Regulations Relating to the Practices of Geology and Geophysics

California Code of Regulations
Title 16, Division 29
§§ 3000-3067

Article 1. General Provisions

3000. Location of Offices.

The principal office of the Board for Professional Engineers, Land Surveyors, and Geologists is located at 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944.

3001. Correspondence.

All correspondence relating to the functions of the board including remittances and renewal fees shall be directed to the principal office of the board.

3002. Tenses, Gender and Number.

For the purposes of these rules and regulations, the present tense includes the past and the future tenses, and the future includes the present; the masculine gender includes the feminine, and the feminine, the masculine; and the singular includes the plural, and the plural, the singular.

3003. Definitions.

For the purposes of the rules and regulations contained in this chapter, the term:

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

(b) "Engineering Geology" means the application of geologic data, principles and interpretation so that geologic factors and processes affecting planning, design, construction, maintenance, and vulnerability of civil engineering works are properly recognized and utilized.

(c) "Responsible Position" means a position whereby a person having individual control and direction of a geological project exercises individual initiative, skill and judgment in the investigation and interpretation of geological features, or the supervision of such projects. An individual can be considered to be in a responsible position even though not registered and working as a subordinate employee to a registered or qualified geologist.

(d) "Professional geological work" is work performed at a professional level rather than at a subprofessional or apprentice level and requires the application of scientific knowledge, principles and methods to geological problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. Implicit in this definition is the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision.

"Professional geological work" specifically does not include such routine activities as drafting, sampling, sample preparation, routine laboratory work, etc., where the elements of initiative, scientific judgment and decision making are lacking, nor does it include activities which do not use scientific methods to process and interpret geologic data. Further, it specifically does not include soils engineering, soils sampling, soils testing or other activities in or related to the agricultural application of soils sciences. It also does not include mining, mining engineering or other engineering disciplines and/or other physical sciences wherein geological investigation, analysis and interpretation are minimal or lacking.

(e) "Professional geophysical work" is work performed at a professional level rather than at a subprofessional or apprentice level and requires the application of scientific knowledge, principles and methods to geophysical problems through the exercise of individual initiative and judgment in investigating, measuring, interpreting and reporting on the physical phenomena of the earth. The term includes the practice of geophysics for the evaluation and mitigation of earthquake hazards, and environmental and groundwater resource assessment. Implicit in this definition is the recognition of professional responsibility and integrity and the acknowledgment of minimal supervision.

"Professional geophysical work" specifically does not include activities wherein the analysis or interpretation of geophysical or geological information is lacking. Such nonprofessional work could encompass party or crew chief and would encompass lesser forms of employment in field parties, the manufacture, assembly or maintenance and repair of geophysical instruments and equipment, computer programming, data processing or retrieval and routine activities normally performed by a technician in acquiring and reporting on geophysical information where the elements of initiative, scientific judgment and decision making are absent. It also does not include those engineering disciplines and other physical sciences wherein geophysical or geological investigation, analysis and interpretation are minimal or lacking.

(f) "Practice of Geology or Geophysics."

(1) The practice of geology or geophysics "for others" includes but is not limited to the preparation of geologic or geophysical reports, documents or exhibits by any commission, board, department, district or division of the state or any political subdivision thereof or of any county, city or other public body or by the employees or staff members of such commission, board, department, district or division of the state or any political subdivision thereof or of any county, city or other public body when such reports, documents or exhibits are disseminated or made available to the public in such a manner that the public may reasonably be expected to rely thereon or be affected thereby.

(2) The practice of geology or geophysics "for others" includes but is not limited to the performance of geological or geophysical services by any individual, firm, partnership, corporation or other association or by the employees or staff members thereof, whether or not the principal business of such organization is the practice of geology or geophysics, when the geological or geophysical reports, documents or exhibits constituting the practice of geology or geophysics are disseminated or made available to the public or any individual or combination of individuals other than the employees or staff of such

organization in such a manner that the public or said individual or combination of individuals may reasonably be expected to rely thereon or be affected thereby.

(3) Geological or geophysical reports, documents or exhibits which are prepared by the employees or staff members of any individual, firm, partnership, corporation or other association or commission, board, department, district, or division of the state or any political subdivision thereof or of any county, city or other public body which are for use solely within such organization are considered "in-house" reports, documents or exhibits and are not the practice of geology or geophysics for others unless or until such reports are disseminated or made available as set forth in subsection (1) or (2).

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

(h) "Hydrogeology" means the application of the science of geology to the study of the occurrence, distribution, quantity and movement of water below the surface of the earth, as it relates to the interrelationships of geologic materials and processes with water, with particular emphasis given to groundwater quality.

3004. Delegation of Certain Functions.

(a) Whenever it is stated in these rules and regulations 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 for the board has the authority to act thereon.

(c) Any real 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 duties to his or 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 hearings, 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 Section 11500 through 11528 of the Government Code prior to the hearing of such proceeding; 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, in his or her absence from the office of the board, his or her designee.

3005. Fees.

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

(1) Licensure as a Professional Geologist or a Professional Geophysicist	$175
(2) Certification as a specialty geologist or specialty geophysicist	$175
(3) Certification as a geologist-in-training	$75

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

(1) The California specific geologist examination	$175

(2) Examination for licensure as a geophysicist $175

(3) Examination for certification as a specialty geologist or specialty geophysicist $175

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

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

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

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

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

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

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

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

3008. Seal.

(a) The seal authorized by Section 7852 of the Code may be purchased by the licensee from any convenient source. It 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: "Professional Geologist."

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

(3) In the center of seal:

(A) The licensee's name as it appears on the certificate issued by the Board or as abbreviate pursuant to subdivision (e):

(B) Number of license or authority.

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

(b) The certified specialty geologist seal 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 "Certified Engineering Geologist" or "Certified Hydrogeologist," depending on the certification of the license.

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

(3) In the center of seal:

(A) The licensee's name as it appears on the certificate issued by the Board or as abbreviate pursuant to subdivision (e):

(B) Number of certification or authority.

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

(c) The seal authorized by Section 7852.1 may be purchased by the licensee from any convenient source. It shall not be less than one and one-half (1 ½) inches in diameter and shall contain the following information:

(1) Within the top border of seal: "Professional Geophysicist."

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

(3) In the center of seal:

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

(B) Number of license or authority.

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

(d) The seals authorized by Section 7852 and Section 7852.1 shall not be used on a Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code. However the seals authorized by Sections 7852 and 7852.1 shall be used on any geologic or geophysical report

or opinion, dealing with matters within the scope of the professional's license and expertise, if said report or opinion is attached separately as a substituted disclosure pursuant to a Real Estate Transfer Disclosure Statement required by Section 1102.6 of the Civil Code.

(e) 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.

(f) 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.

(g) 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.

(h) (1) All professional geological plans, specifications, reports, or documents (hereinafter referred to as "documents") shall be signed and sealed in accordance with the requirements of the Geologist and Geophysicist Act and any other laws related to the practice of professional geology 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 professional geophysical plans, specifications, reports, or documents (hereinafter referred to as "documents") shall be signed and sealed in accordance with the requirements of the Geologist and Geophysicist Act and any other laws related to the practice of professional geophysics 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.

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

3009. Address Change.

Each person who is an applicant for or a holder of a certificate 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.

3010. 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 7853 of the Geologist and Geophysicist Act shall be issued only to replace one lost, destroyed, or mutilated, upon a written request accompanied by a fee as prescribed in Section 3005 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.

Article 2. Applications

3021. Applications.

Applications for registration as a geologist, certified specialty geologist, or geophysicist shall be:

(a) Filed on a form prescribed by the board, accompanied by the required application fee and examination fee.

(b) Filed with the board at least one hundred (100) days prior to the scheduled examination. All documentation in support of the applications shall be submitted to the board within seventy (70) days prior to the scheduled examination. Applications and supporting documentation not received by the board within the timeframes specified shall not be considered for that examination. An application mailed to the board shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope.

(c) An application which is not submitted in proper form will not be accepted by the board and will be returned by the executive officer with a statement of the reason therefor.

3021.1. Applicant Fingerprint Submittal and Review.

(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 7841, 7841.1, or 7884 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 7840, 7841, 7841.1, 7841.2, 7842, 7842.1, 7843, 7846, 7847, and 7884 of the Business and Professions Code.

(h) As used in this section, “license” includes certification as a geologist-in-training, registration or license as a professional geologist or a professional geophysicist, and registered certifications as a specialty geologist or a specialty geophysicist.

(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."

3022. Professional Geologist Educational and Experience Requirements.

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

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

(2) As described in Section 7841(b)(2) of the Code and Section 7841.2(c)(2) of the Code, the requirement for successfully completing 30 semester hours or 45 quarter hours, in courses that, in the opinion of the Board, are relevant to geology, of which at least 24 semester hours or 36 quarter hours are upper division or graduate level, shall include the minimum coursework and concepts specified in subdivisions (A) and (B) below. Additional geologic coursework necessary to meet the total 30 semester hours or 45 quarter hours requirement specified in Section 7841(b)(2) and Section 7841.2(c)(2) of the Code may be selected at the applicant's discretion but shall be relevant to geology as defined in Section 7802 of the Code. This requirement shall be fulfilled at a college or university which, at the time the applicant was enrolled, was accredited by a national or regional accrediting agency recognized by the United States Office of Education. "Life Experience Course Credit" is not acceptable.

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

(i) "Earth Materials" shall include a minimum of four semester hours or six quarter hours of instruction in the identification, classification, and chemistry of minerals and rocks; their formation; the interpretation of their origins; as well as their uses and importance.

(ii) "Structural Geology" shall include a minimum of three semester hours or four and one-half quarter hours of instruction in the description and analysis of structural features of rocks to reconstruct the motions and processes involved in the buildup and deformation of the Earth's crust from small to large scales. It shall also include the interpretation of brittle and ductile strain, the fundamentals of plate tectonics, and the analysis of local and regional geologic structure.

(iii) “Stratigraphy and Sedimentation” shall include a minimum of three semester hours or four and one-half quarter hours of instruction in the identification and interpretation of sedimentary rocks, sedimentary processes and structures, application of stratigraphic and dating methods, identifying the impact of climate and geologic processes on depositional patterns, and facies analysis.

(iv) “Upper-Division Field Geology” shall include a minimum of five semester hours or seven and one-half quarter hours of field training designed to demonstrate a progression of field investigation skills culminating in a final project or integrative field experience that is based on the knowledge and skills acquired in earlier geological science courses. This shall include instruction in the geological techniques or methods needed to measure, map, evaluate, and communicate geologic data; and the ability to plan and conduct geological investigations based upon existing sources of geologic information. This shall include preparing and interpreting geologic maps, cross-sections, stratigraphic columns, and written reports. The field training may be obtained in one or more separate upper division field courses, but shall not be introductory in nature or be part of laboratory exercises for other geological science courses. Academic instruction in field methods such as geophysical techniques, logging trenches or borings, designing wells, and other common professional geologic tasks may serve as a component of the Upper-Division Field Geology requirement described in this section so long as it is part of an established field techniques course taught within a college or university geology or related geological sciences program.

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

(i) “Geomorphology” shall include instruction in the classification, origin, and analysis of landforms and watershed elements as well as the surface and tectonic processes that relate landforms to the underlying geologic materials. This shall include methods of geomorphic analysis and interpretation of different types of mapped data, including topographic, geologic, and remotely sensed data.

(ii) “Engineering Geology” shall include instruction in that branch of geology as defined in Section 3003(b) of Title 16, California Code of Regulations. This shall include instruction in those skills necessary to demonstrate knowledge and abilities as described in Section 3041(a)(2) of Title 16, California Code of Regulations.

(iii) “Hydrogeology” shall include instruction in that branch of geology as defined in Section 3003(h) of Title 16, California Code of Regulations. This shall include instruction in those skills necessary to demonstrate knowledge and abilities as described in Section 3042(b)(2) of Title 16, California Code of Regulations.

(iv) “California Geology” shall include the instruction necessary to demonstrate knowledge of the seismicity and geology unique to the State of

California, and the state laws, rules and regulations unique to the practice of geology in this state as described in Section 7841(d) of the Code.

(v) "Paleontology" shall include instruction necessary to recognize common fossils and fossil types, the geologic settings that would indicate the potential for paleontological resources, and the evolutionary history of fossil groups of traditional importance to geologists. Other topics may include basic modes of preservation, skeletal anatomy, systematics and taxonomy, biostratigraphy, paleoecology, and paleobiogeography.

(vi) "Resources Geology" shall include the instruction needed to identify the origin, occurrence, and distribution of non-renewable resources, including metallic, nonmetallic, and energy-producing materials; problems related to resource extraction; estimations and limitations of reserves; and reclaiming sites after extraction of resources.

(vii) "Environmental Geology" shall include an introduction to concepts involved in environmental site assessment and remediation, environmental geochemistry, and the mitigation of potentially negative effects of human activities such as exploration for mineral and energy resources, or solid and hazardous waste disposal on geologic systems, as well as the protection of water resources, land and watershed restoration.

(viii) "Geophysics" shall include instruction in that branch of geology defined in Section 7802.1 of the Code and Section 3003(e) of Title 16, California Code of Regulations.

(ix) "Technology Applications in Geology" encompasses a wide range of technology related instruction that includes an emphasis on applications to geologic investigations. These subjects may include, but are not limited to, instruction in the use of Geographic Information Systems (GIS), computer modeling of groundwater flow or other geologic processes, signal processing or numerical methods of data analysis. Instruction without a specific and demonstrable geologic application will not qualify. A maximum of three semester hours or four and one-half quarter hours would be accepted in this subject area.

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

(3) Independent study, research projects, theses, or dissertations may be used to satisfy the upper-division coursework requirements defined in subdivisions (A) or (B) if it can be documented as meeting the requirements of one or more of the courses specified in subdivisions (A) or (B) above. Courses that combine subjects or skill sets that can be

documented as meeting the requirements described in subdivisions (A) or (B) above may be accepted.

(4) Workshops, professional development seminars, conferences, non-credit certificate programs, student internships, or reading courses may not be used to satisfy the requirements described in Section 3022(a)(2) of Title 16, California Code of Regulations. For the purposes of this section, a reading course is defined as a course not normally offered as part of the curriculum that is conducted as a tutorial or remedial course.

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

(b) Professional geological experience for licensure as a geologist is that experience that has been gained while performing professional geologic tasks under the responsible charge of a person who in the opinion of the Board has the training and experience to have responsible charge of geological work.

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

(A) holds licensure as a Professional Geologist;

(B) holds licensure as a Professional Geophysicist;

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

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

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

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

(A) A maximum of two years professional geological experience credit for graduation with a baccalaureate degree in geology or a related geological science, from a program accredited by the Applied and Natural Science Accreditation Commission of ABET, Inc. as described in Section 3022(a)(1) of Title 16, California Code of Regulations, or for the completion of the 30 semester hours or 45 quarter hours of geological sciences courses as described in Section 3022(a)(2) of Title 16, California Code of Regulations.

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

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

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

3022.1 Professional Geophysicist Educational and Experience Requirements.

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

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

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

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

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

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

(B) One year of work credit for one year of graduate study or research in the geophysical sciences. A year of graduate study or research is defined as a 12 calendar month period during which the candidate is enrolled in a full-time program of graduate study or research. Full-time graduate study is defined as two semesters per

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

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

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

3022.2 Reference Requirements: Professional Geologist and Professional Geophysicist.

(a) To assist the Board in evaluating an applicant's qualifications, each applicant for licensure as a professional geologist or as a professional geophysicist shall submit documentation from a minimum of three references who, in the opinion of the Board, have the training and experience to have responsible charge of geological work as defined in Section 3022(b)(1) of Title 16, California Code of Regulations or geophysical work as defined in Section 3022.1(b) of Title 16, California Code of Regulations, respectively.

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

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

(3) The documentation shall include the following information:

(A) The reference shall state that they have personal knowledge of the applicant's qualifying experience in a responsible position as defined in Section 3003(c) of Title 16, California Code of Regulations and shall clearly indicate the nature of their relationship with the applicant;

(B) The reference shall clearly indicate the number of months they can qualify the applicant as having completed professional geological work as defined in Section 3003(d) of Title 16, California Code of Regulations or professional geophysical work as defined in Section 3003(e) of Title 16, California Code of Regulations;

(C) The reference shall document how they computed the number of months of qualifying work experience using the definition of full time work provided in Sections 3022(b)(2) of Title 16, California Code of Regulations and 3022.1(b)(1) of Title 16, California Code of Regulations;

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

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

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

(G) The reference shall include the following statement:

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

(4) Nothing contained in this section shall limit the authority of the Board to require that an applicant submit additional references, employment verifications, or any other information pertinent to the applicant's education and/or experience to verify that the applicant meets the minimum qualifications for a professional geologist license as defined in Section 7841 of the Code, or the minimum qualifications for a professional geophysicist license as defined in Section 7841.1 of the Code.

3023. Date of Education and Experience.

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

3024. Abandoned Applications.

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

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

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

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

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

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

3024.5. Postponements.

(a) The executive officer may grant a postponement, not to exceed two such postponements for each application, to any applicant who for reasonable cause is prevented from appearing for examination at the day or time fixed, provided the applicant's request for postponement and the written request and reason therefor is filed with the principal office of the board specified in Section 3000 at any time prior to the examination or within the ten (10) day period immediately following the date of such examination.

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

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

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

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

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

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

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

3028. Review of Applications.

(a) Within one hundred twenty (120) days after receipt of an application, the board shall inform the candidate in writing whether the application is complete and accepted for filing or that it is deficient and what specific information or documentation is required to complete the application.

(b) The board shall render a decision concerning a candidate's written examination results within three hundred thirty (330) days after the filing of a completed application for written examination. This processing time applies to those candidates who submit their completed written examination application on the examination filing deadline.

(c) The following time frame shall apply to applications for registration under section 7847, when no examination is required.

(1) Within ninety (90) days of receipt of an application the board shall inform the applicant in writing that the application, is either complete or that it is deficient and what specific information or document is required to complete the application.

(2) Within two hundred seventy (270) calendar days after the date of filing an application, the board shall make a decision on the application for registration.

3029. Processing Times.

(a) The minimum, median and maximum process time for an application from the time of receipt of the completed application until the board makes a decision thereon concerning an applicant's eligibility to take an examination is set forth below.

Minimum - 41 days

Median - 113 days

Maximum - 239 days

(b) The minimum, median and maximum processing times for written examination results from the time of receipt of a completed application until the board makes a decision thereon is set forth below:

Minimum - 175 days

Median - 202 days

Maximum - 236 days

These processing times apply to those candidates who submit a completed written examination application on the examination filing deadline.

(c) The minimum, median and maximum process time for an application filed under section 7847 from the time of receipt of an application until the applicant is informed in writing that the application is complete or that it is deficient and what specific information or documents are required to complete the application is set forth below.

Minimum - 30 days

Median - 60 days

Maximum - 90 days

(d) The minimum, median and maximum process time for an application filed under section 7847 from the time of receipt of the completed application until the board makes a decision thereon concerning an applicant's eligibility to be registered under that section is set forth below.

Minimum - 30 days

Median - 150 days

Maximum - 270 days

Article 3. Examinations

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

(a) Pursuant to Section 7841.2 of the Code, each applicant for certification as a geologist-in-training shall successfully pass the Fundamentals of Geology examination created and conducted by the National Association of State Boards of Geology, also known as ASBOG, by meeting the requirements set by ASBOG for taking, and receiving a passing score for, that examination. After June 29, 2023, applicants shall directly contact ASBOG, or its designated vendor, if applicable, to obtain a date, time, and place (testing facility) to take the Fundamentals of Geology examination. Applicants shall pay all ASBOG's required examination fees for examination materials and services directly to ASBOG, or its designated vendor, if applicable, and shall comply with all ASBOG examination and test center policies, procedures, and rules.

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

(1) Each applicant shall meet the requirements set by ASBOG for taking, and receiving a passing score for, Fundamentals of Geology and Practice of Geology examinations. After June 29, 2023, applicants shall directly contact ASBOG, or its designated vendor, if applicable, to obtain a date, time, and place (testing facility) to take the Fundamentals of Geology and the Practice of Geology examinations. Applicants shall pay all ASBOG's required examination fees for examination materials and services directly to ASBOG, or

its designated vendor, if applicable, and shall comply with all ASBOG examination and test center policies, procedures, and rules.

(2) Applicants shall receive credit for obtaining a passing score on the Fundamentals of Geology examination, the Practice of Geology examination, and the supplemental California specific examination as separate examinations and shall be required to retake and pass only those examinations previously failed.

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

3032. Regular Written Examination.

(a) The regular written examination for registration as a geologist, geophysicists, or for certification in a specialty shall be held not less than once nor more than twice each calendar year.

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

(c) Whenever circumstances warrant, the board may postpone, advance, or otherwise change the examination schedule previously published.

3035. 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) of this section.

(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.

Article 4. Specialties

3041. Specialty in Engineering Geology.

Only a professional geologist is eligible for certification in a specialty. Application may be submitted for both registration as a geologist and for certification in a specialty at the same time, but the applicant must be approved for registration as a geologist before being considered for certification in a specialty. The certification in a specialty is, in every case, dependent upon the approval of registration as a geologist.

(a) The specialty of "Engineering Geology" is hereby created as a division of the certification of registration as a geologist.

In addition to the provisions of Section 7842 of the Code, an applicant for certification in the specialty of "Engineering Geology" shall:

(1) Be registered as a geologist in the State of California.

(2) Have a knowledge of:

(A) Geology of the State of California.

(B) Geologic factors relating to Civil Engineering problems typically encountered in the State.

(C) Elementary soil and rock mechanics.

(D) Principles of grading codes and other pertinent regulations. (Appendix Chapter 33, 1997 Uniform Building Code).

Experience in engineering geology used to qualify for registration as a geologist may also be used to qualify for certification as an engineering geologist.

In addition to the above, an applicant shall submit three references from qualified engineering geologists, and may be required, in the board's discretion, to submit one or more engineering geology reports prepared mainly or wholly by the applicant.

3042. Specialty in Hydrogeology.

(a) A specialty in "Hydrogeology" is hereby created as a division of the certification of registration as a geologist. The creation of the certification in hydrogeology is established to protect the health, safety and welfare of the people of the State of California.

(b) In addition to the provisions of section 7842 of the Code, an applicant for certification in the specialty of "hydrogeology" shall comply with the following:

(1) Be registered as a geologist in the State of California.

(2) Have a knowledge of and experience in:

(A) Geology of the State of California.

(B) Geologic factors relating to the water resources of this State.

(C) Principles of groundwater hydraulics/hydrology and groundwater quality including the vadose zone.

(D) Applicable federal, state and local rules and regulations.

(E) Principles of water well, monitoring well, disposal well, and injection well construction.

(F) Elementary soil and rock mechanics in relation to groundwater, including the description of rock and soil samples from wells.

(G) Interpretation of borehole logs as they relate to porosity, hydraulic conductivity or fluid character.

(c) Experience in hydrogeology used to qualify for registration as a geologist may also be used to qualify for certification as a hydrogeologist.

(d) An applicant for certification as a hydrogeologist shall submit, with the applicant's application, three (3) references from either certified hydrogeologists or professional geologists who have a minimum of five years' experience in responsible charge of hydrogeological work. An applicant may also be required to submit one or more hydrogeology reports which were prepared by the applicant or the applicant was closely associated with during its preparation.

(e) A civil engineer registered to practice engineering in this state, under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, insofar as he or she practices civil engineering is exempt from the provisions for certification as a hydrogeologist.

Article 5. Denial, Suspension and Revocation of Registration

3060. Substantial Relationship Criteria.

(a) For the purpose of denial, suspension, or revocation of the certification of a geologist-in-training or license of a geologist, specialty geologist, geophysicist, or specialty geophysicist pursuant to Section 141, Division 1.5 (commencing with Section 475), subdivision (b)(1) of Section 7860, subdivision (a) of Section 7860.1, or Section 7863 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 geologist, specialty geologist, geophysicist, or specialty geophysicist if to a substantial degree it evidences present or potential unfitness of such geologist or geophysicist 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 geologist or geophysicist.

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

(1) Any violation of the provisions of Chapter 12.5 of Division 3 of the Business and Professions Code or other state or federal laws governing the practice of geology or geophysics or aiding and abetting any person in such a violation;

(2) A conviction of a crime arising from or in connection with the practice of geology or geophysics.

3061. Criteria for Rehabilitation.

(a) When considering the denial of an application for certification as a geologist-in-training or licensure as a professional geologist, a specialty geologist, a professional geophysicist, or a specialty geophysicist under Section 480 or Section 7863 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 a geologist-in-training or licensure as a professional geologist, specialty geologist, professional geophysicist, or specialty geophysicist under Section 480 or Section 7863 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 also could 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 a geologist-in-training or the license of a professional geologist, a specialty geologist, a professional geophysicist, or a specialty geophysicist under Section 490, subdivision (b)(1) of Section 7860, subdivision (a) of Section 7860.1, or Section 7863 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 a geologist-in-training or the license of a professional geologist, a specialty geologist, a professional geophysicist, or a specialty geophysicist under Section 490, subdivision (b)(1) of Section 7860, subdivision (a) of Section 7860.1, or Section 7863 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.

(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 of reinstatement of the certification as a geologist-in-training, specialty geologist, or specialty geophysicist or the license of a professional geologist or professional geophysicist, 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 geological or geophysical 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 a geologist-in-training or licensure as a professional geologist, a specialty geologist, a professional geophysicist, or a specialty geophysicist.

3062. 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 geologist or a professional geophysicist.

(b)

Each citation

(1) shall be in writing;

(2) shall describe with particularity the nature of 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 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.

3062.1. 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.

3062.2. Appeal of Citations.

(a) Any person served with a citation pursuant to Section 3062 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 person cited 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 3062. 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) 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.

3062.3. 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 geologist, a professional geophysicist, or a certified specialist to abate the violation or pay the fine within the time allowed is a ground for denial of licensure.

(c) Notwithstanding any other provisions 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 or certification.

(d) If the cited person fails to pay 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 3062.2(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.

3062.4. Disconnection of Telephone Service.

(a) If, upon investigation, the Executive Officer has probable cause to believe that an unlicensed individual acting in the capacity of a professional geologist, a professional geophysicist, or a certified specialist, who is not otherwise exempted from the provisions of the Geologist and Geophysicist Act, has violated Section 7872 of the Code by advertising with respect to the offering or performance of services, without being properly licensed or certified, the Executive Officer may issue a citation under Section 3062 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 the 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.

3063. Citations of Licensed Persons.

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

(b) Each citation

(1) shall be in writing;

(2) shall describe with particularity the nature of 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, my 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 paying 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.

3063.1. 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.

3063.2. Appeal of Citations.

(a) Any person served with a citation pursuant to Section 3063 may submit 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 person cited 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 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 3063. 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.

3063.3. 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 3063.2(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.

3063.4. Disconnection of Telephone Service.

(a) If, upon investigation, the Executive Officer has probable cause to believe that a professional geologist, a professional geophysicist, or a certified specialist, who is not otherwise exempted from the provisions of the Geologist and Geophysicist Act, has violated Section 7872 of the Code by advertising with respect to the offering or performance of services, without being properly licensed or certified, the Executive Officer may issue a citation under Section 3063 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 the 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.

3064. Disciplinary Orders.

For violations of Business and Professions Code section 7860 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 geologist and/or a professional geophysicist 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 geology and geophysics.

(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) 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.

(3) 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 geology and/or professional geophysics 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 geology and/or professional geophysics in which the violation occurred and shall report to the Board the name and address of each person or entity so notified.

(4) 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 geology and/or professional geophysics:

(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 for the Professional Geologist or Professional Geophysicist examination, provided that in the event the respondent holds multiple licenses, the Board shall select the examination in the area of practice of professional geology and/or professional geophysics in which the violation occurred and in the area of professional geology and/or professional geophysics 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 and examination fees as described in Section 3005. 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 geology and/or professional geophysics only under the review of a professional geologist and/or professional geophysicist 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 geologist and/or professional geophysicist shall initial every stamped or sealed document in close proximity to the respondent's stamp or seal.

(2) Negligence in the practice of professional geology and/or professional geophysics:

(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 geology and/or professional geophysics:

(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.

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.

3065. Professional Standards and Code of Professional Conduct - Professional Geology and Professional Geophysics.

To protect and safeguard the health, safety, welfare, property of the public, and California's environmental quality, every person who is licensed by the Board as a professional geologist or professional geophysicist, including licensees employed in any manner by a governmental entity or in private practice, shall comply with the professional standards in this section. A violation of any of the following professional standards shall constitute unprofessional conduct and shall be sufficient grounds for disciplinary action.

(a) Compliance with Applicable Law:

A licensee shall provide all geological and geophysical services in a manner consistent with applicable laws, codes, ordinances, rules, and regulations. A licensee may obtain and rely upon the knowledge and advice of other professionals (e.g., architects, attorneys, professional engineers, other professional geologists and geophysicists, land surveyors, and other qualified persons) concerning the intent and meaning of such laws, codes, and regulations.

(b) Competence:

(1) Licensed geologists or licensed geophysicists (together with those whom the licensee may engage as consultants) shall perform, or offer to perform, only those professional services for which they are qualified by education, training, experience, and licensure as required by law, in the specific technical and scientific areas involved.

(2) When practicing geology or geophysics, a licensee shall act with competence and reasonable care, and shall apply the technical knowledge and skill which is ordinarily practiced by licensees in good standing, practicing in this state under similar circumstances and conditions.

(c) Representations:

(1) A licensee shall not misrepresent, or permit the misrepresentation, of his or her professional qualifications, affiliations, or purposes, or those of the institutions, organizations, or other businesses with which they are associated.

(2) A licensee may advertise or solicit those professional services for which he or she is authorized by licensure, provided such services are within his or her field of competence.

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

(4) A licensee shall not misrepresent to a prospective or existing client the licensee's scope of responsibility in connection with those professional services for which the licensee is receiving or will receive compensation, whether directly or indirectly. Specifically, a licensee who represents that a project was completed under his or her responsible charge (i.e., stamped and/or signed) must also have maintained responsible charge of the work.

(5) A licensee shall only express professional opinions which have a basis in fact, are within the scope of the licensee's own experience or knowledge, and are generally accepted geologic or geophysical principles.

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

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

(8) A licensee shall not falsely or maliciously attempt to injure, impugn, or injure the professional reputation or business of others.

(9) A licensee shall not misrepresent data or its relative significance in any geologic or geophysical work product or oral conveyance of his or her professional opinion.

(10) A licensee shall not misrepresent or conceal the scope of his or her professional responsibility in connection with those professional services for which the licensee is claiming any responsibility or credit, or for which the licensee is receiving any compensation.

(11) When providing information to the Board pursuant to another's application for licensure to practice professional geology or geophysics, a licensee shall accurately represent his or her knowledge of the applicant's qualifications and qualifying experience.

(d) Conflict of Interest:

(1) A licensee shall not concurrently engage in any other business, occupation, or have a financial interest in any entity that may impair his or her independent judgment

and/or objectivity, or which may create a conflict of interest in rendering his or her professional services.

(2) A licensee shall not accept compensation for his or her professional services from more than one party on any project, endeavor, or proceeding unless the circumstances are fully disclosed and agreed to in writing by all concerned parties.

(3) If a licensee has any business association or financial interest which is substantial enough to 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 financial interest. If the client(s) or employer(s) object(s) to such association or financial interest, the licensee shall either terminate such association or interest or offer to give up the project or employment.

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

(5) 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 geological or geophysical 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.

(e) Confidential Information:

As used in this section, "confidential information" includes all information specifically identified as confidential by the licensee's client, employer, representative, or other related entity. Confidential information obtained by a licensee in his or her professional capacity shall not be disclosed by the licensee without prior permission, except under the following specific conditions:

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

(2) Disclosures made in response to an official inquiry from a governmental regulatory agency;

(3) Disclosures made by a licensee to another licensee to the extent necessary for purposes of professional consultation;

(4) Disclosures made when required by law, code, or regulation;

(5) Disclosures made upon discovery of a hazard within the licensee's field of professional expertise, which, in the licensee's professional opinion, is a threat to the health, safety, and welfare of the public;

(6) Disclosures made when providing evidence to the Board concerning another licensee or unlicensed individual, who may have violated any part of the Geologist and Geophysicist Act or this Section;

(7) Disclosures made regarding alleged illegal conduct; or

(8) Disclosures made in an adjudicatory proceeding or pursuant to an order of the court.

(f) Document Submittal:

(1) A licensee shall not misrepresent the completeness of any professional geologic or geophysical document submitted to any governmental or regulatory agency.

(2) A licensee shall not misrepresent the completeness of any professional geologic or geophysical document prepared for his or her client, employer, or other involved party.

3066. License Notification.

(a) Every licensee shall provide notice to his or her clients that he or she is licensed by the Board. Notice shall be provided by any of the following methods:

(1) Displaying his or her license certificate in a public area of the premises where the licensee provides the licensed service.

(2) Posting a notice in a public area of the premises where the licensee provides the licensed services, in at least 48-point type, that states that the named licensee is licensed by the Board.

(3) Providing a statement to each client, to be signed and dated by the client and retained in the licensee's records, that states that the client understands that the licensee is licensed by the Board.

(b) The party or parties in responsible charge of geologic and/or geophysical projects shall:

(1) Include a statement that he or she is licensed by the Board on contracts for service, bid documents, and/or responses to requests for proposals or qualifications, where the notice is placed immediately above the signature line for the client in at least 12-point type.

(2) Print his or her license number on the firm's correspondence.

(3) Print his or her license number on the firm's business cards bearing his or her name.

(c) A licensed principal or partner in a geologic or geophysical firm shall:

(1) Print his or her license number on all advertising including telephone directory and website.

3067. Public Information System - Disclosure.

(a) The Board has established and maintains a public information system to provide members of the public with information regarding complaints and disciplinary or enforcement actions against professional geologists, geophysicists and unlicensed persons subject to the Board's jurisdiction. Such a system also provides the public with information regarding the license status of the Board's licensees and registrants.

Information subject to the public information system shall be disclosed to members of the public, upon request, by telephone, in person, or in writing (including fax or e-mail). Such information, when feasible and to the extent required or permitted by law, shall be made available by the Board in writing or by telephone. Requests for information shall be responded to within 10 days.

(b) The Board shall disclose the following information regarding past and current licensees:

(1) The name of the licensee, as it appears in the Board's records;

(2) The license number;

(3) The address of record;

(4) The license issue date;

(5) The license expiration date; and

(6) The license status and history.

(c) Unless otherwise required by law, the Board shall disclose the following information regarding disciplinary or enforcement action taken against licensees and unlicensed persons, if applicable:

(1) Total number of disciplinary and enforcement actions taken by the Board;

(2) Brief summary of disciplinary and enforcement actions taken by the Board; citations that have been satisfactorily resolved shall be disclosed as such;

(3) Current status of pending Accusations, Statements of Issues, and Citations filed by the Board. Disclosure of pending actions shall contain a disclaimer stating that any pending administrative action against the person is alleged and no final legal determination has yet been made. Further disclaimers or cautionary statements regarding such pending actions may also be made; and

(4) Information which is statutorily mandated to be disclosed.

(d) The Board shall disclose complaint information when the Executive Officer has determined that:

(1) The complaint information has a direct and immediate relationship to the health and safety of another person; and

(2) One or more of the following have occurred:

(A) A complaint involves a dangerous act or condition caused by the subject of the complaint that has or could result in a death, bodily injury, or severe consequences, and disclosure may protect the consumer or prevent additional harm to the public;

(B) A series of complaints against a party alleging a pattern of unlawful activity have been received by the Board and it has been determined that disclosure may protect the consumer or prevent additional harm to the public;

(C) A complaint has been referred to the Attorney General for filing of an Accusation or Statement of Issues; or

(D) A complaint has been referred to other law enforcement entity for prosecution.

(e) Complaint information that is determined to meet the conditions for disclosure listed in subsection (d) shall be incorporated into the public information system no later than 10 days after the conditions for disclosure have been met.

(f) Information about a complaint shall not be disclosed if it is determined by the Executive Officer that any of the following apply:

(1) Disclosure is prohibited by statute or regulation;

(2) Disclosure might compromise an investigation or prosecution; or

(3) Disclosure might endanger or injure the complainant or third party.

(g) When conditions for disclosure have been met, the Board shall disclose the following information regarding complaints received against licensees and unlicensed persons, if applicable:

(1) Total number of complaints meeting conditions of disclosure;
(2) Date of receipt and nature of any complaint;
(3) Disposition of each complaint by indicating whether the matter has been:
(A) Referred to formal disciplinary action;
(B) Disposed of through any other action, formal or informal; or
(C) Other disposition.
(4) Information which is statutorily mandated to be disclosed;
(5) Current status of criminal prosecution resulting from a complaint received by the Board;
(6) A description of the type of public information not included in the system (i.e., civil judgments, criminal convictions, unsubstantiated complaints); and
(7) Disclaimers indicating that the system does not constitute endorsement or non-endorsement of a person, and that the system may not contain all available information.