, the following must be considered: The professional engineer who signs engineering documents must be capable of answering questions asked by individuals who are licensed by the Board in the appropriate branch of professional engineering relevant to the project and who are fully competent and proficient by education and experience in the field or fields of professional engineering relevant to the project. These questions would be relevant to

the engineering decisions made during the individual's participation in the project, and in sufficient detail to leave little question as to the engineer's technical knowledge of the engineering performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the individual in responsible charge made, or reviewed and approved, them and possessed sufficient knowledge of the project to make, or review and approve, them.

Examples of questions to be answered by the engineer could relate to criteria for design, methods of analysis, methods of manufacture and construction, selection of materials and systems, economics of alternate solutions, and environmental considerations. The individual should be able to clearly express the extent of control and how it is exercised and to demonstrate that the engineer is answerable within said extent of control.

(c) Successor Licensee. In situations when the professional engineer in responsible charge of an engineering project is unavailable to complete the project or when the project is a site specific adaptation of a previous design, a professional engineer (hereinafter referred to as the "successor licensee") may assume responsible charge of the project as long as the successor licensee exercises the requisite extent of control and assumes responsibility for the engineering decisions as required by subdivision (a) and meets the criteria described in subdivision (b), as well as meeting the requirements of the Professional Engineers Act and Sections 411 and 415. Except as provided in Sections 6735, 6735.3, and 6735.4 of the Code, the original licensee is not relieved of any responsibility arising from the engineering services of which he or she was in responsible charge.

(d) Portions of Projects. Nothing in this section prohibits a professional engineer from providing services for portions of or to add to or to modify an engineering project engineered under the responsible charge of another licensee as long as the professional engineer exercises the requisite extent of control and assumes responsibility for the engineering decisions as required by subdivision (a) and meets the criteria described in subdivision (b), as well as meeting the requirements of the Professional Engineers Act and Sections 411 and 415. The professional engineer need only be in responsible charge of the portions, additions, or modifications or the portion of the project affected by the addition or modification and not of the entire project. Except as provided in Sections 6735(b), 6735.3(b), and 6735.4(b) of the Code, the original licensee is not relieved of any responsibility arising from the engineering services of which he or she was in responsible charge.

(e) The term "responsible charge" does not refer to any of the following:

(1) the concept of financial liability;

(2) management control in a hierarchy of professional engineers except as each of the individuals in the hierarchy exercises independent engineering judgment and thus responsible charge;

(3) such administrative and management functions as accounting, labor relations, personnel performance standards, marketing of services, or goal setting. While an engineer may also have such duties in this position, it should not enhance or decrease one's status of being in responsible charge of the engineering.

404.2. Responsible Charge– Professional Land Surveying.

(a) The term "responsible charge" directly relates to the extent of control a licensed land surveyor or civil engineer legally authorized to practice land surveying (hereinafter referred to as "legally authorized civil engineer") is required to maintain while exercising independent control and direction of land surveying work or services, and the land surveying decisions which can be made only by a licensed land surveyor or legally authorized civil engineer.

(1) Extent of Control. The extent of control necessary to be in responsible charge shall be such that the land surveyor or legally authorized civil engineer:

(A) Makes or reviews and approves the land surveying decisions defined and described in subdivision (a)(2) below.

(B) In making or reviewing and approving the land surveying decisions, determines the applicability of survey criteria and technical recommendations provided by others before incorporating such criteria or recommendations.

(2) Land Surveying Decisions. The term "responsible charge" relates to land surveying decisions within the purview of the Professional Land Surveyors' Act.

Land surveying decisions which must be made by and are the responsibility of the land surveyor or legally authorized civil engineer in responsible charge are those decisions concerning permanent or temporary work which could create a hazard to life, health, property, or public welfare, and may include, but are not limited to:

(A) Selecting the methods, procedures, and tolerances of field work.

(B) Determining calculation and adjustment methods.

(C) Determining and specifying the information to be shown on maps or documents furnished in connection with land surveying services, including the format of the information and the format of the maps or documents.

(D) The decisions related to the preparation of maps, plats, land surveying reports, descriptions, and other land surveying documents furnished in connection with the land surveying services.

(E) Reviewing the sufficiency and accuracy of the work product.

(3) Reviewing and Approving Land Surveying Decisions. In making or reviewing and approving land surveying decisions, the land surveyor or legally authorized civil engineer shall be physically present or shall review and approve through the use of communication devices the land surveying decisions prior to their implementation.

(b) Responsible Charge Criteria. In order to evaluate whether a person authorized to practice land surveying is in responsible charge, the following must be considered: The land surveyor or legally authorized civil engineer who signs surveying documents must be capable of answering questions asked by licensees of the Board who are fully competent and proficient by education and experience in the field or fields of professional land surveying relevant to the project. These questions would be relevant to the decisions made during the individual's participation in the project, and in sufficient detail to leave little question as to the land surveyor's or legally authorized civil engineer's technical knowledge of the work performed. It is not necessary to defend decisions as in an adversarial situation, but only to demonstrate that the individual in responsible charge made, or reviewed and approved, them and possessed sufficient knowledge of the project to make, or review and approve, them.

Examples of questions to be answered by the land surveyor or legally authorized civil engineer could relate to criteria for measurement, surveying methods, analysis, and conclusions made including, but not limited to, the retracement of government surveys, interpretation and construction of deed descriptions, conflicts between construction drawings and actual conditions, determination of the proper control datum and epoch, application of proportion methods and analysis of evidence related to written and unwritten property rights. The individual shall be able to clearly express the extent of control and how it is exercised and to demonstrate that the land surveyor or legally authorized civil engineer is answerable within said extent of control.

(c) Successor Licensee. In situations when the professional land surveyor or legally authorized civil engineer in responsible charge of a land surveying project is unavailable to complete the project, a professional land surveyor or legally authorized civil engineer (hereinafter referred to as the "successor licensee") may assume responsible charge of the project as long as the successor licensee exercises the extent of control and assumes responsibility for the surveying decisions as required by subdivision (a) and meets the criteria described in subdivision (b), as well as meeting the requirements of the Professional Land Surveyors' Act and Sections 411 and 415. Except as provided in Section 8761.2 of the Code, the original licensee is not relieved of any responsibility arising from the land surveying services of which he or she was in responsible charge.

(d) Portions of Projects. Nothing in this section prohibits a professional land surveyor or legally authorized civil engineer from providing services for portions of or to add to or to modify a land surveying project performed under the responsible charge of another licensee as long as the professional land surveyor or legally authorized civil engineer exercises the requisite extent of control and assumes responsibility for the land surveying decisions as required by subdivision (a) and meets the criteria described in subdivision (b), as well as meeting the requirements of the Professional Land Surveyors' Act and Sections 411 and 415. The professional land surveyor or legally authorized civil engineer need only be in responsible charge of the portions, additions, or modifications or the portion of the project affected by the addition or modification and not of the entire project. Except as provided in Section 8761.2 of the Code, the original licensee is not relieved of any responsibility arising from the land surveying services of which he or she was in responsible charge.

(e) The term "responsible charge" does not refer to any of the following:

(1) the concept of financial liability;

(2) management control in a hierarchy of land surveyors or legally authorized civil engineers except as each of the individuals in the hierarchy exercises independent land surveying judgment and thus responsible charge;

(3) such administrative and management functions as accounting, labor relations, personnel performance standards, marketing of services, or goal setting. While a land surveyor or legally authorized civil engineer may also have such duties in this position, it should not enhance or decrease one's status of being in responsible charge of the work.

405. Delegation of Certain Functions.

(a) Whenever it is stated in these rules that the "Board" may or shall exercise or discharge any power, duty, purpose, function, or jurisdiction, the Board specifically has reserved the same for its own, exclusive action.

(b) Whenever it is stated the "executive officer" may or shall exercise or discharge any power, duty, purpose, function, or jurisdiction, the executive officer of the Board has the authority to act thereon.

(c) Any party in interest may appeal to the Board for review of the actions and decisions of the executive officer.

(d) Nothing herein prohibits the executive officer from redelegating to his/her subordinates as provided in Section 18572 of the Government Code.

(e) The power and discretion conferred by law upon the Board to receive and file accusations; issue notices of hearing, statements to respondent and statements of issues; receive and file notices of defense; determine the time and place of hearings under Section 11508 of the Government Code, issue subpoenas and subpoenas duces tecum, set and calendar cases for hearing and perform other functions necessary to the businesslike dispatch of the business of the Board in connection with proceedings under the provisions of Sections 11400 through 11529 of the Government Code, prior to the hearing of such proceedings; and the certification and delivery or mailing of copies of decisions under Section 11518 of said Code are hereby delegated to and conferred upon the executive officer, or to his/her designee.

407. Fees.

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

(1) Authority to use the title "structural engineer"	$175
(2) Authority to use the title "geotechnical engineer"	$175
(3) Licensure as a professional engineer	$175
(4) Licensure as a professional land surveyor	$175
(5) Certification as an engineer-in-training or as a land surveyor-in-training	$75

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

(1) California Special Civil Seismic Principles	$175
(2) California Special Civil Engineering Surveying	$175
(3) Geotechnical Engineering	$175
(4) California State-Specific Land Surveying	$175
(5) Traffic Engineering	$175

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

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

(e) The duplicate certificate fee prescribed in Section 410 shall be $10.

(f) Fees required under provisions of this rule transmitted through the United States mail shall be deemed filed on the date shown by the post office cancellation mark stamped on the

envelope containing the fee or on the date mailed if satisfactory proof is made that mailing occurred on an earlier date.

(g) The delinquency fee for renewal of a license is 50% of the renewal fee in effect on the date of reinstatement.

(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 engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," "consulting engineer," or "photogrammetric surveyor."

408. Meetings.

(a) The board will meet at times and places within California designated by the board and shall hold at least two regular meetings each year.

(b) Special meetings of the board shall be called from time to time by the Board president when necessary. Special meetings shall also be called by the executive officer upon a written request signed by two board members.

(c) All meetings will be noticed in accordance with the requirements of the Bagley-Keene Open Meeting Act (Government Code Sections 11120 et seq.).

410. Certificates.

(a) Certificates and licenses will be issued in the order in which the applicants qualify.

(b) A duplicate of a certificate issued in accordance with Section 6765 of the Professional Engineers Act or Section 8749 of the Professional Land Surveyors' Act shall be issued only to replace one lost, destroyed, or mutilated, upon a written request accompanied by a fee as prescribed in Section 407 and an affidavit verifying the loss, destruction or mutilation of the previous certificate. The affidavit of lost, destroyed, or mutilated license must be submitted on a form provided by the Board.

411. Seal and Signature.

(a) The seal required by Section 6764 of the Code shall be not less than one and one-half (1½) inches in diameter and shall contain the following information:

(1) Within the top border of seal: Either "Professional Engineer," "Registered Professional Engineer," or "Licensed Professional Engineer."

(2) Within the bottom border of seal: "State of California."

(3) In the center of seal:

(A) Licensee's name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (d);

(B) Number of certificate or authority; and,

(C) Branch or authority of engineering in which licensed.

The seal shall be of a design similar to those shown below and shall bear at minimum those elements specified above.

(b) The seal authorized by Section 8750 of the Code shall be not less than one and one-half (1 ½) inches in diameter and shall contain the following information:

(1) Within the top border of the seal: Either "Professional Land Surveyor" or "Licensed Land Surveyor."

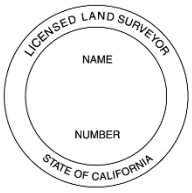
(2) Within the bottom border of the seal: "State of California."

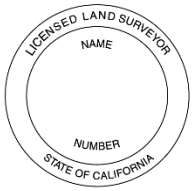
(3) In the center of the seal:

(A) Licensee's name as it appears on the certificate issued by the Board or as abbreviated pursuant to subdivision (d); and,

(B) Number of certificate.

The seal shall be of a design similar to those shown below and shall bear at minimum those elements specified above.





(c) The seal may be obtained by the licensee from any source.

(d) The seal may contain an abbreviated form of the licensee's given name or a combination of initials representing the licensee's given name provided the surname listed with the Board appears on the seal and in the signature.

(e) The seal shall be capable of leaving a permanent ink representation, a permanent impression, or an electronically-generated representation on the documents. The signature may be applied to the documents electronically.

(f) Preprinting of blank forms with the seal or signature, the use of decals of the seal or signature, or the use of a rubber stamp of the signature is prohibited.

(g) (1) All professional engineering plans, specifications, reports, or documents (hereinafter referred to as "documents") shall be signed and sealed in accordance with the requirements of the Professional Engineers Act and any other laws related to the practice of professional engineering and shall be signed and sealed in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.

(2) All maps, plats, reports, descriptions, or other professional land surveying documents (hereinafter referred to as "documents") shall be signed and sealed in accordance with the requirements of the Professional Land Surveyors' Act and any other laws related to the practice of professional land surveying and shall be signed and sealed

in a manner such that all work can be clearly attributed to the licensee(s) in responsible charge of the work.

(3) When signing and sealing documents containing work done by, or under the responsible charge of, two or more licensees, the signature and seal of each licensee in responsible charge shall be placed on the documents with a notation describing the work done under each licensee's responsible charge.

(h) Each licensee shall include the date of signing and sealing immediately below or next to the signature and seal.

412. Address Change.

Each person who is an applicant for or a holder of a certificate or license issued by the Board shall file his or her address of record with the Board. Within thirty (30) days after any change to his or her address of record, he or she shall notify the Board in writing of such change.

415. Practice Within Area of Competence.

A professional engineer or land surveyor licensed under the Code shall practice and perform engineering or land surveying work only in the field or fields in which he/she is by education and/or experience fully competent and proficient.

Nothing in this regulation shall be construed: (1) to prohibit a professional engineer from signing plans which include engineering work in areas other than that in which he/she is fully competent and proficient, if such work was performed by other engineers who were fully competent and proficient in such work; (2) to prohibit a professional engineer from performing engineering work or a land surveyor from performing land surveying work in areas which involve the application of new principles, techniques, ideas or technology; (3) to prohibit a professional engineer from supervising other engineers or a land surveyor from supervising other land surveyors who may respectively be performing engineering work or land surveying work in areas other than those in which the supervising professional engineer or supervising land surveyor is fully competent and proficient; and (4) to prohibit a professional engineer from signing plans which include engineering work, portions of which were designed or required by any governmental agency.

416. Substantial Relationship Criteria.

(a) For the purpose of denial, suspension, or revocation of the certification of an engineer-in-training or a land surveyor-in-training or license of a professional engineer or a land surveyor pursuant to Section 141, Division 1.5 (commencing with Section 475), subdivision (a) of Section 6775, subdivision (a) of Section 6775.1, Section 6779, subdivision (e) of Section 8780, subdivision (a) of Section 8780.1, or Section 8783 of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions, and duties of a professional engineer or land surveyor if, to a substantial degree, it evidences present or potential unfitness of a professional engineer or land surveyor to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the Board shall consider all of the following criteria:

(1) The nature and gravity of the offense.

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

(3) The nature and duties of a professional engineer or land surveyor.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, the following:

(1) For engineers-in-training and professional engineers, any violations of the provisions of the Professional Engineers Act or other state or federal laws governing the practice of professional engineering or aiding and abetting any person in such a violation;

(2) For land surveyors-in-training and professional land surveyors, any violations of the provisions of the Professional Land Surveyors' Act or other state or federal laws governing the practice of land surveying or aiding and abetting any person in such a violation;

(3) A conviction of a crime arising from or in connection with the practice of professional engineering or land surveying.

418. Criteria for Rehabilitation.

(a) When considering the denial of an application for certification as an engineer-in-training or a land surveyor-in-training, for licensure as a professional engineer or a professional land surveyor, or for authority to use the title "structural engineer" or "geotechnical engineer" under Section 480, Section 6779, or Section 8783 of the Code on the ground that the applicant has been convicted of a crime, the Board shall consider whether the applicant made a showing of rehabilitation if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(1) The nature and gravity of the crimes(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period(s) was shortened or lengthened and the reason(s) the period(s) was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified and the reason(s) for modification.

(b) When considering the denial of an application for certification as an engineer-in-training or a land surveyor-in-training, for licensure as a professional engineer or a professional land surveyor, or for authority to use the title "structural engineer" or "geotechnical engineer" under Section 480, Section 6779, or Section 8783 of the Code, if the Board determines that the applicant has not completed the criminal sentence at issue without a violation of parole or probation or did not make the showing of rehabilitation based on the criteria in subdivision (a) if the denial is based on the ground that the applicant has been convicted of a crime, or, if the denial is based on the ground that the applicant has been subject to formal discipline by another licensing board for professional misconduct, then the Board shall consider whether the applicant

made a showing of rehabilitation by applying the following criteria in evaluating the applicant's rehabilitation:

(1) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(2) Evidence of any act(s), professional misconduct, or crime(s) committed prior to or subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial which could also be considered as grounds for denial.

(3) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant.

(5) Any evidence of rehabilitation submitted by the applicant.

(6) Total criminal record.

(7) If applicable, evidence that the conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code; evidence that the applicant has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code; or evidence of a comparable dismissal or expungement.

(8) The criteria in subdivision (a)(1) through (a)(5), as applicable.

(c) When considering the suspension or revocation of the certification of an engineer-in-training or a land surveyor-in-training, the license of a professional engineer or a professional land surveyor, or the authority to use the title "structural engineer" or "geotechnical engineer" under Section 490, subdivision (a) of Section 6775, subdivision (a) of Section 6775.1, Section 6779, subdivision (e) of Section 8780, subdivision (a) of Section 8780.1, or Section 8783 of the Code on the ground that the license holder has been convicted of a crime, the Board shall consider whether the license holder made a showing of rehabilitation if the license holder completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board shall consider the following criteria:

(1) The nature and gravity of the crimes(s).

(2) The length(s) of the applicable parole or probation period(s).

(3) The extent to which the applicable parole or probation period(s) was shortened or lengthened and the reason(s) the period(s) was modified.

(4) The terms or conditions of parole or probation and the extent to which they bear on the license holder's rehabilitation.

(5) The extent to which the terms or conditions of parole or probation were modified and the reason(s) for modification.

(d) When considering the suspension or revocation of the certification of an engineer-in-training or a land surveyor-in-training, the license of a professional engineer or a professional land surveyor, or the authority to use the title "structural engineer" or "geotechnical engineer" under Section 490, subdivision (a) of Section 6775, subdivision (a) of Section 6775.1, Section 6779, subdivision (e) of Section 8780, subdivision (a) of Section 8780.1, or Section 8783 of the Code on the ground that the license holder has been convicted of a crime, if the Board determines that the license holder has not completed the criminal sentence at issue without a violation of parole or probation or did not make the showing of rehabilitation based on the criteria in

subdivision (c), then the Board shall consider whether the license holder made a showing of rehabilitation by applying the following criteria in evaluating the license holder's rehabilitation:

(1) The nature and gravity of the crime(s) under consideration as grounds for suspension or revocation.

(2) Evidence of any crime(s) committed prior to or subsequent to the crime(s) under consideration as grounds for suspension or revocation which could also be considered as grounds for suspension or revocation.

(3) The time that has elapsed since commission of the crime(s) referred to in subdivision (1) or (2).

(4) The extent to which the license holder has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the license holder.

(5) Any evidence of rehabilitation submitted by the license holder.

(6) Total criminal record.

(7) If applicable, evidence that the conviction has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal Code; evidence that the license holder has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code; or evidence of a comparable dismissal or expungement.

(8) The criteria in subdivision (c)(1) through (c)(5), as applicable.

(e) When considering a petition for reinstatement of the certification of an engineer-in-training or a land surveyor-in-training, the license of a professional engineer or a professional land surveyor, or the authority to use the title "structural engineer" or "geotechnical engineer," the Board shall evaluate evidence of rehabilitation submitted by the petitioner, including but not limited to the following:

(1) Educational courses, including college-level courses, seminars, and continuing professional development courses, completed after the effective date of the Board's decision ordering revocation.

(2) Professional engineering or land surveying work done under the responsible charge of a license holder in good standing or under the responsible charge of a person legally authorized to practice.

(3) Payment of restitution to the consumer(s) by the petitioner.

(4) Actual or potential harm to the public, client(s), employer(s), and/or employee(s) caused by the action(s) that led to the revocation or that could be caused by the reinstatement of the license.

(5) The criteria specified in subdivision (d)(1) through (8), as applicable.

(6) Disciplinary history, other than criminal actions, after the revocation.

(7) Recognition by the petitioner of his or her own actions and/or behavior that led to the revocation.

(8) Correction of the petitioner's actions and/or behavior that led to the revocation.

(f) As used in this section, "license" means certification as an engineer-in-training or a land surveyor-in-training, licensure as a professional engineer, licensure as a professional land surveyor, authority to use the title "structural engineer," or authority to use the title "geotechnical engineer."

419. Disciplinary Orders.

For violations of Business and Professions Code sections 6775 and/or 8780 which result in an order issued in accordance with Chapters 4.5 and 5 of Part 1 of Division 3 of Title 2 of the Government Code against a professional engineering and/or a professional land surveying license, the following provisions shall apply to disciplinary orders contained in decisions of the Board:

(a) The minimum disciplinary order shall be reproval. The maximum disciplinary order shall be revocation of the license.

(b) If warranted by extenuating and/or mitigating factors in the matter, the disciplinary order may be stayed by an express condition that the respondent comply with probationary conditions. The minimum time period in which the respondent shall have to comply with the conditions shall be two years. For purposes of this section, this time period shall be known as the "period of probation."

(c) All decisions containing stayed disciplinary orders as described in subdivision (b) shall include the following probationary conditions:

(1) The respondent shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.

(2) The respondent shall submit such special reports as the Board may require.

(3) The period of probation shall be tolled during the time the respondent is practicing exclusively outside the state of California. If, during the period of probation, the respondent practices exclusively outside the state of California, the respondent shall immediately notify the Board in writing.

(4) If the respondent violates the probationary conditions in any respect, the Board, after giving the respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against the respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

(5) Upon successful completion of all of the probationary conditions and the expiration of the period of probation, the respondent's license shall be unconditionally restored.

(d) All decisions containing stayed disciplinary orders as described in subdivision (b) may include one or more of the following probationary conditions:

(1) The respondent's license shall be suspended for a period not to exceed two years. If a suspension of the license is ordered, it shall begin on the effective date of the decision.

(2) Within 60 days of the effective date of the decision, the respondent shall successfully complete and pass the California Laws and Board Rules examination, as administered by the Board.

(3) The respondent shall successfully complete and pass a course in professional ethics, approved in advance by the Board or its designee. The probationary condition shall include a time period in which this course shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(4) Within 30 days of the effective date of the decision, the respondent shall provide the Board with evidence that he or she has provided all persons or entities with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or professional land surveying in which the violation occurred with a copy of the decision and order of the Board and shall provide the Board with the name and business address of each person or entity required to be so notified. During the period of probation, the respondent may be required to provide the same notification to each new person or entity with whom he or she has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or land surveying in which the violation occurred and shall report to the Board the name and address of each person or entity so notified.

(5) The respondent shall provide verifiable proof to the Board that restitution has been paid as ordered. The probationary condition shall include a time period in which the verifiable proof shall be provided to the Board which time period shall be at least 60 days less than the time period ordered for the period of probation.

(e) In addition to the conditions as may be ordered pursuant to subdivisions (c) and/or (d), the following conditions shall be included for the following specific violations:

(1) Incompetency in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(B) The respondent shall take and achieve the passing score as set by the Board for the second division examination (including the seismic principles and engineering surveying examinations for civil engineers), provided that in the event the respondent holds multiple licenses, the Board shall select the examination in the area of practice of professional engineering and/or professional land surveying in which the violation occurred and in the area of professional engineering and/or professional land surveying in which the respondent is licensed. The Board or its designee may select the specific examination questions such that the questions relate to the specific area of violation and comprise an examination of the same duration as that required of an applicant for licensure. The respondent shall be required to pay the application fee as described in Section 407 and shall be afforded all examination appeal rights as described in Sections 407, 443, and 444. The probationary condition shall include a time period in which the examination(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(C) During the period of probation, the respondent may practice professional engineering and/or professional land surveying only under the review of a professional engineer and/or professional land surveyor licensed in the same branch as the respondent. This person or persons shall be approved in advance by the Board or its designee. Such reviewing professional engineer and/or professional land surveyor shall initial every stamped or sealed document in close proximity to the respondent's stamp or seal.

(2) Negligence in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(3) Violation and/or breach of contract in the practice of professional engineering and/or professional land surveying:

(A) The respondent shall successfully complete and pass, with a grade of "C" or better, a minimum of one and a maximum of three college-level courses, approved in advance by the Board or its designee. Such courses shall be specifically related to the area of violation. For purposes of this subdivision, "college-level course" shall mean a course offered by a community college or a four-year university of three semester units or the equivalent; "college-level course" does not include seminars. The probationary condition shall include a time period in which the course(s) shall be successfully completed which time period shall be at least 60 days less than the time period ordered for the period of probation.

(4) Failure to file a record of survey and/or corner record in the practice of professional land surveying:

(A) For any records of survey and/or corner records found not to have been filed and recorded, the respondent shall file or record, as appropriate, the required record(s) with the appropriate governmental agency within 90 days of the effective date of the decision. The respondent shall provide the Board with verifiable proof that the required record(s) have been filed or recorded, as appropriate, by the governmental agency within 30 days of such filing or recordation. If an actual suspension of the respondent's license is ordered as a probationary condition, the record(s) required by this subdivision shall be the only professional land surveying work the respondent is allowed to perform during the suspension.

(f) If the respondent is a civil engineer who is legally authorized to practice professional land surveying and the violation involves negligence and/or incompetency in the practice of professional land surveying and if warranted by aggravating factors in the matter, the disciplinary order shall include the following condition:

(1) The existing civil engineer license shall be revoked; a new civil engineer license shall be issued which does not authorize the respondent to practice professional land surveying. Before being permitted to practice professional land surveying, the respondent shall complete and comply with all of the legal requirements for licensure as a professional land surveyor, including, but not limited to, supplying the appropriate application documents and fees and taking and passing the entire second-division examination in professional land surveying.

In addition to the disciplinary orders described in this section, all decisions shall address recovery of the Board's investigation and enforcement costs, as described in and authorized by Business and Professions Code section 125.3.

Notwithstanding this section, non-conforming terms and conditions may be included as part of the disciplinary order, including such other further or lesser action as the Board deems appropriate, in the interest of protecting the public health, safety, and welfare.

As used in this section, "license" includes certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," or "consulting engineer."

Article 2. Applications

420. Applications.

(a) Applications for certification, for licensure, or for a certificate of authority shall be:

(1) Filed on a form prescribed by the executive officer and shall be typewritten.

(2) Filed at the office of the Board and accompanied by the required application fee.

(3) Made out properly in every respect and must contain full 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 examination results and any other supporting data, his/her application will be either:

(1) Denied without prejudice, and the application fee retained by the Board for the Professional Engineers' Fund.

(2) Approved, and he/she will be granted the certification for which application was made.

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

420.1. Applicant Fingerprint Submittal.

(a) Pursuant to Section 144 of the Business and Professions Code, the Board has the authority to obtain and review criminal offender record information. The information obtained as a result of the fingerprinting shall be used in accordance with Section 11105 of the Penal Code and to determine whether the applicant is subject to denial of license pursuant to Division 1.5

(commencing with Section 475) of the Business and Professions Code or Sections 6751, 6762.5, 6796.3, 8747.5, or 8803 of the Business and Professions Code.

(b) As a condition of application for a license, each applicant shall furnish to the Department of Justice a full set of fingerprints for the purpose of conducting a criminal history record check and to undergo a state and federal level criminal offender record information search conducted through the Department of Justice.

(c) The applicant shall pay any costs for furnishing the fingerprints and conducting the searches.

(d) The applicant shall certify when applying for a license whether his or her fingerprints have been furnished to the Department of Justice in compliance with this section.

(e) Failure to comply with the requirements of this section renders the application for license incomplete, and the application shall not be considered until the applicant demonstrates compliance with all requirements of this section.

(f) Notwithstanding any other provision of law, the results of any criminal offender record information request by either state or federal law enforcement authorities shall not be released by the Board except in accordance with state and federal requirements.

(g) This section shall apply to all applicants, including those applicants who submit applications pursuant to Sections 6750, 6758, 6759, 6763, 6796.3, 8740, 8746, 8748, and 8803 of the Business and Professions Code.

(h) As used in this section, "license" includes certification as an engineer-in-training or a land surveyor-in-training, certificate of registration or license as a professional engineer, licensure as a professional land surveyor, and certificates of authority to use the titles "structural engineer," "geotechnical engineer," "soil engineer," "soils engineer," or "consulting engineer."

(i) As used in this section, the term "applicant" shall have the meaning given to it by Section 144(c) of the Business and Professions Code, which states, "the term 'applicant' shall be limited to an initial applicant who has never been registered or licensed by the board or to an applicant for a new licensure or registration category."

421. Refile Application.

(a) The executive officer may prescribe a short application form for use of those applicants who, failing an examination, apply within a reasonable period of time after the date of the examination previously failed, for re-examination. This application form may be known as a refile application form. The applicant and his application for re-examination shall be subject to the same provisions of the code and rules of the board, whenever applicable, as govern the filing of an original application.

(b) The applicant for re-examination shall be assigned by the executive officer to the next scheduled examination for which his/her application qualifies him/her.

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.

424. Experience Requirements – Professional Engineers.

(a) The engineering branches and title authorities described in Section 404, herein, overlap and some activities are common to two or more engineering branches and title authorities. The minimum number of years of qualifying experience in such overlapping engineering branches and title authorities may be used in securing licensure in any applicable engineering branch or title authority but cannot be used more than once. The only exception to this is experience credit for education. Qualifying education entitles a candidate to experience credit and this experience credit may be used again even though it has already been used to qualify for another examination.

(b) An applicant for licensure as a professional engineer shall be granted credit towards the experience requirement, as stated in subdivision (a), for the following education curriculum:

(1) Four (4) years experience credit for graduation from an approved engineering curriculum.

(2) Two (2) years experience credit for graduation from a non-approved engineering curriculum or from an approved engineering technology curriculum.

(3) Five (5) years of experience credit for graduation from an approved cooperative work-study engineering curriculum.

(4) Five (5) years of experience credit for graduation from an approved post-graduate engineering curriculum.

(5) One-half (1/2) year of education credit for each year of study completed in an approved engineering curriculum that did not result in the awarding of a baccalaureate degree, except that the maximum of such experience shall be two (2) years.

"Life Experience Degrees" are not acceptable and will not be counted towards the education credit.

The additional actual work experience required to meet the six (6) years of experience requirement shall have been gained after graduation, except for cooperative work study experience and post-graduate education.

The sum of qualifying experience credit for education and engineering teaching experience shall not exceed five years.

(c) Qualifying experience is that experience satisfactory to the Board which has been gained while performing engineering tasks under the responsible charge of a person legally qualified to practice in an applicant's branch of engineering.

(1) For the purposes of this section, "legally qualified" means having an appropriate license as a professional engineer; or by being an employee of the Federal Government; or, except for civil engineers, by virtue of being an employee of a manufacturing, mining, public utility, research and development, or other industrial corporation; or by, except for civil engineers, holding an appropriate license as a contractor.

(2) Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week.

(3) Applied engineering research is an engineering task for the purposes of determining qualifying experience.

(d) Computation of qualifying experience for licensure as a professional engineer or for authority to use the title "structural engineer" or "geotechnical engineer" 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.

425. Experience Requirements - Professional Land Surveyors.

(a) An applicant for licensure as a professional land surveyor shall be granted credit towards the experience requirements contained in Sections 8741 and 8742 of the Code, for the following education curriculum:

(1) Four (4) years experience credit for graduation from an approved land surveying curriculum.

(2) Two (2) years experience credit for graduation from a non-approved land surveying curriculum.

(3) Five (5) years of experience credit for graduation from an approved cooperative work-study land surveying curriculum.

(4) One-half (1/2) year of education credit for each year of study completed in an approved land surveying curriculum that did not result in the awarding of a baccalaureate degree, except that the maximum of such experience shall be two (2) years. A year of study shall be at least 32 semester units or 48 quarter units, no less than 10 semester units or 15 quarter units of which shall be from classes clearly identified as being land surveying subjects.

"Life Experience Degrees" are not acceptable and will not be counted towards the education credit.

(b) All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying. An applicant shall possess at least two years of actual responsible training experience in land surveying which shall involve at least four of the land surveying activities specified in subdivisions (a) – (g) and (k) – (n) of Section 8726 of the Code. Qualifying experience in activities specified in subdivision (a), (b), (k), (m), and (n) of Section 8726 shall not exceed one year in total. Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week.

(c) For purposes of Section 8742 of the Code, the terms "responsible field training" and "responsible office training" include the land surveying activities specified in subdivisions (a) – (g) and (k) – (n) of Section 8726 of the Code performed in a field or office environment. Responsible training means the exercise of independent judgment under the responsible charge of a person legally authorized to practice land surveying.

(d) Computation of qualifying experience for a license as a professional land surveyor 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.

(e) An applicant for licensure as a land surveyor who holds a valid and unexpired license as a civil engineer is exempt from the application requirements of subdivisions (b) and (c) of this section provided he or she submits sufficient documentation that he or she has a minimum of two years of actual broad based progressive experience in land surveying as required by Business and Professions Code Section 8742(a)(3). For purposes of this subdivision and Section 8742(a)(3) of the Code, "actual broad based progressive experience in land surveying" shall involve at least four of the land surveying activities specified in subdivisions (a) – (g) and (k) – (n) of Section 8726 of the Code. All qualifying work experience in land surveying shall be performed under the responsible charge of a person legally authorized to practice land surveying. Qualifying experience in activities specified in subdivisions (a), (b), (k), (m), and (n) of Section 8726 shall not exceed six months in total. Qualifying experience shall be computed on an actual time worked basis, but not to exceed forty hours per week. Time used to qualify for the civil engineer license, including that given for educational credit, shall not be used to qualify for the land surveyor license, except for the six months allowed for the activities specified in subdivisions (a), (b), (k), (m), and (n) of Section 8726.

426.10. Qualification Requirements for Structural Authority.

An applicant for authority to use the title "structural engineer" shall comply with all of the following requirements:

(a) The applicant shall hold an unexpired, valid California license as a civil engineer.

(b) The applicant shall submit evidence satisfactory to the Board that the applicant has been in responsible charge of structural engineering qualifying experience, as defined in Section 426.11 and/or Section 426.12, for a minimum of three years subsequent to the date of licensure as a California civil engineer or as provided in Section 426.14.

426.11. Qualifying Experience for Structural Authority.

"Structural Engineering qualifying experience" is defined as acceptable professional practice in responsible charge of structural engineering projects as related to buildings (or other structures) and shall include structural design experience in all areas as specified in subdivisions (a)-(f) below because the stability of a structure is dependent upon the interaction of the individual structural components as well as the structure as a whole:

(a) Common Construction Materials - Steel, Concrete, Wood and Masonry: A structural engineer shall have experience in the use of three of the four common construction materials of steel, concrete, wood, and masonry as they relate to the design, rehabilitation and/or investigation of buildings (or other structures);

(b) Determination of Lateral Forces: A structural engineer shall have experience regarding structural design to resist lateral forces;

(c) Selection of Framing Systems: A structural engineer shall have experience regarding the selection of framing systems, including the consideration of alternatives and the selection of an appropriate system for the interaction of structural components to support vertical and lateral loads;

(d) Selection of Foundation Systems: A structural engineer shall have experience in the selection of foundation systems, including the consideration of alternatives and the selection of an appropriate type of foundation system to support the structure;

(e) Application of Code Requirements: A structural engineer shall have experience in applying local, state and federal requirements relating to design loads, materials, and detailing; and

(f) Multi-story Buildings or Equivalent Multi-level Structures: A structural engineer shall have experience with the design and detailing for the transfer of forces between stories in multi-story buildings. A multi-story building is a building which is more than one story in height and which is not exempted pursuant to Section 6737.1 of the code.

426.12. Experience for Checking Structural Plans.

The Board shall consider the following experience as structural engineering qualifying experience, in lieu of that experience defined in Section 426.11: Professional level employment performing the checking of structural engineering plans and calculations, when performed under the immediate supervision of, and certified to by, either a civil engineer who holds a valid California license with the authority to use the title "structural engineer" in this state or a Professional Engineer who is authorized to use the title "structural engineer" registered or licensed outside of this state but registered or licensed in a state which has a comity agreement with the State of California related to structural engineering. However, an applicant who applies for authority to use the title "structural engineer" under this section shall furnish the Board with a verification of employment from each employer which lists the name(s) of the immediate supervisor of the applicant during the period of employment used as qualifying experience under this section.

426.13. Supplemental Evidence of Responsible Charge for Structural Authority.

(a) The board shall consider the following as supplemental evidence, if submitted for consideration, to assist in determining whether an applicant for structural authority possesses the requisite three (3) years of structural engineering qualifying experience at the level of responsible charge as required in Section 426.10 and defined in Sections 426.11 and 426.12:

(1) Project management experience:

(A) Coordination with other disciplines such as civil, electrical and mechanical engineers and/or architects;

(B) Production of construction document packages such as calculations, drawings and specifications; and,

(C) Supervision and/or coordination of staff.

(2) Field experience:

(A) Familiarity with techniques, methods and means of construction;

(B) Field observation of construction for compliance to drawings and specifications; and,

(C) Field investigation of existing structures for evaluation or forensic purposes.

(b) Notwithstanding subsections (a)(1) and (a)(2), other types of experience deemed equivalent to project management or field experience may be considered on a case-by-case basis

to assist in determining whether an applicant possesses the three (3) years of structural engineering qualifying experience at the level of responsible charge as required in Section 426.10.

(c) Any experience submitted pursuant to this section shall not be considered as a substitute for the mandatory types of qualifying experience required by Section(s) 426.11 and/or 426.12.

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.

426.50. Qualification Requirements "Soil Engineer," "Soils Engineer," or "Geotechnical Engineer."

An applicant for authority to use the title "soil engineer," "soils engineer," or "geotechnical engineer" shall:

(a) Hold an unexpired, valid California civil engineer license.

(b) Submit evidence satisfactory to the Board that the minimum number of years of qualifying experience or education has been met as required in Sections 6736.1(b) and 6763 of the Code and as defined in Section 426.51, subsequent to the date of licensure as a California civil engineer. Up to one year credit of qualifying experience may be given for possession of post graduate degree(s) from a Board approved school of engineering with major studies in soil engineering as listed in Section 426.51(c). Credit for post graduate degree(s) will not be given if it has already been applied to the experience requirement for civil engineering licensure.

426.51. Qualifying Experience for "Soil Engineer."

"Qualifying experience" means responsible charge of soil engineering projects. Evidence shall be provided that the applicant has qualifying experience in the areas described in subdivisions (a), (c) and (e) and has demonstrated working knowledge in the areas described in subdivisions (a) through (e). At least one-half of the applicant's annual full-time professional practice shall be in soil engineering, except that a teacher of soil engineering and related courses at a board approved school of engineering will be given credit for applicable consulting work as

a percentage of equivalent full-time work. Applicable consulting work shall be substantiated by references and project documents.

(a) Development of programs of geotechnical investigation which includes, but is not limited to:

(1) Communication with other design consultants to determine their geotechnical input needs;

(2) Performance of literature searches, site history analyses, etc., related to surface and subsurface conditions;

(3) Formulation or engineering evaluation of field exploration and laboratory testing programs to accomplish the scope of the investigation;

(4) Preparation or engineering evaluation of proposals.

(b) Performance of geotechnical field and laboratory studies which includes, but is not limited to:

(1) Direction and/or modification of field exploration programs, as required upon evaluation of the conditions being encountered;

(2) Classification and evaluation of subsurface conditions.

(3) Understanding the purposes for and being qualified to perform routine field and laboratory tests for:

(A) soil strength
(B) bearing capacity
(C) expansion properties
(D) consolidation characteristics
(E) soil collapse potential
(F) erosion potential
(G) compaction characteristics
(H) material acceptability for use in fill
(I) pavement support qualities
(J) freeze-thaw properties
(K) grain-size
(L) permeability/percolation properties

(c) Analysis of geotechnical data and engineering computations which includes, but is not limited to:

(1) Analysis of field and laboratory test results regarding:

(A) soil strength
(B) bearing capacity
(C) expansion properties
(D) consolidation characteristics
(E) soil collapse potential
(F) erosion potential
(G) compaction characteristics
(H) material acceptability for use in fill
(I) pavement support qualities
(J) freeze-thaw properties
(K) grain-size

(L) permeability/percolation properties
(M) ground water conditions
(N) soil dynamic properties

(2) Performance of computations using test results and available data regarding:
(A) bearing capacity
(B) foundation type, depth, dimensions
(C) allowable soil bearing pressures
(D) potential settlement
(E) slope stability
(F) retaining systems
(G) soil treatment
(H) dewatering/drainage
(I) floor support
(J) pavement design
(K) site preparation
(L) fill construction
(M) liquefaction potential
(N) ground response to seismic forces
(O) ground water problems; seepage
(P) underpinning

(d) Performance or engineering evaluation of construction, postconstruction and site monitoring which includes, but is not limited to:

(1) Performance or supervision of geotechnical testing and observation of site grading;

(2) Analysis, design and evaluation of instrumentation programs to evaluate or monitor various phenomena in the field, such as settlement, slope creep, porewater pressures and ground water variations;

(3) Geotechnical observation during construction and/or installation, including but not limited to, spread foundations, drilled piers, piles, slurry walls, anchors, bulkheads, shoring, underpinning and subdrains;

(4) Engineering evaluation of soil related distress.

(e) Preparation or engineering evaluation of geotechnical reports which includes, but is not limited to:

(1) Preparation of appropriate plans, logs, test results and other exhibits;

(2) Documentation of testing and observation;

(3) Preparation of written reports which present findings, conclusions and recommendations of the investigation;

(4) Preparation of specifications and guidelines for achieving the intent of subdivision (e)(3), above.

427.10. References for 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 references as may be consistent with the length and character of the professional experience. 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 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.

(2) 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.

427.20. Reference Requirements for "Soil Engineer."

(a) An applicant for authority to use the title "soil engineer" shall submit at least four completed reference forms 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 providing a reference shall clearly indicate areas of personal knowledge of the applicant's qualifying experience. Reference forms completed by civil engineers registered or 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.

(c) 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 limit the authority of the Board to require that an applicant submit additional references, employment verifications and 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 (c) of the Code and Sections 426.50 and 426.51.

427.30. References for Structural Authority.

(a) An applicant for authority to use the title "structural engineer" shall submit at least three completed reference forms, using the form entitled "Structural Engineer Engagement Record and Reference Form (SE09)(2017)," hereby incorporated by reference, 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) "Equivalent thereto" as used in this section, means a professional engineer who is authorized to use the title "structural engineer" in a 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.

(c) Nothing contained in this section shall limit the authority of the Board to require that an applicant submit additional references, employment verifications and 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, and/or 426.13.

428. Abandoned Applications.

In the absence of special circumstances any of 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 mailing of a request by the Board's staff; or

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

(c) Failure to appear for examination at the designated time and place unless a postponement has been obtained in accordance with Rule 446; or

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

429. Application Appeal.

(a) An applicant who is notified by the board that his/her application has been denied may appeal to the board for re-evaluation of his/her application. An application appeal shall be filed with the board within 60 days after the date the denial notice has been mailed to him/her.

(b) An application appeal shall be made in writing and shall state the reason therefor. An appeal shall be supported by additional evidence, more references, affidavits, and supplemental information such that the board may be better informed of the applicant's qualifications.

(c) The executive officer may deny an application appeal which is not filed within the time period provided in paragraph (a) of this rule.

(d) The executive officer shall notify each applicant who appeals under this rule of the approval of his/her appeal, or the reason for its denial.

(e) When an application has been denied, the executive officer shall also notify the applicant that he or she has the right to hearing under the Administrative Procedure Act (Government Code Section 11500 et seq.), if he or she makes a written request for hearing within 60 days after service of the notice of denial.

Article 3. Examinations

436. Schedule of Regular Written Examinations.

(a) Written examinations shall be given at intervals as determined by the board but not less than once each year.

(b) The executive officer shall publish annually, not later than three months prior to the end of each calendar year, a schedule of examinations for the following year.

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

437. Individual Examination.

(a) Individual examinations for licensure, certification, or authorization shall be either oral or written or a combination of both, in the discretion of the Board. They may be held at times and places convenient to the Board.

(b) An applicant for licensure as a professional engineer or as a land surveyor will be considered for assignment to an individual examination provided his/her qualifications meet all the requirements of the code and rules of the Board and provided he/she holds a valid registration or license as a professional engineer as a land surveyor in another state, in the same branch in which he/she is applying; such registration or license having been obtained by passing written examinations of comparable standard to those examinations required in California.

(c) An applicant for authority to use the title “structural engineer” may be considered for the individual examination only if he/she has passed a 16-hour examination in another state which the Board may deem equivalent to the written examination for structural authority given in California. This 16-hour examination shall have been in addition to the regular examination series for registration or licensure as a professional engineer and shall have contained significant emphasis on seismic design and lateral load considerations.

438. Waiver of Fundamentals Examination.

(a) An applicant for licensure as a professional engineer whose qualifications meet all requirements of the code and rules of the Board will be allowed to appear for only the second division of the written examination prescribed by Section 6755 of the Code if he or she meets one or more of the following requirements:

(1) Holds valid licensure as a professional engineer in another branch in California.

(2) Holds valid certification as an engineer-in-training in another state obtained by passing a written examination in which the content of the examination is designed to test the candidate's knowledge of fundamental engineering subjects, including mathematics and the basic sciences.

(3) Is a graduate of an approved engineering curriculum and submits satisfactory evidence to the Board that he or she has fifteen (15) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(4) Is a graduate of a non-approved engineering curriculum or an approved engineering technology curriculum and submits satisfactory evidence to the Board that he or she has seventeen (17) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(5) Is a graduate of an approved engineering curriculum and an approved post-graduate engineering curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(6) Is a graduate of a non-approved engineering curriculum or an approved engineering technology curriculum and an approved postgraduate engineering curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional engineering work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing engineering tasks under the direction of a person legally authorized to practice in an applicant's branch of engineering.

(7) Is the holder of an earned doctorate in engineering from a department or program at a university or college where the undergraduate engineering curriculum in the same branch of engineering is an approved engineering curriculum; or is serving in a tenure-track faculty position in an approved engineering curriculum at the level of Assistant Professor or higher.

(b) An applicant for licensure as a land surveyor whose qualifications meet all requirements of the code and rules of the Board will be allowed to appear for only the second division of the written examination prescribed by Section 8741 of the Code if he or she meets one or more of the following requirements:

(1) Holds valid licensure as a professional civil engineer in California.

(2) Holds valid certification as a land surveyor-in-training in another state obtained by passing a written examination in which the content of the examination is designed to test the candidate's knowledge of fundamentals of surveying subjects, including mathematics and the basic sciences.

(3) Is a graduate of an approved land surveying curriculum and submits satisfactory evidence to the Board that he or she has fifteen (15) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice land surveying.

(4) Is a graduate of a non-approved land surveying curriculum and submits satisfactory evidence to the Board that he or she has seventeen (17) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.

(5) Is a graduate of an approved land surveying curriculum and an approved post-graduate land surveying curriculum and submits satisfactory evidence to the Board that he or she has fourteen (14) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.

(6) Is a graduate of a non-approved land surveying curriculum and an approved post-graduate land surveying curriculum and submits satisfactory evidence to the Board that he or she has sixteen (16) years or more of additional land surveying work experience satisfactory to the Board that has been gained in addition to graduation, or any other education experience, and while performing land surveying tasks under the direction of a person legally authorized to practice in land surveying.

(c) An applicant for a California certification as an engineer-in-training or a land surveyor-in-training who holds valid certification in another state obtained as in (a)(2) or (b)(2) above may be issued a California certificate.

439. Examination Not Permitted.

A person certified or licensed, by the board in a category or branch is not permitted to take any portion of the examination for the same category or branch unless his or her certificate or license has expired pursuant to Section 6796.3 or Section 8803 of the Code or unless re-examination is ordered as a probationary condition pursuant to Section 419.

441. Authorization to Take Examination.

(a) After evaluating the qualifications of an applicant and establishing that person's eligibility for the examination, in accordance with the applicable laws and regulations administered by the board, the executive officer assigns the applicant to the next scheduled examination for which the applicant qualified.

(b) Any applicant who lacks the qualifications for admission to the examination required by Chapter 7 or 15 of the code and rules of the board shall be declared ineligible; the application shall be denied and the application fee may be partially refunded in accordance with the provisions of Sections 158, 6763.5 and 8748.5 of the code. The executive officer shall notify each applicant of the reason for denying the application.

(c) Notification of the applicant's assignment and authorization to take the examination and the location shall be postmarked at least 14 days prior to the examination date.

442. Examination Subversion.

(a) Examination subversion is the use of any means to alter the results of an examination to cause the results to inaccurately represent the competency of an examinee. Examination subversion includes, but is not limited to:

(1) Communication between examinees inside of the examination room.

(2) Giving or receiving any unauthorized assistance on the examination while an examination is in progress.

(3) Having any unauthorized printed or written matter or other devices in his or her possession which might serve to aid the examinee on the examination.

(4) Obtaining, using, buying, selling, distributing, having possession of, or having unauthorized access to secured examination questions or other secured examination material prior to, during or after the administration of the examination.

(5) Copying another examinee's answers or looking at another examinee's materials while an examination is in progress.

(6) Permitting anyone to copy answers to the examination.

(7) Removing any secured examination materials from the examination facility.

(8) Allowing another person to take the examination in the examinee's place.

(9) Placing any identifying mark upon his or her examination papers other than his or her identification number or other identifiers as directed by the examination administrator.

(10) Use by an examinee of any written material, audio material, video material, digital material, or any other mechanism not specifically authorized during the examination for the purpose of assisting an examinee in the examination.

(11) Writing on anything other than designated examination material.

(12) Writing or erasing anything after time is called.

(b) At the discretion of the Executive Officer, if there is evidence of examination subversion by an examinee prior to, during, or after the administration of the examination, one or more of the following may occur:

(1) The examinee may be denied the privilege of taking the examination if examination subversion is detected before the administration of the examination.

(2) If the examination subversion detected has not yet compromised the integrity of the examination, such steps as are necessary to prevent further examination subversion shall be taken, and the examinee may be permitted to continue with the examination.

(3) The examinee may be requested to leave the examination facility if examination subversion is detected during the examination.

(4) The examinee may be requested to submit written advisement of his or her understanding of and intent to comply with the law.

(5) The examination results may be voided and the application and examination fee forfeited.

(6) The examinee may not be allowed to sit for an examination for up to three (3) years.

(c) If examination subversion is detected after the administration of the examination, the Executive Officer shall make appropriate inquiry to determine the facts concerning the examination subversion and may take any of the actions as described in subdivision (b).

(d) The Executive Officer reserves the right not to release the examination results to the examinee pending the outcome of any investigation of examination subversion.

(e) Removal from or voidance of one part of a multiple-part examination taken during a single examination administration may be cause for removal from or voidance of all other parts of the multiple-part examination.

446. 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.

447. Permissible Reference Material and Other Accessories.

The executive officer shall advise each examinee when he/she is notified that he/she is assigned to an examination, what reference and other materials may be used during the examination to which he/she has been assigned.

Article 4. Miscellaneous

461. Testing Laboratory Reports.

Reports issued by Testing Laboratories shall be prepared by or under the supervision of a licensed civil, electrical, or mechanical engineer as appropriate and signed or sealed by him/her whenever such reports go beyond the tabulation of test data (composition of material, breaking stress, et cetera) and proceeds to:

(a) Interpret the data to draw conclusions as to the characteristics of civil engineering structure, an electrical or mechanical device, or parts thereof.

(b) Express civil, electrical, or mechanical engineering judgment in the form of recommendations derived from the results of the test.

(c) Perform design work in the preparation of plans, specifications, and other instruments requiring licensure as a civil, electrical, and/or mechanical engineer.

463. Notice of Association or Disassociation With Partnership, Firm, or Corporation.

(a) A professional engineer who is associated as the partner, member, officer, or employee in responsible charge of professional engineering services offered or performed by a firm, partnership, or corporation shall notify the Board within thirty (30) days of such association or termination of association on a form approved by the Board.

(b) A licensed land surveyor and/or civil engineer who practices or offers to practice land surveying, according to the provisions of Section 8729 of the Code, as a partner, member, or officer of a partnership, firm, or corporation shall advise the Board within thirty (30) days of such association or termination of association on a form approved by the Board.

(c) A licensed photogrammetric surveyor who is associated as a member, partner, officer, or employee in a firm, partnership, or corporation which offers or performs photogrammetric surveying services according to the provisions of Article 5.5 of the Professional Land Surveyors' Act shall notify the Board within thirty (30) days of such association or termination of association on a form approved by the Board.

(d) A firm which contains partners, members or officers as described above will be allowed six months following the death, disassociation, or retirement of a member, partner, or officer whose name the firm, partnership, or corporation carried in its firm title to make a written request to the Board for an investigation pursuant to the requirements of Section 6738(e) of the Code. The Board will determine if such firm is eligible to continue use of its firm title without change.

463.5 Providing Notice of Licensure.

Every licensee shall provide notice to his or her clients that the licensee is licensed by the Board for Professional Engineers, Land Surveyors, and Geologists. Notice shall be provided by one or more of the following methods:

(a) Displaying his or her wall certificate in a public area; or office; or individual work area of the premises where the licensee provides the licensed service.

(b) Providing a statement to each client that states the client understands the licensee is licensed by the Board for Professional Engineers, Land Surveyors, and Geologists. Said statement shall be signed and dated by the client and shall be retained in the licensee's records.

(c) Including a statement that the licensee is licensed by the Board for Professional Engineers, Land Surveyors, and Geologists either on letterhead or on a contract for services. If said statement is included on a contract for services, it shall be placed immediately above the signature line for the client in at least 12 point type.

(d) Posting a notice in a public area of the premises where the licensee provides the licensed services that states the named licensee is licensed by the Board for Professional Engineers, Land Surveyors, and Geologists. Said notice shall be in at least 48 point type.

464. Corner Record.

(a) The corner record provided for in Section 8773.1 of the Code shall contain the following information consistent with each corner identified therein:

(1) The county and, if applicable, the city in which the corner is located.

(2) A brief legal description of the section, township, range, base, and meridian or the Rancho in which the corner is located, if applicable.

(3) Identification of the corner type (e.g., government corner, control corner, property corner, etc.).

(4) Identification of the reference of the related statute (i.e., Section 8765(d), Section 8771, Section 8773, or other relevant sections of the Code).

(5) Description of the physical condition of any monument(s) found, set, reset, replaced, or removed.

(6) The date of the visit to the monument when the information for the corner record was obtained.

(7) For corners for which the corner record is filed in accordance with Section 8765(d) of the Code, the corner record shall show the applicable provisions of the following, consistent with the purpose of the survey:

(A) All monuments found, set, reset, replaced, or removed, describing their kind, size, and location, and giving other data relating thereto.

(B) Bearing or witness monuments, basis of bearings, bearing and length of lines, scale of map, and north arrow.

(C) The relationship to those portions of adjacent tracts, streets, or senior conveyances which have common lines with the survey.

(D) Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines, and areas shown, or convenient for the identification of the survey or the surveyor, as may be determined by the licensee preparing the corner record.

(8) For corners for which the corner record is filed in accordance with any subdivision of Section 8771 of the Code, the information shown on the corner record shall also show the applicable provisions of Section 8771 of the Code.

(9) For Public Land Corners for which a corner record is required by Section 8773(a) of the Code, a sketch shall be made showing site recovery information that was used for the corner.

(10) Except for those corners referenced in subdivision (9), a drawing shall be made which shows measurements that relate the corner to other identifiable monuments.

(11) The date of preparation of the corner record and, as prescribed by Section 8773.4 of the Code, the signature and title of the chief of the survey party if the corner record is prepared by a United States Government or a California State agency or the signature and seal of the land surveyor or civil engineer, as defined in Section 8731 of the Code, preparing the corner record.

(12) The date the corner record was filed and the signature of the county surveyor.

(13) A document or filing number and/or Agency Index information.

(b) A reference to the California Coordinate System is optional at the discretion of the preparer of the record.

(c) A corner record shall be filed for each public land survey corner which is found, reset, or used as control in any survey by a land surveyor or a civil engineer. Exceptions to this rule are identified in Section 8773.4 of the Code.

(d) The corner record shall be filed within 90 days from the date a corner was found, set, reset, or used as control in any survey. The provisions for extending the time limit shall be the same as provided for a record of survey in Section 8762 of the Code.

(e) A corner record may be filed for any property corner, property controlling corner, reference monument, or accessory to a property corner, together with reference to record information. Such corner record may show one or more property corners, property controlling corners, reference monuments, or accessories to property corners.

(f) A corner record is limited to a single corner record document, in accordance with Section 8773.1 of the Code, and shall be legible, clear, and understandable. A corner record may be submitted in an electronic medium if the county surveyor has a system to provide for the submittal, archiving, and distribution to the public in an electronic or hard copy format.

(g) The standard markings and standard abbreviations used by the Bureau of Land Management (formerly the General Land Office) of the United States Department of the Interior shall be used in the corner record.

(h) The corner record shall be filed on a form prescribed by the Board. The approved form is "Corner Record", (BPELSG2016 revised 06/2016), incorporated herein by reference.

465. Records of Survey - Public Officers.

A public officer who has performed a survey which is subject to the requirements of Section 8762 of the code, shall file a record of survey map or comply with Section 8765(a) of the code. In either event, the public officer shall file the information required by Section 8765(a) of the code relating to his or her survey within the time limit provided for in Section 8762 of the code.

470. Application Response.

(a) The following timeframes, based on taking and passing the first available examination, shall apply to applications for licensure as a professional engineer or as a professional land surveyor when an examination is required.

(1) Within 150 calendar days of receipt of an application, the Board shall inform the applicant in writing that the application is either accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

(2) A complete application shall include a score for all parts of the examination. Within 60 calendar days after the filing of a complete application, the Board shall make a decision regarding the applicant's eligibility for licensure.

(b) The following timeframes, based on taking and passing the first available examination, shall apply to applications for certification to use the titles "Engineer-in-Training" or "Land Surveyor-in-Training" when an examination is required:

(1) Within 75 calendar days of receipt of an application, the Board shall inform the applicant in writing that the application is either accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

(2) A complete application shall include a score for the examination. Within 60 calendar days after the filing of a complete application, the Board shall make a decision regarding the applicant's eligibility to use either the title "Engineer-in-Training" or "Land Surveyor-in-Training."

(c) The following timeframes shall apply to applications for licensure as a professional engineer or as a professional land surveyor when comity licensure is applied for and when no examination is required:

(1) Within 125 calendar days of receipt of a comity application, the Board shall inform the applicant in writing that the application is either accepted for filing and complete or

that it is deficient and what specific information or documentation is required to complete the application.

(2) Within 60 calendar days after the date of filing of a complete application, the Board shall make a decision regarding the application for licensure.

471. Processing Time.

The Board's time periods are based upon an applicant taking and passing the first available examination and for processing an application from the receipt of the initial application to the final decision regarding issuance or denial of licensure based on the board's actual performance during the two years preceding the proposal of this section:

(a) The median time was 255 days.

(b) The minimum time was 10 days.

(c) The maximum time was 1548 days.

472. Citations of Unlicensed Persons.

(a) The Executive Officer or his or her designee may issue a citation for any violation of any provision of law enforced by the Board to an unlicensed person who, unless otherwise exempt, is acting in the capacity of a professional engineer or a professional land surveyor .

(b) Each citation

(1) shall be in writing;

(2) shall describe with particularity the nature of the violation, including specific reference to the provision or provisions of law determined to have been violated;

(3) shall contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both an administrative fine and an order of abatement;

(4) shall be served on the cited person at the last known business or residence address personally or by certified mail with return receipt requested;

(5) shall inform the cited person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in the Executive Officer applying to the appropriate superior court for a judgment in the amount of the administrative fine;

(6) shall inform the cited person that, if he or she desires an informal conference to appeal the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from date of issuance of the citation;

(7) shall inform the cited person that, if he or she desires a hearing to appeal the finding of a violation, that hearing shall be requested by written notice to the Board within 30 calendar days from date of issuance of the citation.

472.1. Assessment of Administrative Fine.

(a) In no event shall the administrative fine be less than $50 or exceed $5,000 for each violation.

(b) In determining the amount of an administrative fine , the Executive Officer shall consider the following factors:

(1) The nature and severity of the violation;

(2) The good or bad faith exhibited by the cited person;

(3) The history of previous violations;

(4) The extent to which the cited person has cooperated with the Board and the Board's investigation;

(5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation;

(6) Any factors in extenuation or aggravation related to the violation;

(7) Other matters as may be appropriate.

472.2. Appeal of Citations.

(a) Any person served with a citation issued pursuant to Section 472 may appeal the citation by submitting a written request for a hearing to the Board within 30 calendar days of the date of issuance of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 calendar days of the date of issuance of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer may, within 30 working days from receipt of a written request for an informal conference as provided in subsection (b), hold an informal conference with the cited person and/or his or her legal counsel or authorized representative. The 30-day period may be extended by the Executive Officer for good cause. Following the informal conference, the Executive Officer shall affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said 30-day period may be extended by the Executive Officer for good cause. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 472. This order shall be considered the conclusion of the informal conference proceedings.

(d) If the citation is affirmed or modified following the informal conference, the cited person may request a hearing as provided in subsection (a) within 30 calendar days from service of the order described in subsection (c). The cited person shall not be permitted to request another informal conference.

(e) If the citation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.

(f) Submittal of a written request for a hearing as provided in subsection (a), an informal conference as provided in subsection (b), or both stays the time period in which to abate the violation and/or to pay the fine.

(g) If the written request for a hearing as provided in subsection (a) or an informal conference as provided in subsection (b) or both is not submitted within 30 calendar days from

the date of issuance of the citation, the cited person is deemed to have waived his or her right to a hearing or an informal conference.

472.3. Compliance with Order.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, then he or she may request from the Executive Officer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) Failure of an applicant for licensure as a professional engineer or as a professional land surveyor to abate the violation or to pay the fine within the time allowed is a ground for denial of licensure.

(c) Notwithstanding any other provision of the law, the Executive Officer may waive all or part of an administrative fine if the cited person satisfactorily completes all the requirements for, and is issued, a license.

(d) If the cited person fails to pay all of the assessed fine within the time allowed, the Executive Officer may apply to the appropriate superior court for a judgment in the amount of the administrative fine.

(e) If a hearing as provided in Section 472.2(a) is not requested, payment of the fine shall not constitute an admission of the violation charged.

(f) Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

472.4. Disconnection of Telephone Service.

(a) If, upon investigation, the Executive Officer has cause to believe that an unlicensed individual acting in the capacity of a professional engineer or a professional land surveyor, who is not otherwise exempted from the provisions of the Professional Engineers Act or the Professional Land Surveyors' Act, has violated Sections 6787 or 8792 of the Code by advertising with respect to the offering or performance of services, without being properly licensed, the Executive Officer may issue a citation under Section 472 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the Executive Officer.

(b) If the cited person fails to comply with an order of abatement as described in subsection (a) within the time allowed, the Executive Officer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

473. Citations of Licensed Persons.

(a) The Executive Officer or his or her designee may issue a citation for any violation of any provision of law enforced by the Board to any person who holds a license issued by the Board.

(b) Prior to the issuance of a citation in any case involving allegations of negligence and/or incompetence, as defined in Section 404, in the professional practice, the Executive Officer shall submit the alleged violation for review to at least one licensee of the Board who is competent in the branch of professional engineering or professional land surveying most relevant to the subject matter of the citation. The licensee reviewing the alleged violation shall be either a member of the Board's professional staff, a technical advisory committee member, or an expert consultant. Upon conclusion of the review, the reviewer shall prepare a finding of fact and a recommendation based upon that finding to which the Executive Officer shall give due consideration in determining whether cause exists to issue a citation.

(c) Each citation

(1) shall be in writing;

(2) shall describe with particularity the nature of the violation, including specific reference to the provision or provisions of law determined to have been violated;

(3) may contain an assessment of an administrative fine, an order of abatement fixing a reasonable period of time for abatement of the violation, or both an administrative fine and an order of abatement;

(4) shall be served on the cited person at the address of record on file with the Board personally or by certified mail with return receipt requested;

(5) shall inform the cited person that failure to pay the fine within 30 calendar days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the Board and may result in the full amount of the assessed fine being added to the fee for renewal of the license, in which case the license shall not be renewed without the payment of the renewal fee and fine;

(6) shall inform the cited person that, if he or she desires an informal conference to appeal the finding of a violation, the informal conference shall be requested by written notice to the Board within 30 calendar days from the date of issuance of the citation;

(7) shall inform the cited person that, if he or she desires a hearing to appeal the finding of a violation, that hearing shall be requested by written notice to the Board within 30 calendar days from the date of issuance of the citation.

473.1. Assessment of Administrative Fines.

(a) In no event shall the administrative fine be less than $50 or exceed $5,000 for each violation.

(b) In determining the amount of an administrative fine, the Executive Officer shall consider the following factors:

(1) The nature and severity of the violation;

(2) The good or bad faith exhibited by the cited person;

(3) The history of previous violations;

(4) The extent to which the cited person has cooperated with the Board and the Board's investigation;

(5) The extent to which the cited person has mitigated or attempted to mitigate any damage or injury caused by his or her violation;

(6) Any factors in extenuation or aggravation related to the violation;

(7) Other matters as may be appropriate.

473.2. Appeal of Citations.

(a) Any person served with a citation issued pursuant to Section 473 may appeal the citation by submitting a written request for a hearing to the Board within 30 calendar days of the date of issuance of the citation. Such hearings shall be conducted pursuant to the Administrative Procedure Act, Chapters 4.5 and 5, commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code.

(b) In addition to requesting a hearing as described in subsection (a), the cited person may, within 30 calendar days of the date of issuance of the citation, submit a written request for an informal conference with the Executive Officer.

(c) The Executive Officer may, within 30 working days from receipt of a written request for an informal conference as provided in subsection (b), hold an informal conference with the cited person and/or his or her legal counsel or authorized representative. The 30- day period may be extended by the Executive Officer for good cause. Following the informal conference, the Executive Officer shall affirm, modify, or dismiss the citation, including any administrative fine assessed or order of abatement issued. An order affirming, modifying, or dismissing the original citation shall be served on the cited person within 30 calendar days from the informal conference. Said 30-day period may be extended by the Executive Officer for good cause. Said order shall state in writing the reasons for the affirmation, modification, or dismissal of the original citation. If the order affirms or modifies the original citation, said order shall fix a reasonable period of time for abatement of the violation or payment of the fine. Service of this order shall be made as provided in Section 473. This order shall be considered the conclusion of the informal conference proceedings.

(d) If the citation is affirmed or modified following the informal conference, the cited person may request a hearing as provided in subsection (a) within 30 calendar days from service of the order described in subsection (c). The cited person shall not be permitted to request another informal conference. ,

(e) If the citation is dismissed after the informal conference, the request for a hearing, if any, shall be deemed to be withdrawn.

(f) Submittal of a written request for a hearing as provided in subsection (a), an informal conference as provided in subsection (b), or both stays the time period in which to abate the violation and/or to pay the fine.

(g) If the written request for a hearing as provided in subsection (a) or an informal conference as provided in subsection (b) or both is not submitted within 30 calendar days from the date of issuance of the citation, the cited person is deemed to have waived his or her right to a hearing or an informal conference.

473.3. Compliance with Order.

(a) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, then he or she may request from the Executive

Officer an extension of time within which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) Failure of the cited person to abate the violation or to pay all of the assessed fine within the time allowed is grounds for suspension or revocation of the cited person's license.

(c) If the cited person fails to pay all of the assessed fine within the time allowed, the balance due for the fine shall be added to the renewal fee for the license, and the license shall not be renewed until the fine is paid in full.

(d) If a hearing as provided in Section 473.2(a) is not requested, payment of the fine shall not constitute an admission of the violation charged.

(e) Payment of the fine shall be represented as satisfactory resolution of the matter for purposes of public disclosure.

473.4. Disconnection of Telephone Service.

(a) If, upon investigation, the Executive Officer has cause to believe that a professional engineer or a professional land surveyor, who is not otherwise exempted from the provisions of the Professional Engineers Act or the Professional Land Surveyors' Act, has violated Sections 6787 or 8792 of the Code by advertising with respect to the offering or performance of services, without being properly licensed, the Executive Officer may issue a citation under Section 473 containing an order of abatement which requires the cited person to both cease the unlawful advertising and notify the telephone company furnishing services to the cited person to disconnect the telephone services furnished to any telephone number contained in the unlawful advertising, and that subsequent calls to that number shall not be referred by the telephone company to any new telephone number obtained by that person. The cited person shall provide written evidence of compliance to the Executive Officer.

(b) If the cited person fails to comply with an order of abatement as described in subsection (a) within the time allowed, the Executive Officer shall inform the Public Utilities Commission of the violation in accordance with Business and Professions Code section 149.

474. Establishment of Criteria.

The criteria for the selection of a contractor are: professional excellence, demonstrated competence, specialized experience of the person, education and experience, ability to meet schedules, nature and quality of completed work, reliability of the person, location and other considerations the Executive Officer deems necessary to the performance of the contract.

474.1. Request for Qualifications.

(a) Where a project requires professional engineering or land surveying services the Executive Officer shall make a statewide request for qualifications through the publications of the respective professional societies and in other appropriate publications.

(b) The request for qualifications shall contain the following information: the nature of the work, the criteria upon which the award shall be made, the name of the contact person, the address to send statements of qualifications and performance data , and the deadline by which the statements must be received.

(c) The Executive Officer shall provide a copy of each request for qualifications to all small businesses who have indicated an interest in receiving the request. A failure of the Executive Officer to send a copy of a request for qualifications to any person shall not operate to preclude any contract.

474.2. Selection of Engineers and Land Surveyors.

After expiration of the deadline stated in the publications, as specified in Section 474.1, the Executive Officer, in conjunction with no less than three persons selected by the Executive Officer, shall evaluate statements of qualifications and performance data of firms which have been submitted to the Board. Based upon the statement of qualifications and performance data, a list ranking the qualified firms will be made.

From a list of three or more qualified firms, the Executive Officer shall select the first three ranked firms for contract negotiation to provide the services required. Where three qualified firms cannot be found which could provide the required service, the Executive Officer may then select from the available firms or issue a new request for proposal. Selections based on less than three firms must be documented with the names and addresses of firms contacted by the Executive Officer and the reasons why the provisions of this section could not be met. This documentation shall be maintained in the Boards Contract file.

474.3. Conflict of Interest/Unlawful Activity.

Governmental agency employees who are related to persons seeking to contract under these regulations shall not participate in any aspect of the contract review or selection process.

Further, any practice that results in an unlawful activity including, but not limited to, rebates, kickbacks, or any other unlawful consideration shall be prohibited.

474.4. Amendments.

In instances where the Board effects a necessary change in the project during the course of performance of the contract, the contractor's compensation may be adjusted by negotiation of a mutual written agreement in a fair and reasonable amount where the amount of work to be performed by the contractor is changed from that which the parties had originally contemplated.

474.5. Contracting in Phases.

Should the Board determine that it is necessary or desirable to have a given project performed in phases, it will not be necessary to negotiate the total contract price or compensation provisions in the initial instance, provided that the Board shall have determined that the person is best qualified to perform the whole project at a fair and reasonable cost, and the contract contains provisions that the Board, at it option, may utilize the person for other phases and that the person will accept a fair and reasonable price for subsequent phases to be later negotiated and reflected in a subsequent written instrument. The procedure with regard to negotiation provided for in Section 6106 of the Public Contract Code shall be applicable.

475. Code of Professional Conduct – Professional Engineering

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional engineer, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional engineering constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 6775 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 6775 of the Code.

(a) Compliance with Laws Applicable to a Project:

A licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

(b) Conflict of Interest:

(1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and property owners or their authorized representatives his or her relationship to those clients.

(2) If a licensee has a business association or a financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or the financial interest.

(3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.

(4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional engineering business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

(c) Representations:

(1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

(2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.

(3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.

(4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, or affiliations or the affiliations or purposes of the institutions, organizations, or other businesses with which he or she is associated.

(5) When providing information in connection with a person's application for a license to practice professional engineering, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.

(6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.

(7) A licensee shall only express professional opinions that have a basis in fact or experience or accepted engineering principles.

(8) A licensee shall attribute proper credit to others for their professional work or professional contribution.

(9) A licensee shall not knowingly permit the publication or use of his or her data, reports, plans, or other professional documents for unlawful purposes.

(10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.

(11) A licensee shall not misrepresent data and/or its relative significance in any professional engineering report.

(d) Confidential Information:

Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:

(1) Disclosures made in response to an order of the court or to a subpoena or summons enforceable by an order of the court.

(2) Disclosures made in an adjudicatory proceeding.

(3) Disclosures made in response to an official inquiry from a governmental regulatory agency.

(4) Disclosures made when required by law.

(5) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.

(6) Disclosures made when providing evidence to the Board regarding other licensees or unlicensed individuals who may have violated the Professional Engineers Act.

(7) Disclosures made regarding illegal conduct.

As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.

(e) Document Submittal:

(1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.

(2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.

476. Code of Professional Conduct – Professional Land Surveying

To protect and safeguard the health, safety, welfare, and property of the public, every person who is licensed by the Board as a professional land surveyor or professional civil engineer legally authorized to practice land surveying, including licensees employed in any manner by a governmental entity or in private practice, shall comply with this Code of Professional Conduct. A violation of this Code of Professional Conduct in the practice of professional land surveying constitutes unprofessional conduct and is grounds for disciplinary action pursuant to Section 8780 of the Code. This Code of Professional Conduct shall be used for the sole purpose of investigating complaints and making findings thereon under Section 8780 of the Code.

(a) Compliance with Laws Applicable to a Project:

A licensee shall provide professional services for a project in a manner that is consistent with the laws, codes, ordinances, rules, and regulations applicable to that project. A licensee may obtain and rely upon the advice of other professionals (e.g., architects, attorneys, professional engineers, professional land surveyors, and other qualified persons) as to the intent and meaning of such laws, codes, and regulations.

(b) Conflict of Interest:

(1) If a licensee provides professional services for two or more clients on a project or related projects, the licensee shall disclose in writing to those clients and property owners or their authorized representatives his or her relationship to those clients.

(2) If a licensee has a business association or a financial interest which may influence his or her judgment in connection with the performance of professional services, the licensee shall fully disclose in writing to his or her client(s) or employer(s) the nature of the business association or the financial interest.

(3) A licensee shall not solicit or accept payments, rebates, refunds, or commissions, whether in the form of money or otherwise, from contractors or suppliers of material, systems, or equipment in return for specifying their products to a client or employer of the licensee.

(4) A licensee, while engaged by a governmental agency as an officer, employee, appointee, agent, or consultant of that agency shall not engage in a professional land surveying business or activity that may be subject to that licensee's direct or indirect control, inspection, review, audit, or enforcement on behalf of that agency, unless the circumstances are disclosed to and approved by that agency in writing prior to such engagement.

(c) Representations:

(1) A licensee shall not misrepresent his or her qualifications to a prospective or existing client or employer.

(2) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with projects or services for which the licensee is receiving or will receive compensation from that client.

(3) A licensee shall not misrepresent his or her scope of responsibility in connection with projects or services for which the licensee is claiming credit.

(4) A licensee shall not misrepresent nor permit the misrepresentation of his or her professional qualifications, or affiliations or the affiliations or purposes of the institutions, organizations, or other businesses with which he or she is associated.

(5) When providing information in connection with a person's application for a license to practice professional land surveying, a licensee shall accurately represent his or her knowledge of the applicant's qualifications.

(6) A licensee may advertise or solicit for any services for which he or she is authorized by licensure.

(7) A licensee shall only express professional opinions that have a basis in fact or experience or accepted land surveying principles.

(8) A licensee shall attribute proper credit to others for their professional work or professional contribution.

(9) A licensee shall not knowingly permit the publication or use of his or her data, reports, maps, or other professional documents for unlawful purposes.

(10) A licensee shall not falsely or maliciously injure or attempt to injure the reputation or business of others.

(11) A licensee shall not misrepresent data and/or its relative significance in any professional land surveying report.

(d) Confidential Information:

Confidential information obtained by a licensee, in his or her professional capacity, concerning a client, employer, or other related party shall not be disclosed by the licensee without the permission of the client, employer, or other related party except for the following:

(1) Disclosures made in response to an order of the court or to a subpoena or summons enforceable by an order of the court.

(2) Disclosures made in an adjudicatory proceeding.

(3) Disclosures made in response to an official inquiry from a governmental regulatory agency.

(4) Disclosures made when required by law.

(5) Disclosures made upon discovering a hazard within the licensee's field of professional expertise which may threaten the health, safety, and welfare of the public.

(6) Disclosures made when providing evidence to the Board regarding other licensees or unlicensed individuals who may have violated the Professional Land Surveyors' Act.

(7) Disclosures made regarding illegal conduct.

As used in this section, "confidential information" means information identified as confidential by the licensee's client, employer, or other related party.

(e) Document Submittal:

(1) A licensee shall not misrepresent the completeness of the professional documents he or she submits to a governmental agency.

(2) A licensee shall not misrepresent the completeness of the professional documents he or she prepared to his or her client or to other involved parties.