



**Board for Professional Engineers,
Land Surveyors, and Geologists**

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

**July 31 - August 1, 2014
9:00 a.m.**



**Board for Professional Engineers, Land Surveyors,
and Geologists
2535 Capitol Oaks Drive
Third Floor conference Room
Sacramento, CA 95833
(916) 263-2222**

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JULY 31-AUGUST 1, 2014

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
2535 CAPITOL OAKS DRIVE, SUITE 300
SACRAMENTO, CA 95833

BOARD MEMBERS

Board Members: Kathy Jones Irish, President; Robert Stockton, 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; Patrick Tami and Erik Zinn

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I. **ROLL CALL TO ESTABLISH A QUORUM**

II. PUBLIC COMMENT



III. LEGISLATION



Board for Professional Engineers, Land Surveyors, and Geologists

2014 Legislative Session

August 4, 2014 – Legislature Reconvenes from **Summer Recess**

- 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 6/25/14. Passed Assembly on 5/29/13. Passed Senate Business, Professions, and Economic Development Committee on 6/17/14. Passed Senate Appropriations on 6/30/14. Ordered to third reading on 7/1/14.
BOARD POSITION: Watch on 6/6/14.
- 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. Last amended 4/23/14. Passed Assembly on 5/15/14. Passed Senate B., P. & E.D. on 5/22/14. Passed Senate APPR. on 6/30/14. Ordered to third reading on 7/1/14.
BOARD POSITION: Watch on 4/24/14.
- AB 2396** Bonta. Convictions: Expungement: licenses. This bill would prohibit boards within the Department of Consumer Affairs (DCA) from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside or dismissed by the court.
STATUS: Introduced 2/20/14. Last Amended 5/15/14. Passed Assembly on 5/23/14. Passed Senate B., P. & E.D. on 6/24/14. Referred to Senate APPR. on 6/24/14.
BOARD POSITION: Oppose on 6/6/14.
- SB 1467** Committee on Business, Professions, and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. Removes petroleum geology qualifications as the Board does not have regulations to certify petroleum geologists. Adds petition for reinstatement language to mirror PE and LS Act. Incorporates cross-references to Education Code and Health and Safety Code sections. Adds language to specify monument preservation requirements. Requires an authorized land surveyor be designated as the person in responsible charge of professional land surveying work practiced in any public agency.
STATUS: Introduced 3/25/14. Last amended 6/16/14. Passed Senate on 5/15/14. Passed Assembly Business, Professions, and Consumer Protection on 6/24/14. Referred to Assembly APPR. on 6/24/14.
BOARD POSITION: Support on 4/24/14.

Board for Professional Engineers, Land Surveyors, and Geologists
Bill Analysis
2014 Legislative Session

BILL: AB 186

AUTHOR: Maienshein
COAUTHOR: Hagman

TOPIC: Professions and vocations: military spouses

DATE OF INTRODUCTION: 1/28/13

MOST RECENT VERSION: 6/25/14

ANALYSIS DATE: 4/18/13; 6/13/13; 8/28/13; 10/10/13; 12/5/13; 2/12/14; 4/24/14; 6/6/14; 7/10/14

BILLS LEGISLATIVE HISTORY: Passed Assembly on 5/29/13. Testimony taken in Senate Committee on Business, Professions, & Economic Development on 7/1/13. Passed Senate B., P., & E. D. on 6/17/14. Passed Senate Appropriations on 6/30/14. Ordered to third reading on 7/1/14.

BOARD POSITION: Watch on 6/6/14.

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 authorization ¹ 0 forty civil engineers. However, only one (1) was issued since December 2010. If the individual was granted a temporary authorization they were

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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.

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.

Board for Professional Engineers, Land Surveyors, and Geologists
Bill Analysis
2014 Legislative Session

BILL: AB 1702

AUTHOR: Maienschein

TOPIC: Professions and vocations: incarceration

DATE OF INTRODUCTION: 2/13/14

MOST RECENT VERSION: 4/23/14

ANALYSIS DATE: 4/24/14; 5/27/14; 7/10/14

BILLS LEGISLATIVE HISTORY: Introduced 2/13/14. Passed Assembly on 5/15/14. Passed Senate B., P. & E.D. on 5/22/14. Passed Senate APPR. on 6/30/14. Ordered to third reading on 7/1/14.

BOARD POSITION: Watch on 4/24/14.

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 most likely 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.

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2014 Legislative Session

BILL: AB 2396

AUTHOR: Bonta

TOPIC: Convictions; expungement; licenses

DATE OF INTRODUCTION: 2/21/14

MOST RECENT VERSION: 5/15/14

ANALYSIS DATE: 5/27/14; 7/10/14

BILLS LEGISLATIVE HISTORY: Introduced 2/21/14. Passed Assembly on 5/23/14. Passed Senate B., P. & E.D. on 6/24/14. Referred to Senate APPR. on 6/24/14.

BOARD POSITION: Oppose on 6/6/14.

SUMMARY: Assembly Bill (AB) 2396 would prohibit boards within the Department of Consumer Affairs (DCA) from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside or dismissed by the court.

HISTORY: This bill would prohibit boards and bureaus within DCA from denying a professional license based solely on a prior conviction that was dismissed by a court which determined that the individual completed all the terms of his or her sentence without committing any additional offenses. The author's aim is to alleviate barriers to employment after incarceration. This bill is sponsored by the Alameda County Board of Supervisors.

The Author's office reports that "According to a 2007 report prepared by the Board of Barbering and Cosmetology, of the 501 applicants denied by the Board over the preceding five years, all 501 applicants possessed criminal records. Only 33 applicants were determined to have produced evidence of rehabilitation. AB 2396 will eliminate this fundamental unfairness within the law. In addition, this bill will help address the shortage of qualified labor in many fields, increase employment in those fields, and spur economic growth."

COMMENT: Professional boards have great discretion when determining whether to deny a license. Existing law authorizes each board to deny a professional license based on an applicant's past conviction, "act involving dishonest, fraud, or deceit," or other act that could subject a licensee to license suspension or revocation, if that conviction or act is "substantially related" to the qualifications, functions, or duties of the business or profession for which application is made. In addition to general Business and Professions Code Section 480, 16 CCR 416 and 3060 define the substantial relationship for such crimes and acts. Additionally, 16 CCR 418 and 3061 describe the criteria for rehabilitation that the Board must consider when denying an application. Regulatory language is meant to provide direction when considering between types of convictions or types of dishonest acts, and determine that these convictions could be cause for denial of a license. It is up to each board to determine what they consider as criteria for license denial or rehabilitation. AB 2396 attempts to remove some of that authority. The Board reviews applications on a case by case basis to determine if the applicant has successfully rehabilitated and can pursue licensure. Accordingly, the licensing board needs to be able to determine if someone is sufficiently rehabilitated to protect the public health, safety, and welfare if given a license to practice a profession. Therefore, Board staff recommends and oppose position on AB 2396.

Board for Professional Engineers, Land Surveyors, and Geologists
Bill Analysis
2014 Legislative Session

BILL: SB 1467

AUTHOR: Committee on Business, Professions and Economic Development

TOPIC: Professions and vocations

DATE OF INTRODUCTION: 3/25/14

MOST RECENT VERSION: 6/14/14

ANALYSIS DATE: 4/24/14; 5/27/14; 7/10/14

BILLS LEGISLATIVE HISTORY: Introduced 3/25/14. Passed Senate on 5/15/14. Passed Assembly Business, Professions, and Consumer Protection on 6/24/14. Referred to Assembly APPR. on 6/24/14.

BOARD POSITION: Support on 4/24/14.

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. Also, the bill removes petroleum geology qualifications as the Board does not have regulations to certify petroleum geologists. Adds petition for reinstatement language to mirror PE and LS Act. Incorporates cross-references to Education Code and Health and Safety Code sections for structural engineers to prepare plans for hospitals and schools. Adds language to specify monument preservation requirements. Requires an authorized land surveyor be designated as the person in responsible charge of professional land surveying work practiced in any public agency.

COMMENT: The Board is sponsoring legislation to amend Section 6759 of the Professional Engineers Act (PE - Business and Professions Code section 6700, et seq.) to remove language identifying "eight-hour" as a requirement of the written examination as it is an arbitrary term that is based on written exams rather than current computer based testing.

The Board is seeking to amend Section 7842 of the Geologist and Geophysicist Act (GG - 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.

The Board is seeking to add Section 7864 to the GG Act which specifically addresses petitions for reinstatement of revoked licenses and petitions for reduction or modification or penalty probation orders. The addition mirrors Sections 6780 and 8785 in the PE and LS Acts.

This bill amends Section 6735 of the PE Act to incorporate cross-references to Education Code and Health and Safety Code sections that require structural engineers to prepare plans for hospitals and schools. This change is being proposed to make the references more accessible and clear. According to the California Land Surveyors Association, "monuments used in land surveying are frequently disturbed or altered, and the statutory responsibility for replacing and perpetuating these monuments for the public is ambiguous."

This bill adds 8725.1 to the Land Surveyors Act (LS - Business and Professions Code section 8700, et seq.) that requires at least one person authorized to practice land surveying be designated as the person in responsible charge of professional land surveying work practiced in

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any public agency.

This bill amends 6730.2 of the PE Act and 8771 of the LS Act to specify that the engineer or land surveyor designated as the person in responsible charge of professional engineering or professional land surveying work of a public agency is responsible for ensuring compliance with monument preservation requirements.

Senate Business, Professions and Economic Development identifies that "many of the provisions of this bill are minor, technical and updating changes, while other provisions are substantive changes intended to improve the ability of various licensing programs and other entities to efficiently and effectively administer their respective laws. However, as a Committee bill, if controversy or opposition should arise regarding any provision that cannot be resolved, then that provision will be removed from the bill. This will eliminate the chance of placing any of the other provisions in jeopardy."

IV. **CONSIDERATION OF RULEMAKING PROPOSALS**

V. **ADMINISTRATION**

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 May 2014.

The Engineers and Land Surveyors (PELS) Fund as of May 31, 2014:

	FY 13/14	FY 12/13
Expenditures	\$7.3 Million	\$6.5 Million
Revenue	\$8.4 Million	\$7.8 Million
Applications	10,948	11,051
Renewals	51,625	44,070

Budget Allotment	\$9.74 Million
Projection to Year-End	\$8.02 Million
Surplus/Deficit	\$1.71 Million
Revenue (Year-End)	\$8.79 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 will remain consistent with last year's numbers.

The Geologist and Geophysicists (GEO) Account as of May 31, 2014:

	FY 13/14	FY 12/13
Expenditures	\$1.1 Million	\$1.1 Million
Revenue	\$891 Thousand	\$929 Thousand
Applications	341	240
Renewals	3,576	3,849

Budget Allotment	\$1.38 Million
Projection to Year-End	\$1.23 Million
Surplus/Deficit	\$152 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 7/14/14

(Dollars in Thousands)

Budget Act and GF Loan Repayments

NOTE: \$7.0 M GF Loan Outstanding

	ACTUAL 2012-13	Budget Act CY 2013-14	BY 2014-15	BY+1 2015-16
BEGINNING BALANCE	\$ 697	\$ 1,923	\$ 5,148	\$ 3,778
Prior Year Adjustment	\$ -39	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 658	\$ 1,923	\$ 5,148	\$ 3,778
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 88	\$ 108	\$ 72	\$ 73
125700 Other regulatory licenses and permits	\$ 2,560	\$ 2,548	\$ 2,604	\$ 2,656
125800 Renewal fees	\$ 5,415	\$ 6,067	\$ 5,031	\$ 5,132
125900 Delinquent fees	\$ 57	\$ 53	\$ 50	\$ 51
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 8	\$ 7	\$ 11	\$ 11
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ 8	\$ 8	\$ 8	\$ 8
161400 Miscellaneous revenues	\$ 1	\$ 2	\$ 2	\$ 2
Totals, Revenues	\$ 8,137	\$ 8,793	\$ 7,778	\$ 7,933
Transfers from Other Funds				
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2008	\$ -	\$ 2,000	\$ -	\$ -
FO0001 Proposed GF Loan Repayment per item 1110-011-0770, Budget Act of 2011	\$ -	\$ 500	\$ 500	\$ 1,000
Totals, Revenues and Transfers	\$ 8,137	\$ 11,293	\$ 8,278	\$ 8,933
Totals, Resources	\$ 8,795	\$ 13,216	\$ 13,426	\$ 12,711
EXPENDITURES				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ 6,819	\$ 8,024	\$ 9,640	\$ 9,833
8840 SCO (State Operations)	\$ 7	\$ 1	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 46	\$ 43	\$ 8	\$ -
Total Disbursements	\$ 6,872	\$ 8,068	\$ 9,648	\$ 9,833
FUND BALANCE				
Reserve for economic uncertainties	\$ 1,923	\$ 5,148	\$ 3,778	\$ 2,878
Months in Reserve	2.9	6.4	4.6	3.4

Fund Solvency Proposals

The Board has been discussing merging the Professional Engineer's and Land Surveyor's Fund with the Geology and Geophysics Account in an effort to become an integrated program in name and funding. There are three scenarios identified below that assume funds are merged and illustrate the combination of the two programs, potential fund balance, and projected fiscal solvency.

Scenario I – Governor's Budget display including Fiscal Year 2013/14 projections:

	Fiscal Year					
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Beginning Balance	\$ 2,989	\$ 5,977	\$ 5,166	\$ 3,751	\$ 2,066	\$ (663)
Revenue	9,790	9,732	8,840	8,995	8,981	8,981
GF Loan Repayments	2,500	500	1,000	800		
Expenditures	9,302	11,043	11,255	11,480	11,710	11,915
Fund Balance	\$ 5,977	\$ 5,166	\$ 3,751	\$ 2,066	\$ (663)	\$ (3,597)
Months-In-Reserve	6.5	5.5	3.9	2.1	-0.7	-3.6

Note: Dollars in Thousands

Scenario II – Updated projections based on historical averages:

	Fiscal Year					
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Beginning Balance	\$ 2,989	\$ 5,977	\$ 6,205	\$ 7,318	\$ 7,451	\$ 7,155
Revenue	9,790	9,271	9,868	9,313	9,914	9,355
GF Loan Repayments	2,500	500	1,000	800		
Expenditures	9,302	9,543	9,755	9,980	10,210	10,415
Fund Balance	\$ 5,977	\$ 6,205	\$ 7,318	\$ 7,451	\$ 7,155	\$ 6,095
Months-In-Reserve	7.5	7.6	8.8	8.8	8.2	6.9

Note: Dollars in Thousands

Scenario III – Updated projections based on historical averages, no GF loans:

	Fiscal Year					
	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19
Beginning Balance	\$ 2,989	\$ 5,977	\$ 5,705	\$ 5,818	\$ 5,151	\$ 4,855
Revenue	9,790	9,271	9,868	9,313	9,914	9,355
GF Loan Repayments	2,500					
Expenditures	9,302	9,543	9,755	9,980	10,210	10,415
Fund Balance	\$ 5,977	\$ 5,705	\$ 5,818	\$ 5,151	\$ 4,855	\$ 3,795
Months-In-Reserve	7.5	7.0	7.0	6.1	5.6	4.3

Note: Dollars in Thousands

0205 - Geology Analysis of Fund Condition

Prepared 7/14/14

(Dollars in Thousands)

	ACTUAL 2012-13	CY 2013-14	BUDGET	
			ACT BY 2014-15	BY + 1 2015-16
BEGINNING BALANCE	\$ 1,041	\$ 1,066	\$ 829	\$ 495
Prior Year Adjustment	\$ 19	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,060	\$ 1,066	\$ 829	\$ 495
REVENUES AND TRANSFERS				
Revenues:				
125600 Other regulatory fees	\$ 1	\$ 2	\$ 2	\$ 2
125700 Other regulatory licenses and permits	\$ 221	\$ 225	\$ 225	\$ 225
125800 Renewal fees	\$ 815	\$ 753	\$ 815	\$ 815
125900 Delinquent fees	\$ 14	\$ 13	\$ 15	\$ 15
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 4	\$ 3	\$ 3	\$ 3
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ 1	\$ 1	\$ 1
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1,055	\$ 997	\$ 1,061	\$ 1,061
Totals, Revenues and Transfers	\$ 1,055	\$ 997	\$ 1,061	\$ 1,061
Totals, Resources	\$ 2,115	\$ 2,063	\$ 1,890	\$ 1,556
EXPENDITURES				
Disbursements:				
1110 Program Expenditures (State Operations)	\$ 1,042	\$ 1,228	\$ 1,394	\$ 1,422
8840 FSCU (State Operations)	\$ 1	\$ -	\$ -	\$ -
8880 Financial Information System for CA (State Operations)	\$ 6	\$ 6	\$ 1	\$ -
Total Disbursements	\$ 1,049	\$ 1,234	\$ 1,395	\$ 1,422
FUND BALANCE				
Reserve for economic uncertainties	\$ 1,066	\$ 829	\$ 495	\$ 134
Months in Reserve	10.4	7.0	4.2	1.1

Outreach Calendar

Date	Day of Week	Location	Type of Event tradeshow/school expo	Event Site	Time	Staff Representative
June 05	Thursday	UC Davis	Engineering Project Showcase	UC Davis Campus	2:00 - 4:00 pm	
June 19	Thursday	Camp Pendleton Day	Society of American Military Engineers	Camp Pendleton	7:30 am – 3:00 pm	M. Donelson PE
June 20	Friday	SD State; UC San Diego; U of San Diego	College Engineering and Geology programs x 2 each school	SD State; UC San Diego; U of San Diego	8:00 am – 5:00 pm	M. Donelson PE
September 21-23	Sunday - Tuesday		ABET Visit		All Day	B. Payer - Coordinator
October 12 – 17	Sunday – Friday	Long Beach	Society of Fire Protection Engineers Expo	Long Beach Hilton	All week	
Oct 26-28	Sunday - Tuesday		ABET Visit		All Day	B. Payer - Coordinator
Nov 2-4	Sunday - Tuesday		ABET Visit		All Day	B. Payer - Coordinator
October 12 – 18	Sunday – Saturday	Statewide – all CA geology programs	American Geosciences Institute (AGI)	Earth Sciences Week Statewide	Statewide – all CA geology programs	

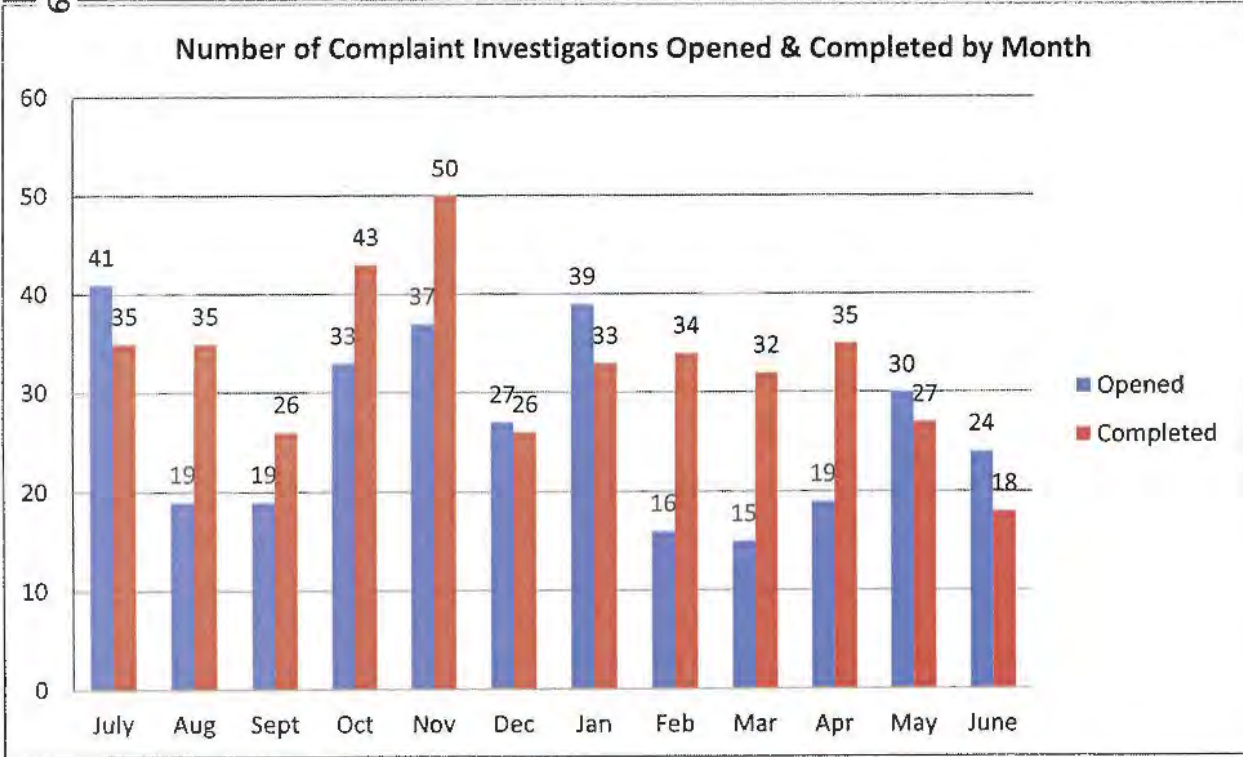
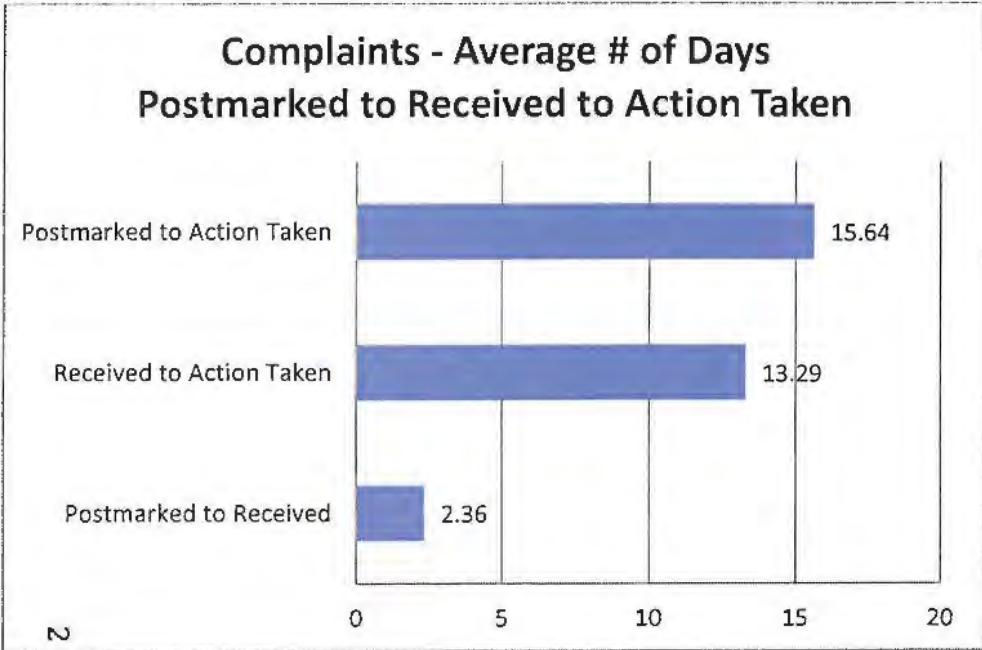
VI.

ENFORCEMENT



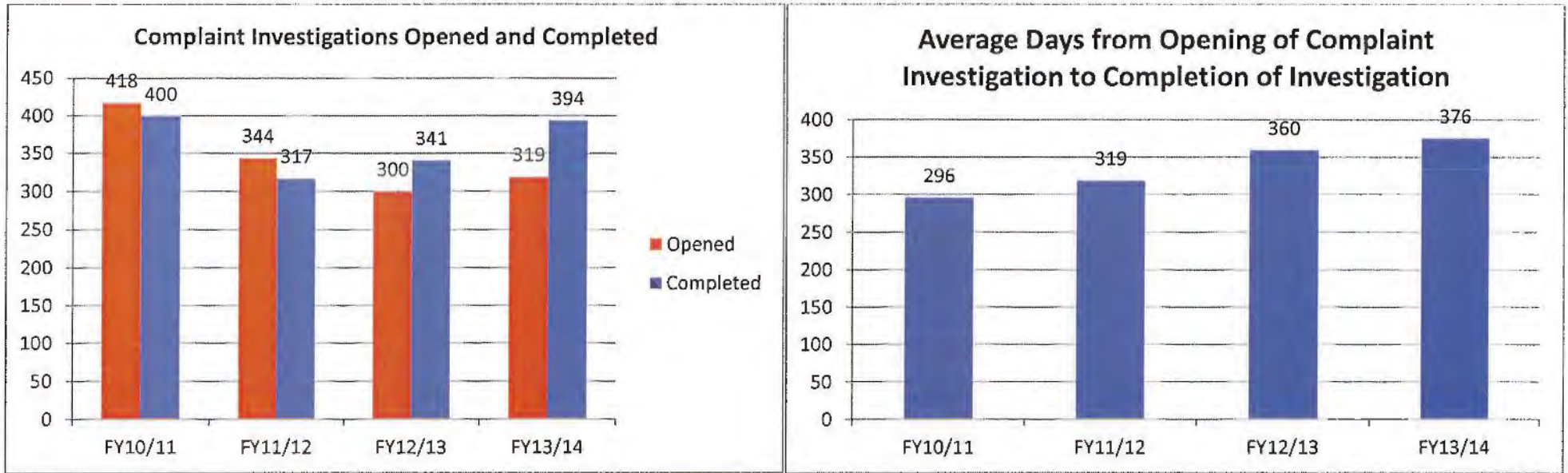
PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase

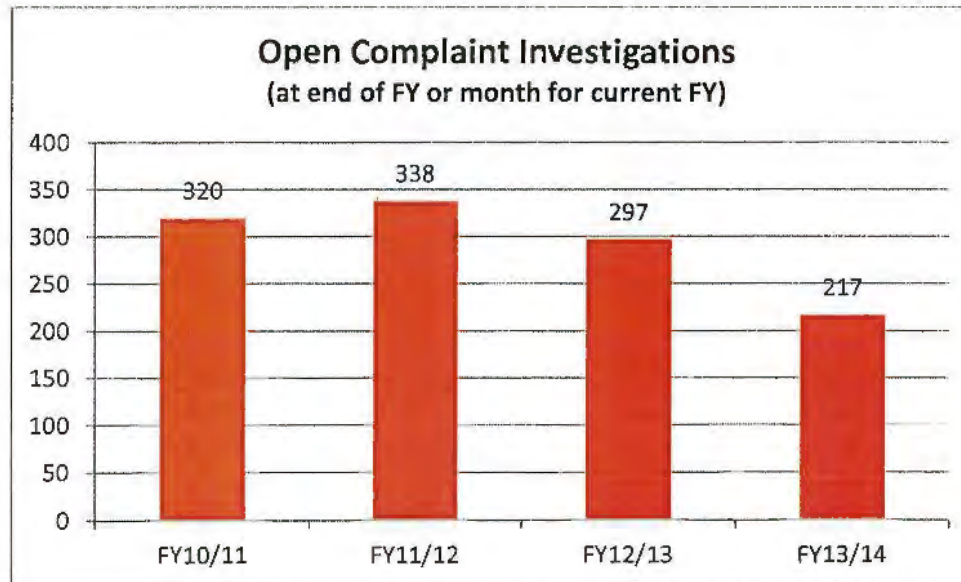


PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase



30



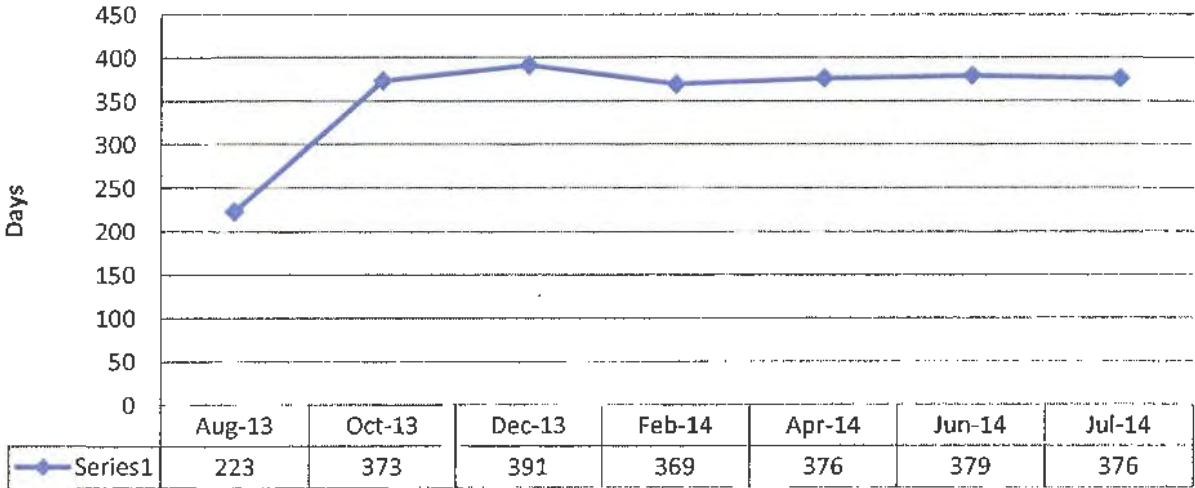
NOTE: FY13/14 statistics are through June 30, 2014

PELS ENFORCEMENT PROGRAM

Complaint Investigation Phase

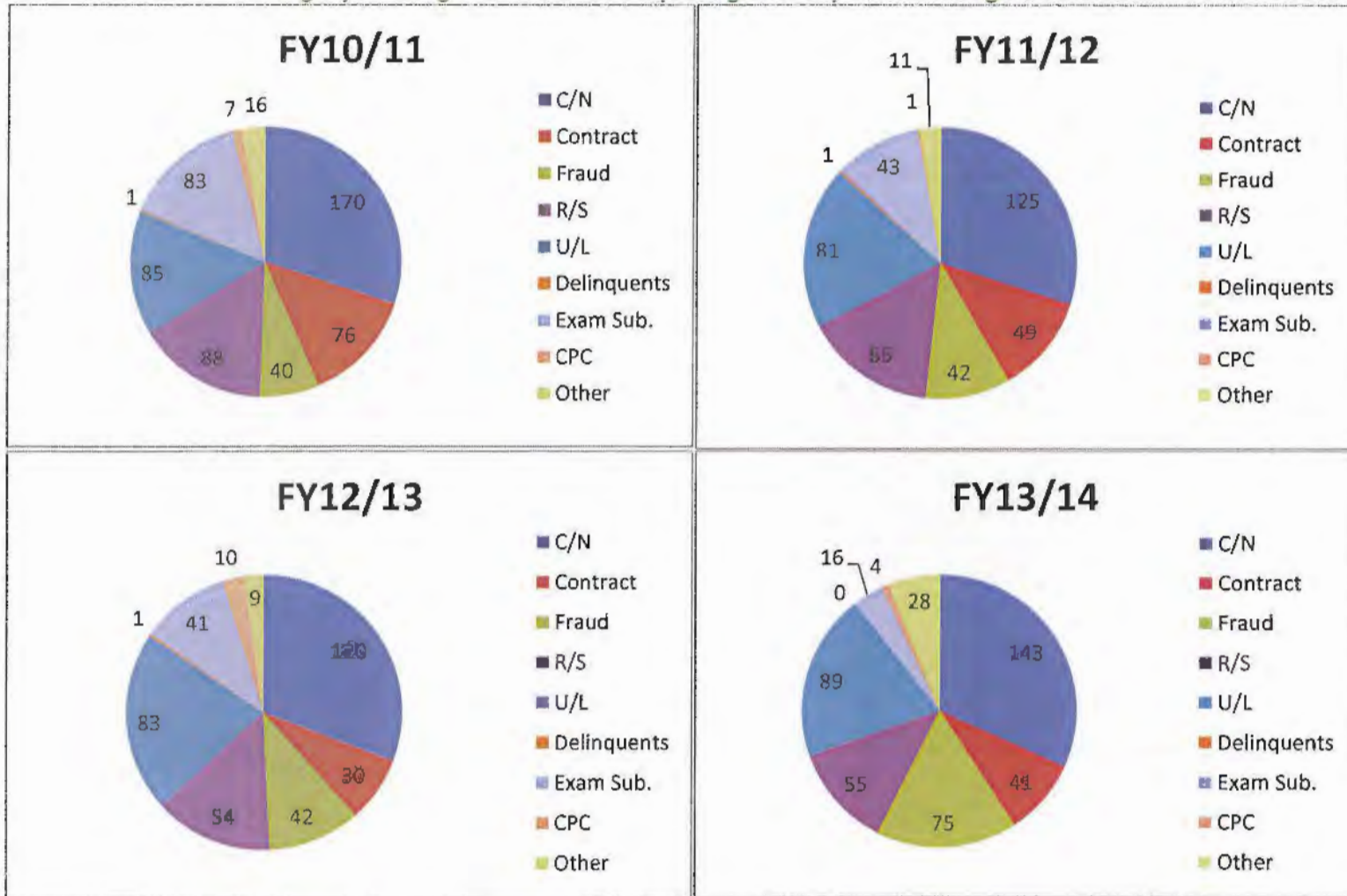
Percentage Change of Aging Based on Board Meeting Dates

Average Days - Open to Completion of Investigation



PELS ENFORCEMENT PROGRAM

Category of Alleged Violations at Opening of Complaint Investigation Case



NOTE: FY13/14 statistics are through June 30, 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

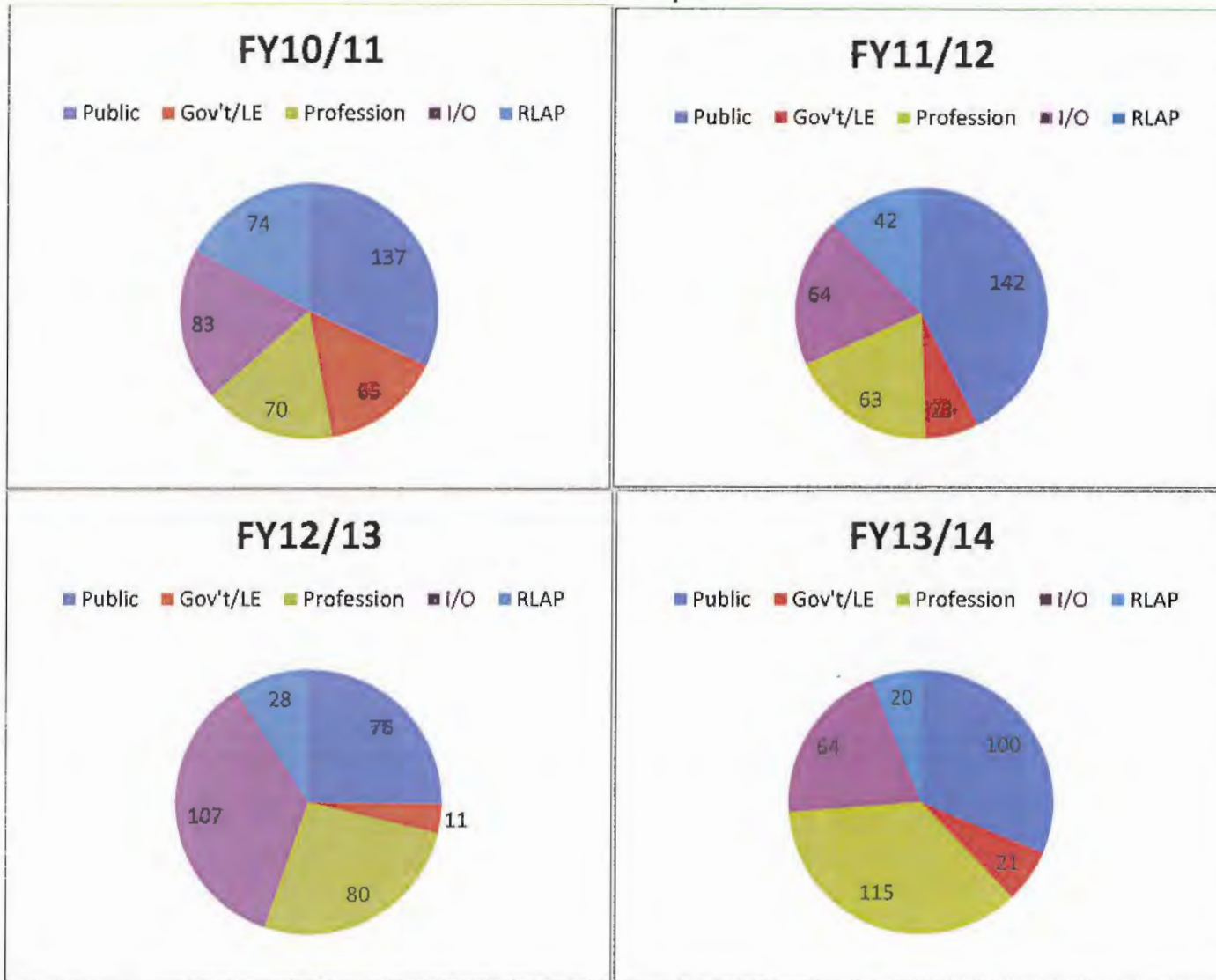
Exam Sub. = Exam subversion (includes those removed from exams and collusion analyses)

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 June 30, 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.

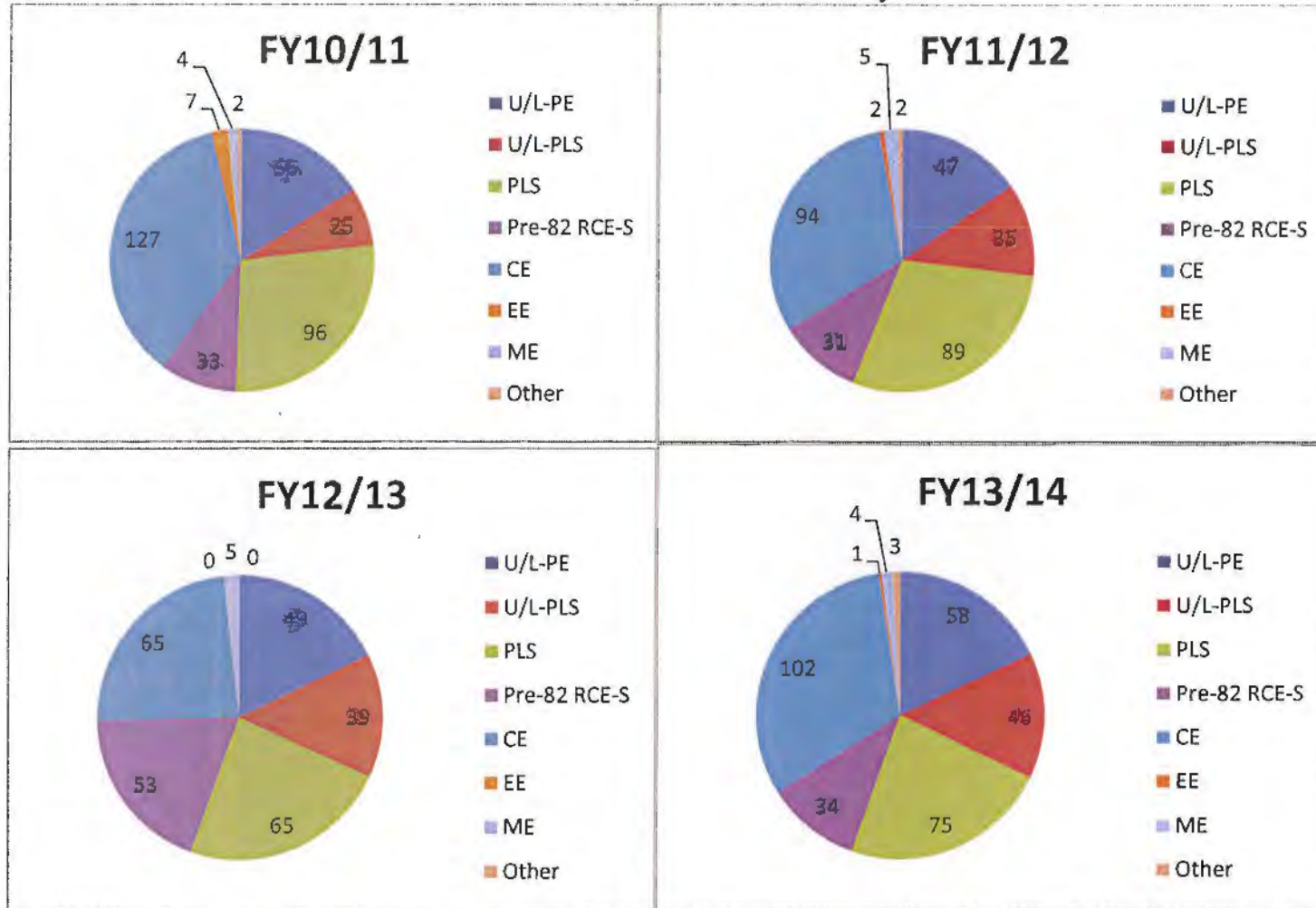
Gov't/LE = Government Agency or Law Enforcement (includes federal, state, and local governmental entities, e.g. County Surveyor's Office, Building Dept.)

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

PELS ENFORCEMENT PROGRAM Area of Practice/Licensure of Subject



NOTE: FY13/14 statistics are through June 30, 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

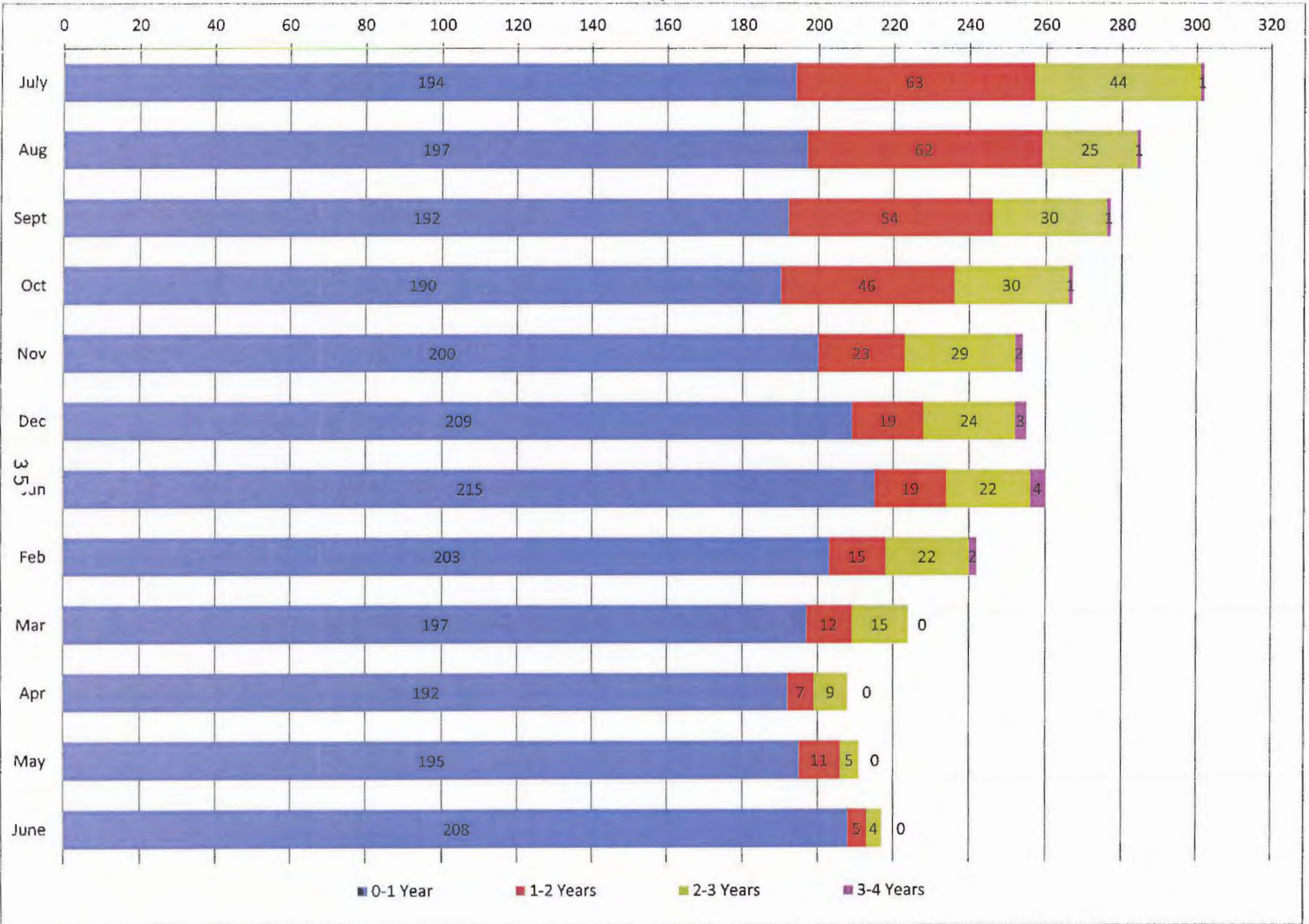
CE = allegations relating to the practice of civil engineering by a Civil Engineer

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

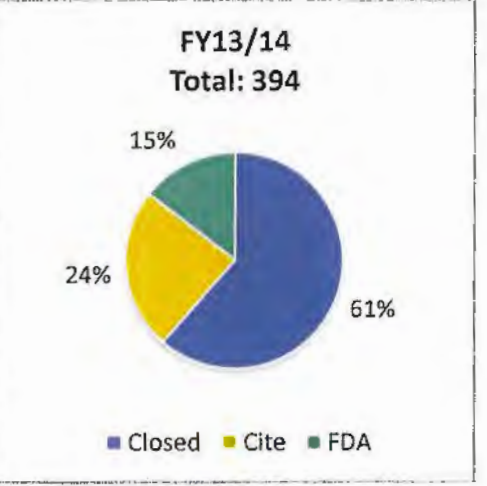
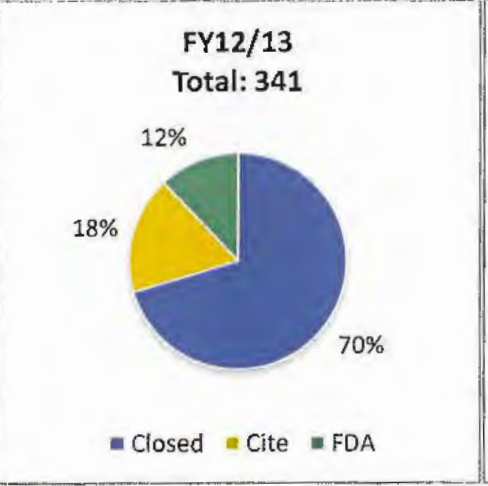
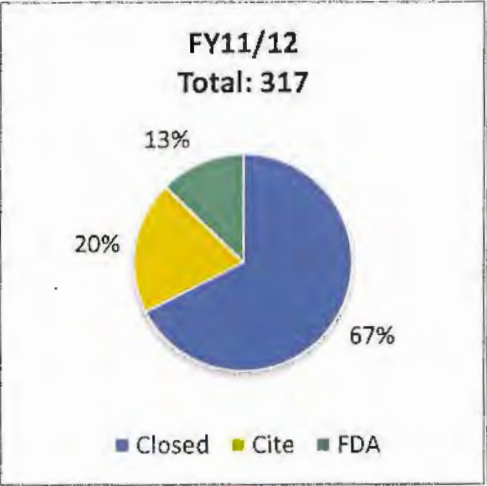
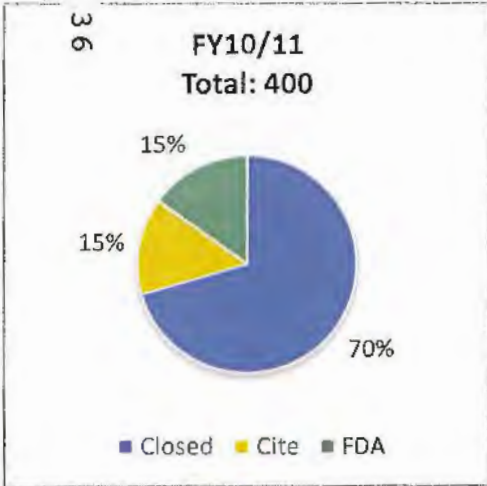
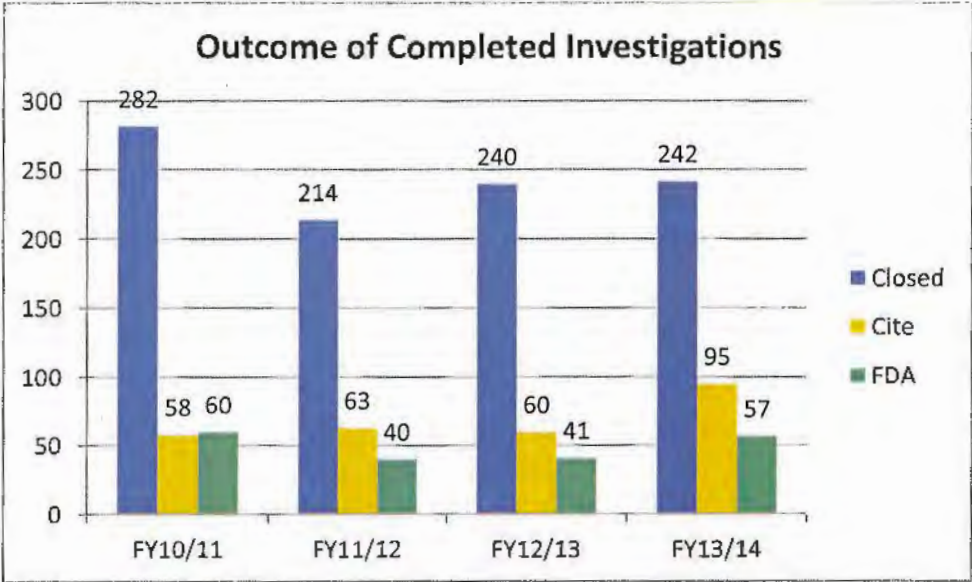
Other = allegations relating to the practice of any other discipline of engineering by a licensee in the specific discipline (i.e., traffic engineering by a Traffic Engineer)

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



PELS ENFORCEMENT PROGRAM

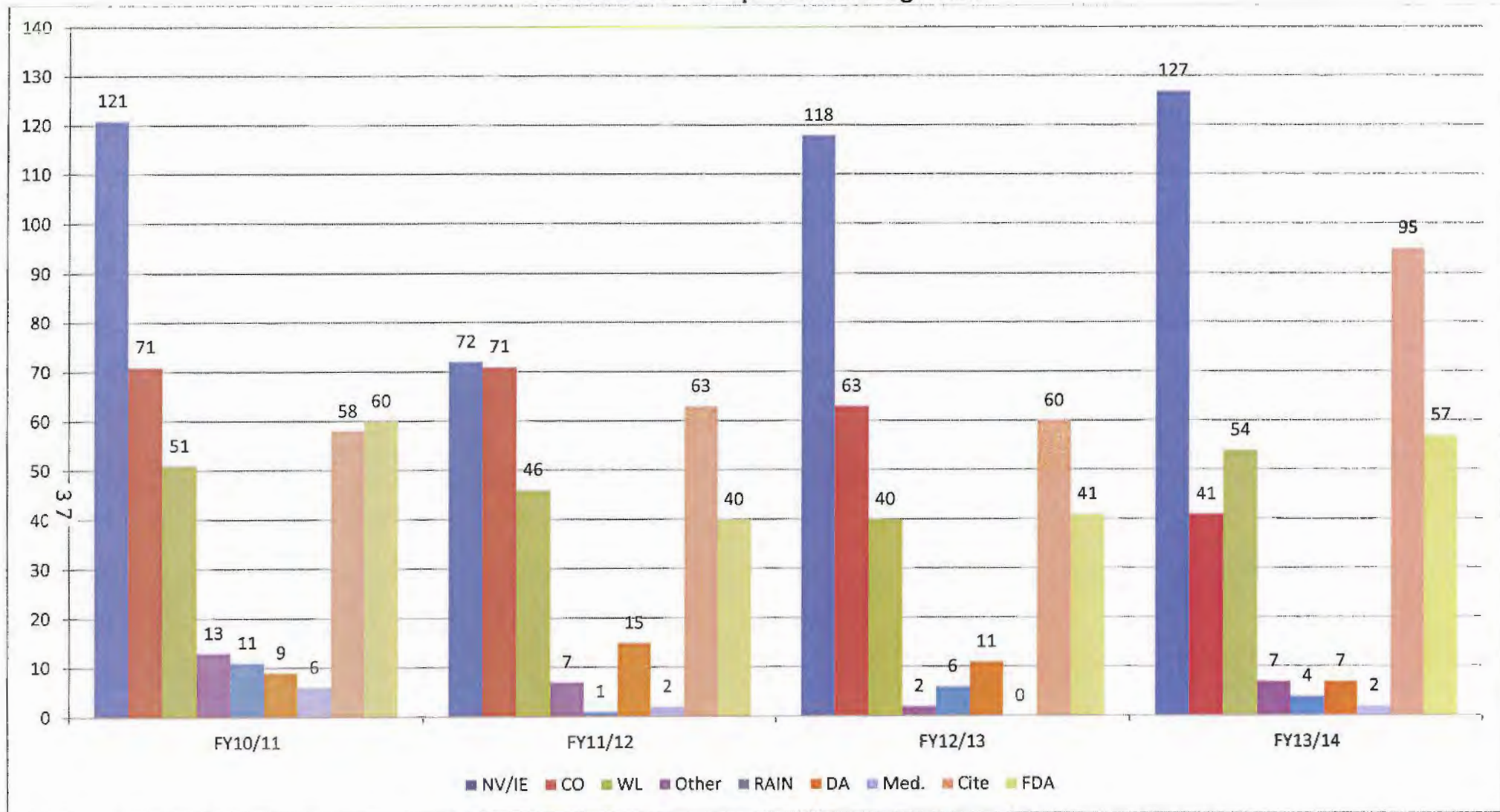
Outcome of Completed Investigations



NOTE: FY13/14 statistics are through June 30, 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

PELS ENFORCEMENT PROGRAM

Outcome of Completed Investigations



NOTE: FY13/14 statistics are through June 30, 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

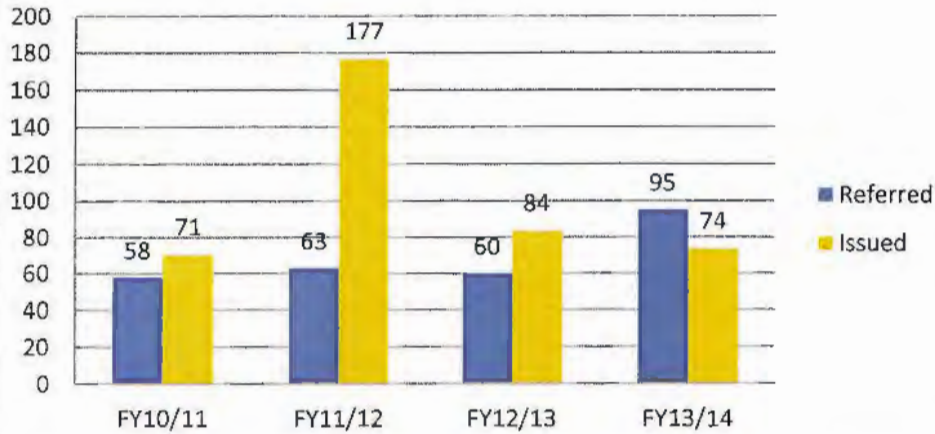
Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

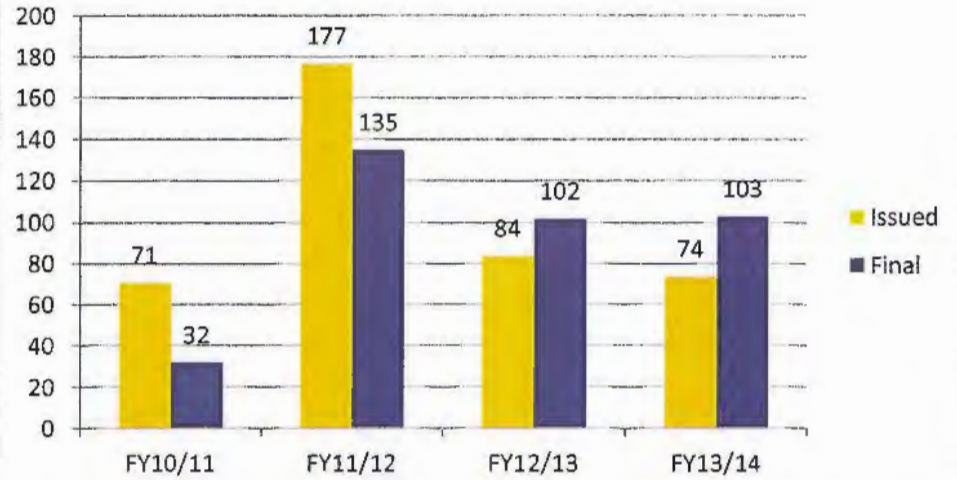
PELS ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)

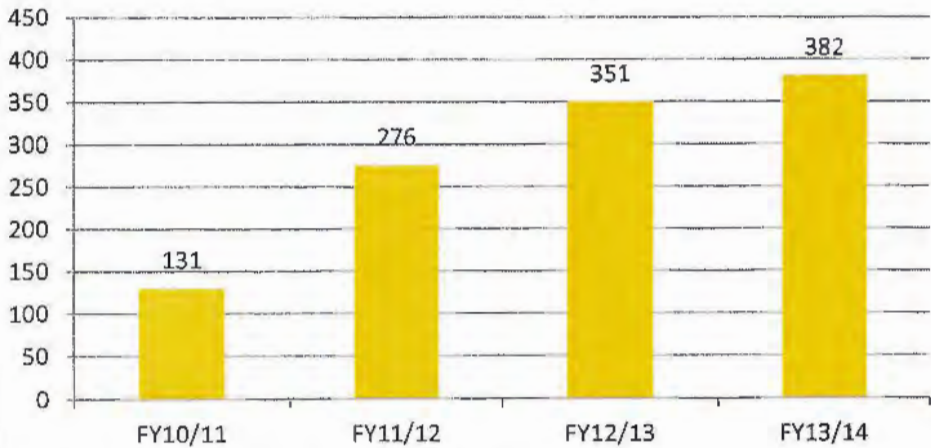
Number of Complaint Investigations Referred and Number of Citations Issued



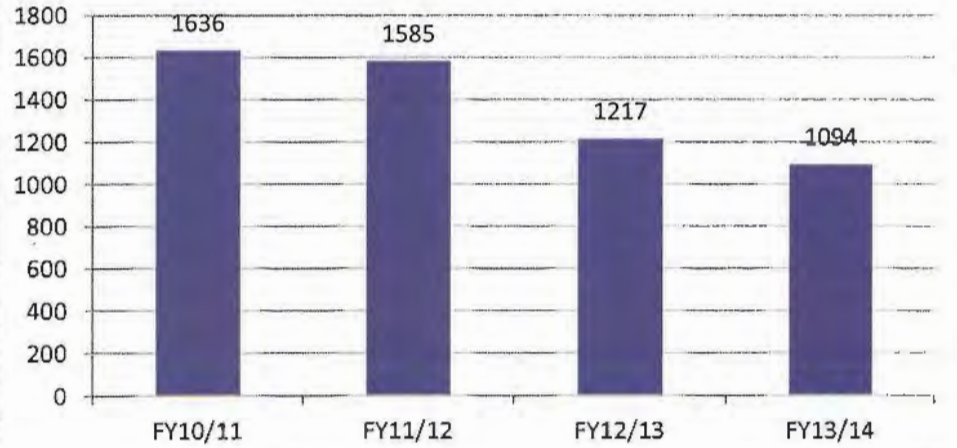
Number of Citations Issued and Final



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

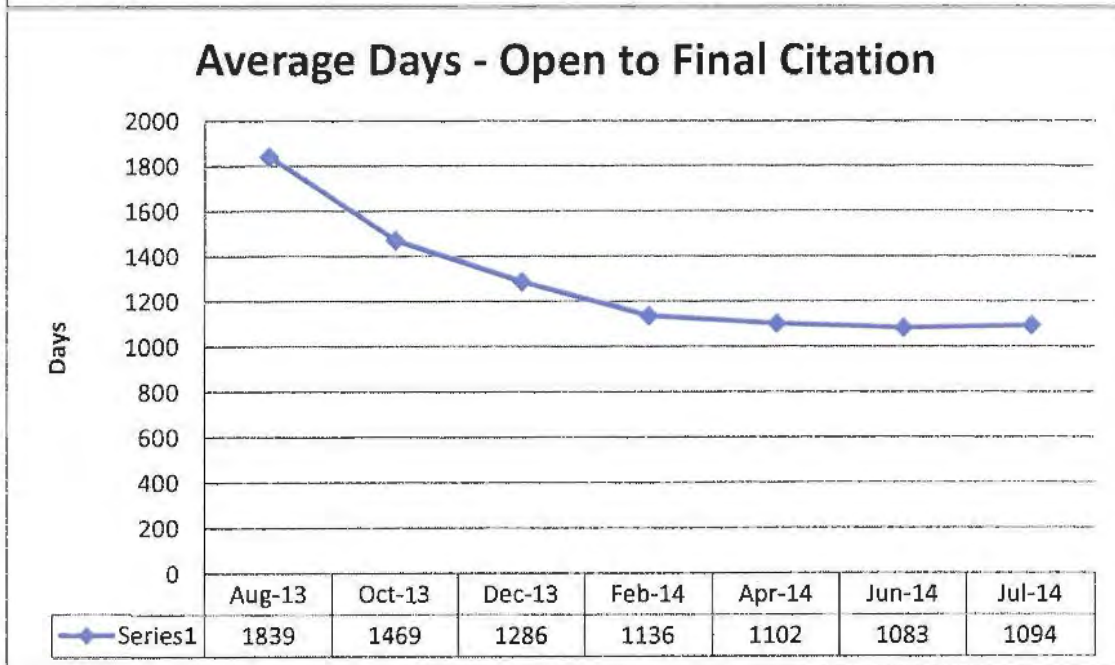
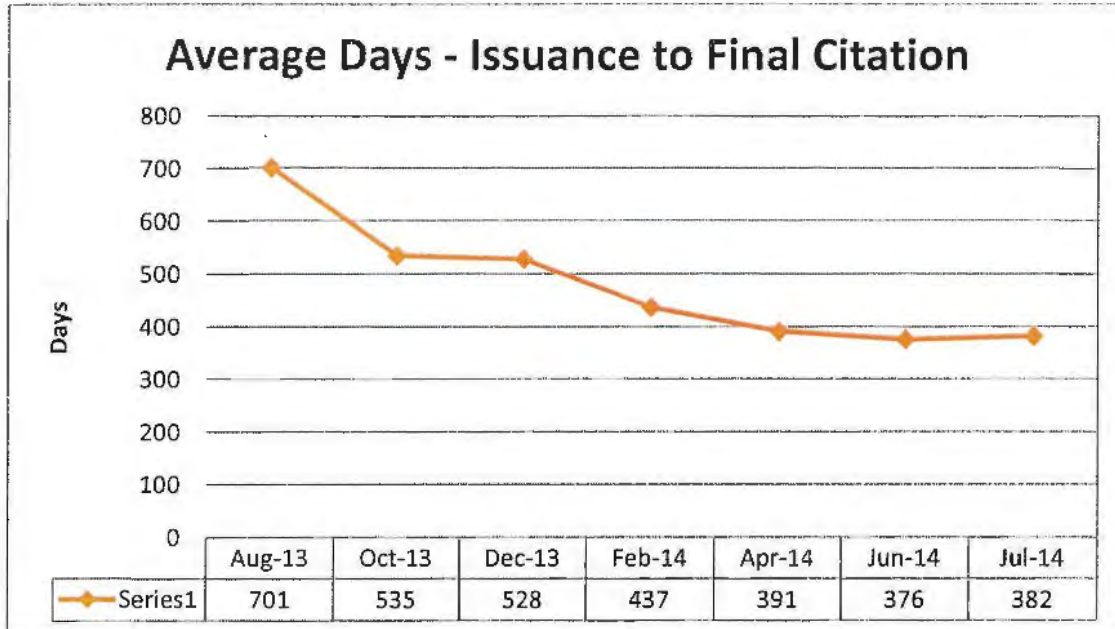


Average Days from Opening of Complaint Investigation to Date Citation Becomes Final



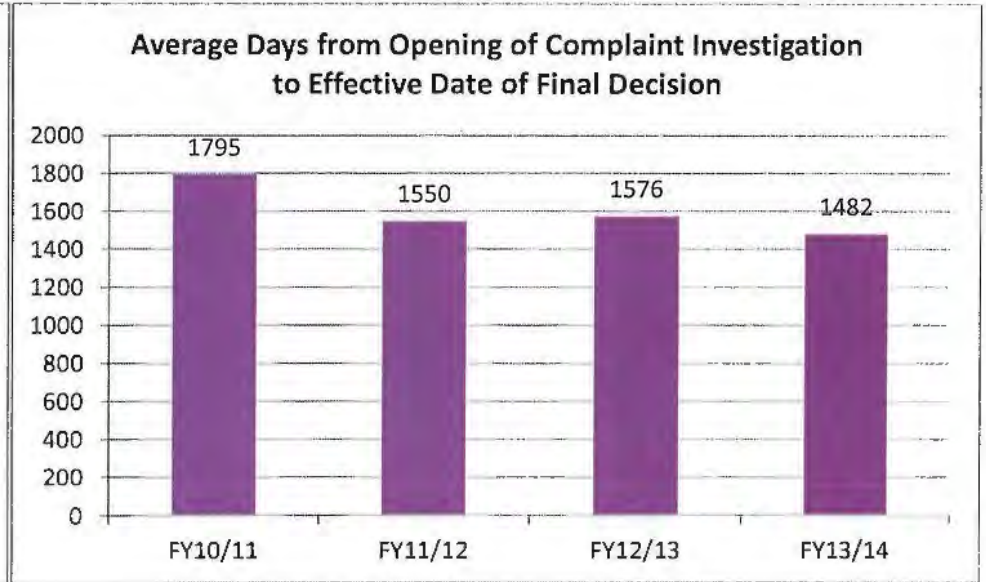
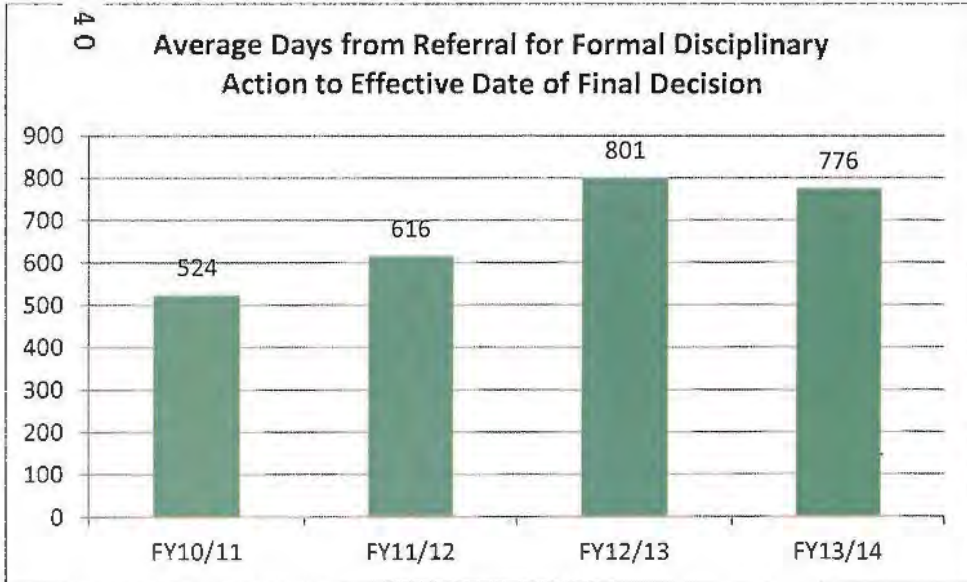
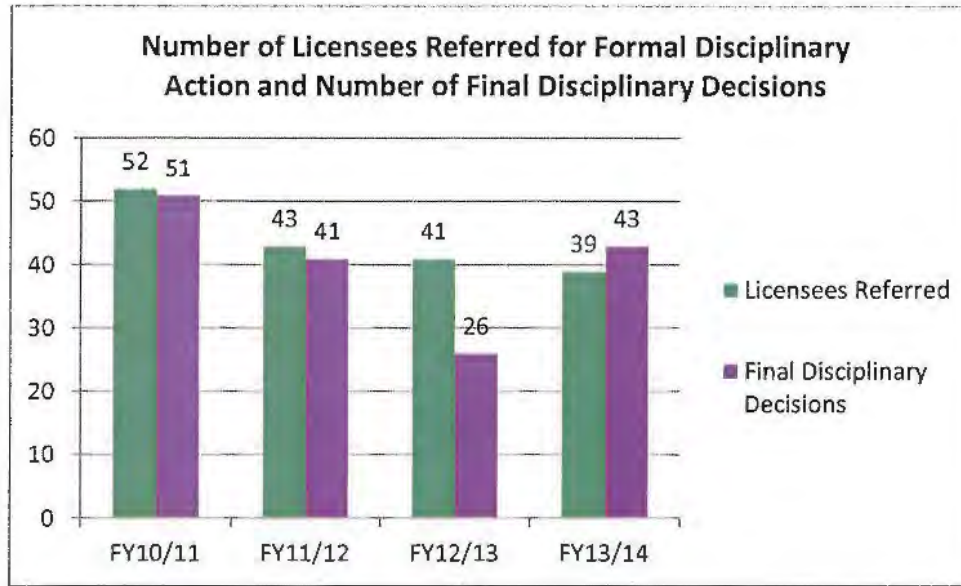
NOTE: FY13/14 statistics are through June 30, 2014

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



PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees



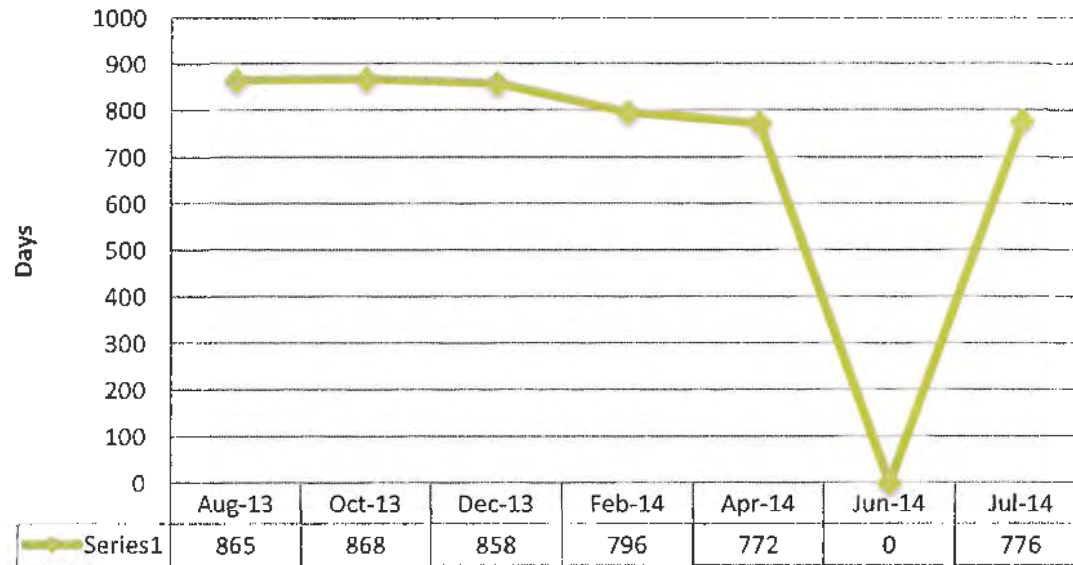
NOTE: FY13/14 statistics are through June 30, 2014

PELS ENFORCEMENT PROGRAM

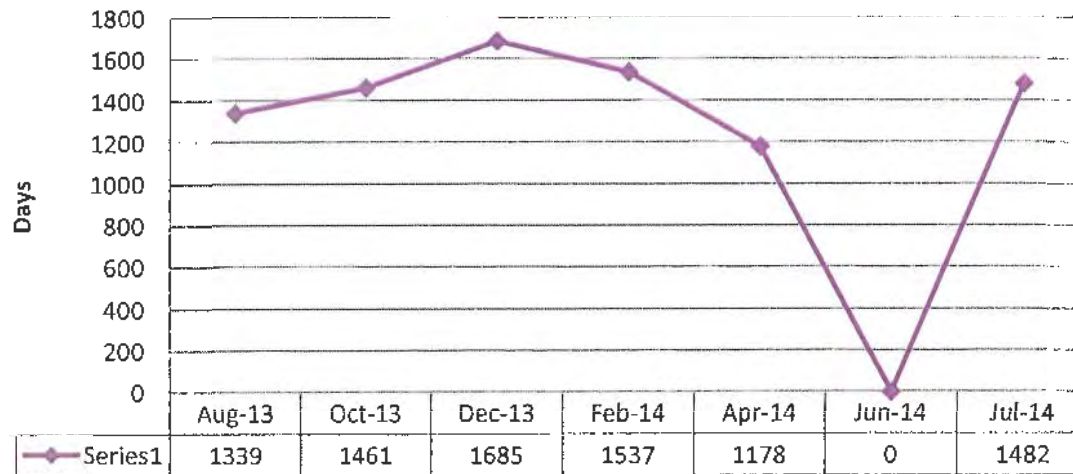
Formal Disciplinary Actions Against Licensees

Percentage Change of Aging Based on Board Meeting Dates

Average Days - Referral to Final Decision FDA



Average Days - Open to Final Decision FDA

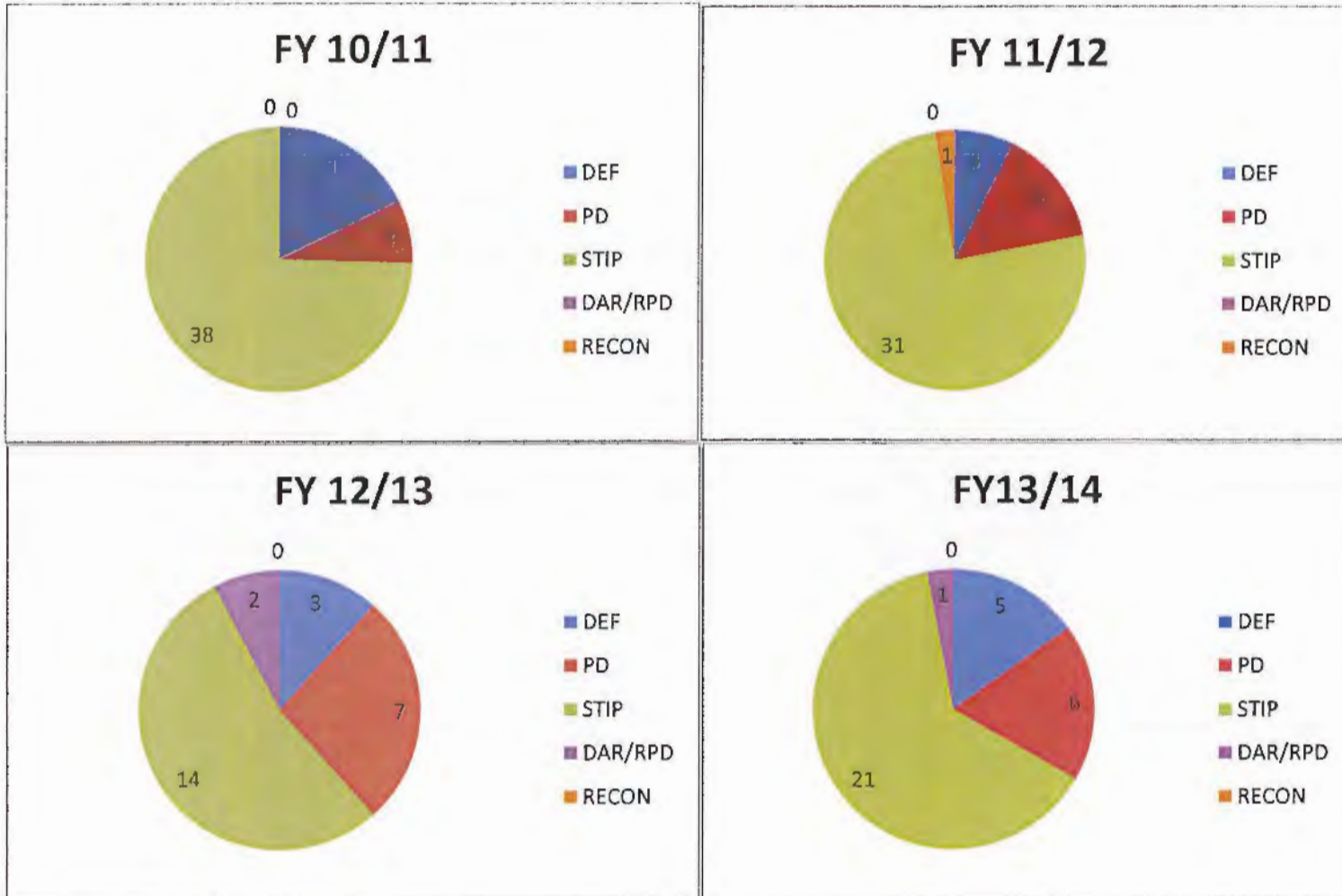


NOTE: No decisions became final in April 2014, so there is no data to report at the June meeting.

PELS ENFORCEMENT PROGRAM

Formal Disciplinary Actions Against Licensees

Types of Decisions



NOTE: FY13/14 statistics are through June 30, 2014

DEF = Default Decision

PD = Proposed Decision

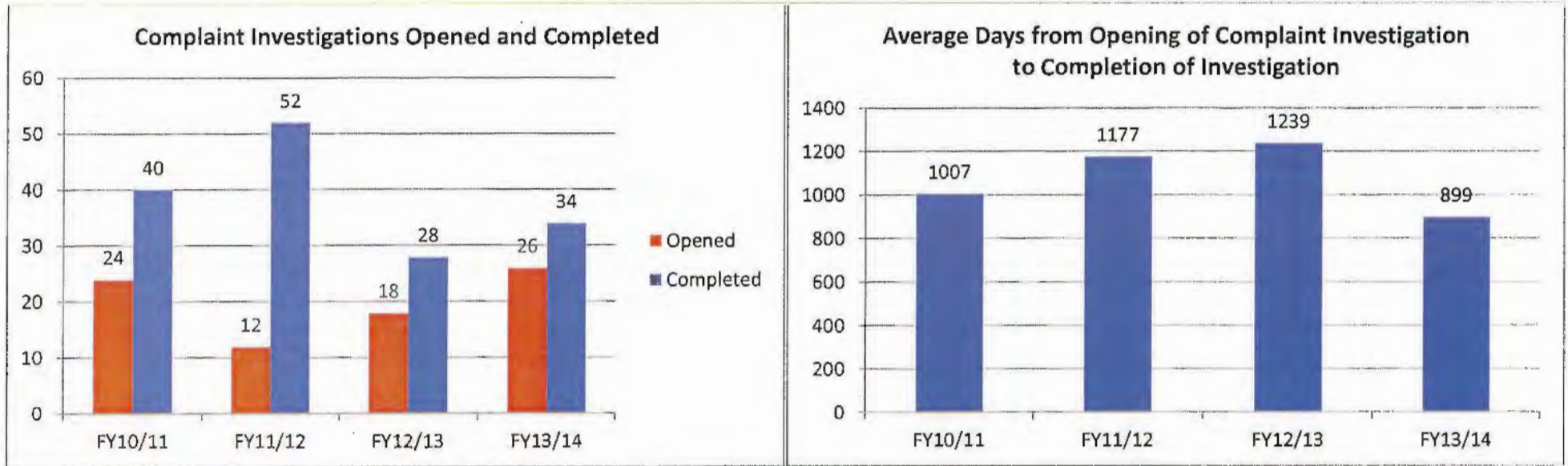
STIP = Stipulated Settlement

DAR/RPD = Decision After Rejection of Proposed Decision/Reduction of Order of Proposed Decision

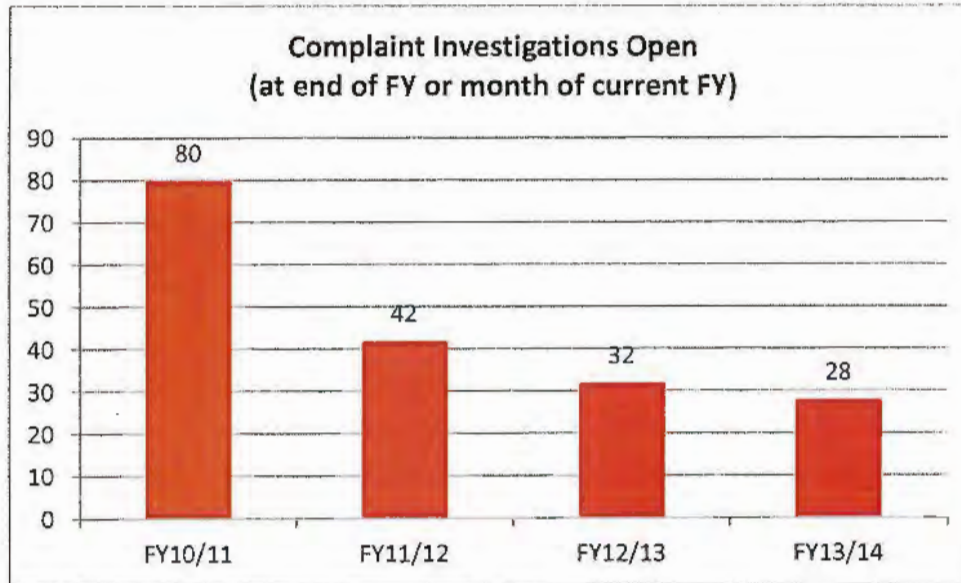
RECON = Modification of Default Decision or Proposed Decision after Petition for Reconsideration

G&G ENFORCEMENT PROGRAM

Complaint Investigation Phase



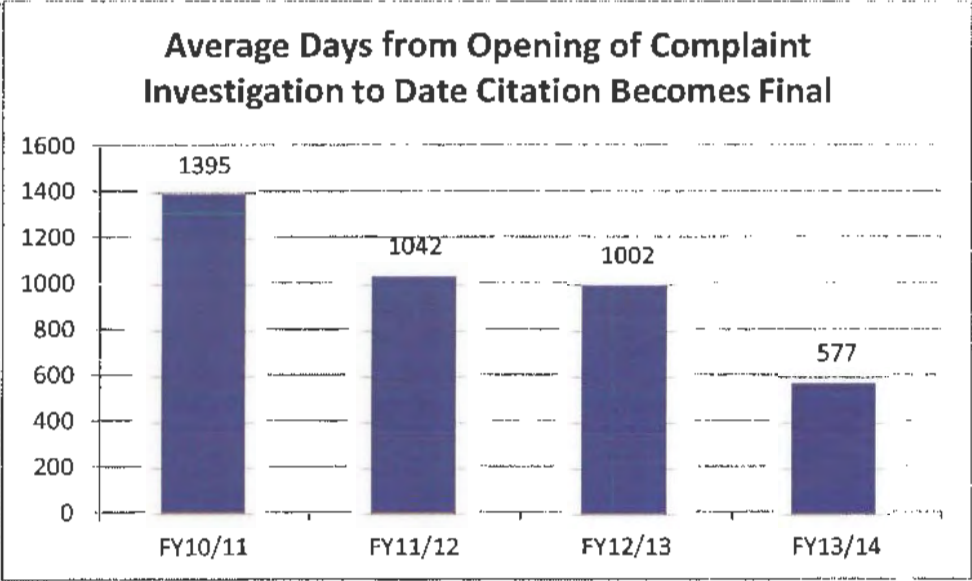
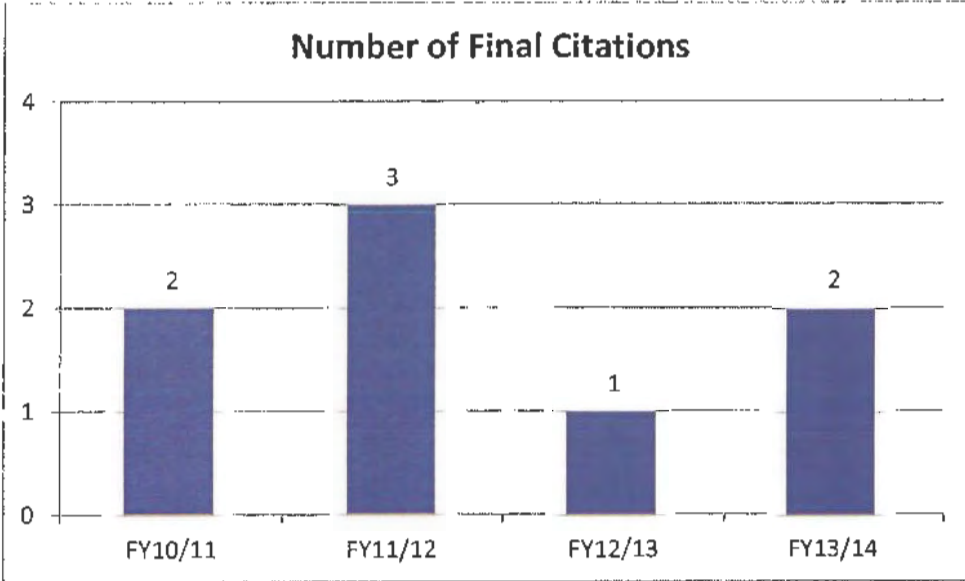
43



NOTE: FY13/14 statistics are through June 30, 2014

G&G ENFORCEMENT PROGRAM

Citations (Informal Enforcement Actions)



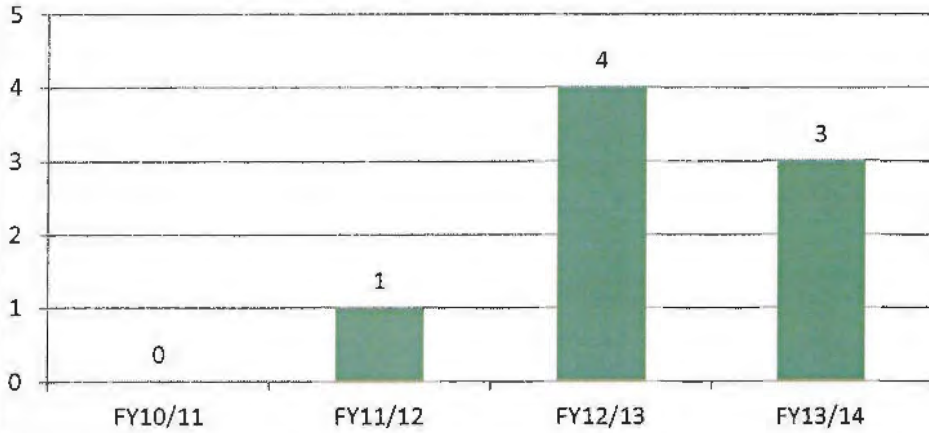
44

NOTE: FY13/14 statistics are through June 30, 2014

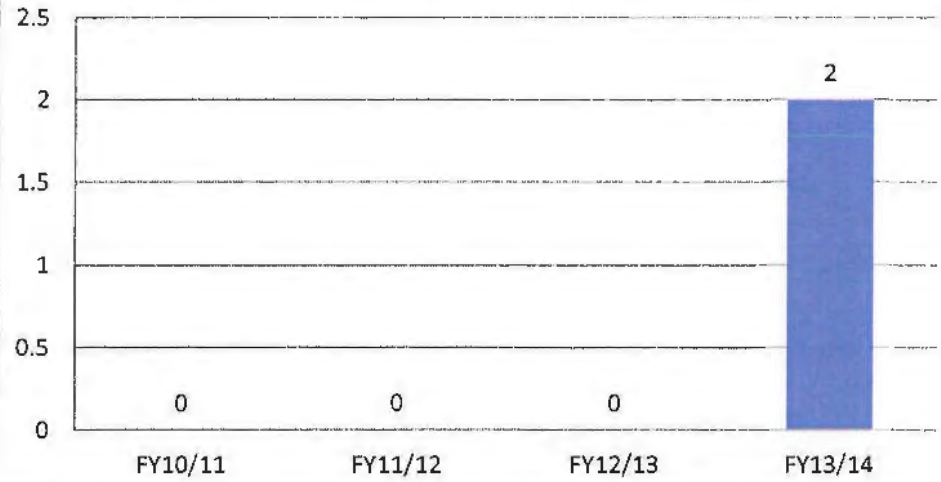
G&G ENFORCEMENT PROGRAM

Formal Disciplinary Actions against Licensees

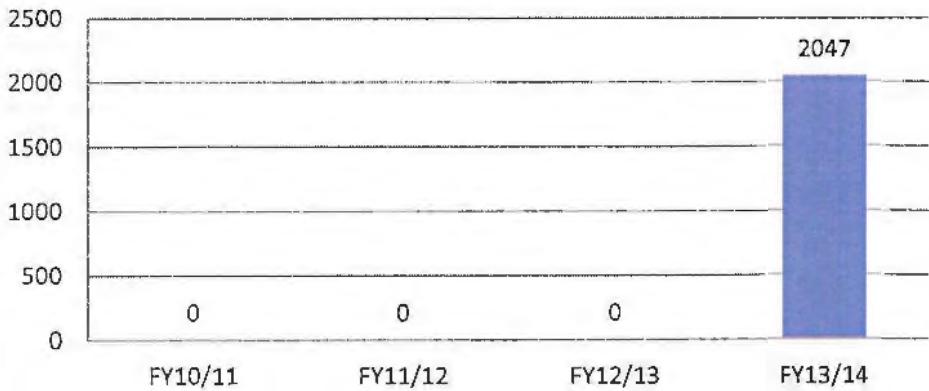
Number of Licensees Referred for Formal Disciplinary Action



Number of Final Disciplinary Decisions

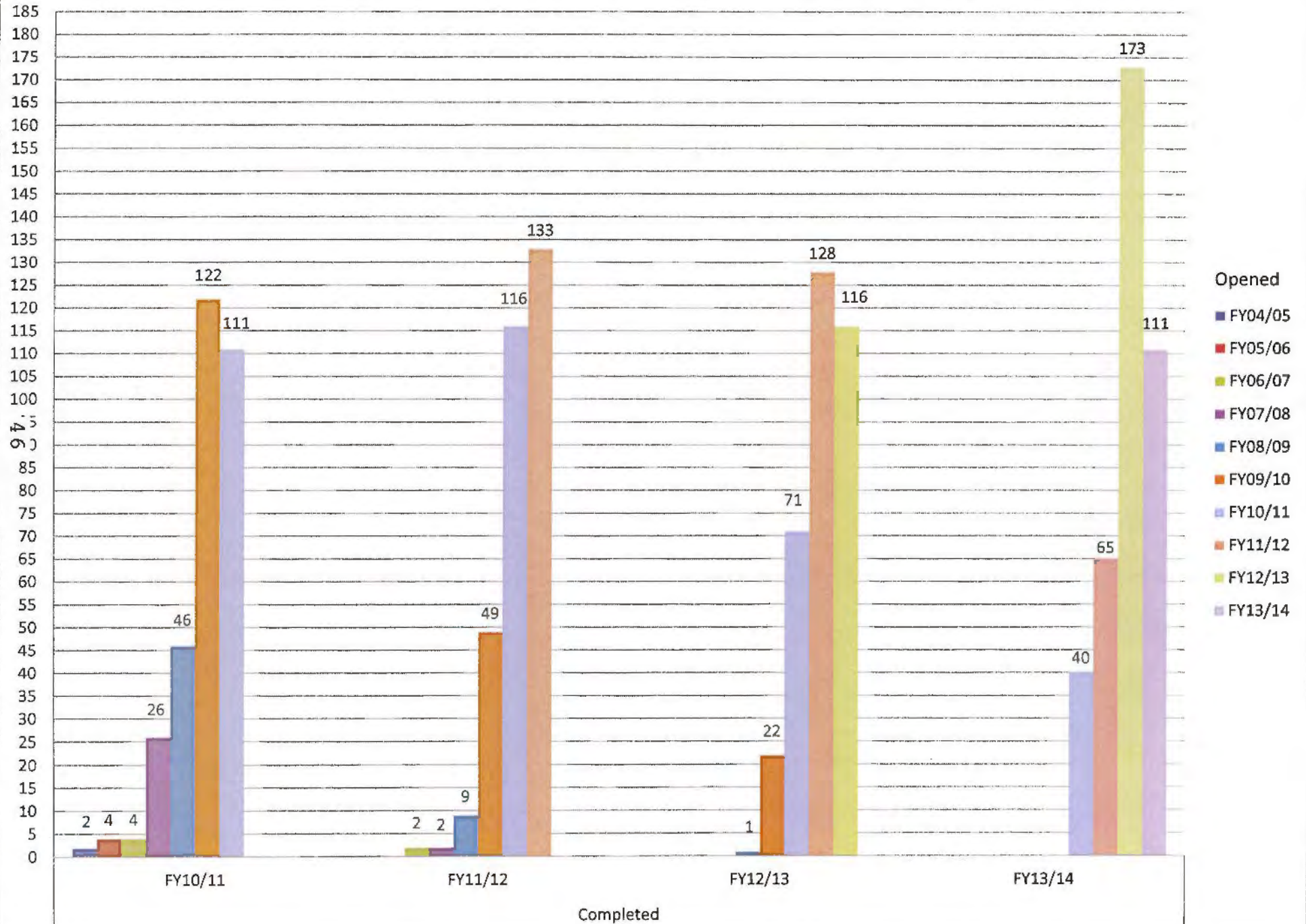


Average Days from Initiation of Complaint Investigation to Effective Date of Final Disciplinary Decision



NOTE: FY13/14 statistics are through June 30, 2014

Number of Complaint Investigations Completed Based on Fiscal Year Complaint Opened



VII. EXECUTIVE OFFICER'S REPORT

2015-2018

Strategic Plan

Adopted: July 31, 2014

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California Board for Professional Engineers, Land Surveyors, and Geologists

Erik Zinn, P.G., C.E.G., President – Geologist Member

Kathy Jones Irish, Vice President – Public Member

Natalie Alavi, P.E. – Mechanical Engineer Member

Asha Malikh Brooks – Public Member

Diane Hamwi – Public Member

Eric Johnson, P.E. – Electrical Engineer Member

Coby King – Public Member

Philip Quartararo – Public Member

Mohammad Qureshi, Ph.D., P.E. - Traffic Engineer Member

Hong Beom Rhee, Ph.D. – Public Member

Karen E. Roberts, S.E. – Structural Engineer Member

Ray Satorre – Public Member

William “Jerry” Silva – Public Member

Robert Stockton, P.E. – Civil Engineer Member

Patrick J. Tami, P.L.S. – Professional Land Surveyor Member

EDMUND G. BROWN, JR., GOVERNOR

ANNA M. CABALLERO, SECRETARY, BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY

AWET KIDANE, DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS

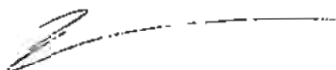
RICHARD B. MOORE, EXECUTIVE OFFICER, BOARD FOR PROFESSIONAL ENGINEERS, LAND
SURVEYORS, AND GEOLOGISTS

Message from the Board President

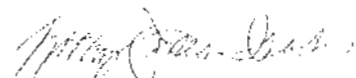
We are very pleased to present to you with our new strategic plan for 2014-2018. This plan represents the culmination of a huge effort and input by our stakeholders, staff, Board members, and Department of Consumer Affairs, and represents our revised priorities, goals and the actions essential to achieve those goals.

The timing of the plan couldn't have been better, given the addition of ten new Board members during the last two years. The one-day DCA-facilitated planning workshop, attended by the Board members and staff, was a watershed moment for the Board. We collectively offered experience-based insights and constructively discussed ideas and recommendations for revisions to the plan. Changes, modifications, or new additions were developed by consensus. The collaborative process encouraged each participant to both support and engage in the strategic planning process, and to embrace the plan as a "living document" and support its implementation going forward.

We encourage everyone to reference the strategic plan as we perform our day-to-day duties, as it is an established agreement undergirded by clearly articulated and measurable outcomes and results. And because it is a "living" document, we now have carefully structured a framework to help us assess and adjust our approach and direction as we respond to future changes, both within the Board organization and externally. Further, we have the benefit of our collective understanding and agreement as to the Board's mission, vision, and goals that should support our continued commitment to be public-focused and to implement responsible decision-making, which remains our foremost concern.



Erik Zinn, P.G., C.E.G.
2013-14 Board President



Kathy Jones Irish
2014-15 Board President

About the California Board

The California Legislature created the Board of Registration for Civil Engineers in 1929, following the failure of the St. Francis Dam in northern Los Angeles County. On March 12, 1928, the dam, which was located northeast of Castaic, suddenly gave way. A huge wall of water cascaded down the narrow valley of the Santa Clara River and when the water hit the town of Santa Paula, almost 50 miles downstream, the crest was still 25 feet high. The dam failure unleashed 12 billion gallons of water through the towns of Piru, Fillmore, Santa Paula, and Ventura before it reached the ocean. Lives lost numbered approximately 450; property damage was in the millions of dollars; 1,200 houses were demolished; and 10 bridges washed out. After the flood, inspection revealed that the dam was built on, and anchored to, a weak and faulted rock formation. The Legislature determined that the unregulated design of construction projects constituted a hazard to the public and passed laws to regulate civil engineering and to create the Board.

Although Civil Engineers first became licensed in 1929, Land Surveyors have been licensed in California since 1891 in accordance with an act to establish land surveying that was enacted March 31, 1891. That was the year the Legislature established the State Surveyor General. However, in 1933, the Legislature abolished that office and enacted the Professional Land Surveyors' Act. The Act expanded the Board's authority to include jurisdiction over licensing of land surveyors and regulation of surveying practices. Until then, local governments had been interpreting the laws governing subdivision maps and recordation of parcel boundaries in widely differing ways for many years. Many land surveyors ignored basic legal requirements concerning subdivision maps and survey records. Some counties allowed boundary monuments to be moved or even destroyed. Legal disputes over property boundaries cost the state and the public millions of dollars. Regulation of land surveyors brought about uniform enforcement of survey law and is in the best interests of the state and California consumers.

Over the years, the Board has experienced some major changes under the provisions of the Professional Engineers Act. The number of branches of engineering regulated by the Board has increased, and the status of some of the older branches has changed. When electrical and mechanical engineering were first covered by the registration law in 1947, the law only affected the use of the titles. In 1967, the Act was amended to regulate the practice of those branches, as

well as the titles. In the late 1960s and early 1970s, the Act was also amended to give the Board the right to accept additional branches of engineering into the registration program. The additional categories were for the purpose of regulating the use of the titles of those engineering branches. Between 1972 and 1975, the Board expanded the registration program to include nine additional branches of engineering under its jurisdiction. In 1986, at the Board's request, the authority to create new title registration branches was removed from the Act. In the late 1990s and early 2000s, four of the title registration branches were deregulated.

In 2009, legislation was enacted that eliminated the Board for Geologists and Geophysicists and transferred all of the duties, powers, purposes, responsibilities, and jurisdiction to regulate the practices of geology and geophysics to the Board for Professional Engineers and Land Surveyors. Effective January 1, 2011, the name of the Board was changed to the Board for Professional Engineers, Land Surveyors, and Geologists.

The Board consists of 15 members (seven licensed members and eight public members) who are appointed to the Board for four-year terms. Each member may serve a maximum of two terms. The seven licensed members and six of the public members are appointed by the Governor. One public member is appointed by the Senate Rules Committee, and one public member is appointed by the Speaker of the Assembly.

2011-2014 Strategic Plan Accomplishments

- 1 The Board significantly reduced the average staff time for enforcement investigations to an average of 376 days in Fiscal Year 2013-14.

- 2 The Board restructured engineering, land surveying, and geology examination and application fees to provide cost savings to our applicants and licensees.

- 3 All State-specific examinations were converted to computer based testing, and the Board now offers flexible testing dates for these exams.

- 4 The Board eliminated backlogged enforcement cases during Fiscal Year 2013-14.

- 5 The Board improved the validity of the content and security of examinations by transferring the administration responsibilities for national engineering and surveying examinations to NCEES and converting state examinations to computer-based-testing delivery methods.

- 6 The Board received legislative authority to fingerprint applicants and obtain criminal history reports with the overall goal of safeguarding the public.

- 7 The Board continuously identified emerging technologies and launched multiple social media applications, including Facebook, Twitter, and LinkedIn, to communicate with consumers and licensees.

- 8 The Board amended regulations to remove appeals of national examinations, thus promoting enhanced exam security.

Mission

We protect the public's safety and property by promoting standards for competence and integrity through licensing and regulating the Board's professions.

Vision

A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board's licensees.

Values

Integrity
Consumer protection
Fairness
Quality
Customer service

Strategic Goal Areas

1 LICENSING

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

2 APPLICATIONS/EXAMINATIONS

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

3 LAWS AND REGULATIONS

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

4 ENFORCEMENT

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

5 OUTREACH

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

6 CUSTOMER SERVICE

The Board strives to enhance organizational effectiveness and improve the quality of its services.

Goal 1: Licensing

The Board empowers applicants and licensees with a method for providing services in California to protect consumers.

- 1.1 Identify the minimum curriculum required for a qualifying geological sciences degree.
- 1.2 Develop fact sheets that describe the legal authority, functions, and benefits for the public for each of the license types regulated by the Board.
- 1.3 Improve the existing credit card process with the implementation of BreEZe¹.
- 1.4 Expand credit card transactions to all license types with the implementation of BreEZe.
- 1.5 Recommend potential methods for enacting continuing education requirements.
- 1.6 Educate university administrators and students about the importance of licensure.

¹ BreEZe is the new Department of Consumer Affairs' online licensing and enforcement system scheduled to be implemented 2015-16.

Goal 2: Applications/Examinations

The Board promotes appropriate standards so that qualified individuals may obtain licensure in order to protect the public.

- 2.1 Work with DCA to increase Board involvement in all aspects of the national exams.
- 2.2 Increase exam opportunities for candidates.
- 2.3 Advocate for national exams to include content that measures competency that meets California's needs.
- 2.4 Evaluate and identify ways to reduce the application process timeframes.
- 2.5 Explore costs and benefits of considering, if appropriate, withdrawing from national exams and developing California exams.

Goal 3: Laws and Regulations

The Board ensures that statutes, regulations, policies, and procedures strengthen and support their mandate and mission.

- 3.1 Establish a legislative and regulatory work group of two Board members and staff and provide a written report at Board meetings.
- 3.2 Determine if changes to legislation or regulations are needed due to emerging technologies and industry practices.
- 3.3 Pro-actively clarify conflicting laws and regulations.
- 3.4 Seek legislation to merge the Geology/Geophysics fund with Engineers/Land Surveyors fund.

Goal 4: Enforcement

The Board protects the health and safety of consumers through the enforcement of the laws and regulations governing the practices of engineering, land surveying, geology, and geophysics.

- 4.1 Leverage collaborative relationships to reduce cycle times at the Office of Administrative Hearings, Division of Investigation, and Attorney General's Office.
- 4.2 Analyze and determine reasonable time frames and develop a benchmark/expectation for each step in the investigation.
- 4.3 Reduce complaint investigation cycle times to under 180 calendar days.
- 4.4 Research the feasibility of adding a legal requirement that licensees respond to Board investigative inquiries within a specified period of time.
- 4.5 Reduce formal disciplinary action process to a target of 540 calendar days.
- 4.6 Improve the technical expert consultant selection process, training, and compensation to enhance quality and quantity.

Goal 5: Outreach

The Board promotes the importance of licensing in an effort to regularly and consistently educate consumers, licensees, and stakeholders about the practice and regulation of the professions.

- 5.1 Develop a multi-phase stakeholder outreach plan.
- 5.2 Communicate enforcement actions on an ongoing basis on the website as soon as feasible.
- 5.3 Produce a newsletter on a quarterly basis that includes enforcement actions.
- 5.4 Encourage DCA and Agency to approve speaking and/or participating in conferences and other public and/or licensee outreach events.
- 5.5 Increase the Board's social media presence.
- 5.6 Proactively educate stakeholders to prevent violations.

Goal 6: Customer Service

The Board works to develop and maintain an efficient and effective team of professional and public leaders and staff with sufficient resources to improve the Board's provision of programs and services.

- 6.1 Provide Board-specific training for new Board members in addition to DCA's Board Member Orientation Training.
- 6.2 Enhance customer service by providing training for staff.
- 6.3 Implement a plan to improve internal collaboration.
- 6.4 Issue licenses on environmentally friendly wallet-sized cards in addition to current paper license.
- 6.5 Educate the public about the steps and timing in the enforcement process.

Strategic Planning Process

To understand the environment in which the Board operates and identify factors that could impact the Board's success, the California Department of Consumer Affairs' SOLID unit conducted an environmental scan of the internal and external environments by collecting information through the following methods:

- An online survey sent to 5,000 stakeholders, comprised of engineers, land surveyors, geologists, and geophysicists; professional associations; California colleges; and others who expressed interest in the strategic direction of the Board. The online survey received 1,202 responses.
- Telephone interviews with Board members in April 2014.
- Two focus group discussions with Board staff in April 2014.
- A manager focus group in April 2014.
- An interview with the Executive Officer and Assistant Executive Officer in May 2014.

The most significant themes and trends identified from the environmental scan were discussed by the Board during a strategic planning session facilitated by SOLID on June 5, 2014. This information guided the Board in the development of its mission, vision, and values, while directing the strategic goals and objectives outlined in this 2015 – 2017 strategic plan.

**CALIFORNIA BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS**

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Sacramento, CA 95833-2944

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Prepared by:



Department of Consumer Affairs
1747 N. Market Blvd., Suite 270
Sacramento, CA 95834

This strategic plan is based on stakeholder information and discussions facilitated by SOLID for BPELSG in April and May 2014. Subsequent amendments may have been made after Board adoption of this plan.



Board Agenda – July 31, 2014
Executive Officer Report – Sunset Report

Section 10 –
Board Action and Response to Prior Sunset Issues

During the 2010 Sunset process, the Board identified that licensing of Professional Geophysicists was an issue primarily due to low application submittals, the cost per capita to develop an appropriate examination, and the general lack of interest by existing licensees to assist with examination development. As a result, the Board agreed to monitor the progression and report any trends associated with this licensure.

Statistics will be compiled pertaining to the efforts associated with licensing Professional Geophysicists and included in the Sunset report.

Section 11 –
New Issues

This is the opportunity for the board to inform the Committees of solutions to issues identified by the board and by the Committees. Provide a short discussion of each of the outstanding issues, and the board's recommendation for action that could be taken by the board, by DCA or by the Legislature to resolve these issues (i.e., policy direction, budget changes, legislative changes) for each of the following:

1. Issues that were raised under prior Sunset Review that have not been addressed.
2. New issues that are identified by the board in this report.
3. New issues not previously discussed in this report.
4. New issues raised by the Committees.

Items identified by Staff to discuss with Board for inclusion within the Sunset Report:

1. Merge Geologist Account into PELS Fund (Discussed during last Sunset)
2. Exam Development – LOFT, On-Demand, etc. (FE/FS – EIT/LSIT)
3. Certificate of Authorization (Organization Record - Extend coverage, Public agencies and Geologists)

4. Renewal Fee— Change language for PELS mimicking Geologists (not tied to application fee)
5. Delinquent Reinstatements – Change PELS mimicking Geologists (5 years)
6. California Laws & Board Rules Exam – Add requirement to Geologists (7880) testing applicant understanding of laws and regulations mimicking PELS and as requirement for renewal for all Acts (6795, 7880, 8801)
7. Arrangements with outside organization to conduct exams – Change language for Geologist Act (7825 or 7844) to mimic PE Act (6754) and PLS Act (8745).
8. OST - (from SP Session / Board meeting)
9. B & P, Section 27 (Address of Record, email address, etc.)

VIII. **EXAMS/LICENSING**

Professional Engineers, Land Surveyors, and Geology Examination Statistics Spring 2014

Civil Engineering Examinations				
	Pass	Fail	Total	Pass Rate
Principles & Practices (National)	751	669	1420	53%
Seismic Principles	751	812	1563	48%
Engineering Surveying	662	907	1569	42%
Land Surveying Examinations				
Principles & Practices (National)	45	38	83	54%
Surveying (State Specific)	48	172	220	22%
Other Engineering Discipline Exams				
Chemical	20	13	33	61%
Electrical	115	168	283	41%
Industrial	1	3	4	25%
Mechanical	177	124	301	59%
Structural				
Lateral Forces	43	76	119	36%
Vertical Forces	39	82	121	32%
2014 Fundamentals Examinations January-February & April-May				
Engineering (EIT)	991	512	1503	65.9%
Land Surveyors (LSIT)	13	32	45	28.9%
Geology				
Geologist-In-Training Candidates**	37	10	47	79%
ASBOG® Fundamentals of Geology**	29	14	43	67%
ASBOG® Practice of Geology	49	13	62	79%
California Specific Examination	38	55	93	41%
**ASBOG® Fundamentals of Geology Including Geologist-In-Training	66	24	90	73%

IX. APPROVAL OF DELINQUENT REINSTATMENTS

APPROVAL OF DELINQUENT REINSTATEMENTS

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

MECHANICAL

RICHARD IBARRA

Reinstate applicant's mechanical license once he/she takes and passes the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

X. LOCAL AGENCY AUTHORITY PERTAINING TO PE, PLS, AND GEOLOGIST ACT

XI. TECHNICAL ADVISORY COMMITTEES (TACS)

Re- Appointment to the Geologists and Geophysicists
Technical Advisory Committee

Recommended Motion:

Re-Appoint Gary Simpson (PG, CEG) to a first term expiring June 30, 2016.

Background:

The GEO-TAC appointment for Mr. Gary Cole has been nominated by Board Member Erik Zinn, PG, CEG. The candidate has been a valuable member of the GEO-TAC member for the last two years. Mr. Simpson has been a licensed Professional Geologist since April of 1994 and a Certified Engineering Geologist since July of 1998 (all in good standing). The re-appointment of this candidate will help ensure the continuance and enhancement of the geological and geophysical expertise needed to meet the Board's dedication to protection of the public.

Appointment to the Geologists and Geophysicists
Technical Advisory Committee

Recommended Motion:

Re-Appoint Hugh Robertson (PG, CEG) to a additional term expiring June 30, 2016.

Background:

The GEO-TAC appointment for Mr. Hugh Robertson has been nominated by Board Member Erik Zinn, PG, CEG. The candidate has been a valuable member of the GEO-TAC. Mr. Robertson has been a licensed Professional Geologist since August of 1977 and a Certified Engineering Geologist since August of 1977 (all in good standing). The re-appointment of this candidate will help ensure the continuance and enhancement of the geological and geophysical expertise needed to meet the Board's dedication to protection of the public.

XII. LIAISON REPORTS

Committee	Motion	Motions on the Non-Consent Agenda	BOD position	Your Board's vote	Notes
ACCA	2	Amends EAP 10 regarding use of NCEES exams offered to a foreign entity. Changes policy to require NCEES approval of test sites and permits NCEES BOD to authorize exams at locations where ABET accredited programs exist.	No position		
	3	Amends PS 21 - International Activities, to allow NCEES BOD instead of full council to approve exam administration at foreign test centers	No position		
	4	Moves that the term "health, safety, and welfare" be used in all applicable NCEES manuals and documents and remove references to "life and property"	Endorses		
Definition of Engineering	2	Amends Model Law 110.20 A5 to provide greater clarity to the definition of engineering and greater specificity to incidental surveys performed by a PE	No position		
Education	1	Moves to task NCEES with developing a CPC (or CPD) registry	Endorses		
EPS	1	Amends PS 9 to reflect the BS degree requirements for surveying and alignment of the content and qualifications of exams and exam preparers with model laws and rules	Does not endorse		
Committee	Motion	Motions on the Consent Agenda	BOD position	Your Board's vote	
ACCA	5	Moves to use the word "safeguard" throughout all NCEES documents with regard to when "health, safety, and welfare" is used	Endorses		
	6	Moves to adopt policy statement on diversity	Endorses		
BOD	1	Authorizes CEO to negotiate contract to offer FE and PE exams in Taiwan	Endorses		
Bylaws	1	Moves Bylaw 4.05 be amended—To change the 4 years of board membership to 3 years to be eligible to hold office as President-Elect	Endorses		
Bylaws	2	Moves Bylaw 6.01 be amended - To direct the Board of Directors to prepare a consent agenda and allow individual motions to be removed by any board	Endorses		
Bylaws	3	Moves Bylaw 3.07 be amended - Northern Mariana Islands be added to the Western Zone	Endorses		
Definition of Engineering	1	Amends Model Law 110.20 to provide greater clarity to the definition of engineering	Endorses		
EPP	1	Adopts EAP 1G addressing how individuals banned or not allowed to test in a NCEES jurisdiction are handled	Endorses		
	2	Modifies EDP 8A and 8B to reflect current exam usage review	Endorses		
	3	Amends EAP 1A and 8B to provide consistent language regarding treatment of examinees	Endorses		
	4	Amends EAP 1 to clarify the requirement for a unique identification number for admission to exam sites, and preauthorization for admission to the exam room	Endorses		
	5	Amends EAP 13 to define who can't serve as proctors for paper and pencil exams	Endorses		

Committee	Motion	Motions on the Consent Agenda	BOD position	Your Board's vote	Notes
EPP	6	Deletes EAP 8F (exam results returned to sponsoring foreign organization) and amends EAP 10 clarify the use and release of exam results/performance data	Endorses		
	7	Amends EDP 17 to define the use of a CBT representative exam for exam audits	Endorses		
	8	Amends EAP 8A and deletes 8E to clarify and define the use of exam results	Endorses		
	9	Amends EDP 1 to rename the section and add a purpose statement for exams	Endorses		
Finance	1	Moves adoption of operating budget to the end of the business meeting	Endorses		
	2	Moves adoption of capital budget to the end of the business meeting	Endorses		
	3	Amends Financial Policy 7—Requires CBT exam fee be paid directly to NCEES	Endorses		
Law Enforcement	1	Adds <i>Model Rule 240.15 B9</i> —Prohibits licensees from using confidential information as a means of personal profit without consent of client	Endorses		
MBA	1	Amends Model Law 130.10 C to redefine licensure requirements for comity applicants based on proof of minimal competency - with future task of defining criteria to determine minimal competency	Endorses		
Public Outreach/ Comm	1	Adds position statement to promote licensure - to the mission statement for NCEES	Endorses		
UPLG	1	Amends Model Rule 210.20 B - Definitions, to change the term “is a graduate who has earned” to “earns” to be consistent with the model law Engineer and Surveyors	Endorses		
	2	Amends Model Rule 220.10 A and B - Organization of the Board, to delete duplicative language already in the Model Law and clarify the use of a provisional appointment to the board while pending governor’s approval	Endorses		
	3	Amends Model Rule 220.10 C and D - Organization of the Board, related to board officers and meetings to be consistent with the Model Law and make it easier for boards to insert their specific jurisdictional requirements	Endorses		
	4	Deletes Model Rule 220.10 E - Board Quorum, as it repeats language from the Model Law	Endorses		
	5	Amends Model Rule 220.10 H - Organization of the Board, to clarify that board members be compensated to the maximum per diem allowed, to be consistent with the Model Law	Endorses		
	6	Amends Model Rule 220.10 - Organization of the Board, related to public records laws to be compatible with specific jurisdictional requirements	Endorses		
	7	Deletes Model Rule 220.10 N Declaratory Rulings - Organization of the Board, as the language is too limiting to the board powers authorized in the Model Law	Endorses		
	8	Amends Model Rule 220.20 - Adoption and Amendment of Rules and Regulations, by deleting provisions reserved to other state agencies or jurisdictions who define the rulemaking process specific to the jurisdiction	Endorses		

Committee	Motion	Motions on the Consent Agenda	BOD position	Your Board's vote	
UPLG	9	Amends Model Rule 220.30 – Fees, Housekeeping changes to make the language match current practice	Endorses		
	10	Amends Model Rule 230.10 – Education Requirements Approved by the Board, housekeeping change to match current practice and to recognize ABET accredits programs offered by foreign colleges	Endorses		
	11	Amends Model Rule 230.40 – Examinations, to add the words “or its designee” to acknowledge that the FE and FS exams are administered through NCEES via a testing provider	Endorses		
	12	Amends Model Rules 230.40 B and 230.40 D – Examinations, to move Model Law 2020 education requirements from the Examination section to the Education section where it should be	Endorses		
	13	Amends Model Rule 230.60 – Applications, to delete the word “graduating” and adds the words “ meeting the education and experience requirements” to clarify all the education and experience requirements must be met prior to certification or licensure	Endorses		
	14	Amends Model Rule 230.60 – Applications, Housekeeping changes to application form requirements	Endorses		
	15	Deletes Model Rule 230.60 F - Applications, related to retention of records as the retention requirements are specific to state or jurisdictional laws	Endorses		
	16	Amends Model Rule 240.10 D – Licensure, housekeeping change to the reissuance of wall certificates or licenses	Endorses		
	17	Amends Model Rule 240.15 C – Rules of Professional Conduct, adds the words “injure or” in front of “attempt to injure” for clarification	Endorses		
	18	Amends Model Rule 240.20 B – Seals, changes “may” to “must” obtain a seal to be consistent with the Model Law	Endorses		
	19	Amends Model Rule 240.30 - Continuing Professional Competency, edits for clarity and removal of commentary introduction	Endorses		
	20	Amends Model Rules 240.40 A and D – Expirations, Renewals, and Reinstatements to Active Practice, allows renewal notices to be sent electronically	Endorses		
	21	Amends Model Law 130.10 - General Requirements for Licensure, rewrites the entire section to separate the education, examination and experience requirements	Endorses		
	22	Amends Model Law 170.70X – Grandfathering of Photogrammetrists, be moved to 130.10 to clarify this pathway to surveying licensure	Endorses		

XIII. **PRESIDENT'S REPORT/BOARD MEMBER ACTIVITIES**

XIV. APPROVAL OF CONSENT ITEMS

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

Department of Consumer Affairs,
 HQ2 1747 N. Market Blvd., Emerald Room
 Sacramento, CA 95834

**June 5-6, 2014
 Beginning at 9:00 a.m.**

Thursday, June 5, 2014

Board Members Present:	Erik Zinn, President; Kathy Jones Irish, Vice President; Natalie Alavi; Asha Brooks; Eric Johnson; Coby King; Mohammad Qureshi; Karen Roberts; Ray Satorre; Jerry Silva; Robert Stockton; and Patrick Tami
Board Members Absent:	Diane Hamwi; Philip Quartararo; Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Budget Analyst); Larry Kereszt (Examinations Manager); Susan Christ (Registrar); Michael Donelson (Registrar); Ray Mathe (Registrar); and Gary Duke (Legal Counsel).

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.

Mr. King arrived at 9:10 a.m.

II. Public Comment

No Public Comment.

III. Strategic Planning Session

The Board engaged in a Strategic Planning session.

The Board recessed at 5:45 p.m.

Minutes of the June 5-6, 2014 Board for Professional Engineers, Land Surveyors, and Geologists

Friday, June 6, 2014

Board Members Present:	Erik Zinn, President; Kathy Jones Irish, Vice President; Natalie Alavi; Asha Brooks; Eric Johnson; Coby King; Mohammad Qureshi; Karen Roberts; Ray Satorre; Jerry Silva; Robert Stockton; and Patrick Tami
Board Members Absent:	Diane Hamwi; Philip Quartararo; Hong Beom Rhee
Board Staff Present:	Ric Moore (Executive Officer); Joanne Arnold, (Assistant Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Budget Analyst); Larry Kereszt (Examinations Manager); Susan Christ (Registrar); Tiffany Criswell (Lead Enforcement Analyst); Michael Donelson (Registrar); Ray Mathe (Registrar); Angela Smith (Enforcement Analyst); and Gary Duke (Legal Counsel).

I. 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.

II. Public Comment

No Public Comment.

V. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2014:

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.

Ms. Arnold reported that the author's office accepted the Board's amendments, and the bill was amended on May 29, 2014. She recommended the Board change their position to a Watch position.

MOTION: Mr. King and Dr. Qureshi moved to change the Board's position on AB 186 to Watch.

VOTE: 12-0, Motion passed.

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.

Mr. Alameida reported that the bill failed to pass by the deadlines and is dead.

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.

Mr. Alameida reported there will be a hearing on June 16, 2014. The concern of Board staff is the applicant would not necessarily receive qualifying experience while incarcerated and could not work under the responsible charge of a licensee while incarcerated. He has yet to see any opposition from other boards or bureaus.

Ms. Eissler further explained that it is part of the rehabilitative effort that prisoners go through these training programs to acquire the skills needed to obtain the licenses. However, during the application process, some of the boards may not consider the experience earned while incarcerated. She noted that the point of the rehabilitative training program is to get the training necessary to go into a profession upon their release. However, she does not believe it will impact this Board. Mr. Duke confirmed that it is irrelevant to the Board. The Board will maintain a watch 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.

Mr. Alameida reported that the bill failed to pass by the deadlines and is dead.

AB 2165 Patterson. Professions and vocations: licenses. Add section to general Business & Professions 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 require that any examination the board provides for licensure be given a minimum of 6 times per year.

Mr. Alameida reported that the bill failed to pass by the deadlines and is dead.

AB 2396 Bonta. Convictions: Expungement: licenses. This bill would prohibit boards within the Department of Consumer Affairs (DCA) from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside, or dismissed by the court.

Mr. Alameida reported the intent of the bill is to prohibit the boards within DCA from denying professional licenses based solely on a criminal conviction that has been withdrawn, set aside, or dismissed. There has been opposition from other boards within DCA. Mr. Alameida recommends the Board take an Oppose position.

MOTION: Dr. Qureshi and Mr. Stockton moved to oppose AB 2396.

VOTE: 12-0, Motion passed.

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.

Mr. Alameida reported that the bill failed to pass by the deadlines and is dead.

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, it removes the description of the qualifications to obtain certification as a petroleum geologist since the Board does not have regulations to certify petroleum geologists. The Board will maintain a support position.

SB 1159 Lara. Mr. Alameida reported that this bill is doing general clean up to Business and Professions Code section 30 to clarify that a licensee must have either a Federal Identification Number or Social Security Number. The Board already accepts either, so this bill would have no effect on the Board's current operations. There is no need for the Board to take a position on the bill..

B. Strategic Plan

Mr. Moore reported that the Board participated in a Strategic Planning session on June 5, 2014. There will be a draft plan presented at the next Board meeting for discussion and adoption. Several Board members were concerned if they can view an advanced copy of the draft prior to the next

Board meeting. Mr. Moore recommended that because of the collaborative nature of the plan, the Board should wait to get the copy in the Board packet.

C. **Sunset Report**

Mr. Moore indicated that staff is working on the report and will be meeting with G.V. Ayers, Consultant to Senate Business, Professions, and Economic Development Committee to discuss issues facing the Board. Staff will present a list of these items at the next meeting. The report is due to the Legislature by November 1, 2014.

D. **Personnel**

1. **Staff Presentations**

G.V. Ayers read into the record a Senate Resolution presented to Joanne Arnold for her over 30 years of service to the Board and the State of California.

Bob DeWitt representing ACEC commended Ms. Arnold for her service.

President Zinn also thanked Ms. Arnold for her assistance.

Mr. Donelson, Ms. Christ, and Mr. Mathe provided a presentation on their roles and responsibilities as Senior Registrars with the Board.

E. **Administrative Task Force**
No Report Given

IV. Enforcement

A. **Enforcement Statistical Reports**

Ms. Eissler reported that the entire fiscal year of statistics will be provided at the next meeting.

VII. Exams/Licensing

A. **Update on Spring 2014 Exams**

Mr. Kereszt provided a handout that outlined the Spring 2014 Professional Engineer and Land Surveyors examination statistics.

He also reported that in addition to mailing the results for the engineering and land surveying examinations, they were also sent out via e-mail to candidates who had provided the Board with an e-mail address, which proved to be a success. He explained that candidates were sent two e-mails. One to notify them that their results would be e-mailed and password protected, and the second e-mail contained the information to access their results.

He also reported that Geology results would be sent out the following week.

B. Professional Geophysicist October 2013 Examination Results
Mr. Kereszt summarized the October 2013 examination results.

President Zinn briefly explained the difference between Geologists and Geophysicists. Geologists deal with the physical earth by looking at direct evidence. The predominate work in California consists of hazards and risks with contaminated ground water, hazards such as fault rupture, landslides, sink holes, and flooding. Geophysicists must have a geology and physics background. They do remote sensing and physics calculations. They must have an understanding of geology in order to apply the models they are constructing. They interpret earth from remote sensing, using instruments to interpret a signal - electrical, magnetic, etc.

C. Approval of Professional Geophysicist examination test plan
MOTION: Mr. Stockton and Mr. Silva moved to approve the test plan.
VOTE: 12-0, Motion passed.

D. Discussion on the Use of NCEES's Credentials Evaluations Service
Mr. Moore indicated that the Staff Registrars had advised that they receive transcripts from foreign universities that are difficult to evaluate and had asked that the Board to consider the credential evaluation service from NCEES to review foreign transcripts. After discussion, it was determined that it is not an issue of the magnitude that it first appeared since there are very few applicants who might make use of this service. Therefore, it is not necessary to pursue this issue further at this time.

VIII. Approval of Delinquent Reinstatements

Mr. Donelson presented the reinstatement.
MOTION: Mr. King and Ms. Alavi moved to approve.
VOTE: 12-0, Motion passed.

IX. Administration

A. FY 2013/14 Budget Overview

Mr. Alameida reviewed the Board's budget. He reported that the Engineers fund has increased. It is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year. As for the Geology fund, revenue at year-end should remain consistent with historical averages.

President Zinn would like to discuss the merger of both funds more in depth at the next meeting.

B. Outreach

Mr. Alameida reviewed the outreach calendar of events and requested input from the Board Members.

X. Technical Advisory Committees (TACs)

A. Board Assignments to TACs

No Report Given

C. Appointment of TAC Members

No report given

D. Reports from the TACs

President Zinn reported on the Geology TAC meeting in which they discussed comity with the Washington Board.

1. Proposed LS TAC Workplan

MOTION: Mr. Stockton and Dr. Qureshi moved to approve the LS TAC Workplan

VOTE: 12-0, Motion passed.

Ms. Alavi left the Board meeting at 12:05 p.m.

XI. Liaison Reports

A. ASBOG

No report given.

B. ABET

No report given.

C. NCEES

Mr. Moore announced that Mr. Tami was elected as NCEES Western Zone Vice-President.

He also reported that they are waiting on the final action items from the Western Zone meeting to be considered at the Annual Meeting that will be presented at next Board meeting.

Mr. Moore was selected for the Surveyors Examination Committee, and Ms. Eissler was selected to continue on the Law Enforcement Committee.

D. Technical and Professional Societies

Mr. Hanlin, representing CLSA, commended the staff for their outreach efforts.

Mr. DeWitt thanked President Zinn, Mr. Moore, and Mr. Mathe for participating in the joint chapter meeting in the Monterey Bay area.

XII. President's Report/Board Member Activities

President Zinn reported that this is his last Board meeting as Board President. Mr. Moore presented President Zinn with a gavel plaque. Ms. Jones Irish thanked President Zinn for his leadership.

Mr. Stockton reported that he attended CalPoly Pomona's Project Showcase where he assisted with award presentations. He was very impressed with the level of quality of the presentations.

XIII. Approval of Consent Items

A. Approval of the Minutes of the April 24-25, 2014, Board Meeting

MOTION: Mr. Silva and Ms. Brooks moved to approve.

VOTE: 11-0-1, Motion passed, Mr. King abstained.

XIV. Nomination and Election of President and Vice President for Fiscal Year 2014-2015

Mr. Silva, representing the Nomination Committee, recommend the Board elect Ms. Jones Irish as President and Mr. Stockton as Vice-President.

President Zinn inquired if there were any other nominations. Since there were none, the voting continued.

MOTION: Mr. Qureshi and Mr. Satorre moved to close nominations.

VOTE: 11-0, Motion passed.

MOTION: Mr. King and Mr. Johnson moved to elect Ms. Jones Irish as Board President and Mr. Stockton as Vice-President.

VOTE: 11-0, Motion passed.

XV. Other Items Not Requiring Board Action

President Zinn requested clarification at the next Board meeting from staff or legal counsel regarding local jurisdictions precluding Practice Act licensees from practicing what their license allows and the Board's authority to address the issue. Mr. Duke indicated that he had previously researched this issue and would provide a report on the matter.

III. 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

2. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal,

Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)

3. Rubin Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145675
4. Rubin 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

V. Open Session to Announce the Results of Closed Session

Ms. Eissler announced that, during Closed Session, the Board discussed the civil litigation as noticed and took action on five stipulations, a default decision, a petition for reconsideration, and a proposed decision.

XVI. Adjourn

The meeting adjourned at 2:31 p.m.

PUBLIC PRESENT:

Craig Copelan, PECG

Bob DeWitt, ACEC

Roger Hanlin, CLSA

XV. **OTHER ITEMS NOT REQUIRING BOARD ACTION**

XVI. **CLOSED SESSION**

XVII. **OPEN SESSION TO ANNOUNCE THE RESULTS OF CLOSED SESSION**

XVIII. ADJOURN



