

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

2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
(916) 263-2222

March 8-9, 2012

Board Members Present: Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Philip Quartararo; Hong Beom Rhee; Ray Satorre; Patrick Tami; Michael Trujillo; and Erik Zinn.

Board Members Absent:

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Linda Brown (Administrative Manager); Susan Christ (Staff Civil Engineer); Patty Smith (Analyst, Geology Program); Larry Kereszt (Enforcement Analyst); Tiffany Criswell (Enforcement Analyst); Joyce Hirano (Staff Civil Engineer); and Gary Duke (Legal Counsel).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Jerry Silva at 9:00 a.m. Roll call was taken, and a quorum was established.

2. Public Comment

Jonathan Tarkowski representing the Center for Public Interest Law, University of San Diego, School of Law. Mr. Tarkowski is aware the Board has been dealing with concerns over Title Acts and currently the subject of Senate Bill 1061 authored by Senator Walters. As noted in the bill analysis, there are over 7,000 licensees under nine different Title Acts and three different Practice Acts. They are unaware of overlapping licensees and recommends that the data be compiled if it is not currently collected.

11. Approval of Delinquent Reinstatements

Mr. Tami and Mr. Wilburn motioned to approve all reinstatements. Mr. Modugno stated he is not aware of a clear policy on what the requirements are to reinstate and would like to hear from licensees as to why they failed to renew.

Mr. Moore indicated that both Mike Donelson and Susan Christ review these individual's files prior to recommending them to be reinstated.

Mr. Donelson indicated that on average he processes about 3-5 reinstatements per board meeting. The average delinquent reinstatement is about 5-10 years and some as old as 20, and added that there is a wide range of rationales as to why they may not renew. He added that Mr. Wood, one of the reinstatement

candidates, will be in attendance the following day to present his request and explain why his license lapsed. As for the policy questions, Mr. Donelson stated that the law discusses the reinstatement but does not provide specific guidelines about the criteria for review and reinstatement or the minimum requirements to retake the examination.

Mr. Duke concurred with Mr. Donelson in that the Board only has the statute that provides the definition and suggested that this discussion be scheduled for the next Board meeting and staff can come up with more detail on why licensees allow their licenses to lapse.

With Mr. Wood addressing the Board on March 9, the motion to approve all reinstatements was withdrawn and a new motion was made.

Motion: Mr. Modugno and Mr. Tami moved to approve all reinstatements except for Mr. Wood's as he will be in the next day.

Vote: 10-1, Motion Carried

18. Approval of Consent Items

A. Approval of the Minutes of the November 18, 2011, Board Meeting

Motion: Mr. Modugno and Mr. Satorre moved to approve minutes

Vote: 10-1, Motion Carried

12. Information Technology Updates

A. BreEZe Implementation Status

Mr. Donelson attended a BreEZe meeting featuring some highlights with the new system. He indicated that the Board will be able to link a company or organization to a licensee, which is not possible with our current system. Another feature is that it is capable to link one individual with multiple licenses. Mr. Donelson reminded the Board that the timeframe for implementation will take place approximately in the years 2013-14. The BreEZe team should be getting feedback from the test boards within the next six to nine months. Mr. Duke added that the primary objective of the BreEZe system is to bring our information technology systems into the twenty first century. Mr. Moore also added that BreEZe will integrate at least three separate systems that currently do not link together.

B. Credit Card Renewal Update

The Board unveiled its credit card renewal system March 1st. The Board has processed at least 30 transactions already. Mr. Donelson provided a handout presentation with screen shots of the online renewal system functions. Currently, on-line renewals are only available for civil, mechanical, electrical, and land surveyor licensees. These licenses were selected because of the high volume of licensees currently in those disciplines. Other license types will be added at a later date. If you are a structural licensee, you will have to renew your license through the traditional method but the civil license you can renew using the on-line

credit card renewal process. A \$1.00 convenience fee is applied for all on-line transactions. Mr. Duke stated that the legal office will be reexamining the convenience fee.

Mr. Donelson stated that currently, licensees still need to update their address changes separately from their renewals but eventually, the licensee will be able to process both requests through BreEZe.

Mr. Moore added that each user will become a registered user and create a profile. This profile will automatically populate as other services are added.

Mr. Tami expressed his gratitude to everyone who was involved in launching the online renewal system.

3. Hearing on the Petition for Reinstatement of Revoked License of George Dickey – This hearing was held on Thursday, March 8, 2012,

4. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126(e)(1), and 11126(e)(2)(B)(i)]

A. Rodolfo Dimalanta v. Board for Professional Engineers and Land Surveyors, Court of Appeal, First Appellate District, Case. No. A131485 [Superior Court of Alameda County Case No. RG10513640]

B. Michael James O'Malley v. Board for Professional Engineers and Land Surveyors, Superior Court of Riverside County Case No. RIC 1116681

5. Open Session to Announce the Results of Closed Session

Ms. Eissler indicated that in Closed Session the Board discussed pending litigation as noticed on the agenda, took action on eleven stipulations, two default decisions, and one proposed decision and also directed the Judge as to what decision to prepare on the petition for reinstatement that was heard earlier.

Mr. Duke also added that the Board discussed personnel issues.

6. Executive Officer's Report

B. Administration Committee

Mr. Moore proposed to organize an administration committee. Mr. Tami concurred by indicating that this would be a Technical Advisory Committee to work on administrative issues to assist the Executive Officer. Mr. Moore indicated that he could use some assistance with public relations and outreach. The Board is transitioning how business is conducted and operates over the next few years. He believes it would be beneficial to have people with historical knowledge and that understand some of the aspects the Board deals with. These meetings would occur two to three times a year via teleconference.

Mr. Moore recommended Jim Foley and Gregg Brandow to assist with this

committee.

Motion: Mr. Tami and Mr. Quartararo moved to form a committee and to recommend members and tasks.

Vote: 10-1, Motion Carried

A. Legislation

1. Discussion of Legislation for 2011-2012

a. Pending Legislation

AB 1588 Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California National Guard if certain requirements are met.

RECOMMENDED POSITION: Support

Motion: Mr. Tami and Mr. Quartararo moved to support

Vote: 10-1, Motion Carried

SB 692 Walters. Professional Engineers. This bill would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. Failed passage in Committee – reconsideration granted. Was not scheduled - bill failed passage.

BOARD POSITION: Watch

SB 975 Wright. Professions and vocations: regulatory authority. This bill would provide that all boards, bureaus and commissions of Consumer Affairs have sole authority to license and regulate the practice of the professions they regulate. No licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board, bureau, or commission.

Bob DeWitt representing ACEC indicated that this bill is a follow up on a bill that was vetoed last year, AB 1210. That bill addressed the problem of the Water Resources Board requiring additional certification from civil engineers who are entitled to practice civil engineering in preparation of pollution control plants. That bill, if passed, would have exempted engineers to practice in an area they are already licensed to practice. The bill passed through the legislature and went to the Governor and was vetoed. In the veto, the Governor thought the focus was too narrow and wanted a more comprehensive review of this concept. This bill, if passed, would make the Board the sole authority for defining what licensees do and not allow other agencies to impose other certifications or conditions

on what is already regulated. The Architect's Board supports this bill and believes it warrants a support position.

Ms. Arnold stated that her reason to recommend a watch position is that it will affect every board and bureau of the Department and is not clear on the ramifications. It would affect the education code, building code, and the field act. Mr. DeWitt's intent is not to overturn the Field Act or Education Code and indicated that this legislation has just been introduced and there is plenty of time to research and address concerns.

RECOMMENDED POSITION: Watch

Motion: Mr. Josephson and Mr. Wilburn recommend a watch position.

Vote: 9-1-0, Motion Carried, Mr. Tami opposed

SB 1061

Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed.

RECOMMENDED POSITION: Oppose

Motion: Mr. Josephson and Mr. Zinn moved to oppose

Vote: 9-1-0, Motion Carried, Mr. Tami opposed

b. Temporary Authorization Repeal (Business and Professions Code Section 6760)

Ms. Christ indicated that between 1995-2011 the board authorized forty civil licensees to have temporary authorizations. Of those forty, twenty-one have secured their civil engineering license in California. A survey was completed with all fifty states, 62% do not allow temporary authorization and 38% do. She recommends that the Board delete the statutory language that allows for temporary authorization. Pat Tami suggests the removal of the language.

Motion: Mr. Tami and Mr. Satorre moved to pursue legislation to repeal language.

Vote: 10-0, motion carried

c. Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website.

Ms. Arnold previously voted to try to amend to not provide address of record on internet. It is likely DCA will oppose and will be difficult to find author.

Mr. Duke concurred with Ms. Arnold and stated that the

Board would meet significant opposition from the department. He also added that there would be a lack of transparency in government and part of that transparency is letting the consumers know who our licensees are. The concerns that were raised were based upon privacy due to safety reasons. Under existing law the licensee has the choice to choose their address of record and that it does not have to be address of residence. It may be a post office box or business address.

C. Strategic Plan 2011-2012 Goals Status Report

Mr. Moore presented the BPELSG Action Plan for fiscal year 2011-2012. It denoted whether a goal had been completed, in progress, or is still remaining. Many goals have been completed.

D. Personnel

Mr. Moore introduced new board staff, Erin LaPerle, analyst with the Geology Program, Ray Mathe, managing the Examination Unit, Brooke Phayer, outreach coordinator and legislation assistant, and Amy Pacheco and Kate Tibbitts, licensing evaluators.

7. Enforcement

Ms. Eissler indicated that the Board's citation program is back on track. In this fiscal year, from July 2011 through February 2012, 121 citations have been issued. The informal conferences continue to progress and when formal appeal hearings are requested, those are moved forward to the Attorney General's office for a formal appeal. 85 have already become final this year, indicating they have gone through the appeal process. In addition, when a citation becomes final and is issued to a licensee, if the licensee fails to comply with the citation, the Board has the authority to attach it to their renewal fee preventing the licensee to renew until the fine is paid. The Board can also refer the matter for formal disciplinary action against their license for failing to comply with the citation order. When it comes to an unlicensed person, the Board does not have much authority to enforce compliance with the citations. There is a program through the Franchise Tax Board where any state tax refunds and lottery winnings can be attached. The Board has sent twenty of the Board's unlicensed citations for processing.

8. Examinations /Licensing

C. Future Changes to the Registration Process for Fundamentals of Engineering (FE) and Fundamentals of Surveying (FS) Examinees

Mr. Moore made a visual presentation to the Board. He provided background and the process of the Fundamentals of Engineering and the Fundamentals of Surveying examinations. Currently, the applicants register with NCEES online and as a result of that registration, they submit

their application to the Board, the Board processes their payment and reviews the application. He pointed out that the application is one page, in which the applicant self certifies.

He also provided more detailed analysis of the current process for applicants. The Board averages about 8,800 Fundamentals of Engineering and Fundamentals of Surveying examinees annually. He indicated that despite the number of registrants with NCEES, there are many that never submit their application to the Board. This number represents those who go through the registration process and submit an application to the board. Currently, the fee is \$100.00 totaling \$880,000. Staff cost to review the application is \$50 per applicant as a result, operating cost are \$440,000. He specified that 8,800 apply but only about 6,700 appear to sit for the exam. NCEES fees are \$125.00 per Fundamentals of Engineering (FE) examination and \$170.00 per Fundamentals of Surveying (FS) examination for applicants to sit. The Board is negatively impacted by approximately \$580,000.00. Typically, about 3,300 EIT's and LSIT's candidates are certified per year.

With the pending fee structure, the Board will only collect a \$50.00 application fee and anticipates having 8,800 FE/FS applicants. Thus, the Board will receive half the revenue, \$440,000. This new fee structure has been approved by the board and is going through the regulation process. The applicant will pay NCEES directly for books, administration, and scoring. The Board will no longer pay NCEES. This will allow the Board to do away with the \$580,000 loss annually.

Currently, the Board pays \$70.00 for the FE administration, \$10 for the book, \$45 for grading for a total of \$125.00. For the FS the Board pays more for grading. Voted on the NCEES meeting last August that Starting January 2014, when NCEES moves to computer based testing (CBT) for FE/FS examinations, there will be a flat fee of \$250 for each exam.

The impact on board staff is that the board will see many more opportunities to receive applications during the year instead of twice a year. The board is expecting to see the number of applications to decrease because of the cost factor but also expect some increase because the opportunity to sit will occur more often.

NCEES is proposing that for every time the board reviews an application that the applicant is allowed to sit 3 times. For example, if a candidate fails the examination, the requirement will be that the candidate can only sit one time during an open window; they can sit up to three times during that year from the time they were approved by the Board to sit. If the candidate fails all three times, then they must apply back to the Board. With the new fee structure the Board will not receive the \$50.00 fee for the second and third time. There is a revenue impact. Currently, the Board receives the fee each time the candidate fails. The assumption and impact to the Board as a result of this change is that the Board's workload will increase, the Board cannot support the increase because of the multiple attempts individuals can take the examination in one year. The more opportunities

candidates can take the exam, the more examinees the Board foresees taking the exam.

Mr. Moore shared one idea discussed amongst the member board's task force for NCEES, was to allow candidates to register with NCEES pay the fee and allow the candidate to sit for as many times as it takes for the candidate to pass and once the candidate passes, at that point, they would apply with our board, processing only the candidates that met all of the criteria. Our Board would continue to have licensing authority. Our staff would spend our resources on applicants that are passing the examinations.

Mr. Alameida indicated based on the fee that the Board is proposing, it will cover operating expenses. If the numbers of applications increase then the revenue will increase as well. The revenue will still support operating expenses. The Board would then remove themselves from the examination administration that has been a detriment to the Board for a number of years.

Motion: Mr. Josephson and Mr. Wilburn moved to change order of approval of candidates for the FE and FS examination until after they have passed.

Vote: 9-0-1 motion carried. Jerry Silva was not available to vote at the time.

A. September/October 2011 Examination Results Report

Ms. Smith, lead analyst with the Geology program reported that the National Geology examinations had been administered on Friday, March 2, 2012. She indicated that 88 candidates took the Fundamentals of Geology (FG) and 57 took the Practice of Geology (PG). On March 14, 2012, approximately 100 candidates throughout the state took the first Computer Based Test (CBT).

The Fundamentals of Geology (FG) examination administered last fall had 107 candidates with a 57% pass rate. The Practice of Geology (PG) had 90 candidates with a 79% pass rate. The California Specific Examination (CSE), had 123 candidates with a 37% pass rate.

For the specialty examinations, the Certified Engineering Geologists, had 31 candidates with a 65% pass rate, for the Certified Hydrogeologist examination, there were 14 candidates with an 86% pass rate, and 6 Geophysicist candidates with a 50% pass rate.

9. **Outreach**

A. Newsletter

Mr. Moore shared that the Board's newsletter is coming along and needs editing. All the articles are ready with the exception of one article that is pending. The Board is targeting that it be printed three times per year. Proposed publication would be in the spring, fall, and one in July to allow

the past president to have a sign-off article and the new president to have an introduction article. This will be an electronic copy that will be sent to all those currently on the Board's subscriber e-mail list.

President Silva suggested a flyer or postcard once a year to encourage email sign up.

The Board Recessed at 4:41

Friday, March 9, 2012

Board Members Present: Jerry Silva, President; Paul Wilburn, Vice President; Carl Josephson; Mike Modugno; Hong Beom Rhee; Patrick Tami; Michael Trujillo; and Erik Zinn.

Board Members Absent: Philip Quartararo, Ray Satorre

Board Staff Present: Ric Moore, (Executive Officer); Joanne Arnold (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Linda Brown (Administrative Manager); Susan Christ (Staff Civil Engineer); Larry Kereszt (Enforcement Analyst); Tiffany Criswell (Enforcement Analyst); Joyce Hirano (Staff Civil Engineer); and Gary Duke (Legal Counsel).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Jerry Silva at 9:00 a.m. Roll call was taken, and a quorum was established.

2. Public Comment

Kevin Hanley, civil and traffic engineer representing California State University, Chico Civil Engineering Department Advisory Board. He shared with the board that in the process of doing a feasibility study for the development of a master's degree program, they became aware of the existence of the National Council of Examiners for Engineers and Surveyors (NCEES) 2020 Model Law. He indicated that it significantly changes the educational and experience requirements for licensure. The model law requires an additional year to the undergraduate bachelor's degree curriculum or implement a requirement for a master's degree. NCEES recommends the model law be adopted in 2020. This would require additional coursework and additional faculty to comply with the necessary education. They feel a sense of urgency to determine what the future educational requirements will be for the PE so that the Universities have sufficient time to prepare a program to meet these requirements. They encourage the Board to discuss the Model Law and what components the Board might adopt.

Mr. Modugno indicated the Board is well aware of the situation and also of obstacles for the Board to get involved as the Board is unable to attend the national meetings where these rules are being established as they are out of state. He suggests forming a committee to begin dialog at the university level to increase funding.

Mr. Hanley concluded that he believes it is mission critical for the Board to attend the national meetings.

6.c. Executive Officer's Report (continued from March 8)

Ms. Eissler distributed the portion of the July board agenda and minutes pertaining to Business and Professions Code Section 27

Regarding Address of Record Available via the Website. She indicated that section 27 was amended effective January 1, 2012. Mr. Moore stated that at the July meeting the Board made a motion to direct staff to pursue legislation to amend. Ms. Arnold indicated that she was not available to argue against. She would have opposed as she believes that the public should have access to the address of record. Mr. Tami sees no reason to change it. He indicated that he does not want to be responsible in the event that someone is harmed because the address of record is available to the public. Ms. Arnold added that it is consumer friendly to provide this information. It was suggested using post office box or their place a business in lieu of a home address. Mr. Josephson believes it's not advantageous to pursue this legislation if DCA will not support it.

Mr. Josephson indicated that people who are going to look up an address on the website are going to be looking for an individual rather than a business. Companies can be searched using a search engine. Mr. Duke commented that the general trend in government has been towards more transparency and to provide more information to consumers. However, there are situations in which this has been problematic.

Under the information practices act, the Board does not have to release any address information. Under the information practices act, all personal information is deemed personal and private however there is an exception in this act that provides discretion for the Board to provide the address of record to anyone who requests it. The Board needs to have their address for purpose of service but they are allowed to have another address and added that addresses are also available through the Department's Public Sales office in which mailing lists are sold.

Motion: Mr. Josephson and Mr. Wilburn moved to not pursue legislation to remove the address from the website

Vote: 2-6 motion failed.

8. Examinations /Licensing (continued from March 8)

A. September/October 2011 Examination Results Report

Ms. Hirano provided high points of the October examination administration in which the Board provided a computer based geotechnical exam. There were 97 candidates and 94 registered with Prometric to take the examination and 90 who took the examination and of those 38 passed. There were 4 no-shows.

In addition, it was the last administration of the structural engineering seismic exam, the California component. There were 132 tested, 36 passed, 31 candidates who were eligible to appeal and of those 16

appealed.

This was also the third administration of the NCEES 16-hour Structural Examination. There were 197 candidates with 58 passing and 56 required to take the California Structural Laws and Rules exam.

B. Spring 2012 Examination Update

Mr. Moore indicated approvals were completed as of Monday, March 5 for all April 2012 examinations. He also pointed out that 12,000-13,000 approvals were processed and thanked staff for their hard work.

7. Enforcement (continued from March 8)

A. Request by the California Architects Board to Co-Author a Letter Informing Planning Departments of Unlicensed Practice Issues Regarding Non-Exempt Projects.

Ms. Eissler spoke with regard to a request relating to the California Architect's Board. The Architect's Board is asking the Board to co-author a letter to planning departments that relates to unlicensed practice issues on non-exempt projects.

Bob Carter, representing the Architect's Board presented the Board with a draft copy of the letter. He indicated that there was a minor edit on page 2, line 3.

He explained that one of his duties with the Architect's Board is act as a liaison with the California Building Officials as they enforce the Practice Act. He would like to ensure the documents that come in have been prepared by responsible control of a qualified design professional, including architects and engineers. Mr. Carter expressed how prudent it is for the building official of a planning department to enforce this criteria very early on and not accept documents if the criteria is not met. Mr. Carter is seeking that the Board co-author this letter.

VOTE: Mr. Zinn and Mr. Trujillo moved to co-sign letter

MOTION: Motion Carried

11. Approval of Delinquent Reinstatements (continued from March 8)

Mr. Modugno expressed concern as to why Mr. Wood had gone so long without realizing his license had become delinquent. Mr. Wood indicated he was embarrassed and claimed he never received a renewal notice and that it had possibly become lost in the mail. It was not until he was called upon to serve as a reference that he realized it had lapsed and removed the title Professional Engineer from all correspondence. He added he will comply to pay any back fines to be reinstated.

Mr. Wood will make a conscious effort to remember his expiration date in the future.

VOTE: Mr. Modugno and Mr. Tami moved to reinstate Mr. Wood's license.

MOTION: Motion Carried

10. Consideration of Rulemaking Proposals, as follows:

Ms. Eissler indicated that as of January 1, 2012 the Board is now on the list of boards required to collect fingerprints from applicants in order to check their criminal history. She stated that the board needs to adopt regulations in order to implement the program to specify how and when the applicants must submit their fingerprint information and the consequences of not submitting it and to specify how it will be used. She is asking the board to move forward and to direct staff with the formal rulemaking process.

The purpose of collecting the fingerprints through the Department of Justice is so that the Board is notified of criminal action against the applicant. The Board would review and investigate to determine if it would warrant denying a license or certificate to the candidate. Mr. Duke added that if a crime is committed, it does not automatically disqualify the candidate. The crime would have to be substantially related to the occupation. Images would be collected at any Live Scan facility located throughout California. This procedure would apply to any applicant for the purpose of being notified of criminal actions against them.

Mr. Duke would like the Board to be aware of items C, D, and F may not be part of the final language as the board cannot compel or demand what the Department of Justice does.

VOTE: Mr. Tami and Mr. Trujillo motioned to move forward with rulemaking.

MOTION: Motion Carried

B. Proposed Amendments to Divisions 5 and 29 of Title 16 of the California Code of Regulations, as follows:

i. Sections 411 and 3008 – Seal and Signature

Ms. Eissler indicated proposing a minor modification to 411 to remove opaque regarding the permanent impression to be left as it is vague and unnecessary.

Amend 3008 to match 411 to provide more specific information about what must be contained in the seal for geologists and geophysicists and to add clarifying language as to when and how it would be used.

ii. Sections 412 and 3009 – Address Change

Clarifying language indicating that requests need to be made in writing. For engineers and surveyors, the time frame in which the Board must receive their change of address is 30 days and for geologists and geophysicists it is 60 days and believes that it should be modified to 30 days as well to match engineers and surveyors.

iii. Sections 442 and 3035 – Examination Subversion

442 has an extensive list of actions that may constitute examination subversion and what actions may be taken in response. Ms. Eissler indicated that language was included that stated, if a person was

taking a multiple part examination, over the same weekend, there is a provision if found to have committed examination subversion during one examination, all examinations were required to be voided, should be changed to permissive and the Board would have the discretion or not to void all examinations.

In addition change 3035 to match 442 so it specifically outlines the actions of a candidate that constitutes examination subversion.

iv. Section 3060 – Substantial Relationship Criteria

This regulatory section is similar to the engineers and surveyors criteria. The Board must have a regulation that defines what the substantial relationship is in considering a criminal conviction and whether to deny issuing a license or to take disciplinary action against a license. Ms. Eissler believes the Board needs to update terminology for the geologists and geophysicists relating to aiding and abetting violations and convictions of crime so that it will match what is in the regulations for engineers and surveyors.

v. Section 3061 – Criteria for Rehabilitation

The criteria for geologists and geophysicists should be amended to match certain terminology in section 418 that was updated for the engineers and surveyors but also to specify if a person is petitioning for reinstatement for a revoked license, what type of rehabilitation the Board would have to consider.

vii. Sections 419 and 3064 – Disciplinary Orders

419 and 3064 are the disciplinary orders sections that outline what the Board can order as disciplinary action against a licensee. It is recommended that the geologist and geophysicists regulation be modified to match engineers and surveyors and update language in 419, that in reviewing, it was discovered that it also needed to be updated.

vi. Sections 472-473.4 and 3062-3063.4

These sections pertain to the Board's Citation Program and outline the whole program such as procedures for issuing citations, serving citations, appealing citations and what would happen if a person failed to comply with citations. Amendments are made to make them all consistent so there is one citation program, one process, regardless of profession, licensed or unlicensed.

viii. Sections 475, 476, and 3065 – Code of Professional Conduct

Ms. Eissler provided replacement pages in which she indicated that more was edited out than necessary.

VOTE: Mr. Tami and Mr. Josephson move to approve proposed amendments with the addition of 419

MOTION: Motion carried

13. Administration

A. 2011/12 Fund Condition

Mr. Alameida distributed an updated fund condition overview which provided a summary of the Engineers and Land Surveyors fund as of January 31, 2012 and the Geologist and Geophysicists fund as of January 1, 2012.

He indicated that applications received have decreased slightly versus last year's figures.

- B. FY 2011/12 Budgets
No report given

14. Technical Advisory Committees (TACs)

- A. Board Assignments to TACs
No report given

- B. Appointment of TAC Members
No report given

- C. Reports from the TACs – Mr. Zinn reported that a letter was read into record at the November Board meeting on behalf of Ms. Waldbaum in which she believed our enforcement experts were not using proper standards when reviewing complaints. Ms. Waldbaum attended the Geology TAC meeting as well as the executive officer of the Mining and Geology Board. He explained their role as the board that issues policies and standards for geology investigations and other items that surround geology.

Mr. Zinn indicated that it was a productive meeting and there was indication from the Mining and Geology Board executive officer that they would be updating some notes and would assist the experts in the future. Mr. Moore added that the land surveyor TAC meeting is scheduled for March 16, 2012.

15. Liaison Reports

- A. ASBOG
No report given

- B. ABET
Mr. Donelson indicated that we will be doing more ABET visits in the fall.

- C. NCEES - Mr. Moore indicated that the Board currently has an Out of State Travel request to attend the Western Zone meeting in Jackson Hole, WY

- D. Technical and Professional Societies
Ms. Eissler and Mr. Moore attended the California Building Officials (CALBO) Conference meeting in Southern California where they made presentations with the Contractor's and Architects Boards and assisted with the booth in the exhibit hall. In addition, during this time, they attended the San Bernardino CLSA meeting and discussed changes in the examinations.

16. President's Report/Board Member Activities

Mr. Silva would like to find a solution to reduce handouts.

He added that he appreciates outreach efforts and would like to extend invitations to DCA representatives to attend meetings.

Mr. Moore indicated that all recommendations for appointments for the Board are on the Governor's desk.

17. Other Items Not Requiring Board Action

Mr. Tami suggested having a correspondence section where any letters that are sent out by staff or received by societies that was of importance be included in the agenda.

Mr. Moore indicated that several letters of support of the Board's request for out-of-state travel have come from various professional societies and Senator Canella's office addressed to the Governor to help justify the Board's out-of-state travel requests. Mr. Alameida added that the Board received word from the budget office that the request is going up for denial. There is still an opportunity to resubmit the request. However, if approved to move forward, the approval would be for one individual to attend at no cost to the state as there is one funded delegate.

Mr. Silva requested a meeting with DCA to further discuss.

19. Adjourn

The meeting adjourned at 11:47 a.m.

PUBLIC PRESENT

Jonathan Tarkowski, Center for Public Interest Law, University of San Diego,
School of Law

Bob DeWitt, ACEC

Steven Sagan

Craig Copelan, PECG

Art Taggart

George R. Dickey

Roger K. Hanlin, CLSA

Annette Lockhart

Kevin Hanley, CSU, Chico, Civil Engineer Dept.

Daniel Wood