





Board for Professional Engineers

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

April 24-25, 2014 9:30 a.m.

Board for Professional Engineers, Land Surveyors, and Geologists 2535 Capitol Oaks Drive 3rd floor conference room Sacramento, CA 95833 (916) 263-2222

TABLE OF CONTENTS

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

BOARD MEETING LOCATION

FEBRURARY 12-13, 2013

2535 CAPITOL OAKS DRIVE THIRD FLOOR CONFERENCE ROOM SACRAMENTO, CA 95833

BOARD MEMBERS

Board Members: Erik Zinn, President; Kathy Jones Irish, Vice President; Natalie Alavi; Asha Brooks; Diane Hamwi; Eric Johnson; Coby King; Philip Quartararo; Mohammad Qureshi; Hong Beom Rhee; Karen Roberts; Ray Satorre; Jerry Silva; Robert Stockton; and Patrick Tami

Tami		
I.	Roll Call to Establish a Quorum	3
II.	Public Comment NOTE: The Board cannot take action on items not on the agenda. The Board will allow for Public Comment as well as during the discussion of each item on the agenda.	5
III.	Hearing on the Petition for Reduction/Modification of Penalty of Dennis William McCreary This hearing will be held on Thursday, April 24, 2014, beginning at 9:30 a.m., or as soon thereafter as the matter may be heard.	7
IV.	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. Civil Litigation	9
	 Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361 	
	 Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS 	
	 Ruvin Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145675 	
	 Ruvin Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145796 	
	 Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185 	
V.	Executive Officer's Report	11
	 A. Legislation 1. Discussion of Legislation for 2014: AB 186; AB 1551 AB 1702; AB 1855; AB 2165; AB 2598; SB 1467 (Possible Action) B. Strategic Plan 	13

	C.	Sunset Report (Possible Action)	
	D.	Personnel 1. Staff Presentations	
	E.	Administrative Task Force	
VI.	Enfor	cement	33
	A.	Enforcement Statistical Reports (Possible Action)	
VII.	Exam A. B.	s/Licensing Update on Spring 2014 Exams (Possible Action) Professional Geophysicist October 2013 Examination Results (Possible Action)	51
VIII.	Appro	oval of Delinquent Reinstatements (Possible Action)	53
IX.	Consi A.	deration of Rulemaking Proposals (Possible Action) Update on Proposals to Amend 16 CCR 416 and 3060 (Substantial Relationship Criteria); 16 CCR 426.10, 426.14, and 426.50 (Qualifying Experience); 16 CCR 3003(b) and (e) (Definitions of Engineering Geology and Professional Geophysical Work); and 16 CCR 3005 (Retired Status Fee for Professional Geologists and Geophysicists)	57
Χ.	Admir A. B.	nistration FY 2013/14 Budget Overview (Possible Action) Out-of-state Travel Update (Possible Action)	59
XI.	Techr A. B. C.	Aical Advisory Committees (TACs) Board Assignments to TACs (Possible Action) Appointment of TAC Members (Possible Action) Reports from the TACs (Possible Action)	65
XII.	Liaiso A. B. C. D.	ASBOG (Possible Action) ABET (Possible Action) NCEES (Possible Action) Technical and Professional Societies (Possible Action)	69
XIII.	Open	Session to Announce the Results of Closed Session	71
XIV.	Presid	dent's Report/Board Member Activities	73
XV.	(These	eval of Consent Items (Possible Action) be items are before the Board for consent and will be approved with a single on. Any item that a Board member wishes to discuss will be removed from the number of the separately.)	75
	A.	Approval of the Minutes of the February 12-13, 2013, Board Meeting	
XVI.	Other	Items Not Requiring Board Action	93
XVII.	Adjou	rn	95

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6

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III. HEARING ON THE PETITION FOR REDUCTION/MODIFICATION OF PENALTY OF DENNIS WILLIAM MCCREARY

IV. CLOSED SESSION

A. Civil Litigation

- Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
- Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS
- 3. <u>Ruvin Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists</u>, Los Angeles Superior Court Case No. BS145675
- 4. Ruvin Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145796
- 5. <u>Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185</u>

V. EXECUTIVE OFFICER'S REPORT

- A. Legislation
 - Discussion of Legislation for 2014: AB 186; AB 1551 AB 1702; AB 1855; AB 2165; AB 2598; SB 1467 (Possible Action)
- B. Strategic Plan
- C. Sunset Report (Possible Action)
- D. Personnel
 - 1. Staff Presentations
- E. Administrative Task Force

Board for Professional Engineers, Land Surveyors, and Geologists

2014 Legislative Session

AB 186 Maienschein. Professions and vocations: military spouses: temporary licenses. This bill would authorize a board within DCA to issue a temporary license for 12 months to an applicant who meets certain requirements.

> STATUS: Introduced 1/28/13. Last amended 6/24/13. Passed Assembly. Heard in SEN B., P. & E.D. Committee 7/1/13 - testimony taken. Further hearing to be set - this is now a 2 year bill.

BOARD POSITION: Oppose unless amended

AB 1551 Holden. Professional engineers and land surveyors: documents. Would prohibit a person from using a licensed engineer's documents, without the written consent of the licensed engineer and prohibit a person from using a licensed land surveyor's maps, plats, reports, descriptions, or other documentary evidence without the written consent of the licensed land surveyor.

> STATUS: Introduced 1/27/14. Referred to Assembly Business, Professions & Consumer Protection.

BOARD POSITION: Support if amended

AB 1702 Maienschein. Professions and vocations: incarceration. This bill would provide an individual who has satisfied the requirements needed to obtain a license while incarcerated, who upon release from incarceration, shall not be subject to a delay in processing the application or a denial of the license solely based on the prior incarceration, except when the incarceration was for a crime substantially related to the qualifications, functions, or duties of the business or profession.

> STATUS: Introduced 2/13/14. Set to be heard on 4/22/14 in Assembly B., P. & C.P. STAFF RECOMMENDATION: Watch

BOARD POSITION:

AB 1855 Melendez. Land surveying: field survey record. This bill would additionally include in the practice of land surveying principles the determination and position of an easement. This bill contains other related provisions and other existing laws.

STATUS: Introduced 2/19/14. Set to be heard on 4/29/14 in to Assembly B.,P. & C.P.

STAFF RECOMMENDATION:

BOARD POSITION:

AB 2165 Patterson. Professions and vocations: licenses. Add section to general B. & P. code that would require each board within DCA to complete the application review process and to issue, within 45 days, a license to an applicant who successfully satisfied all licensure requirements. Also requires each board to offer each examination the board provides for licensure a minimum of 6 times per year.

STATUS: Introduced 2/20/14. Set to be heard on 4/22/14 in Assembly B., P. & C.P.

STAFF RECOMMENDATION: Oppose

BOARD POSITION:

Board for Professional Engineers, Land Surveyors, and Geologists

AB 2598

Hagman. Department of Consumer Affairs: Administrative Expenses. Would require the DCA to make a claim to the Controller each month against any of the funds of a board for that board's pro rata share of the department's estimated monthly administrative expenses. This bill would prohibit the Controller from paying the department for a board's pro rata share of total administrative expenses in an aggregate amount over 20% of a board's budget.

STATUS: Introduced 2/21/14. Set to be heard on 4/22/14 in Assembly B.,P. & C.P.

STAFF RECOMMENDATION: Watch

BOARD POSITION:

SB 1467

Committee on Business, Professions, and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. Among other things it removes the "eight-hour" term from written examinations for comity applicants as it is no longer valid due to the change in our method of administering examinations. Also, removes petroleum geology qualifications as the Board does not have regulations to certify petroleum geologists.

STATUS: Introduced 3/25/14. Set to be heard on 4/28/14 in Senate Business, Professions, and Economic Development Committee.

STAFF RECOMMENDATION: Support

BOARD POSITION:

BILL: AB 186

AUTHOR: Maienshein
COAUTHOR: Hagman

TOPIC: Professions and vocations: military spouses

DATE OF INTRODUCTION: 1/28/13 MOST RECENT VERSION: 6/24/13

ANALYSIS DATE: 4/15/14

BILLS LEGISLATIVE HISTORY: Passed Assembly. Heard 7/1/13 in Senate Committee on Business, Professions, & Economic Development – testimony taken. Further hearing to be set.

This is now a two year bill.

BOARD POSITION: Oppose unless amended

SUMMARY: Assembly Bill 186 seeks to authorize military spouses, who have moved here on active duty orders and who have a valid professional license in another state, to receive a 12 month temporary license in the same profession for which they are applying for licensure. The licensee applicant must provide sufficient evidence of being married to, or in a domestic partnership or legal union with, an active duty member of the United States Armed Forces. Also, the licensee applicant shall not have been disciplined by another licensing entity and shall confirm, in writing, that all application information is accurate.

HISTORY: According to Assembly member Maienshein's office, "A recent study by the California Research Bureau has found that California has approximately 72,500 military spouses residing in the state at any given time. It is estimated that over one third of these individuals are involved in a profession that requires some sort of licensing requirement." "According to the Department of Defense, military spouses are ten times more likely to have moved across state lines in the last year compared to their civilian counterparts." With the implementation of provisional licensing through AB 186, military spouses will be able to immediately look for employment to help support their families while taking all the necessary steps to apply and receive a license from the state.

In 2011/12, AB 1904 (Chapter 399, Statutes of 2012), introduced temporary licensure or provisional license for a spouse or domestic partner of an active duty member of the Armed Forces of the United States. AB 1904 was amended, and passed, to require boards within the Department of Consumer Affairs (DCA) to expedite the license process.

AB 186 reestablishes a temporary license, limited to 12 months, while the individual's application is processed for licensure. To receive a temporary license, the individual must have a clean criminal history and verify, in writing, that all application information is accurate. DCA has not taken a formal position regarding the current version.

COMMENT: Until January 1, 2014, the Board issued temporary authorizations for engineers, geologists, and geophysicists. However, it was not considered a license, only an authorization granted for a specific project, and was not to exceed a certain number of days. For engineers, authorization was granted for 180 days; for geologists and geophysicists, it was 60 days. Since 1995, the Board issued temporary authorizations to forty civil engineers. However, only one (1) was issued since December 2010. If the individual was granted a temporary authorization they were

required to take the next administration of the California specific examination. Several individuals failed to pass the California-specific exam. The Board sponsored legislation to repeal "temporary authorizations". Senate Bill (SB) 152 (Chapter 178, Statutes 2013) removed sections 6760, 7848, and 7848.1 from Business and Professions Code pertaining to temporary authorizations being issued to practice professional engineering, geology, or geophysics.

The Board provides comity licensure to all out-of-state individuals that meet the Board requirements. All applicants who've taken and passed a national exam shall receive a license if passage of a national exam is all that is required. If the Board has a California specific exam, like civil engineering, the individual must take and pass that exam prior to receiving licensure from the Board and also have the education, experience, and reference letters to meet licensing requirements. If the individual is not approved and requires additional qualifications the applicant may work under responsible charge of a California licensee until those requirements are met.

The Board's concern when issuing a temporary license is public safety, specifically related to the practice of civil engineering. The Board cannot guarantee that the individual meets California competency levels for licensure until that individual passes the California-specific exams. Specifically, the applicant needs to demonstrate knowledge of seismic forces in the design of structures. Because California has distinctive geography experience and education is necessary before the applicant practices civil engineering proficiently. Allowing any individual to provide professional engineering, geology, or geophysics to a California consumer without proper qualifications and competency opens up California, the consumer, and the Board to potential problems.

It is unknown at this time how many active military licensees the Board has licensed as current systems do not track this information. Most likely this number is very low, if any at all, but to allow a temporary license especially for a civil engineer may be detrimental to consumer safety.

Currently, the author's office has accepted the Board's proposed amendments that require these applicants (military spouses) take and pass any California specific examination before being issued a temporary license. The amendments have not been placed in the bill since the amendments were taken in Committee and the bill was held in Committee – as a two year bill.

BILL: AB 1551 AUTHOR: Holden

TOPIC: Professional engineers and land surveyors: documents

DATE OF INTRODUCTION: 1/27/14 MOST RECENT VERSION: 1/27/14

ANALYSIS DATE: 3/10/14

BILLS LEGISLATIVE HISTORY: Introduced 1/27/14. Referred to Assembly Committee on

Business, Professions, & Consumer Protection.
BOARD POSITION: Support only if amended

SUMMARY: Assembly Bill (AB) 1551 prohibits a person from using a licensed engineer's documents, without the written consent of the licensed engineer. The bill would also prohibit a person from using a licensed land surveyor's maps, plats, reports, descriptions, or other documentary evidence without the written consent of the licensed land surveyor. The bill would prohibit a licensed engineer or land surveyor from unreasonably withholding consent to use these documents.

HISTORY: In 2013/14, AB 630 (Chapter 453, Statutes 2013), was passed and prohibits a person from using an architect's instruments of service without a written contract authorizing that use and prohibits an architect from unreasonably withholding consent from the architect's client to use those instruments of service. According to the author's office, the "bill clarifies that a person or entity must have contractual authorization to use the work, or instruments of service, prepared by an architect. By clarifying existing law in plain English, the objective is to establish a clear law that can be used to avoid timely and costly arguments when an unauthorized user attempts to use the instruments of service prepared by an architect."

The American Institute of Architects, California Council (AIACC) sponsored AB 630 based on numerous firms reporting that persons have attempted to use architectural instruments without consent. The AIACC argues that "architects provide a service and not a product. The service cannot be bought and sold except by the architect, with the consent of the architect, or by the client if the architect has transferred ownership of the intellectual property to the client."

The American Council of Engineering Companies (ACEC) is sponsoring AB 1551. The intent of legislation, similar to AB 630, is to provide contractual protections for engineers and land surveyors and the documents, maps, and reports that they create.

COMMENT: AB 1551, as introduced, intends to remove ambiguity as to who is authorized to use engineering documents and land surveyors maps, plats, and reports. Contractual consent must be written into a contract that specifies ownership.

Business and Professions Code (BPC) Sections (§§§§) 6735(b), 6735.3(b), 6735.4(b), and 8761.2 all provide that a professional engineer or land surveyor is not responsible for subsequent changes that are made to his or her civil, electrical, or mechanical engineering or land surveying documents that are made without his or her knowledge, authorization, or approval.

Additionally, BPC §§ 6749 and 8759 describing written contracts between the licensed professional and the client requires multiple descriptions of services that can include the protection of

documents, plans, and reports or transfer of ownership of those documents, plans, and reports. Also, California Code of Regulations (CCR) §§ 475 and 476 identify codes of professional conduct for professional engineers and land surveyors. More specifically, CCR §§ 475 (c) and 476 (c) defines representation and a licensee attributing "proper credit to others for their professional work" and not misappropriating "the professional work of others".

AB 1551 seeks to provide additional protections to the licensed engineer or ficensed land surveyor at the consumer's expense. The language indicates that "no person shall use a ficensed" engineers or land surveyors documents, maps, reports. This is too ambiguous and attempts to discipline the public, consumer, or fellow licensee. Also, the licensed professional "may reasonably withhold consent to use the documents for cause, including, but not limited to, lack of full payment for services provided or failure of the requesting person to fulfill his or her obligations under a written contract pertaining to the services." The authority provided to the licensed professional regarding withholding consent is vague and offers an opportunity for unseemly professionals to restrict services to consumers and is not providing protection for consumers by its process.

This bill also includes provisions that state "the Legislature finds and declares that the provisions of this sections are declaratory of existing law and shall not be construed to limit or eliminate any right otherwise granted by law." However, it is unclear what "existing law" this purports to be declaratory of. There are no provisions in the Professional Engineers Act and Professional Land Surveyors Act that address "ownership" of engineering and land surveying documents. This proposal appears to be an attempt to move copyright infringement claims or claims of failure of the client to pay for services rendered from the civil courts to the licensing/regulatory board.

This is not a consumer protection bill. AB 1551, as written, protects the licensed professional and unfairly favors the rights of the licensed professional when providing contracted services to the detriment of the consumer.

BILL: AB 1702 AUTHOR: Maienschein

TOPIC: Professions and vocations: incarceration

DATE OF INTRODUCTION: 2/13/14 MOST RECENT VERSION: 2/13/14

ANALYSIS DATE: 4/1/14

BILLS LEGISLATIVE HISTORY: Introduced 2/13/14. Scheduled to be heard on 4/22/14 in

Assembly Committee on Business, Professions, & Consumer Protection.

STAFF RECOMMENDATION: Watch

BOARD POSITION:

SUMMARY: Assembly Bill (AB) 1702 would provide that an individual who has satisfied the requirements needed to obtain a license while incarcerated, and upon release from incarceration, shall not be subject to a delay in processing the application or a denial of the license solely based on the prior incarceration, except when the incarceration was for a crime substantially related to the qualifications, functions, or duties of the business of profession.

HISTORY: AB 1702, as introduced, intends to ensure offenders who have completed all necessary requirements to obtain a professional license are able to do so without being penalized for their prior crimes. The author's office reports that "recidivism is a major problem in California, where the recidivism rate has hovered near two-thirds. Studies show that many of these former inmates commit new crimes within the first year of release."

"Studies also show that programs that teach prisoners vocational skills are vital to their successful rehabilitation. If prisoners have the opportunity to support themselves upon release, they are far less likely to reoffend and threaten the quality of life of our communities."

COMMENT: As written this bill almost certainly does not impact this Board. Business and Professions Code Sections 6751, 7841, and 8742 all deal with qualifying experience necessary to receive a license as a professional engineer, land surveyor, or geologist. AB 1702 does not address how our applicants would be able to get the required qualifying experience while incarcerated. Additionally, bill language does not address how the individual would be able to perform engineering, surveying, geology, or geophysics under the responsible charge of a licensee while incarcerated.

Furthermore, California Code of Regulations section 418 defines criteria for rehabilitation "when considering the denial of an application" for certification, or licensure, or for authority to use a restricted title. The criteria defines eligibility for licensure based on the nature and severity of a crime, time elapsed since the crime was committed, compliance with the law in response to the crime, and evidence of rehabilitation. Both statute and regulation offers the Board appropriate authority to determine eligibility without extensive delays in processing an application.

As a result of the authority already present in our statute and regulations staff recommends a watch position.

Board staff is still reviewing AB 1855 – Land surveying: field survey record, an analysis is forthcoming.

BILL: AB 2165 AUTHOR: Patterson

TOPIC: Professions and vocations: licenses

DATE OF INTRODUCTION: 2/20/14 MOST RECENT VERSION: 2/20/14

ANALYSIS DATE: 4/9/14

BILLS LEGISLATIVE HISTORY: Introduced 2/20/14. Scheduled to be heard on 4/22/14 in

Assembly Committee on Business, Professions, & Consumer Protection.

STAFF RECOMMENDATION: Oppose

BOARD POSITION:

SUMMARY: Assembly Bill (AB) 2165 would require each board with the Department of Consumer Affairs (DCA) to complete the application review process and to issue, within 45 days, a license to an applicant who successfully satisfied all licensure requirements. This bill also requires each board to offer each examination the board provides for licensure a minimum of 6 times per year.

HISTORY: AB 2165, as written, attempts to accelerate the application review process for all Boards of the DCA and issuance of a license. The problem is that there are extraordinary delays between graduation from accredited schools and issuance of a license. The author's office states that the board "must process the application and then authorize the applicant to test". In addition, other impediments include "taking the exam, waiting for exam results, and waiting for the license to finally be issued upon passage of the examination". The concern is that individuals remain unemployed in their chosen field for extended periods of time based on the administrative functions tied to processing and approval of an application for licensure. The author's office believes the solution is to shorten the processing time to issue a license to 45 days.

Additionally, this bill requires that boards provide examinations for testing a minimum of 6 times per year. This will offer more opportunities for an applicant to test and allow for expeditious response from the licensing board regarding the candidate's application for a license.

COMMENT: This Board's application review process requires a detailed evaluation of a candidate's education, experience, background, and references. California Code of Regulations section 470 identifies application response timeframes. The response times are based on the candidate passing the first available examination. "Within 60 calendar days after the filing of a complete application," the Board will determine if the candidate is eligible for licensure. A "complete application shall include a score for all parts of examination". The Board defines a complete application as one that includes exam results. Prior to receiving exam results the candidate's application is filed until exam results are released. Based on the analysis necessary to review an process and application for licensure, including requiring passage of an examination, it is improbable for the Board to meet the 45 day requirement.

Additionally, the majority of licenses issued by the Board require passage of both national and state specific examinations for licensure. Because the Board requires national examinations it is up to the discretion of the national council to determine the number of exams offered annually. The Board has control over the contract agreement to allow access to the exam, but does not have the authority to change the schedule of exams. It is not feasible that the Board can offer exams a minimum of 6 times per year. Based on the issues raised staff recommends opposing AB 2165.

BILL: AB 2598 AUTHOR: Hagman

TOPIC: Department of Consumer Affairs: Administrative Expenses

DATE OF INTRODUCTION: 2/21/14 MOST RECENT VERSION: 2/21/14

ANALYSIS DATE: 4/3/14

BILLS LEGISLATIVE HISTORY: Introduced 2/21/14. Set to be heard on 4/22/14 in Assembly

Committee on Business, Professions, & Consumer Protection.

STAFF RECOMMENDATION: Watch

BOARD POSITION:

SUMMARY: Assembly Bill (AB) 2598 would require the Department of Consumer Affairs (DCA) to make a claim to the Controller each month against any of the funds of a board, based on filled positions, for that board's pro-rata share of the department's estimated monthly administrative expenses. This bill would prohibit the Controller from paying the department for a board's pro-rata share of total administrative expenses in an aggregate amount over 20% of a board's budget.

HISTORY: Pro Rata as defined by the Department of Finance "is the recovery of administrative costs from special and non-governmental cost funds. The State of California provides certain services (central administrative agencies), such as, accounting, computing, payroll services, banking, etc., to operating agencies (departments) on a centralized basis. Pro Rata is a process that identifies these central service administrative costs and assigns them to benefited activities (functions) on a reasonable and consistent basis."

Pro Rata service costs are distributed by workload. Each central service agency submits their past year actual workload and expenditures and estimated budget year expenditures. Historically, costs are calculated by unit, normally authorized positions not filled positions, and multiplied by the workload of the benefiting department. Government Code sections 11010, 11270 through 11277, and 22883 and the State Administrative Manual section 8752 grant the authority to assess Pro Rata.

AB 2598, as written, intends to cap increased Pro Rata charges that in some cases have reached 40% of a programs budget. Additionally, language proposes to base charges on filled positions and not the number of positions authorized in the Governor's Budget.

COMMENT: Over the past five years, the Engineers and Land Surveyors fund has contributed, on average, 15% of its annual program expenditures to support central and departmental administrative services. The Geology and Geophysics account has contributed 28% over that same time period. The debate surrounding legislative intent is if central administrative service costs are the concern or departmental administrative service costs. Taken as a whole the Geology and Geophysics account over expends for Pro Rata annually. Taken separately the Geology and Geophysics account contributes 23% to departmental administrative service costs and the remainder goes towards central administrative services. At this time, Board staff is seeking further clarification with regard to legislative intent, the definition of Pro Rata, and the effects on smaller boards and bureaus that historically carry increased Pro Rata expenses. Board staff recommends a watch position until further information is received.

BILL: SB 1467

AUTHOR: Committee on Business, Professions and Economic Development

TOPIC: Professions and vocations DATE OF INTRODUCTION: 3/25/14 MOST RECENT VERSION: 3/25/14

ANALYSIS DATE: 4/3/14

BILLS LEGISLATIVE HISTORY: Introduced 3/25/14. Set to be heard on 4/28/14 in Senate

Business, Professions, and Economic Development Committee.

STAFF RECOMMENDATION: Support

BOARD POSITION:

SUMMARY: Senate Bill (SB) 1467 is one of the Committee's omnibus bills. Among other things it removes the "eight-hour" term from written examinations for comity applicants as it is no longer valid due to the change in our method of administering examinations. Also, the bill removes petroleum geology qualifications as the Board does not have regulations to certify petroleum geologists.

COMMENT: The Board is sponsoring legislation to amend Section 6759 of the Professional Engineers Act (Business and Professions Code section 6700, et seq.) to remove language identifying "eight-hour" as a requirement of the written examination required for comity applicants seeking licensure in California. We are proposing to remove the "eight-hour" term from statute as it is an arbitrary term that is based on written exams rather than current computer based testing.

Also, the Board is seeking to amend Section 7842 of the Geologist and Geophysicist Act (Business and Professions Code section 7800, et seq.) to remove language providing for the qualifications for a certification in Petroleum Geology because the Board does not issue a certification in Petroleum Geology. This amendment would only remove language that provides for the qualifications for certification in Petroleum Geology. A Professional Geologist's license authorizes a licensee to perform petroleum geology.

Board staff recommends a support position.

STRATEGIC PLAN (Email sent to Board Members 3/12/14)

From: Ric Moore

Sent: Wednesday, March 12, 2014 4:32 PM

To: Current Board Members Subject: Strategic Plan News

Good afternoon,

We are beginning our work on the Board's new strategic plan and I wanted to alert you to important dates and tasks as to where you as Board Members will be involved during the process. Please make note of these dates so you are prepared for the phone interview and the follow up planning session in June.

If you recall, we will be working with DCA's SOLID Planning Solutions group who will be facilitating the process and preparation of the new plan. Dennis Zanchi is our assigned facilitator. For those of you who were present during our October 10, 2013 board meeting you may recall a short presentation by Dennis of a general overview on what we can expect during this development process.

<u>March 24 – April 4 - Stakeholder Survey:</u> An online survey will be available during these dates and provided to the various stakeholders that normally interact (or have interacted) with the Board (i.e., licensees, professional societies, consumers, etc.).

<u>March 31 – April 11 – Individual Board Member Interviews:</u> An email will be sent out just prior to this task for the purposes of scheduling an telephone interview session with each Board Member. Expect the interview to last approximately 45-60 minutes and will cover the climate of the industry as well as your views on the Board's strategic focus for the upcoming plan. Your cooperation in arranging these interviews is much appreciated.

Week of April 7 – Staff Focus Session(s): SOLID will facilitate focus sessions with the board staff to discuss internal / external program challenges, opportunities, and to gather their views on the Board's strategic focus for the upcoming plan.

June 5-6 – Strategic Planning Session / Board Meeting: SOLID will facilitate a full day development session with Board Members and key staff for the purpose of highlighting recent accomplishments of the Board, review the trends identified from the surveys, interviews, and focus groups, and to establish goals / objectives for the upcoming plan. NOTE: At this time, we anticipate that the planning session will be scheduled for the first day of the board meeting while everyone is fresh and please remember it will be an open meeting so individuals from the public may be in attendance.

<u>July 31 – August 1 – Board Meeting:</u> It is anticipated that the final draft will be available on this meeting agenda for review / approval by the Board.

I encourage you, especially newer Board Members, to familiarize yourselves with our outgoing strategic plan at: http://www.bpelsg.ca.gov/pubs/2011_2014_bpelsg_strategic_plan.pdf

Thank you, Ric Moore Executive Officer

STRATEGIC PLAN

As you may know, BPELSG is developing its 2014-2016 strategic plan. One of the first steps in developing a strategic plan is to conduct an analysis of the environment in which the Board operates. This analysis will allow us to take a look at the factors that can impact our Board's success. These factors fall into two environments: internal factors and external factors.

Internal factors include our resources and experiences. What are the Board's strengths? What does the Board do well? What are the Board's weaknesses? What do we not do well? In analyzing our internal strengths and weaknesses, some areas to consider may include: human resources, fiscal resources, the way activities and processes are done, communication, etc.

External factors include trends, issues and pressures that exist outside of our Board. Although outside of the Board's control, these factors have an effect on our organization. What are the opportunities that exist outside our Board that we can leverage? What are the external threats that may negatively impact our Board? In analyzing our external opportunities and threats, some areas to consider may include: control agencies, the state budget, pending legislation, changes in industry practices, etc.

Below is a quick update (4/15/14 11:12 AM) on the strategic plan:

- * 1,202 stakeholders took part in the survey (guaranteeing a statistically sound response)
- * 12 Board members have been interviewed as of now
- * 3 Board members have not been interviewed
- * 2 staff focus groups will be completed this week

BPELSG Action Plan 2011-2014	Completed	In Progress	Remaining
Goal 1: Protect consumers by effectively discouraging violations of the law before they happen and by			
aggressively investigating and adjudicating violations.			
Objective 1.1 – Reduce the aging of enforcement cases to align with DCA's standards.	H.		
Reorganize work assignments to focus on citation process improvement	2/1/2011		
 Increase staff through Budget Change Proposal - Fingerprint BCP, Geologist Registrar BCP 	7/1/12, 7/1/13		
Develop and submit a Budget Change Proposal for a Geologist Registrar	7/1/2012		
 Focus on reducing aging while maintaining high quality standards for enforcement cases 		✓	
Objective 1.2 – Develop and implement a proactive plan to expand the enforcement outreach program.			
Contact several like-minded local organizations and agencies		1	
Contact Outreach unit in DCA headquarters	4/18/2012		
Develop an Outreach Plan in conjunction with the DCA Outreach Unit		✓	
Objective 1.3 – Discourage unlicensed and incompetent activity through efficient enforcement actions.		1	
Collaborate with Division of Investigation to accomplish sting operations and sweeps		/	
 Increase Outreach to consumers focused specifically on the dangers of Unlicensed Activity 		✓	
 Collaborate with other local agencies by sharing information and educating them on the Board's function 		✓	
Objective 1.4 – Improve consumer friendliness of the Board's Web site.			
Create web mapping to combine the Professional Engineers and Geology Web sites	7/5/2012		
Develop online address changes and incorporate a paperless process	3/21/2012		
✓ Establish text recognition on all online documents in accordance with ADA compliance		✓	
Streamline the information flow and usability of the Web site	7/5/2012		
Objective 1.5 – Establish web accessible information, including linking businesses with licensees.			1
Coordinated with the release of BreEZe. (Breeze dependent)			1
Objective 1.6 – Significantly reduce the number of backlogged enforcement cases.		-	
See objective 1.1	See	objective 1.1	
Objective 1.7 - Encourage DCA to improve their license lookup functionality on the Web site.			1
Pending the release of BreEZe. (Breeze dependent)			√
 Coordinate with the BreEZe team to express business needs on decision posting. (Breeze dependent) 			✓
 Coordinate with the BreEZe team to express business needs on license functionality. (Breeze dependent) 			✓
Objective 1.8 - Participate in preparations towards the BreEZe conversion.			
		objective 1.7	
Objective 1.9 - Publish enforcement actions on the Board's Web site.		1	
Update and post final disciplinary decisions on the Board's Web site		V	

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BPELSG Action Plan 2011-2014	Completed	In Progress	Remaining
Goal 2: To promote laws and regulations that are clear, relevant, unambiguous, and functional.			
Objective 2.1 - Evaluate current laws and regulations and pursue changes where appropriate, with due consideration for economic impact.			
Review licensing and certification fees for businesses as potential legislative action.	Se	e objective 2.6	
Objective 2.2 - Seek fingerprinting and criminal history authority through legislation.			
Received authority for applicants in approved 2011 Sunset legislation. SB 543, Statutes of 2011.	2011	*	
Move forward with legislation to obtain authority for licensees			✓
Submit Budget Change Proposal for the hiring of fingerprinting staff	7/1/2011		
Develop and adopt regulations to implement applicant fingerprinting	1/1/2014		
Objective 2.3 - Implement restructuring of examination and application fees.	1		
Restructure fees and receive regulation approval for both PELS and Geologists & Geophysicists programs	4/30/2012		
Publicize the fee restructure once regulations are approved	4/30/2012		
Objective 2.4 - Review delinquent reinstatement requirements and act on the findings if appropriate.		1	
Consult the Board for proper direction. Inclusion in Omnibus Bill.		✓	
Objective 2.5 - Conduct a review of the penalty structure for unlicensed activity.	/		
• Review has been conducted. General statutory language affects the maximum fine. Any changes affect other boards/programs.	1		
Objective 2.6 - Seek statutory authority to require Certificates of Authorization for businesses.			
N sult Board for further direction		1	4.4
• Tify staffing requirements of implementing business authorization		✓	
Objective 2.7 - Eliminate Business and Professions Code section 6760 (temporary authorization to practice engineering).			
On November 2011 Board agenda.	11/1/2011		
• Research has been completed. Staff are currently pursuing legislation. SB 152.	8/27/2013		
Objective 2.8 - Amend regulations that allow appeals of national examinations.	1		
Completed - effective June 18, 2012.	6/18/2012		
Objective 2.9 - Review statutes and regulations regarding Geologist in Training certification.	1	1000-1	
Qualification requirements added to statute during 2011 legislative session	1/1/2012		
Objective 2.10 - Review statutes and regulations to provide consistency among all of the Board's regulated professions.		1	
Review statutes and regulations for consistency across both programs		1	

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BPELSG Action Plan 2011-2014	Completed	In Progress	Remaining
Goal 3: Increase Licensure			
Objective 3.1 - Participate in development, grading, and standard-setting of national examinations.			
Contract with professional community volunteer as Subject Matter Experts (pending travel freeze exemptions)		1	
Increase outreach to colleges and professional societies		✓	
 Add information to Web site's "Exams" tab including links to NCEES and ASBOG 	8/12/2013		
 Get report from NCEES on California licensees overall involvement in exam development and track for future reporting 	1/1/2013		
Objective 3.2 - Convert all State-specific examinations to computer based testing and provide flexible testing dates.	1		
Geotechnical Engineer	10/1/2011		
 California Specific Examinations for Professional Geologist & Professional Land Surveyor 	3/1/12, 4/1/12		
 Traffic Engineer/Civil Engineer/ Certified Engineering Geologist/ Certified Hydrogeologist / Geophysicist 	9/1/12, 10/1/12		
Phased implementation for flexible testing dates - Clvil	10/1/2012		
Objective 3.3 - Review applications and respond to applicants in a timely manner.			1
Contact DCA Strategic Planning & Development Unit to engage in process improvement sessions			✓
 Streamlining of cashiering and EMS approvals pending BreEZe. (Breeze dependent) 			✓
Objective 3.4 - Maintain and expand the pool of licensees to help develop State-specific examinations.		1	
Recruit for development of exams through outreach and direct contact professional associations		√	
Objective 3.5 - Protect the validity of the content and security of examinations.			
nsistently monitor exam validity of each test and begin administering through CBT	10/1/2012		
• Engage NCEES in the administration of national exams for PELS	10/1/2012		
Continue auditing exam information for security, and monitor how it is presented to the CBT vendor		✓	
Provide occupational analysis as required for each exam	2011-2013		
Objective 3.6 - Accept credit card and PayPal payments for application and examination fees.			/
Credit transactions pending BreEZe. (Breeze dependent)			/
Objective 3.7 - Participate in ABET visits.	1		
Coordinate Board Member / Staff participation as observers at ABET visits every fall pending travel freeze exemptions.	10/1/2012		
Encourage public board member participation	11/1/2012		
Objective 3.8 - Pursue the National Council of Examiners for Engineering and Surveying (NCEES) and the Associate of State Boards	1		
of Geology (ASBOG) administration of national examinations.			
Begin National Council of Examiners for NCEES administration	10/1/2012		
Researched ASBOG implementation. Determined to be unfeasible at this time.	_ <		
Objectives 3.9 - Actively participate and attend NCEES and ASBOG meetings to vote on new policies and procedures relating to	1		
examinations.			
Pending out-of-state travel exemptions		√	
Organize NCEES Western Zone meetings in San Francisco, California	4/18/2013		

BPELSG Action Plan 2011-2014	Completed	In Progress	Remaining
Goal 4: To pursue and obtain adequate resources to meet the Board's mission and vision.			
Objective 4.1 - Develop incentives and restructure compensation to retain a quality Executive Order.	1	in since	
Completed	7/1/2011		
Objective 4.2 - Pursue authorization and funding, if needed, to increase attendance at NCEES meetings and ASBOG meetings.		✓	
 Justify approval & funding for out-of-state and in-state travel to required meetings Justify representing the interest of the licensees and consumers of California at zero-cost events and pre-paid events to Agency 		V	
and the Governor's office		V	
Objective 4.3 - Develop and implement career succession plan for Board Staff.		*	
 Establish a protocol/manual for managers/staff to identify recruiting of current staff for upward mobility to disseminate 		1	
 Develop a Knowledge Retention Plan which includes overlapping retiring staff with new hires 		✓	
Objective 4.4 - Pursue funding and hiring freeze exemptions for additional staff in all units and programs as needed.	1		
 Seek hiring freeze exemptions - currently lifted. Budget Change Proposal for Enforcement Unit staff and Geologist Registrar have been approved at agency level Budget Change Proposal for the hiring of fingerprint staff 	2011 7/1/2013 7/1/2012		
Objective 4.5 - Pursue limited-term positions for specific projects.			1
Issue dates to be digitally recorded			✓
Scan enforcement actions and organization record forms			1
Of $\frac{\omega}{c}$ tive 4.6 - Pursue authority and funding to hire a staff geologist.		1	
• Kewrite class specifications		1	

BPELSG Action Plan 2011-2014	Completed In Progress	Remaining
Goal 5: Outreach		THE REAL PROPERTY.
Objective 5.1 - Expand Enforcement Outreach Program to local and state agencies, professional associations, and consumer groups.		
See objective 1.2	See objective 1.2	
Objective 5.2 - Obtain resources, including staff, funding, and out-of-state travel approval, to fully support outreach.		
See objective 1.2	See objective 1.2	
Objective 5.3 - Expand the licensure outreach programs to associations, college career fairs, and schools (e.g. Math Counts, Trigstar).		
Review engineering magnet schools Publicize at college career fairs	V	1
Objective 5.4 - Develop and revise the Board's publications, as needed.		
Develop and release new tri-annual newsletter.	See objective 5.6	
Revise the local officials guide to include all disciplines		✓
Update and revise consumer guide to include all disciplines		✓
Develop paper promotional materials for colleges		✓
Objective 5.5 - Regularly attend NCEES, ASBOG, and ABET meetings.	1	
• See objective 3.9	See objective 3.9	
Ob, $\stackrel{\omega}{\sqsubseteq}$ ives 5.6 - Regularly develop and distribute an electronic newsletter.	1	
See objective 5.4. (Develop and release new tri-annual newsletter)	✓	
Objective 5.7 - Keep abreast of emerging technologies and apply them appropriately.		
• Research feasibility of creating a Board "app" for smartphones, and contact DCA Public Affairs office to discuss social networking		
opportunities. (Breeze dependent)		✓
• Develop license lookup through smartphone "app". (Breeze dependent)	1	✓
• Develop business lookup though smartphone "app". (Breeze dependent)		✓
• Make website more user friendly and "mobile app" friendly. (Breeze dependent)		\checkmark
• Explore Use of Social Media to Improve Communication (i.e. Facebook, Twitter, LinkedIn)	Spring 2013	

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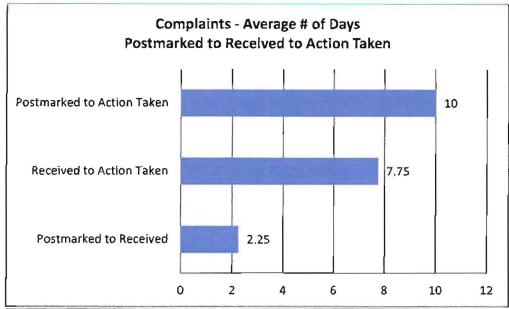
VI. ENFORCEMENT

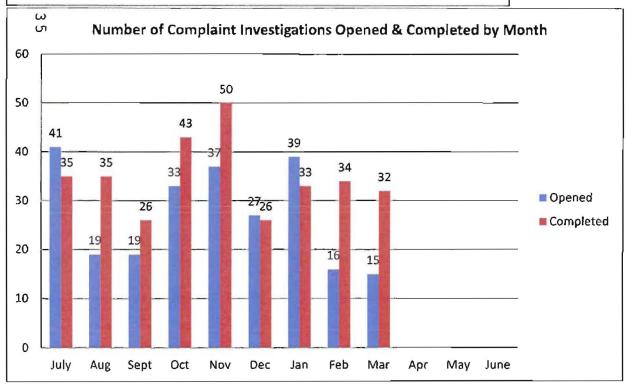
A. Enforcement Statistical Reports (Possible Action)

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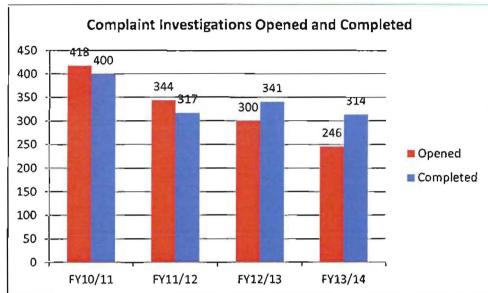
PELS ENFORCEMENT PROGRAM

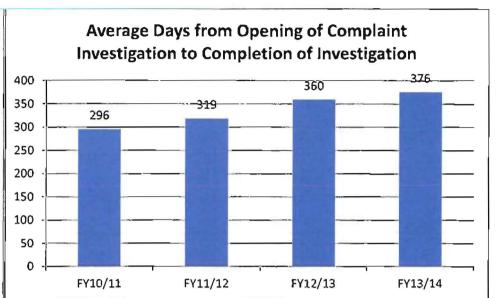
Complaint Investigation Phase



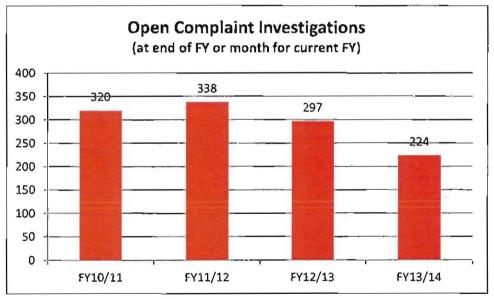


Complaint Investigation Phase



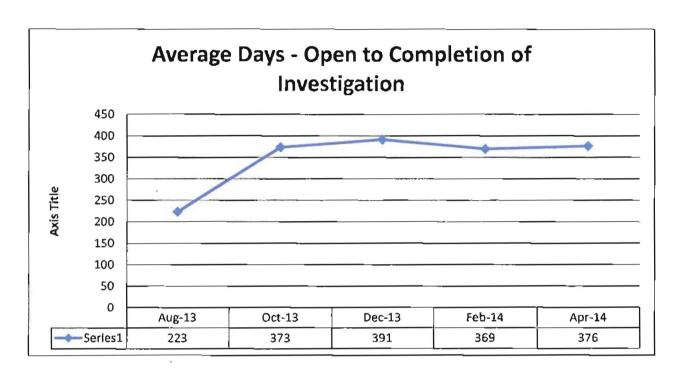


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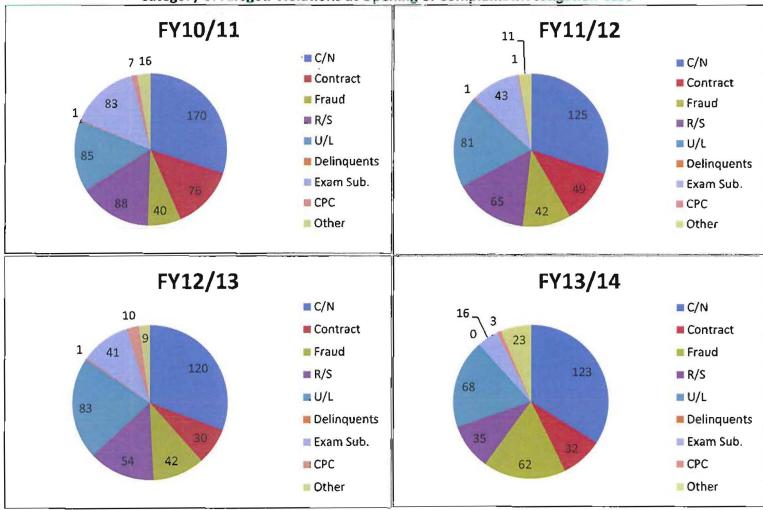


NOTE: FY13/14 statistics are through March 31, 2014

Complaint Investigation Phase Percentage Change of Aging Based on Board Meeting Dates



Category of Alleged Violations at Opening of Complaint Investigation Case



NOTE: FY13/14 statistics are through March 31, 2014

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one category

C/N = Competence/Negligence

Contract = Contractual Issues (breach of contract, failure to execute written contract, failure to include all required elements in written contract)

Fraud = Fraud/Deceit/Misrepresentation; Aiding and abetting; Criminal conviction

R/S = Failure to file; Failure to resubmit; Monumentation

U/L = Unlicensed Activity

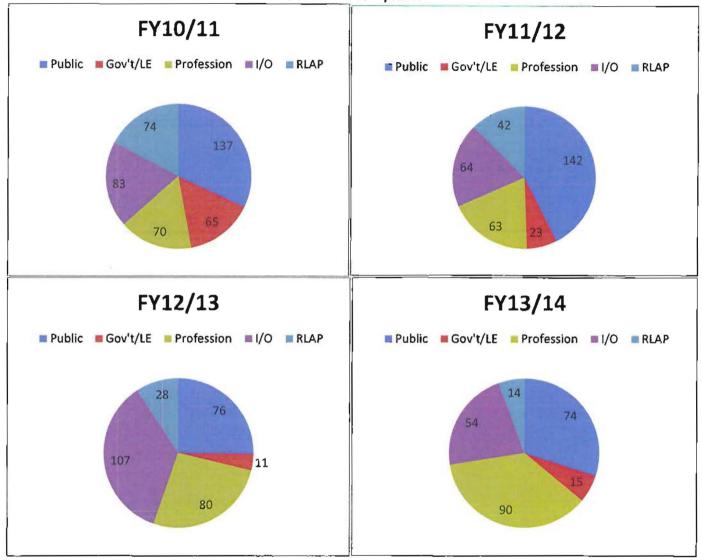
Delinquents = Delinquent Reinstatement applicants

Exam Sub. = Exam subversion (includes those removed from exams and collusion analyses)

CPC = Code of Professional Conduct (16 CCR §§ 475 & 476)

Other = Anything not covered above (i.e., failure to sign/seal; failure to file OR)

PELS ENFORCEMENT PROGRAM Source of Complaint



NOTE: FY13/14 statistics are through March 31, 2014

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one source

Public = Consumers, individuals not licensed by BPELSG, attorneys, etc.

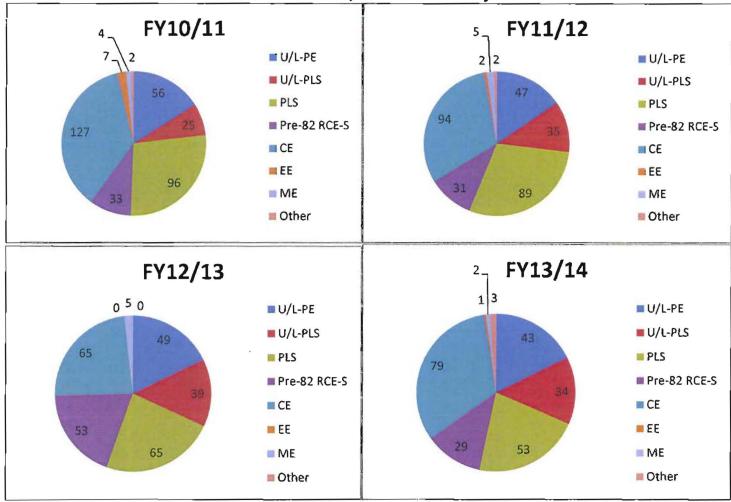
Gov't/LE = Government Agency or Law Enforcement (includes federal, state, and local governmental entities, e.g. County Surveyor's Office, Building Dept.)

Profession = Licensees of BPELSG; also includes professional associations (such as the JPPC)

I/O = Internal/Other - no complainant (exam subversion), inquiries that result in the Enforcement Unit opening a case, anonymous

RLAP = Reporting of Legal Actions Program – cases opened as a result of receiving a report of a civil judgment, settlement, arbitration award, or conviction

Area of Practice/Licensure of Subject



NOTE: FY13/14 statistics are through March 31, 2014

NOTE: May total more than the number of complaint investigation cases opened since cases may involve more than one area

U/L-PE = unlicensed activity relating to the practice of professional engineering

U/L-PLS = unlicensed activity relating to the practice of professional land surveying

PLS = allegations relating to the practice of land surveying by a Professional Land Surveyors

Pre-82 RCE-S = allegations relating to the practice of land surveying by a Pre-82 Civil Engineer

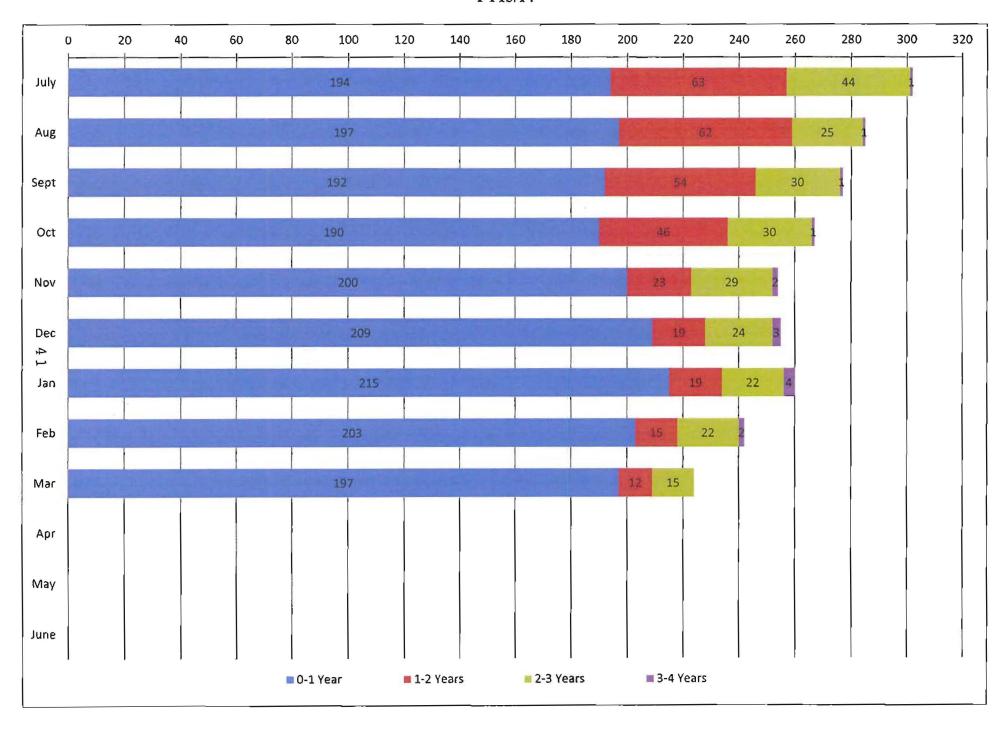
CE = allegations relating to the practice of civil engineering by a Civil Engineer

EE = allegations relating to the practice of electrical engineering by an Electrical Engineer

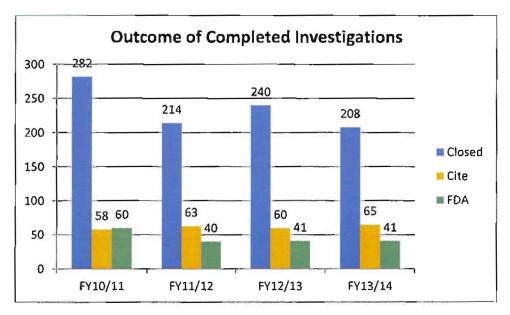
ME = allegations relating to the practice of mechanical engineering by a Mechanical Engineer

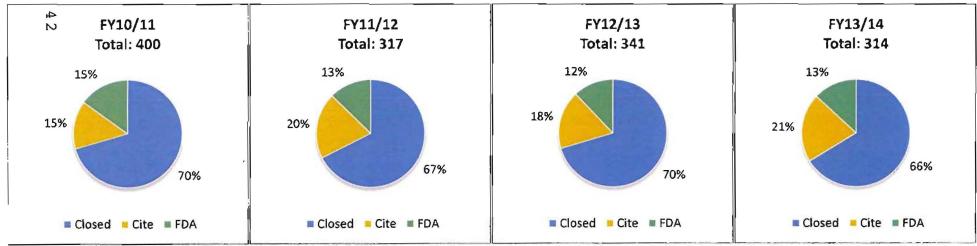
Other = allegations relating to the practice of any other discipline of engineering by a licensee in the specific discipline (i.e., traffic engineering by a Traffic Engineer)

Aging of Open (Pending) Complaint Investigation Cases FY13/14



Outcome of Completed Investigations





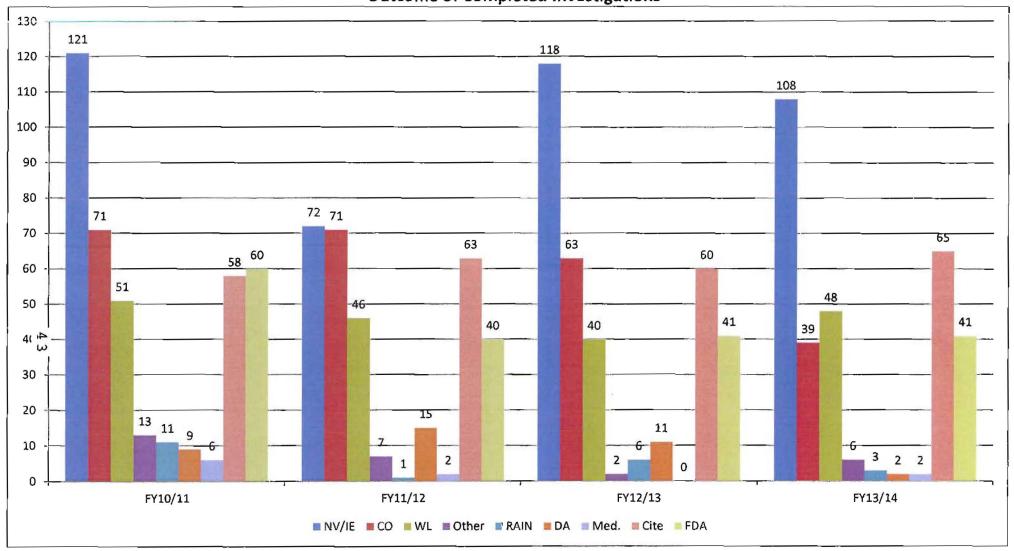
NOTE: FY13/14 statistics are through March 31, 2014

Closed = Closed with No Action Taken, includes the categories listed on the next page.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Outcome of Completed Investigations



NOTE: FY13/14 statistics are through March 31, 2014

Closed = Closed with No Action Taken, includes the categories listed below:

NV/IE = No Violation/Insufficient Evidence

CO = Compliance Obtained

WL = Warning Letter

Other = Other Reason for Closing Without Action (e.g., subject deceased)

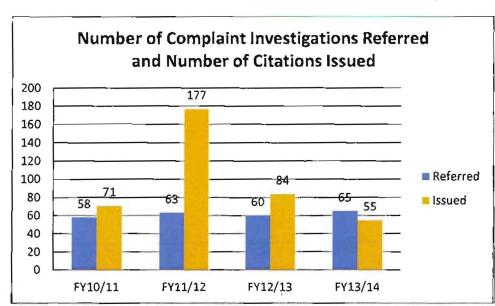
RAIN = Resolved After Initial Notification

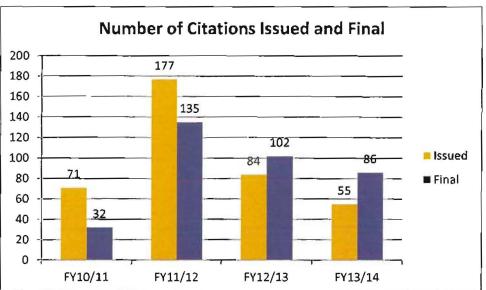
DA = Referred to District Attorney with Request to File Criminal Charges

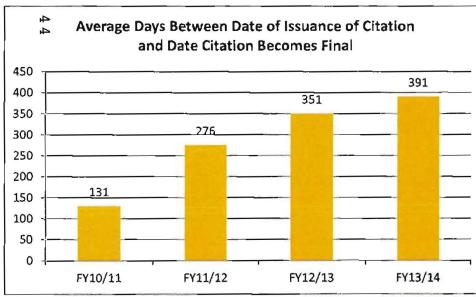
Med. = Mediated

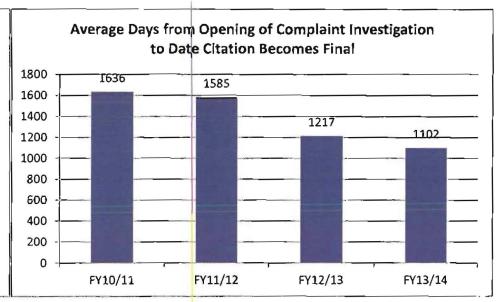
Cite = Referred for Issuance of Citation FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



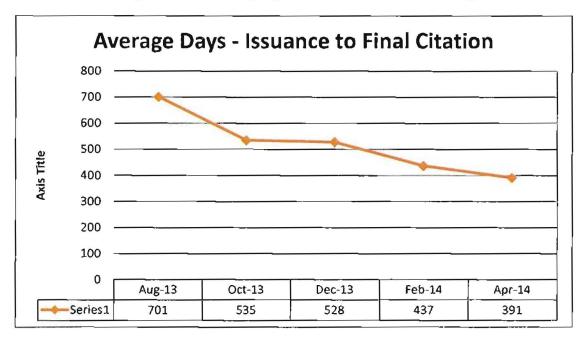


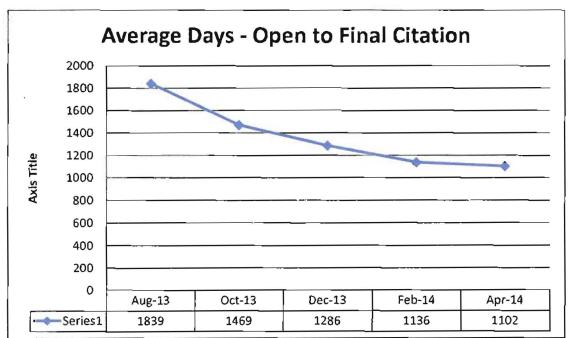




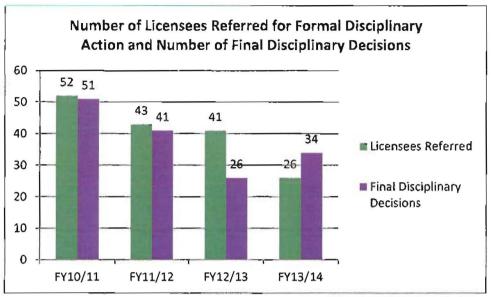
NOTE: FY13/14 statistics are through March 31, 2014

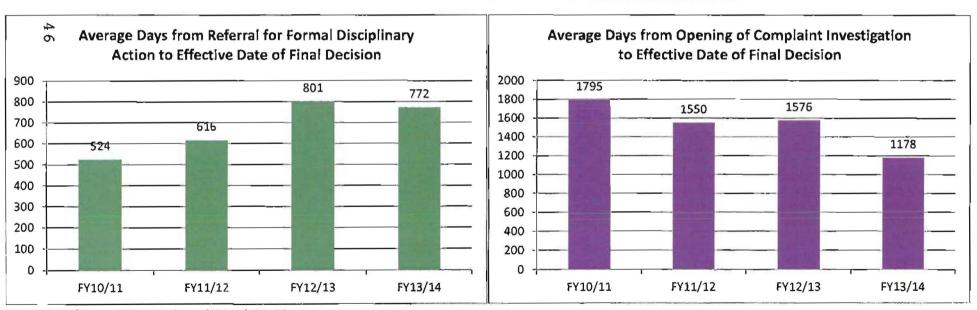
Citations (Informal Enforcement Actions)
Percentage Change of Aging Based on Board Meeting Dates





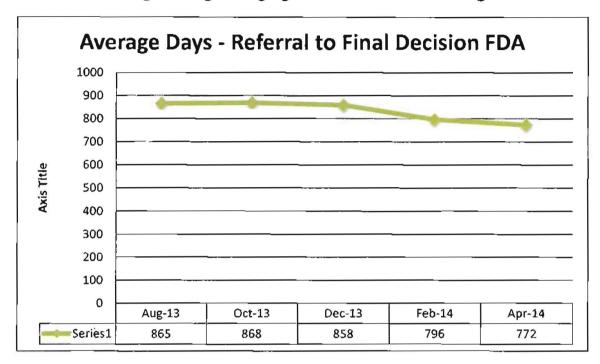
Formal Disciplinary Actions Against Licensees

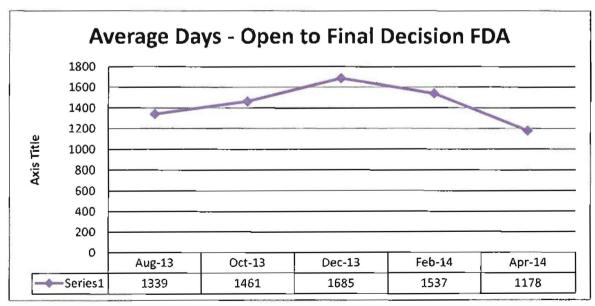




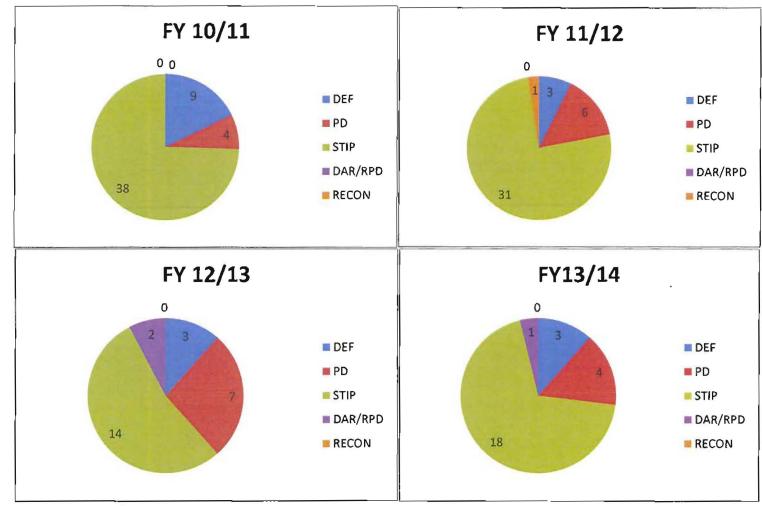
NOTE: FY13/14 statistics are through March 31, 2014

Formal Disciplinary Actions Against Licensees
Percentage Change of Aging Based on Board Meeting Dates





Formal Disciplinary Actions Against Licensees Types of Decisions



NOTE: FY13/14 statistics are through March 31, 2014

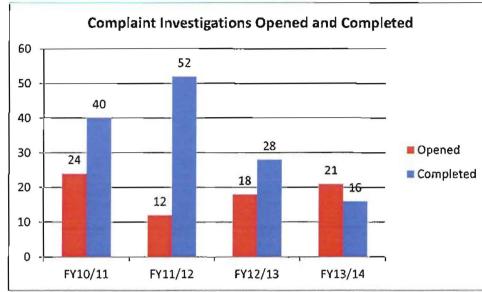
DEF = Default Decision PD = Proposed Decision STIP = Stipulated Settlement

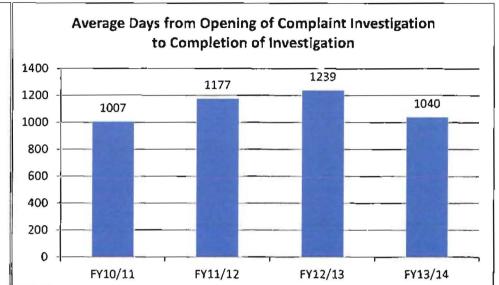
DAR/RPD = Decision After Rejection of Proposed Decision/Reduction of Order of Proposed Decision RECON = Modification of Default Decision or Proposed Decision after Petition for Reconsideration

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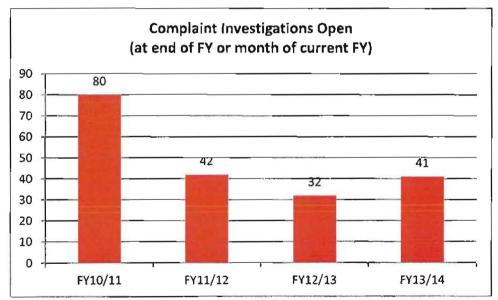
G&G ENFORCEMENT PROGRAM

Complaint Investigation Phase





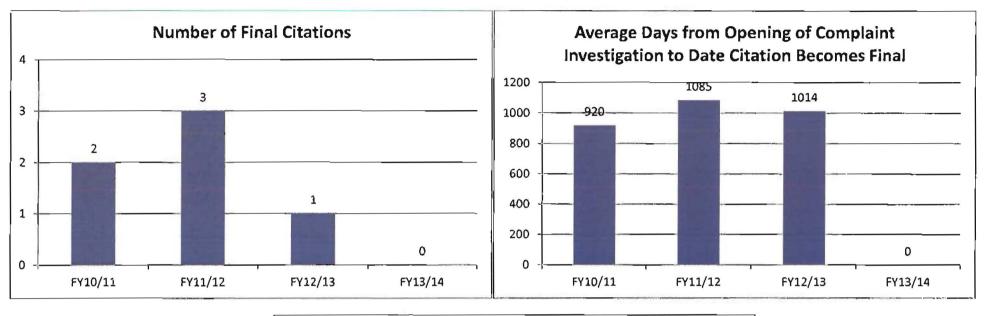
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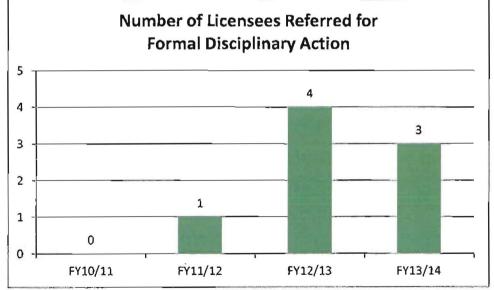
NOTE: FY13/14 statistics are through March 31, 2014

G&G ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions) and Formal Disciplinary Actions against Licensees



50



NOTE: FY13/14 statistics are through March 31, 2014

VII. **EXAMS/LICENSING**

- A.
- Update on Spring 2014 Exams (Possible Action)
 Professional Geophysicist October 2013 Examination Results (Possible Action) B.

VIII. APPROVAL OF DELINQUENT REINSTATEMENTS

APPROVAL OF DELINQUENT REINSTATEMENTS

Motion: Approve the following 3 and 5-year delinquent reinstatement applications.

CIVIL

MEHDI PIRAYEH

Reinstate applicant's civil license once he/she pays all delinquent and renewal fees.

BASILIO SUMODOBILA

Reinstate applicant's civil license once he/she takes and passes the California Seismic Principles and Engineering Surveying examinations, and pays all delinquent and renewal fees.

IX. CONSIDERATION OF RULEMAKING PROPOSALS

A. Update on Proposals to Amend 16 CCR 416 and 3060 (Substantial Relationship Criteria); 16 CCR 426.10, 426.14, and 426.50 (Qualifying Experience); 16 CCR 3003(b) and (e) (Definitions of Engineering Geology and Professional Geophysical Work); and 16 CCR 3005 (Retired Status Fee for Professional Geologists and Geophysicists)

Χ. **ADMINISTRATION**

- FY 2013/14 Budget Overview (Possible Action) Out-of-state Travel Update (Possible Action) A.
- В.

FY 2013/14 Budget Overview:

The information provided below is a summary of the Engineers and Land Surveyors fund and the Geologists & Geophysicists account. The data is based on approved Governor's Budget, projected expenditures & revenue, projections to year-end, applications received and renewals processed through February 2014.

The Engineers and Land Surveyors (PELS) Fund as of February 28, 2014:

	FY 13/14	FY 12/13
Expenditures	\$5.6 Million	\$4.7 Million
Revenue	\$7.3 Million	\$6.7 Million
Applications	8,403	8,516
Renewals	33,043	28,720

Budget Allotment	\$9.74 Million
Projection to Year-End	\$7.95 Million
Surplus/Deficit	\$1.79 Million
Revenue (Year-End)	\$8.76 Million

Expenditures have increased versus last FY as a result of increased contract costs with Prometric, our California Specific exam developer. Overall, the Board is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year. Applications have decreased mainly due to EIT and LSIT certification changes.

The Geologist and Geophysicists (GEO) Account as of February 28, 2014:

	FY 13/14	FY 12/13
Expenditures	\$848 Thousand	\$890 Thousand
Revenue	\$737 Thousand	\$724 Thousand
Applications	327	177
Renewals	2,584	2,933

Budget Allotment	\$1.38 Million					
Projection to Year-End	\$1.22 Million					
Surplus/Deficit	\$155 Thousand					
Revenue (Year-End)	\$996 Thousand					

Expenditures will increase versus last FY as a result of increased pro-rata costs and Prometric exam administration contracts costs. Applications are up across the Board for GIT, PG, CEG and CHG. Renewals are in a down year cyclically. Overall, revenue at year-end should remain consistent with historical averages.

0770 - Board for Prof. Engineers and Land Surveyors Analysis of Fund Condition

Prepared 4/14/14

(Dollars in Thousands)

Governor's Budget FY 2014 - 2015					Governor's				
NOTE: \$7.0 M	NOTE: \$7.0 M GF Loan Outstanding		ACTUAL 2012-13		CY 2013-14		Proposed BY 2014-15		
BEGINNING BALANC		\$	697	\$	1,923	\$	5,192		
Prior Year Adjust		\$	39	\$_		\$	M		
Adjusted Begir	nning Balance	\$	658	\$	1,923	\$	5,192		
REVENUES AND TRA	ANSFERS								
Revenues:									
125600 Oth	her regulatory fees	\$	88	\$	87	\$	72		
125700 Oth	her regulatory licenses and permits	\$	2,560	\$	2,548	\$	2,604		
125800 Re	enewal fees	\$	5,415	\$	6,061	\$	5,031		
125900 De	elinquent fees	\$	57	\$	52	\$	50		
141200 Sa	les of documents	\$	-	\$	-	\$	-		
142500 Mis	scellaneous services to the public	\$	-	\$	-	\$	~		
150300 Inc	come from surplus money investments	\$	8	\$	5	\$	11		
160400 Sa	ele of fixed assets	\$ \$	-	\$	-	\$	-		
	cheat of unclaimed checks and warrants	\$	8	\$	9	\$	9		
	scellaneous revenues	\$	1	\$	2	\$	2		
Totals, Reve	enues	\$	8,137	\$	8,764	\$	7,779		
Transfers from O	other Funds								
FO0001 Pro	oposed GF Loan Repayment per item	\$	-	\$	2,000	\$	-		
	10-011-0770, Budget Act of 2008								
	oposed GF Loan Repayment per item	\$	_	\$	500	\$	500		
	10-011-0770, Budget Act of 2011	•		•		*	-		
Totals, Revenues and Transfers		\$	8,137	\$	11,264	\$	8,279		
То	etals, Resources	\$	8,795	\$	13,187	\$	13,471		
EXPENDITURES									
Disbursements:									
	n Expenditures (State Operations)	\$	6,819	\$	7,951	\$	9,640		
	ate Operations)	\$	7	\$	1	\$	2,0.0		
170	I Information System for CA (State Operations)	\$	46	\$	43	\$	8		
ooo i manda	"Information dystern to ort (otate operations)	Ψ							
Total Disbursements		\$	6,872	\$	7,995	\$	9,648		
FUND BALANCE									
Reserve for economic uncertainties		\$	1,923	\$	5,192	\$	3,823		
Months in Reserve			2.9		6.5		4.7		

Prepared 4/14/14

02:05 - Geology Analysis of Fund Condition (Dollars in Thousands)

					Gov	ernor's
Governor's Budget FY 2014 - 2015					Pro	posed
	A	CTUAL		CY	ВУ	
·	2	012-13	20	013-14	2014-15	
BEGINNING BALANCE	\$	1,041	\$	1,066	\$.	831
Prior Year Adjustment	\$_	19_	\$		\$_	•
Adjusted Beginning Balance	\$	1,060	\$	1,066	\$	831
REVENUES AND TRANSFERS						
Revenues:						
125600 Other regulatory fees	\$	1	\$	2	\$	2
125700 Other regulatory licenses and permits	\$	221	\$	223	\$	226
125800 Renewal fees	\$	815	\$	753	\$	815
125900 Delinquent fees	***	14	\$	14	\$	15
141200 Sales of documents	\$	-	\$	-	\$	-
142500 Miscellaneous services to the public	\$	-	\$	-	\$	-
150300 Income from surplus money investments	\$	4	\$	2	\$	2
160400 Sale of fixed assets	\$	-	\$	-	\$	-
161000 Escheat of unclaimed checks and warrants	\$	•	\$	2	\$	2
161400 Miscellaneous revenues	\$	-	\$	-	\$	-
Totals, Revenues	\$	1,055	\$	996	\$	1,062
Totals, Revenues and Transfers		1,055	\$	996	\$	1,062
Totals, Resources	\$	2,115	\$	2,062	\$	1,893
EXPENDITURES						
Disbursements:						
1110 Program Expenditures (State Operations)		1,042	\$	1,225	\$	1,394
8840 FSCU (State Operations)		1	\$	- 1	\$	_
8880 Financial Information System for CA (State Operations)		6	\$	6	\$	1
Total Disbursements	\$	1,049	\$	1,231	\$	1,395
FUND BALANCE Reserve for economic uncertainties		1,066	\$	831	\$	498
to the second and standards		•	7		- 3	
Months in Reserve		10.4		7.0		4.2

XI. TECHNICAL ADVISORY COMMITTEES (TACS)

- A.
- Board Assignments to TACs (Possible Action) Appointment of TAC Members (Possible Action) Reports from the TACs (Possible Action) B.
- C.

MOTION:

To recommend approval by the Board the individuals named below for appointment to the Professional Land Surveyor Technical Advisory Committee (PLS TAC) for 2 year appointments commencing July 1, 2014:

- Mr. Landon Blake, P.L.S.
- Mr. Greg Hopkins, P.L.S.
- Mr. Edward Reading, P.L.S.

BACKGROUND:

The PLS TAC member appointments for the above individuals have been nominated by Pat Tami. The candidates have applied for, and their applications accepted, for recommendation for appointment as LSTAC members. The appointment of these candidates will help ensure the continuance, and enhancement, of the professional land surveying expertise and advice provided by the LSTAC.

RECOMMENDATION:

Recommend that the Board consider, and approve, the aforementioned individuals to serve as members of the PLS TAC for the terms requested.

68

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XII. **LIAISON REPORTS**

- A. ASBOG (Possible Action)
- B.
- C.
- ABET (Possible Action)
 NCEES (Possible Action)
 Technical and Professional Societies (Possible Action) D.

XIII. OPEN SESSION TO ANNOUNCE THE RESULTS OF CLOSED SESSION

XIV. PRESIDENT'S REPORT/BOARD MEMBER ACTIVITIES

XV. APPROVAL OF CONSENT ITEMS

(These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the February 12-13, 2013, Board Meeting

DRAFT

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

Office of the Attorney General 110 West A Street, 13th floor conference room San Diego, CA 92101 February 12-13, 2014 Beginning at 9:00 a.m.

Wednesday, February Board Members Present:	12, 2014 Erik Zinn, President; Kathy Jones Irish, Vice President; Natalie Alavi; Asha Brooks; Diane Hamwi; Eric Johnson; Coby King; Ray Satorre; Jerry Silva; Robert Stockton; and
Board Members	Philip Quartararo and Dr. Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Budget Analyst); Ray Mathe (Examinations

1. Roll Call to Establish a Quorum

The meeting was called to order by President Zinn at 9:02 a.m. Roll call was taken, and a quorum was established.

During this time Board members and staff introduced themselves.

II. **Public Comment**

Mr. Joe Silva, a Chemical Engineer, provided his view on the difference between Practice Act and Title Act engineers. He provided examples of accomplishments of the Title Act discipline specifically pertaining chemical engineering during World War II. He requested that the Board consider allowing Chemical Engineers to offer services.

Mr. Art Sutton spoke in support of Joe Silva's request. He suggested that the Board consider a study of professional engineering in California.

IX. **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

Carl Josephson, former Structural Engineer Board Member, reported that the Structural Engineering TAC met on December 19, 2013. He provided some background on two items that were reviewed by the SE TAC. One was the proposed legislation by SEAOC, and the second issue was whether the NCEES 16-hour SE exam was appropriate for California. He explained that buildings in California are allowed to be designed by civil engineers with the exception of schools and hospitals. The restrictions to practice structural engineering are not in the Professional Engineers Act. A problem exists when out-of-state engineers look for the restrictions of practice, they are not able to find them because they are contained in other laws; therefore, the out-of-state engineers assume there are no restrictions on the practice of structural engineering by civil engineers. He added that it is also not clear to engineers within the state.

Mr. Josephson pointed out that SEAOC is proposing to bring the language that has the restriction of practice into to the PE Act to help clarify this issue. Originally they hoped to expand the type of structures that could only be designed by structural engineers to those that are referred to as "significant structures," which is similar to what is currently being done in other states. However, SEAOC has decided to start by placing language in the PE ACT regarding the current structures that must be designed by a structural engineer for better clarity and transparency. Because SEAOC does not yet have written language to present to the legislature, the SE TAC deferred making any recommendations on this proposal until they see the language. The SE TAC is supportive of the concept but will wait until they review the language. Mr. Moore reported that staff has been working with SEAOC and the Senate Business, Professions, and Economic Development Committee. There have been discussions to determine if the issue should be part of the Board's Sunset Review. More information will be provided at a future Board meeting as it becomes available. President Zinn suggested that the Board be mindful not to restrict the practice of civil engineering further. Mr. Moore reported that NCEES is considering doing a study as it is becoming controversial and recently sent out a request to determine if a study would be appropriate. Mr. Tami reported that 75% of the states do not license by discipline, and 75% thought it should be status quo; however, over half indicated that it needed to be studied further.

The second issue Mr. Josephson covered with the SE TAC was regarding the NCEES 16-hour SE exam. He explained that California used to write its own SE exam. For years it was referred to as the 16-hour exam, and it was written and graded by SEAOC members. It then transitioned to being developed by the Board with the assistance of psychometricians. It was also referred to as the Western States exam, since other states, such as Washington and Hawaii also helped with the development and administered the exam for their applicants. When the National Structural exam became available, California used 8 hours of the National Structural exam and 8 hours

of the California Exam. Candidates had to take and pass the full 16 hours. California then transitioned to the new 16-hour NCEES exam. Ed Huston, who is from Washington and is the Chair of the NCEES structural engineering exam committee, attended the SE TAC meeting to discuss the exam. The exam leadership is continuing to do a quality control of the exam. Because the exam is written so far in advance, any changes will not occur for another There will be another Professional Application and vear and a half. Knowledge (PAK) study in 2015-2016 which will change the language and tenor of the exam. Gregg Brandow, SE TAC Chair, reviewed and provided his impression of the exam. The recommendation to the Board is that the SE TAC continue to monitor the exam to see if it is appropriate for California. There is some concern in the structural engineering community as to whether the exam is covering high seismic areas. The recommendation was to encourage California structural engineers to continue to be involved in the writing and grading of the exam. There was also a discussion whether California should make its item bank available to NCEES, and the SE TAC recommends waiting on that issue.

Mr. Moore reported that on the Geology & Geophysics TAC meeting. He advised that the Washington State Geology Board has approached the Board about reciprocity between the two states. There was good dialogue about reciprocity. There were members of the Washington Board that attended the G&G TAC meeting. The experience and education requirements are very The Washington Board understood that anyone that was an engineering geologist in Washington who wanted to be licensed in California would have to pass the California supplemental exam for Professional Geologists first and then provide obtain their license as a Certified Engineering Geologist. They also indicated that Oregon would be interested in reciprocity with California as there is a similar agreement between Washington and Oregon. President Zinn appointed a subcommittee to work with the Washington and Oregon Boards to compare examinations and test plan specifications. Mr. Moore noted that he attended the State Mining and Geology Board's Board meeting. They were very receptive in collaborating with the Board. President Zinn pointed out that the State Mining and Geology Board is under the Department of Conservation.

II. Public Comment (cont.)

Ms. Ellie Klausbruckner, Fire Protection Engineer, inquired as to the status of the study required by the PE Act regarding converting Titles Acts to Practice Acts.

X. Liaison Reports

- A. ASBOGNo Report Given
- B. ABET No Report Given
- C. NCEES

Nomination of Emeritus Members

VOTE: Mr. Tami and Mr. Satorre moved to recommend Mike

Modugno and Carl Josephson be appointed as emeritus

members to NCEES.

MOTION: 11-0. Motion carried

D. Technical and Professional Societies

Mr. Moore reported that he and Ms. Arnold attended the Architects Engineers Committee meeting to collaborate and discuss legislative efforts. Mr. Mathe and Mr. Moore spoke at an event in Humboldt to discuss enforcement, monument preservation, and the Joint Professional Practice Committees (JPPC).

Mr. Mathe was asked to be a participant on a panel discussing the Qualifications Based Selection laws and process at Fresno State at which ACEC moderated. Mr. Mathe is attempting to get both ACEC and CLSA to collaborate on communicating with governmental entities the requirements for QBS when contracting for professional services, such as engineering and land surveying

Mr. Moore will be meeting with the Building Standards Commission to discussing working together and possibly hosting a joint TAC meeting at which the BSC Executive Officer and staff could make a presentation.

Ms. Jones Irish asked if it would be possible to share Board staff's speaking engagements calendars with the Board member to assist in outreach. She also inquired if Board members were to participate, if they would be compensated for their travel. Mr. Moore noted that travel has to be reviewed and approved on a case-by-case basis.

III. **Executive Officer's Report**

A. Legislation

Discussion of Legislation for 2014: AB 186; AB 1551

Mr. Alameida reported that AB 186 would authorize a board within DCA to issue a temporary license for 12 months to an applicant who meets certain requirements. It passed the Assembly and is being heard in Senate B, P & ED Committee. Concerns were raised because of the California State exams that require passage prior to issuing a license to the individuals. The Board has offered amendments to the author, and it appears as though there are more amendments from other boards and organizations. The author's staff identified that there is amended language that is not in print but will be provided by February 21, 2014, which is the deadline for new language to be presented.

Mr. Alameida reporting on AB 1551, which would prohibit a person from using a licensed engineer's or land surveyor's documents without the written consent of the licensee. It would also allow the licensee to withhold consent under certain circumstances.

After much discussion regarding the underlying intent of the proposal; the confusion that would be caused by the wording in the legislation; and concerns with the effect the proposal would have on public agencies, other licensees, and consumers, the following motion was made:

MOTION: Mr. Silva and Mr. Satorre moved to support AB 1551 if

amended.

VOTE: 5-5-1, Ms. Jones Irish, Ms. Brooks, Ms. Hamwi, Mr. King,

and Mr. Stockton opposed and President Zinn abstained.

Motion Failed.

After further discussion as to the Board's role as a consumer protection agency and whether the language as proposed would be enforceable by the Board, the following motion was made:

MOTION: Mr. King and Ms. Jones Irish moved to direct staff to work

with Assembly Member Holden's office to change language in AB 1551 so that the Board would have the authority to take disciplinary action against a licensee if they have been

found to have violated copyright.

Ms. Eissler requested clarification as to whether the intent of the motion was that the Board would not be taking a formal position on this bill at this time. Following discussion regarding the timing of the legislative session and future Board meetings, Mr. King and Ms. Jones Irish withdrew the prior motion, and the following motion was made:

MOTION: Mr. King and Ms. Hamwi moved that the Board oppose

AB1551 unless amended and to work with Assembly Member Holden's office to craft language that will allow the Board to take disciplinary action on any licensee that violates

the intellectual property rights of another licensee.

VOTE: 5-5-1, Ms. Jones Irish, Ms. Alavi, Ms. Brooks, Mr. Silva and

Mr. Tami opposed and Mr. Satorre abstained.

Motion failed.

After a brief discussion of the intent of the Board in taking a position on the bill, the following motion was made:

MOTION: Mr. King and Mr. Stockton moved to support AB1551 only if

it is amended to narrow the scope of the proposal to only

allow the Board to impose disciplinary action against a licensee who has been found by a court of law to have violated the intellectual property rights of another licensee.

VOTE: 11-0, Motion passed.

2. Status of Board Legislative Proposals for 2014

- a. Petitions for Reinstatement Geologists and Geophysicist Act
- b. Petroleum Geologists Qualifications
- c. Remove "eight-hour" term from Section 6759 of the Business and Professions Code

Mr. Alameida reported that all of the proposals have been accepted for inclusion in the Senate B, P, & ED Committee's omnibus bill.

Mr. Moore explained that the removal of the reference to "eight-hour" exams in Section 6759, which relates to comity applicants, is based on a recommendation from NCEES since the trend is to move away from exams that are a specified time period in length, especially with the conversion to computer-based tests. Mr. Moore noted that the Board has not yet voted on this proposal.

MOTION: Mr. King and Mr. Johnson moved to approve the removal of

the "eight-hour" term from Section 6759.

VOTE: 11-0, Motion passed.

B. Strategic Plan

Mr. Alameida provided updates on the various tasks within the Strategic Plan. He explained that the development of a new Strategic Plan will begin this year. The Board will be working together with DCA's SOLID.

Mr. Moore updated the Board on out-of-state travel approval requests for functions hosted by NCEES and ASBOG. He explained that the Board's request to attend the NCEES Western Zone meeting was denied; however, we are still awaiting a response on the request to attend the ASBOG exam development meeting. He advised that the next request to be submitted for approval will be for the NCEES Annual Meeting.

Mr. Tami would like to see the inclusion of a BCP to develop exams on the next agenda if our out-of-state travel requests continue to be denied.

Mr. Moore indicated he will work with SOLID to determine what dates they can meet with the Board to begin the Strategic Plan process.

C. Personnel

Mr. Moore reported that two Staff Services Manager I positions are available at the Board and that restructuring among staff is taking place.

D. Administrative Task Force No Report Given

E. BreEZe Status Update

Mr. Moore provided some background of the BreEZe implementation. Release II is anticipated for fall 2014; and Release III may be implemented by the end of 2015. We are in Release III. The Release I boards had to dedicate more staff and resources for the design, testing, and implementation than first anticipated.

Ms. Eissler explained further that more time is needed to ensure the design is appropriate for each individual board than had been originally anticipated. She added that DCA, the Legislature, and the Governor's administration have all been supportive of authorizing additional resources for the boards to implement BreEZe.

IV. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler provided an update on the enforcement program statistics through January 31, 2014. Enforcement staff is making progress on resolving older cases. Mr. Tami expressed his frustration with the length of time it takes to close cases; he would like a chart that indicates when a case is postmarked to the time it is opened. Ms. Eissler indicated that DCA and the Legislature are aware of the concerns all boards have with the ability of the Office of Administrative Hearings to hear cases in a timely manner, which is a factor in the length of time it takes cases to be resolved. Mr. Tami does not want fault to lie with other agencies. Ms. Eissler advised that the Sunset Review process provides opportunity to present these issues and obtain additional resources if appropriate.

Mr. Moore would like to implement training for experts to ensure that the experts are producing effective reports to assist staff in meeting the 12-month goal for investigations. He also reported that we recognize that there are things we can do in terms of working with the Division of Investigations and the Attorney General's Office, as well as internally.

B. Investigative Timeline Goal

Mr. Moore reported that he, Ms. Eissler, and Ms. Criswell reviewed cases over a year old and provided recommendations and determined the direction of the case. After reviewing approximately eighty cases, Mr. Moore believes twelve months is a reasonable time period for the investigative portion and does not think it is realistic to go further.

Mr. Moore indicated that twelve months would be the maximum amount of time to complete an investigation. Mr. Tami would like to see a maximum

time of six months. Mr. King pointed out that investigations take time and due process must be followed. Ms. Eissler explained that she would have concerns with not giving people sufficient time to respond. She stated that the point of the investigation is not to prove that the subject violated the law but to obtain sufficient evidence to determine whether or not a violation occurred. She indicated there would be concerns if things were done to drastically reduce the time period in which people were given to respond during the investigation; however, from the review of the cases, it is clear that once the information is received, it needs to be dealt with more quickly by the Enforcement Unit staff.

Mr. Moore explained due process and outlined some of the delays that occur during the investigation phase.

Ms. Eissler reported that there was an extreme backlog in issuing citations, scheduling informal conferences, and sending the appeals to the Attorney General's Office, as well as an extreme backlog in referring cases to the AG's Office for formal disciplinary action. These backlogs have now been eliminated, which was the first step in dealing with the overall aging of cases. She explained that the effect of this is that the aging of the final citations and final formal disciplinary actions increases as the older cases move through the process.

Mr. Tami inquired what the average goal is if twelve months is the maximum amount of time. Mr. Moore indicated that the average would be six months and explained that the ones that have aged the most have been very complicated and are not the majority; the average should be below the 6-month timeframe.

Ms. Jones Irish would like a report on the number of cases that have come in to get a sense of the flow. Ms. Alavi requested the aging of open cases based on when they are opened. Ms. Eissler indicated that she would prepare the additional statistics for future Board meetings.

VIII. Administration

A. FY 2013/14 Budget Overview

Mr. Alameida presented the 2013/14 budget. He explained how it is assembled, how revenue is collected, and how expenditures are forecast. He provided examples of how regulatory fees are collected and provided the revenue codes for the Board's application/license fees, renewal fees, and delinquency fees.

Mr. Alameida explained the PELS fund condition for the current fiscal year and the Governor's proposed budget for Fiscal Year 2014-15. He indicated that the current months in reserve for the PELS fund are 6.4 months and 7.2 for the G&G fund. He reported that there is \$7 million in General Fund loans

to the administration that are still outstanding. It was indicated that pay \$2.5 million will be paid back this year and another \$500,000 annually until the reimbursement goal is met. The loans were a result of the downturn in the economy; therefore, the administration took loans from boards, bureaus, and departments. He noted that the information is available to the public on the Department of Finance's website.

The estimated expenditures approved by the Governor for Fiscal Year 2013-14 for PELS were \$9.7 million and \$1.37 million for G&G. It is projected that there will be \$8 million in expenditures for PELS and \$1.2 million for G&G. The difference goes into the fund balance.

Mr. Alameida presented charts which outlined the Board's expenditures and revenue. He detailed the budget further and answered questions from the Board members.

B. FY 2014/15 Budget Introduction

Mr. Alameida introduced the budget for Fiscal Year 2014/15 which outlined the amount appropriated in the Governor's proposed budget.

C. Out-of-state Travel Update

No additional report given beyond the information provided during the Strategic Plan discussion.

VII. Consideration of Rulemaking Proposals

A. Proposal to Amend Board Rules 416 and 3060 (16 CCR 416 and 3060) (Substantial Relationship Criteria)

Ms. Eissler explained that the Board has the authority to deny issuing a license or to take disciplinary action against a license if the person has been convicted of a crime that is substantially related to the qualifications, functions, and duties of the profession. She advised that there is a general section in the Business and Professions Code that requires all boards to have regulations that define what is meant by this "substantial relationship."

At the August Board meeting, staff was directed to review language from other boards' regulations regarding what they include for substantial relationship and provide a recommendation to add more items to give applicants and licensees a better idea of what is meant by the phrase when it comes to criminal convictions that could affect their ability to obtain or keep a license. It was determined that the language used by the Contractors State License Board was most applicable to our Board. The proposed amendments would add the following language:

 Crimes or acts involving dishonesty, fraud, deceit, or theft with the intent to substantially benefit oneself or another or to substantially harm another:

- Crimes or acts involving physical violence against persons;
- Crimes or acts that indicate a substantial or repeated disregard for the health, safety, or welfare of the public.

Staff recommends adding this language to Sections 416 and 3060, with additional clean-up of the phrasing so the two sections mirror each other and correctly reflect the language used in statute.

Mr. Tami expressed concerns with the word "substantial." He felt that it is not clearly defined. He would also like to strike the words "against persons" relating to the physical violence provision.

Mr. King explained how the word "substantial" is typically interpreted by the courts.

MOTION: Mr. King and Mr. Tami moved to strike "against persons" in

subdivisions 416(e) and 3060(d).

VOTE: 11-0, Motion passed.

MOTION: Mr. Silva and Mr. Satorre moved to approve the proposal and

direct staff to being the rulemaking process to amend Title 16,

California Code of Regulations sections 416 and 3060.

VOTE: 10-1, Mr. Tami opposed

Motion passed.

B. Proposal to Amend Title 16, California Code of Regulations Sections 426.10, 426.14 and 426.50 (Qualifying Experience)

Ms. Eissler reported that the staff recommends amending Title 16, California Code of Regulations Sections 426.10, 426.14, and 426.50 pertaining to the qualification and experience requirements for engineers. The current language is not clear and does not provide a firm date that establishes when qualifying experience begins.

Ms. Brooks left the meeting at 3:38 p.m.

MOTION: Mr. King and Mr. Stockton moved to approve the proposed

amendments and direct staff to begin the formal rulemaking process to amend Title 16, California Code of Regulations Sections 426.10, 426.14, and 426.50 and clarify all references to qualifying experience regarding structural engineer

qualifications.

VOTE: 10-0, Ms. Brooks was not present for the vote.

86

Ms. Brooks returned to the meeting at 4:43 p.m.

- C. Update on Board Rules 475, 476, and 3065 (16 CCR 475, 476, and 3065) Code of Professional Conduct
 - Ms. Eissler reported that the proposal to amend the sections has been approved by the Office of Administrative Law, and the amendments will go into effect on April 1, 2014.
- D. Adoption of Proposed Amendments to (16 CCR section 3003 (b) and (e)) (Definitions of Engineering Geology and Professional Geophysical Work)

MOTION: President Zinn and Mr. King moved to adopt the proposed

changes to Title 16, California Code of Regulations section 3003 (b) and (e) and direct staff to finalize the rulemaking file for submittal to the Department of Consumer Affairs and the Office

of Administrative Law for review and approval.

VOTE: 11-0, Motion passed.

MOTION: Ms. Jones Irish and Mr. King moved to delegate the authority to

the Executive Officer to finalize the rulemaking file.

VOTE: 11-0. Motion passed.

E. Adoption of Proposed Amendments to (16 CCR section 3005) (Retired Status Fee for Professional Geologists and Geophysicists)

MOTION: President Zinn and Mr. King moved to adopt the proposed

changes to Title 16, California Code of Regulations sections 3005 and direct staff to finalize the rulemaking file for submittal to the Department of Consumer Affairs and the Office of

Administrative Law or review and approval.

VOTE: 11-0, Motion passed.

MOTION: Mr. Stockton and Ms. Hamwi moved to delegate the authority to

the Executive Officer to finalize the rulemaking file.

VOTE: 11-0, Motion passed.

XIV. Approval of Consent Items (These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the December 5, 2013, Board Meeting

MOTION: Mr. King and Mr. Satorre moved to approve the minutes. VOTE: 9-0-2, Motion passed; Ms. Brooks and Ms. Alavi abstained.

The Board recessed at 4:53 p.m.

Thursday, February 13, 2014 Board Members Erik Zinn, President; Natalie Alavi; Asha Brooks; Diane	
Present;	Hamwi; Eric Johnson; Coby King; Ray Satorre; Jerry Silva;
Board Members	Kathy Jones Irish, Vice President; Philip Quartararo, and
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Ray Mathe (Examinations Manager); and Angelique Scott (Legal

I. Roll Call to Establish a Quorum

The meeting was called to order by President Zinn at 9:03 a.m. Roll call was taken, and a quorum was established.

XVI. Hearing on the Petition for Reinstatement of Revoked License of Levi Rodriquez

The Board conducted the hearing on the Petition for Reinstatement of Revoked License of Levi Rodriquez.

- XVII. Closed Session Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)] This Closed Session was held immediately following the hearing.
- XI. 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. Civil Litigation
 - 1. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
 - Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS
 - 3. Ruvin Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145675
 - 4. Ruvin Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145796
 - 5. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185

XII. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that during Closed Session, the Board directed the Administrative Law Judge to prepare the decision on the Petition for Reinstatement; the Board took action on four stipulations, one default decision,

and two proposed decisions; the Board discussed examination procedures and results; and the Board discussed litigation as noticed.

V. Exams/Licensing

A. Update on Fall 2013 Exams

Mr. Mathe presented the examination statistics. He indicated there were eight candidates who took the professional geophysicist examination; however, due to an insufficient number of Subject Matter Experts willing to attend the cut-score meeting, it had to be rescheduled for a later date. Mr. Mathe noted that there are only 174 Professional Geophysicists, and it is difficult to obtain sufficient participation to set the cut-score. Mr. Moore explained the examination is dependent on the recruitment of existing licensees to help with writing and reviewing items and determining the cut-score. Mr. Mathe noted that the overall no-show rate for all of the fall exams was 11%.

B. 2014 Exam Development Schedule

Mr. Mathe reviewed the examination schedule for 2014 and encouraged Board members to attend. Mr. Moore cautioned that there cannot be more than two Board members in attendance at a time as it would constitute a Board meeting.

C. Spring 2014 Exams

Mr. Mathe noted that eligibility lists will be sent to vendor for state examinations in the next few weeks.

D. Proposal to Post Sample CBT Questions for State Exams on the Board's Website

MOTION: Mr. Tami and Mr. Satorre moved to retire exam questions and

make them available to candidates as soon as feasible.

VOTE: 10-0, Motion passed.

E. Approval of New Test Plan Specifications for the CSE, CEG, and CHG Exams

MOTION: Mr. Tami and President Zinn moved to adopt all three test plans.

VOTE: 10-0, Motion passed.

Mr. Johnson left the meeting at 12:20 p.m.

XV. Other Items Not Requiring Board Action

Mr. Moore reported that there were 226 certificates of recognition issued to Professional Engineers and 372 to Professional Geologists. He added that the Board continues to receive letters of appreciation from the licensees.

VI. Approval of Delinquent Reinstatements No report given.

XIII. President's Report/Board Member Activities

Mr. Tami reported he attended the NCEES Advisory Committee on Council Activities meeting, the NCEES PS exam development meeting, and the Mobility Task Force meeting.

XV. Other Items Not Requiring Board Action (Cont.)

Ms. Eissler reported that there will be a petition hearing at the next Board meeting. Mr. King indicated that he will be unavailable on April 11, and Mr. Tami will not be available on April 10 and 11. Mr. Moore advised that he would poll the Board members regarding their availability.

XVIII. Adjourn

The meeting adjourned at 12:30 p.m.

PUBLIC PRESENT

Julius Reyes, PECG
Carl Josephson
Joe R. Silva
Art Sutton
Bob DeWitt, ACEC
Don Woolley, Rick Engineering Company
Elley Klausbruckner, Klausbruckner & Associates
Adrian Contreras, AGO
Mehrdad Nabizadeh, PECG