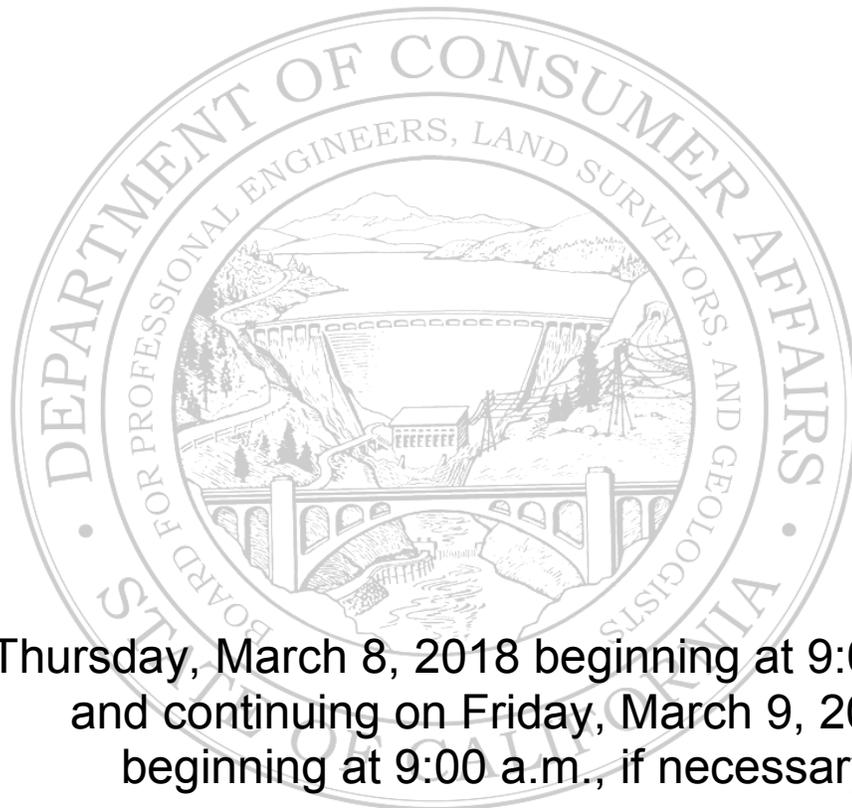




## Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,  
Land Surveyors, and Geologists



Thursday, March 8, 2018 beginning at 9:00 a.m.  
and continuing on Friday, March 9, 2018  
beginning at 9:00 a.m., if necessary

California State University, Fresno  
Lyles College of Engineering  
2320 E. San Ramon, IT160  
Fresno, CA 93740



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BOARD MEETING

MARCH 8-9, 2018

California State University, Fresno  
Lyles College of Engineering, IT160  
2320 E. San Ramon  
Fresno, CA 93740

### BOARD MEMBERS

Eric Johnson, President; Betsy Mathieson, Vice President; Natalie Alavi; Fel Amistad; Kathy Jones Irish; Coby King; Asha Lang; Mohammad Qureshi; Karen Roberts; Jerry Silva; Robert Stockton; and Steve Wilson

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## I. Roll Call to Establish a Quorum

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## **II. Public Comment for Items Not on the Agenda**

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**NOTE:** The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda. Please see the last page of this Official Notice and Agenda for additional information regarding Public Comment.



**III. Administration**

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A. Fiscal Year 2017/18 Budget Review



**FY 17/18 Budget Overview:**

The information provided below is a summary of the Engineers, Land Surveyors and Geologists fund. At this time, the Board has only received our first monthly Fi\$Cal tracking report. The data provided for Fiscal Month (FM) 6 was collected from verifiable internal tracking documents. Fiscal Year (FY) 17/18 Year End Projections are based on historical data and information currently obtainable for this FY.

**Engineers and Land Surveyors (PELS) Fund**

<b>Fiscal Month 6</b>	<b>FY 16/17</b>	<b>FY 17/18</b>
<b>Revenue Applications</b>	\$397,800	\$287,000
<b>Revenue Renewal</b>	\$4,886,845	5,372,050
<b>Total</b>	<b>\$5,284,645</b>	<b>\$5,659,050</b>

<b>Fiscal Month 6</b>	<b>FY 16/17</b>	<b>FY 17/18</b>
<b>Applications</b>	5,573	3,141
<b>Renewals</b>	38,839	43,197

**FY 17/18 Year End Projections**

<b>Expenditures</b>	\$10.7 Million
<b>Revenue</b>	\$8.4 Million
<b>Deficit</b>	\$2.3 Million

**FY 17/18 Year End Projections**

<b>Fund Balance</b>	\$7.7 Million
<b>Months In Reserve</b>	8.4 Months

Overall, the Board is generating less revenue than projected expenses and is projected to have a deficit at the end of the FY. However, the Board’s fund balance will cover this FY’s projected deficit. At the end of this FY the Board is projected to have a \$7.7 million fund balance and 8.4 Months-in-Reserve.

**Please note:** Renewal cycles are cyclical depending on the FY, FY 17/18 is a high FY for renewals. On January 1, 2017, the Board stopped collecting an application fee for refile applicants. Effective October 23, 2017, staff implemented a new application process, which eliminated final filing dates for Professional Engineer and Professional Land Surveyor applicants. Staff reasons these two changes in application processes have decreased the number of applications collected to date.



#### **IV. Legislation**

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A. Legislative Calendar

B. Discussion of Legislation for 2018 (Possible Action):

AB 767: Master Business License Act

AB 2483: Department of Consumer Affairs: Office of Supervision of Occupational Boards

AB 3126: Board for Professional Engineers, Land Surveyors, and Geologists

AB 3134: Professional Engineers

SB 920: Engineering, land surveying, and architecture: limited liability partnerships

SB 1098: Geologists and geophysicists: fees



**DEADLINES**

JANUARY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** **Legislature Reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)). Last day to **submit bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced** in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

FEBRUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).
- Feb. 19** Presidents' Day.

MARCH						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

- Mar. 22** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Mar. 30** Cesar Chavez Day observed.

APRIL						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

- Apr. 2** **Legislature Reconvenes** from Spring Recess (J.R. 51(b)(1)).
- Apr. 27** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

MAY						
S	M	T	W	TH	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

- May 11** Last day for **policy committees** to hear and report to the floor **nonfiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 18** Last day for **policy committees** to meet prior to June 4 (J.R. 61(b)(7)).
- May 25** Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)). Last day for **fiscal committees** to meet prior to June 4 (J.R. 61(b)(9)).
- May 28** Memorial Day.
- May 29- June 1 Floor Session only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).

JUNE						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

- June 1** Last day for each **house to pass bills** introduced in that house (J.R. 61(b)(11)).
- June 4** Committee meetings may resume (J.R. 61(b)(12)).
- June 15** Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).
- June 28** Last day for a legislative measure to qualify for the Nov. 6 General Election ballot (Elections code Sec. 9040).
- June 29** Last day for **policy committees** to hear and report **fiscal bills** to fiscal committees (J.R. 61(b)(13)).

JULY						
S	M	T	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

- July 4** Independence Day.
- July 6** Last day for **policy committees** to meet and report bills (J.R. 61(b)(14)). **Summer Recess** begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

AUGUST						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- Aug. 6** **Legislature Reconvenes** (J.R. 51(b)(2)).
- Aug. 17** Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(15)).
- Aug. 20-31 Floor Session only.** No committees, other than Conference and Rules Committees, may meet for any purpose (J.R. 61(b)(16)).
- Aug. 24** Last day to **amend** on the floor (J.R. 61(b)(17)).
- Aug. 31** Last day for **each house to pass bills**, except bills that take effect immediately or bills in Extraordinary Session (Art. IV, Sec. 10(c), (J.R. 61(b)(18)). **Final Recess** begins upon adjournment (J.R. 51(b)(3)).

**Introduced Legislation**  
**AB 767 (Quirk-Silva-D Buena Park)**  
**Master Business License Act**

**Status:** 1/29/2018- Read first time. To Senate Rules Committee for assignment.

**Location:** 1/29/2018- Senate Desk

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Amended:** 5/3/2017

**Updated 2/21/18**  
**Staff Analysis: AB 767**

**Bill Summary:** The Governor's Office of Business and Economic Development (GO-Biz) built and currently maintains the California Business Portal. Through the GO-Biz Portal, businesses can access information about state business incentives, workforce, permitting, and regulations. AB 767 would establish the Master Business License Center at the Governor's Office of Business and Economic Development (GO-Biz) to assist businesses in identifying and completing state license and permitting requirements. This bill would require each state regulatory agency to cooperate and provide reasonable assistance to the office to implement these provisions.

**Staff Comment:** It is difficult to determine what potential impact this bill may have on the Board because there are unanswered variables. As amended May 3, 2017, this bill would require the Board to cooperate and provide reasonable assistance to the office. It is unclear what the author considers reasonable assistance and how much that assistance would cost the Board. Staff will continue to work with the author's office to get the undetermined variables answered.

**Staff Recommendation:** Staff recommends the Board **vote to watch** this legislation as amended May 3, 2017.

**Laws:** An act to add Part 12.5 (commencing with Section 15930) to Division 3 of Title 2 of the Government Code, relating to economic development.

AMENDED IN ASSEMBLY MAY 3, 2017

CALIFORNIA LEGISLATURE—2017—18 REGULAR SESSION

**ASSEMBLY BILL**

**No. 767**

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**Introduced by Assembly Member Quirk-Silva**

February 15, 2017

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An act to add Part 12.5 (commencing with Section 15930) to Division 3 of Title 2 of the Government Code, relating to economic development.

LEGISLATIVE COUNSEL'S DIGEST

AB 767, as amended, Quirk-Silva. Master Business License Act.

Existing law authorizes various state agencies to issue permits and licenses in accordance with specified requirements to conduct business within this state. Existing law establishes the Governor's Office of Business and Economic Development to serve the Governor as the lead entity for economic strategy and the marketing of California on issues relating to business development, private sector investment, and economic growth. Existing law creates within the Governor's Office of Business and Economic Development the Office of Small Business Advocate to advocate for the causes of small-business *businesses* and to provide small businesses with the information they need to survive in the marketplace.

This bill would create within the Governor's Office of Business and Economic Development, or its successor, a business license center to develop and administer a ~~computerized~~ *an online* master business license system to simplify the process of engaging in business in this state. The bill would set forth the duties and responsibilities of the business license center. The bill would require each state *regulatory* agency to cooperate and provide reasonable assistance to the office to implement these provisions.

This bill would authorize a person that applies for 2 or more business licenses that have been incorporated into the master business license system to submit a master application to the office requesting the issuance of the licenses. The bill would require the office to develop and adopt an Internet-based platform that allows the ~~business~~ *businesses* to electronically submit the master application to the office, as well as the payment of every fee required to obtain each requested license and a master application fee, which would be deposited into the Master License Fund, which would be created by the bill. *The bill would authorize the office to borrow up to \$140,000 from the General Fund. The bill would authorize a state agency that the office has determined to have a license and fee that is appropriate for inclusion in the master business license system to borrow money as needed from the General Fund to support the reasonable costs of integrating into the system. The bill would require these General Fund moneys to be deposited into the Master License Fund.* The bill would authorize moneys in the fund, upon appropriation, to be expended only to administer this bill or be transferred to the appropriate licensing agencies. The bill would also require, upon issuance of the license or licenses, the office to transfer the fees, except for the master license fee, to the appropriate accounts under the applicable statutes for those regulatory agencies' licenses.

The bill would require the office to establish a reasonable fee for each master license application and to collect those fees for deposit into the Master License Fund established by this bill. Funds derived from the master license application fees would be expended to administer the master business license program upon appropriation by the Legislature. The bill would require the license fees of the regulatory agencies deposited into the fund to be transferred to the appropriate accounts of the regulatory agencies, as provided.

The bill would require the office, in consultation with other regulatory agencies, to establish a uniform business identification number for each business that would be recognized by all affected state agencies and used to facilitate the information sharing between state agencies and to improve customer service to businesses.

The bill would also require *the office including* the Director of Small Business ~~Advocate~~ *Advocate*, to work with small business owners and all regulatory agencies to ensure the state's implementation of a consolidated business license and permit system.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 12.5 (commencing with Section 15930) is  
2 added to Division 3 of Title 2 of the Government Code, to read:

3

4 PART 12.5. MASTER BUSINESS LICENSE ACT

5

6 CHAPTER 1. GENERAL PROVISIONS

7

8 15930. This part may be known, and may be cited as, the  
9 Master Business ~~License~~ *License Act*.

10 15931. As used in this part, the following words shall have the  
11 following meanings:

12 (a) "Business license center" means the business registration  
13 and licensing center established by this part and located in and  
14 under the administrative control of the office.

15 (b) "Director" means the Director of the Governor's Office of  
16 Business and Economic Development.

17 (c) "License information packet" means a collection of  
18 information about licensing requirements and application  
19 procedures custom assembled for each request.

20 (d) "License" means the whole or part of any state agency  
21 permit, license, certificate, approval, registration, charter, or any  
22 form or permission required by law, including agency regulation,  
23 to engage in any activity.

24 (e) "Master application" means a document incorporating  
25 pertinent data from existing applications for licenses covered under  
26 this part.

27 (f) "Master business license system" or "system" means the  
28 mechanism by which licenses are issued, license and regulatory  
29 information is disseminated, and account data is exchanged by  
30 state agencies.

31 (g) Office means the Governor's Office of Business and  
32 Economic Development or its successor.

33 (h) "Person" means any individual, sole proprietorship,  
34 partnership, association, cooperative, corporation, nonprofit  
35 organization, state or local government agency, and any other  
36 organization required to register with the state to do business in  
37 the state and to obtain one or more licenses from the state or any  
38 of its agencies.

1 (i) "Regulatory" means all licensing and other governmental or  
2 statutory requirements pertaining to business activities.

3 (j) "Regulatory agency" means any state agency, board,  
4 commission, or division that regulates one or more industries,  
5 businesses, or activities.

6  
7 CHAPTER 2. BUSINESS LICENSE CENTER  
8

9 15932. (a) There is created within the office a business license  
10 center.

11 (b) The duties of the center shall include, but not be limited to,  
12 all of the following:

13 (1) Developing and administering ~~a computerized onestop~~ *an*  
14 *online* master business license system capable of storing, retrieving,  
15 and exchanging license information with due regard to privacy  
16 statutes.

17 (2) Providing a license information service detailing  
18 requirements to establish or engage in business in this state.

19 (3) Identifying types of licenses appropriate for inclusion in the  
20 master business license system.

21 (4) Recommending in reports to the Governor and the  
22 Legislature the elimination, consolidation, or other modification  
23 of duplicative, ineffective, or inefficient ~~licensing or inspection~~  
24 ~~requirements.~~ *licensing.*

25 (5) Incorporating licenses into the master business license  
26 system.

27 15933. (a) ~~The director may~~ office *shall* adopt regulations as  
28 may be necessary to effectuate the purposes of this part.

29 (b) The director shall encourage state ~~entities~~ *regulatory entities*  
30 to participate in the online master business license system.

31 15934. Each state *regulatory* agency shall cooperate and  
32 provide reasonable assistance to the office in the implementation  
33 of this part.

34  
35 CHAPTER 3. MASTER LICENSE  
36

37 15935. (a) Any person that applies for two or more business  
38 licenses that have been incorporated into the master business  
39 license system may submit a master application to the office  
40 requesting the issuance of the licenses. The office shall develop

1 and adopt an Internet-based platform that allows the business to  
2 electronically submit the master application to the office, as well  
3 as the payment of every fee required to obtain each requested  
4 license and a master application fee established pursuant to Section  
5 15936.

6 (b) Irrespective of any authority delegated to the office to  
7 implement this part, the authority for approving the issuance and  
8 renewal of any requested license that requires a prelicensing or  
9 renewal investigation, inspection, testing, or other judgmental  
10 review by the regulatory agency otherwise legally authorized to  
11 issue the license shall remain with that agency.

12 (c) Upon receipt of the application and proper fee payment for  
13 any license for which issuance is subject to regulatory agency  
14 action under subdivision (a), the office shall immediately notify  
15 the business of receipt of the application and fees.

16 15936. (a) The office shall establish a fee for each master  
17 application that does *not* exceed the reasonable costs of  
18 administering this part and collect that fee.

19 (b) *The office may borrow up to one hundred forty thousand*  
20 *dollars (\$140,000) from the General Fund in the State Treasury.*

21 (c) *A state agency that the office has determined to have a*  
22 *license and fee that is appropriate for inclusion in the master*  
23 *business license system may borrow money from the General Fund*  
24 *in the State Treasury in an amount necessary to support the*  
25 *reasonable cost of integrating into the system.*

26 (d) *The loans made pursuant to subdivisions (b) and (c) shall*  
27 *be repaid with interest, calculated at the rate earned by the Pooled*  
28 *Money Investment Account at the time of the transfer from the*  
29 *General Fund, from the fees collected pursuant to this section.*

30 15937. All fees collected under the master business license  
31 system, including the master license application fee and the fees  
32 of the regulatory agencies, *and all moneys borrowed under Section*  
33 *15936* shall be deposited into the Master License Fund, which is  
34 hereby created in the State Treasury. Moneys in the fund from  
35 master application fees may, upon appropriation by the Legislature,  
36 be expended only to administer this part or be transferred to the  
37 appropriate licensing agencies. Moneys in the fund from other fees  
38 shall be transferred to the appropriate accounts under the applicable  
39 statutes for those regulatory agencies' licenses.

1 CHAPTER 4. UNIFORM BUSINESS IDENTIFICATION NUMBER

2  
3 15940. (a) The office, in consultation with other regulatory  
4 agencies, shall establish a uniform business identification number  
5 for each business. The uniform business identification number  
6 shall be recognized by all affected state agencies and shall be used  
7 by state agencies to facilitate information sharing between state  
8 agencies and to improve customer service to businesses.

9 (b) It is the intent of the Legislature that the uniform business  
10 number would permit the office to do both of the following:

11 (1) Register a business with multiple state agencies electronically  
12 as licenses and permits are processed.

13 (2) Input and update information regarding a business once,  
14 thereby reducing the number of duplicate or conflicting records  
15 from one state agency to another.

16  
17 CHAPTER 5. OVERSIGHT

18  
19 15945. The office *including the* Director of Small Business  
20 Advocate from the Governor’s Office of ~~Planning and Research~~  
21 *Business and Economic Development* shall work with small  
22 business owners and all regulatory agencies to ensure the state’s  
23 implementation of a consolidated business license and permit  
24 system under this part.

# Introduced Legislation

## AB 2483 (Voepel-R Santee)

**Department of Consumer Affairs: Office of Supervision of Occupational Boards.**

**Status:** 2/15/2018-From printer. May be heard in committee March 17.

**Location:** 2/14/2018-Assembly print

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Introduced:** 2/14/18

**Updated 2/21/18**

**Staff Analysis: AB 2483**

**Bill Summary:** The Department of Consumer Affairs (DCA) is composed of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations for the purpose of protecting the people of California. Boards are autonomous. The DCA acts only in the supporting (umbrella) role for boards. It is the responsibility of board members and appointed officers to ensure the board operates within statutory and regulatory boundaries. With certain exceptions, the decisions of boards with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are final and are not subject to review by the Director of DCA.

This bill would establish an Office of Supervision of Occupational Boards within the DCA to exercise active supervision over a “covered board,” defined as specific licensing and regulatory agencies within the department, to ensure compliance with specific policies established in the bill regarding licensing and enforcement (established policies). The newly established office will seek to play an active role in reviewing, approving or rejecting any rule, policy, enforcement, or action that is put in place by the Department. The Office of Supervision of Occupational Boards will be required to supervise the board when it comes to rule and policy making decisions. Furthermore, it will have the authority to review approve or disapprove rules, policies, and enforcement actions taken by the boards before any such rule, policy, or action was implemented. The office would also have the authority to terminate any enforcement actions the office determined were not consistent with the specific policies set forth in the bill.

**Staff Comment:** This bill is author-sponsored. The author’s office argues the need for active supervision of DCA boards. According to the author, AB 2483 “would make sure that occupational licensing laws are construed properly and subsequently applied to increase economic opportunity, promote competition, and encourage innovation in the State of California.” It is not clear how this Office of Supervision of Occupational Boards will operate or be funded. The bill does not address how the office will make determinations, what grounds it would use to disapprove a rule or policy established by the board or to terminate an enforcement action, while current laws do provide those provisions all in favor of protecting the public. This proposal would usurp the authority of board to set policies, establish rules, and take enforcement actions and would turn all boards into advisory bodies with no decision-making authority. There is already sufficient oversight by DCA and other state agencies and the Legislature of boards’ actions. This proposal would add an unnecessary level of oversight, potentially causing increased delay in the actions of the boards especially relating to enforcement actions and it is unclear how this effort benefits the public’s interest in this regard.

**Staff Recommendation:** Staff recommends the Board **vote to oppose** this legislation.

**Laws:** An act to add Chapter 10 (commencing with Section 473) to Division 1 of the Business and Professions Code, relating to professions.

**ASSEMBLY BILL**

**No. 2483**

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**Introduced by Assembly Member Voepel**

February 14, 2018

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An act to add Chapter 10 (commencing with Section 473) to Division 1 of the Business and Professions Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2483, as introduced, Voepel. Department of Consumer Affairs: Office of Supervision of Occupational Boards.

Under existing law, the Department of Consumer Affairs is composed of various boards, bureaus, commissions, committees, and similarly constituted agencies that license and regulate the practice of various professions and vocations for the purpose of protecting the people of California. With certain exceptions, decisions of these entities with respect to setting standards, conducting examinations, passing candidates, and revoking licenses, are final and are not subject to review by the Director of Consumer Affairs.

This bill would establish an Office of Supervision of Occupational Boards within the department to exercise active supervision over a “covered board,” defined as specific licensing and regulatory agencies within the department, to ensure compliance with specific policies established in the bill regarding licensing and enforcement (established policies). The bill would require the office, in the exercise of active supervision, to be involved in the development of a covered board’s rules and policies, to disapprove the use of any board rule or policy and terminate any enforcement action that is not consistent with the established policies, and to review and affirmatively approve only rules, policies, and enforcement actions consistent with the established

policies. The bill would require the office to review and approve or reject any rule, policy, enforcement action, or other occupational licensure action proposed by each covered board before adoption or implementation. The bill would establish procedures for complaints, investigation, remedial action, and appeal relating to a rule, policy, enforcement action, or other occupational licensure action of a covered board inconsistent with the established policies.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 10 (commencing with Section 473) is  
2 added to Division 1 of the Business and Professions Code, to read:

3  
4 CHAPTER 10. OFFICE OF SUPERVISION OF OCCUPATIONAL  
5 BOARDS  
6

7 473. The following are policies of the state:  
8 (a) Occupational licensing laws should be construed and applied  
9 to increase economic opportunity, promote competition, and  
10 encourage innovation.

11 (b) Regulators should displace competition through occupational  
12 licensing only where less restrictive regulation will not suffice to  
13 protect consumers from present, significant, and substantiated  
14 harms that threaten public health, safety, or welfare.

15 (c) An occupational licensing restriction should be enforced  
16 against an individual only to the extent the individual sells goods  
17 and services that are included explicitly in the statute or regulation  
18 that defines the occupation’s scope of practice.

19 473.1. As used in this chapter:  
20 (a) “Covered board” means any entity listed in Section 101.  
21 (b) Office means the Office of Supervision of Occupational  
22 Boards established in Section 473.2.

23 473.2. (a) There is hereby established an Office of Supervision  
24 of Occupational Boards within the department.

25 (b) (1) Notwithstanding Section 109, the office shall be  
26 responsible for exercising active supervision over each covered  
27 board to ensure compliance with the policies in Section 473.

1 (2) In exercising active supervision over covered boards under  
2 paragraph (1), the office shall independently do the following:

3 (A) Play a substantial role in the development of a covered  
4 board's rules and policies to ensure they benefit consumers and  
5 do not serve the private interests of providers of goods and services  
6 regulated by the covered board.

7 (B) Disapprove the use of any rule or policy of a covered board  
8 and terminate any enforcement action, including any action pending  
9 on January 1, 2019, that is not consistent with Section 473.

10 (C) Exercise control over each covered board by reviewing and  
11 affirmatively approving only rules, policies, and enforcement  
12 actions that are consistent with Section 473.

13 (D) Analyze existing and proposed rules and policies and  
14 conduct investigations to gain additional information to promote  
15 compliance with Section 473, including, but not limited to, less  
16 restrictive regulatory approaches.

17 (3) In exercising active supervision over covered boards under  
18 paragraph (1), the office shall be staffed by not fewer than one  
19 attorney who does not provide general counsel to any covered  
20 board.

21 (c) (1) Notwithstanding Section 109, the office shall review  
22 and approve or reject any rule, policy, enforcement action, or other  
23 occupational licensure action proposed by each covered board  
24 before the covered board may adopt or implement the rule, policy,  
25 enforcement action, or other occupational licensure action.

26 (2) For purposes of paragraph (1), approval by the office shall  
27 be express and silence or failure to act shall not constitute approval.

28 473.3. (a) Any person may file a complaint to the office about  
29 a rule, policy, enforcement action, or other occupational licensure  
30 action of a covered board that the person believes is not consistent  
31 with Section 473.

32 (b) Not later than 90 days after the date on which the office  
33 receives a complaint filed under paragraph (1), notwithstanding  
34 Section 109, the office shall investigate the complaint, identify  
35 remedies, and instruct the covered board to take action as the office  
36 determines to be appropriate, and respond in writing to the  
37 complainant.

38 (c) (1) There shall be no right to appeal a decision of the office  
39 under subdivision (b) unless the challenged rule, policy,  
40 enforcement action, or other occupational licensure action would

1 prevent the complainant from engaging in a lawful occupation or  
2 employing or contracting others for the performance of a lawful  
3 occupation and the complainant has taken material steps in an  
4 attempt to engage in a lawful occupation or employ or contract  
5 others for the performance of a lawful occupation.

6 (2) Any appeal authorized under paragraph (1) shall be to the  
7 superior court.

# Introduced Legislation

## AB 3126 (Brough-R San Juan Capistrano)

### Board for Professional Engineers, Land Surveyors, and Geologists.

**Status:** 2/17/2018-From printer. May be heard in committee March 19

**Location:** 2/16/2018-Assembly Print

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Introduced:** 2/16/2018

**Updated 2/21/18**

**Staff Analysis: AB 3126**

**Bill Summary:** Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is responsible for the licensure, registration, and regulation of the practice of professional engineering, the practice of professional land surveying, and the practices of professional geology and geophysics. Existing law requires five members of the Board to be registered under the Professional Engineers Act, one member to be licensed under the Professional Land Surveyors' Act, and one member to be licensed under the Geologist and Geophysicist Act. This bill would make nonsubstantive changes to that provision.

**Staff Comment:** As presently written, it does not appear AB 3126 would have an impact on the operations of the Board. However, staff will monitor this bill and bring it to future board meetings for review as appropriate.

**Staff Recommendation:** Staff recommends the Board **vote to watch** this legislation.

**Laws:** An act to amend Section 6711 of the Business and Professions Code, relating to professions and vocations.

**ASSEMBLY BILL**

**No. 3126**

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**Introduced by Assembly Member Brough**

February 16, 2018

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An act to amend Section 6711 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 3126, as introduced, Brough. Board for Professional Engineers, Land Surveyors, and Geologists.

Existing law establishes the Board for Professional Engineers, Land Surveyors, and Geologists, which is responsible for the licensure, registration, and regulation of the practice of professional engineering, the practice of professional geologists and geophysicists, and the practice of professional land surveyors. Existing law requires 5 members of the board to be registered under the Professional Engineers Act, one member to be licensed under the Professional Land Surveyors' Act, and one member to be licensed under the Geologist and Geophysicist Act.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6711 of the Business and Professions
- 2 Code is amended to read:
- 3 6711. Each member of the board shall be a citizen of the United
- 4 States. Five members shall be registered under this chapter. One
- 5 member shall be licensed under the Professional Land Surveyors'

1 ~~Act, Act contained in~~ Chapter 15 (commencing with Section 8700),  
2 one member shall be licensed under the Geologist and Geophysicist  
3 ~~Act, Act contained in~~ Chapter 12.5 (commencing with Section  
4 7800), and eight shall be public members who are not registered  
5 under this act, licensed under the Geologist and Geophysicist Act,  
6 or licensed under the Professional Land Surveyors' Act. Each  
7 member, except the public members, shall have at least 12 years  
8 active experience and shall be of good standing in his or her  
9 profession. Each member shall be at least 30 years of age, and  
10 shall have been a resident of this state for at least five years  
11 immediately preceding his or her appointment.

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# Introduced Legislation

## AB 3134 (Nazarian-D Van Nuys)

### Professional Engineers

**Status:** 2/17/2018-From printer. May be heard in committee March 19

**Location:** 2/16/2018-Assembly Print

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Introduced:** 2/16/2018

**Updated 2/21/18**

**Staff Analysis: AB 3134**

**Bill Summary:** The Professional Engineers Act provides for the licensure and regulation of professional engineering by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law defines the term “professional engineer” for the purposes of that act. This bill would make nonsubstantive changes to that definitional provision.

**Staff Comment:** As presently written, it does not appear AB 3134 would have an impact on the operations of the Board. However, staff will monitor this bill and bring it to future board meetings for review as appropriate.

**Staff Recommendation:** Staff recommends the Board **vote to watch** this legislation.

**Laws:** An act to amend Section 6701 of the Business and Professions Code, relating to professions and vocations.

**ASSEMBLY BILL**

**No. 3134**

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**Introduced by Assembly Member Nazarian**

February 16, 2018

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An act to amend Section 6701 of the Business and Professions Code, relating to engineers.

LEGISLATIVE COUNSEL'S DIGEST

AB 3134, as introduced, Nazarian. Professional engineers.

The Professional Engineers Act provides for the licensure and regulation of professional engineers by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law defines the term “professional engineer” for purposes of that act.

This bill would make nonsubstantive changes to that definitional provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 6701 of the Business and Professions
- 2 Code is amended to read:
- 3 6701. “Professional engineer,” ~~within the meaning and intent~~
- 4 ~~of this act, refers to~~ *for purposes of this chapter, means* a person
- 5 engaged in the professional practice of rendering service or creative
- 6 work requiring education, ~~training~~ *training*, and experience in
- 7 engineering sciences and the application of special knowledge of
- 8 the mathematical, ~~physical~~ *physical*, and engineering sciences in
- 9 such professional or creative work as consultation, investigation,

- 1 evaluation, ~~planning~~ *planning*, or design of public or private
- 2 utilities, structures, machines, processes, circuits, buildings,
- 3 ~~equipment~~ *equipment*, or projects, and supervision of construction
- 4 for the purpose of securing compliance with specifications and
- 5 design for ~~any such~~ *that* work.

# Introduced Legislation

## SB 920 (Cannella-R Merced)

### Engineering, land surveying, and architecture: limited liability partnerships

**Status:** 2/1/2018-Referred to Business Profession and Economic Development Committee.

**Location:** 2/1/2018- Business Profession and Economic Development Committee.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Introduced:** 1/23/2018

**Updated 2/21/18**

**Staff Analysis: SB 920**

**Bill Summary:** This bill eliminates the sunset date on the provisions of the laws that allow architects, engineers, and land surveyors to form as Limited Liability Partnerships (LLPs).

**Staff Comment:** This bill is sponsored by American Council of Engineering Companies, California, and the American Institute of Architects, California Council. The author’s office indicates, “The ability to form as an LLP is simply one more tool that California businesses can employ that allows them to be nimble in a 21<sup>st</sup> Century economy. SB 920 extends a permission that has proven successful over the course of several decades.”

In 2015, the Board voted to support SB 284, which extended the authority for engineers and land surveyors to conduct business as a LLP to 2019. SB 920 would remove the sunset dates on these provisions, thereby extending this authority indefinitely.

**Staff Recommendation:** Staff recommends the Board **vote to support** this legislation.

**Laws:** An act to amend Sections 6738 and 8729 of the Business and Professions Code, and to amend Sections 16101, 16956, and 16959 of the Corporations Code, relating to limited liability partnerships.

**Introduced by Senator Cannella**  
(Coauthor: Assembly Member Caballero)

January 23, 2018

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An act to amend Sections 6738 and 8729 of the Business and Professions Code, and to amend Sections 16101, 16956, and 16959 of the Corporations Code, relating to limited liability partnerships.

LEGISLATIVE COUNSEL'S DIGEST

SB 920, as introduced, Cannella. Engineering, land surveying, and architecture: limited liability partnerships.

The Professional Engineers Act and the Professional Land Surveyors' Act provide for the licensure and regulation of engineers and land surveyors by the Board for Professional Engineers, Land Surveyors, and Geologists. The Architects Practice Act provides for the licensure and regulation of architects by the California Architects Board. The Uniform Partnership Act of 1994 authorizes the formation of registered limited liability partnerships and foreign limited liability partnerships, as specified.

Existing law authorizes persons licensed to engage in the practice of engineering, land surveying, or architecture to form registered limited liability partnerships and foreign limited liability partnerships if specified conditions are met. Existing law requires those partnerships to provide security of no less than \$2,000,000 for claims arising out of the partnership's professional practice. Existing law repeals these provisions on January 1, 2019.

This bill would extend indefinitely the authorization for persons licensed to engage in the practice of engineering, land surveying, or architecture to form limited liability partnerships, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6738 of the Business and Professions  
 2 Code, as amended by Section 2 of Chapter 157 of the Statutes of  
 3 2015, is amended to read:

4 6738. (a) This chapter does not prohibit one or more civil,  
 5 electrical, or mechanical engineers from practicing or offering to  
 6 practice within the scope of their license civil (including  
 7 geotechnical and structural), electrical, or mechanical engineering  
 8 as a sole proprietorship, partnership, *limited liability partnership*,  
 9 firm, or corporation (hereinafter called business), if all of the  
 10 following requirements are met:

11 (1) A civil, electrical, or mechanical engineer currently licensed  
 12 in this state is an owner, partner, or officer in charge of the  
 13 engineering practice of the business.

14 (2) All civil, electrical, or mechanical engineering services are  
 15 performed by, or under the responsible charge of, a professional  
 16 engineer licensed in the appropriate branch of professional  
 17 engineering.

18 (3) If the business name of a California engineering business  
 19 contains the name of any person, then that person shall be licensed  
 20 as a professional engineer, a licensed land surveyor, a licensed  
 21 architect, or a geologist registered under the Geologist and  
 22 Geophysicist Act (Chapter 12.5 (commencing with Section 7800)).  
 23 Any offer, promotion, or advertisement by the business that  
 24 contains the name of any individual in the business, other than by  
 25 use of the name of an individual in the business name, shall clearly  
 26 and specifically designate the license or registration discipline of  
 27 each individual named.

28 (b) An out-of-state business with a branch office in this state  
 29 shall meet the requirements of subdivision (a) and shall have an  
 30 owner, partner, or officer who is in charge of the engineering work  
 31 in the branch in this state, who is licensed in this state, and who is  
 32 physically present at the branch office in this state on a regular  
 33 basis. However, the name of the business may contain the name  
 34 of any person not licensed in this state if that person is  
 35 appropriately registered or licensed in another state. Any offer,

1 promotion, or advertisement that contains the name of any  
2 individual in the business, other than by use of the names of the  
3 individuals in the business name, shall clearly and specifically  
4 designate the license or registration discipline of each individual  
5 named.

6 (c) The business name of a California engineering business may  
7 be a fictitious name. However, if the fictitious name includes the  
8 name of any person, the requirements of paragraph (3) of  
9 subdivision (a) shall be met.

10 (d) A person not licensed under this chapter may also be a  
11 partner or an officer of a civil, electrical, or mechanical engineering  
12 business if the requirements of subdivision (a) are met. Nothing  
13 in this section shall be construed to permit a person who is not  
14 licensed under this chapter to be the sole owner of a civil, electrical,  
15 or mechanical engineering business, unless otherwise exempt under  
16 this chapter.

17 (e) This chapter does not prevent an individual or business  
18 engaged in any line of endeavor other than the practice of civil,  
19 electrical, or mechanical engineering from employing or  
20 contracting with a licensed civil, electrical, or mechanical engineer  
21 to perform the respective engineering services incidental to the  
22 conduct of business.

23 (f) This section shall not prevent the use of the name of any  
24 business engaged in rendering civil, electrical, or mechanical  
25 engineering services, including the use by any lawful successor  
26 or survivor, that lawfully was in existence on December 31, 1987.  
27 However, the business is subject to paragraphs (1) and (2) of  
28 subdivision (a).

29 (g) A business engaged in rendering civil, electrical, or  
30 mechanical engineering services may use in its name the name of  
31 a deceased or retired person provided all of the following  
32 conditions are satisfied:

33 (1) The person's name had been used in the name of the  
34 business, or a predecessor in interest of the business, prior to and  
35 after the death or retirement of the person.

36 (2) The person shall have been an owner, partner, or officer of  
37 the business, or an owner, partner, or officer of the predecessor in  
38 interest of the business.

39 (3) The person shall have been licensed as a professional  
40 engineer, or a land surveyor, or an architect, or a geologist, (A) by

1 the appropriate licensing board if that person is operating a place  
 2 of business or practice in this state, or (B) by the applicable state  
 3 board if no place of business existed in this state.

4 (4) The person, if retired, has consented to the use of the name  
 5 and does not permit the use of the name in the title of another  
 6 professional engineering business in this state during the period  
 7 of the consent. However, the retired person may use his or her  
 8 name as the name of a new or purchased business if it is not  
 9 identical in every respect to that person's name as used in the  
 10 former business.

11 (5) The business shall be subject to the provisions of paragraphs  
 12 (1) and (2) of subdivision (a).

13 (h) This section does not affect the provisions of Sections 6731.2  
 14 and 8726.1.

15 (i) A current organization record form shall be filed with the  
 16 board for all businesses engaged in rendering civil, electrical, or  
 17 mechanical engineering services.

18 ~~(j) This section shall become operative on January 1, 2019.~~

19 SEC. 2. Section 8729 of the Business and Professions Code,  
 20 as amended by Section 4 of Chapter 157 of the Statutes of 2015,  
 21 is amended to read:

22 8729. (a) This chapter does not prohibit one or more licensed  
 23 land surveyors or civil engineers licensed in this state prior to 1982  
 24 (hereinafter called civil engineers) from practicing or offering to  
 25 practice within the scope of their licensure, land surveying as a  
 26 sole proprietorship, partnership, *limited liability partnership*, firm,  
 27 or corporation (hereinafter called business), if the following  
 28 conditions are satisfied:

29 (1) A land surveyor or civil engineer currently licensed in the  
 30 state is an owner, partner, or officer in charge of the land surveying  
 31 practice of the business.

32 (2) All land surveying services are performed by or under the  
 33 responsible charge of a land surveyor or civil engineer.

34 (3) If the business name of a California land surveying business  
 35 contains the name of a person, then that person shall be licensed  
 36 by the board as a land surveyor or licensed by the board in any  
 37 year as a civil engineer. Any offer, promotion, or advertisement  
 38 by the business that contains the name of any individual in the  
 39 business, other than by use of the name of the individual in the

1 business name, shall clearly and specifically designate the license  
2 discipline of each individual named.

3 (b) An out-of-state business with a branch office in this state  
4 shall meet the requirements of subdivision (a) and shall have an  
5 owner, partner, or officer who is in charge of the land surveying  
6 work in this state, who is licensed in this state, and who is  
7 physically present at the branch office in this state on a regular  
8 basis. However, the name of the business may contain the name  
9 of a person not licensed in this state, if that person is appropriately  
10 licensed or registered in another state. Any offer, promotion, or  
11 advertisement that contains the name of any individual in the  
12 business, other than by use of the name of the individual in the  
13 business name, shall clearly and specifically designate the license  
14 or registration discipline of each individual named.

15 (c) The business name of a California land surveying business  
16 may be a fictitious name. However, if the fictitious name includes  
17 the names of any person, the requirements of paragraph (3) of  
18 subdivision (a) shall be met.

19 (d) A person not licensed under this chapter or licensed as a  
20 civil engineer in this state prior to 1982 may also be a partner or  
21 an officer of a land surveying business if the conditions of  
22 subdivision (a) are satisfied. Nothing in this section shall be  
23 construed to permit a person who is not licensed under this chapter  
24 or licensed as a civil engineer in this state prior to 1982 to be the  
25 sole owner or office of a land surveying business, unless otherwise  
26 exempt under this chapter.

27 (e) This chapter does not prevent an individual or business  
28 engaged in any line of endeavor, other than the practice of land  
29 surveying, from employing or contracting with a licensed land  
30 surveyor or a licensed civil engineer to perform the respective land  
31 surveying services incidental to the conduct of business.

32 (f) This section shall not prevent the use of the name of any  
33 business engaged in rendering land surveying services, including  
34 the use by any lawful successor or survivor, that lawfully was in  
35 existence on June 1, 1941. However, the business is subject to the  
36 provisions of paragraphs (1) and (2) of subdivision (a).

37 (g) A business engaged in rendering land surveying services  
38 may use in its name the name of a deceased or retired person if  
39 the following conditions are satisfied:

1 (1) The person's name had been used in the name of the  
2 business, or a predecessor in interest of the business, prior to the  
3 death or retirement of the person.

4 (2) The person shall have been an owner, partner, or officer of  
5 the business, or an owner, partner, or officer of the predecessor in  
6 interest of the business.

7 (3) The person shall have been licensed as a land surveyor or a  
8 civil engineer by the board, if operating a place of business or  
9 practice in this state, or by an applicable state board in the event  
10 no place of business existed in this state.

11 (4) The person, if retired, has consented to the use of the name  
12 and does not permit the use of the name in the title of another land  
13 surveying business in this state during the period of that consent,  
14 except that a retired person may use his or her name as the name  
15 of a new or purchased business, if that business is not identical in  
16 every respect to that person's name as used in the former business.

17 (5) The business shall be subject to paragraphs (1) and (2) of  
18 subdivision (a).

19 (h) This section does not affect Sections 6731.2 and 8726.1.

20 (i) A current organization record form shall be filed with the  
21 board for all businesses engaged in rendering professional land  
22 surveying services.

23 ~~(j) This section shall become operative on January 1, 2019.~~

24 SEC. 3. Section 16101 of the Corporations Code, as amended  
25 by Section 6 of Chapter 157 of the Statutes of 2015, is amended  
26 to read:

27 16101. As used in this chapter, the following terms and phrases  
28 have the following meanings:

29 (1) "Business" includes every trade, occupation, and profession.

30 (2) "Debtor in bankruptcy" means a person who is the subject  
31 of either of the following:

32 (A) An order for relief under Title 11 of the United States Code  
33 or a comparable order under a successor statute of general  
34 application.

35 (B) A comparable order under federal, state, or foreign law  
36 governing insolvency.

37 (3) "Distribution" means a transfer of money or other property  
38 from a partnership to a partner in the partner's capacity as a partner  
39 or to the partner's transferee.

1 (4) “Electronic transmission by the partnership” means a  
2 communication (a) delivered by (1) facsimile telecommunication  
3 or electronic mail when directed to the facsimile number or  
4 electronic mail address, respectively, for that recipient on record  
5 with the partnership, (2) posting on an electronic message board  
6 or network that the partnership has designated for those  
7 communications, together with a separate notice to the recipient  
8 of the posting, which transmission shall be validly delivered upon  
9 the later of the posting or delivery of the separate notice thereof,  
10 or (3) other means of electronic communication, (b) to a recipient  
11 who has provided an unrevoked consent to the use of those means  
12 of transmission, and (c) that creates a record that is capable of  
13 retention, retrieval, and review, and that may thereafter be rendered  
14 into clearly legible tangible form. However, an electronic  
15 transmission by a partnership to an individual partner is not  
16 authorized unless, in addition to satisfying the requirements of this  
17 section, the transmission satisfies the requirements applicable to  
18 consumer consent to electronic records as set forth in the Electronic  
19 Signatures in Global and National Commerce Act (15 U.S.C. Sec.  
20 7001(c)(1)).

21 (5) “Electronic transmission to the partnership” means a  
22 communication (a) delivered by (1) facsimile telecommunication  
23 or electronic mail when directed to the facsimile number or  
24 electronic mail address, respectively, which the partnership has  
25 provided from time to time to partners for sending communications  
26 to the partnership, (2) posting on an electronic message board or  
27 network that the partnership has designated for those  
28 communications, and which transmission shall be validly delivered  
29 upon the posting, or (3) other means of electronic communication,  
30 (b) as to which the partnership has placed in effect reasonable  
31 measures to verify that the sender is the partner (in person or by  
32 proxy) purporting to send the transmission, and (c) that creates a  
33 record that is capable of retention, retrieval, and review, and that  
34 may thereafter be rendered into clearly legible tangible form.

35 (6) (A) “Foreign limited liability partnership” means a  
36 partnership, other than a limited partnership, formed pursuant to  
37 an agreement governed by the laws of another jurisdiction and  
38 denominated or registered as a limited liability partnership or  
39 registered limited liability partnership under the laws of that  
40 jurisdiction (i) in which each partner is a licensed person or a

1 person licensed or authorized to provide professional limited  
2 liability partnership services in a jurisdiction or jurisdictions other  
3 than this state, (ii) which is licensed under the laws of the state to  
4 engage in the practice of architecture, the practice of public  
5 accountancy, *the practice of engineering, the practice of land*  
6 *surveying*, or the practice of law, or (iii) which (I) is related to a  
7 registered limited liability partnership that practices public  
8 accountancy or, to the extent permitted by the State ~~Bar~~, *Bar of*  
9 *California*, practices law or is related to a foreign limited liability  
10 partnership and (II) provides services related or complementary  
11 to the professional limited liability partnership services provided  
12 by, or provides services or facilities to, that registered limited  
13 liability partnership or foreign limited liability partnership.

14 (B) For the purposes of clause (iii) of subparagraph (A), a  
15 partnership is related to a registered limited liability partnership  
16 or foreign limited liability partnership if (i) at least a majority of  
17 the partners in one partnership are also partners in the other  
18 partnership, or (ii) at least a majority in interest in each partnership  
19 hold interests in or are members of another person, except an  
20 individual, and each partnership renders services pursuant to an  
21 agreement with that other person, or (iii) one partnership, directly  
22 or indirectly through one or more intermediaries, controls, is  
23 controlled by, or is under common control with, the other  
24 partnership.

25 (7) "Licensed person" means any person who is duly licensed,  
26 authorized, or registered under the provisions of the Business and  
27 Professions Code to provide professional limited liability  
28 partnership services or who is lawfully able to render professional  
29 limited liability partnership services in this state.

30 (8) (A) "Registered limited liability partnership" means a  
31 partnership, other than a limited partnership, formed pursuant to  
32 an agreement governed by Article 10 (commencing with Section  
33 16951), that is registered under Section 16953 and (i) each of the  
34 partners of which is a licensed person or a person licensed or  
35 authorized to provide professional limited liability partnership  
36 services in a jurisdiction or jurisdictions other than this state, (ii)  
37 is licensed under the laws of the state to engage in the practice of  
38 architecture, practice of public accountancy, *the practice of*  
39 *engineering, the practice of land surveying*, or the practice of law,  
40 or (iii)(I) is related to a registered limited liability partnership that

1 practices public accountancy or, to the extent permitted by the  
2 State ~~Bar~~, *Bar of California*, practices law or is related to a foreign  
3 limited liability partnership and (II) provides services related or  
4 complementary to the professional limited liability partnership  
5 services provided by, or provides services or facilities to, that  
6 registered limited liability partnership or foreign limited liability  
7 partnership.

8 (B) For the purposes of clause (iii) of subparagraph (A), a  
9 partnership is related to a registered limited liability partnership  
10 or foreign limited liability partnership if (i) at least a majority of  
11 the partners in one partnership are also partners in the other  
12 partnership, or (ii) at least a majority in interest in each partnership  
13 hold interests in or are members of another person, other than an  
14 individual, and each partnership renders services pursuant to an  
15 agreement with that other person, or (iii) one partnership, directly  
16 or indirectly through one or more intermediaries, controls, is  
17 controlled by, or is under common control with, the other  
18 partnership.

19 (9) “Partnership” means an association of two or more persons  
20 to carry on as coowners a business for profit formed under Section  
21 16202, predecessor law, or comparable law of another jurisdiction,  
22 and includes, for all purposes of the laws of this state, a registered  
23 limited liability partnership, and excludes any partnership formed  
24 under Chapter 4.5 (commencing with Section 15900).

25 (10) “Partnership agreement” means the agreement, whether  
26 written, oral, or implied, among the partners concerning the  
27 partnership, including amendments to the partnership agreement.

28 (11) “Partnership at will” means a partnership in which the  
29 partners have not agreed to remain partners until the expiration of  
30 a definite term or the completion of a particular undertaking.

31 (12) “Partnership interest” or “partner’s interest in the  
32 partnership” means all of a partner’s interests in the partnership,  
33 including the partner’s transferable interest and all management  
34 and other rights.

35 (13) “Person” means an individual, corporation, business trust,  
36 estate, trust, partnership, limited partnership, limited liability  
37 partnership, limited liability company, association, joint venture,  
38 government, governmental subdivision, agency, or instrumentality,  
39 or any other legal or commercial entity.

1 (14) "Professional limited liability partnership services" means  
2 the practice of architecture, the practice of public accountancy,  
3 *the practice of engineering, the practice of land surveying*, or the  
4 practice of law.

5 (15) "Property" means all property, real, personal, or mixed,  
6 tangible or intangible, or any interest therein.

7 (16) "State" means a state of the United States, the District of  
8 Columbia, the Commonwealth of Puerto Rico, or any territory or  
9 insular possession subject to the jurisdiction of the United States.

10 (17) "Statement" means a statement of partnership authority  
11 under Section 16303, a statement of denial under Section 16304,  
12 a statement of dissociation under Section 16704, a statement of  
13 dissolution under Section 16805, a statement of conversion or a  
14 certificate of conversion under Section 16906, a statement of  
15 merger under Section 16915, or an amendment or cancellation of  
16 any of the foregoing.

17 (18) "Transfer" includes an assignment, conveyance, lease,  
18 mortgage, deed, and encumbrance.

19 ~~(19) The inclusion of the practice of architecture as a~~  
20 ~~professional limited liability partnership service permitted by this~~  
21 ~~section shall extend only until January 1, 2019.~~

22 ~~(20) This section shall become operative on January 1, 2019.~~

23 SEC. 4. Section 16956 of the Corporations Code, as amended  
24 by Section 8 of Chapter 157 of the Statutes of 2015, is amended  
25 to read:

26 16956. (a) At the time of registration pursuant to Section  
27 16953, in the case of a registered limited liability partnership, and  
28 Section 16959, in the case of a foreign limited liability partnership,  
29 and at all times during which those partnerships shall transact  
30 intrastate business, every registered limited liability partnership  
31 and foreign limited liability partnership, as the case may be, shall  
32 be required to provide security for claims against it as follows:

33 (1) For claims based upon acts, errors, or omissions arising out  
34 of the practice of public accountancy, a registered limited liability  
35 partnership or foreign limited liability partnership providing  
36 accountancy services shall comply with one, or pursuant to  
37 subdivision (b) some combination, of the following:

38 (A) Maintaining a policy or policies of insurance against liability  
39 imposed on or against it by law for damages arising out of claims;  
40 however, the total aggregate limit of liability under the policy or

1 policies of insurance for partnerships with five or fewer licensed  
2 persons shall not be less than one million dollars (\$1,000,000),  
3 and for partnerships with more than five licensees rendering  
4 professional services on behalf of the partnership, an additional  
5 one hundred thousand dollars (\$100,000) of insurance shall be  
6 obtained for each additional licensee; however, the maximum  
7 amount of insurance is not required to exceed five million dollars  
8 (\$5,000,000) in any one designated period, less amounts paid in  
9 defending, settling, or discharging claims as set forth in this  
10 subparagraph. The policy or policies may be issued on a  
11 claims-made or occurrence basis, and shall cover: (i) in the case  
12 of a claims-made policy, claims initially asserted in the designated  
13 period, and (ii) in the case of an occurrence policy, occurrences  
14 during the designated period. For purposes of this subparagraph,  
15 “designated period” means a policy year or any other period  
16 designated in the policy that is not greater than 12 months. The  
17 impairment or exhaustion of the aggregate limit of liability by  
18 amounts paid under the policy in connection with the settlement,  
19 discharge, or defense of claims applicable to a designated period  
20 shall not require the partnership to acquire additional insurance  
21 coverage for that designated period. The policy or policies of  
22 insurance may be in a form reasonably available in the commercial  
23 insurance market and may be subject to those terms, conditions,  
24 exclusions, and endorsements that are typically contained in those  
25 policies. A policy or policies of insurance maintained pursuant to  
26 this subparagraph may be subject to a deductible or self-insured  
27 retention.

28 Upon the dissolution and winding up of the partnership, the  
29 partnership shall, with respect to any insurance policy or policies  
30 then maintained pursuant to this subparagraph, maintain or obtain  
31 an extended reporting period endorsement or equivalent provision  
32 in the maximum total aggregate limit of liability required to comply  
33 with this subparagraph for a minimum of three years if reasonably  
34 available from the insurer.

35 (B) Maintaining in trust or bank escrow, cash, bank certificates  
36 of deposit, United States Treasury obligations, bank letters of  
37 credit, or bonds of insurance or surety companies as security for  
38 payment of liabilities imposed by law for damages arising out of  
39 all claims; however, the maximum amount of security for  
40 partnerships with five or fewer licensed persons shall not be less

1 than one million dollars (\$1,000,000), and for partnerships with  
2 more than five licensees rendering professional services on behalf  
3 of the partnership, an additional one hundred thousand dollars  
4 (\$100,000) of security shall be obtained for each additional  
5 licensee; however, the maximum amount of security is not required  
6 to exceed five million dollars (\$5,000,000). The partnership  
7 remains in compliance with this section during a calendar year  
8 notwithstanding amounts paid during that calendar year from the  
9 accounts, funds, Treasury obligations, letters of credit, or bonds  
10 in defending, settling, or discharging claims of the type described  
11 in this paragraph, provided that the amount of those accounts,  
12 funds, Treasury obligations, letters of credit, or bonds was at least  
13 the amount specified in the preceding sentence as of the first  
14 business day of that calendar year. Notwithstanding the pendency  
15 of other claims against the partnership, a registered limited liability  
16 partnership or foreign limited liability partnership shall be deemed  
17 to be in compliance with this subparagraph as to a claim if within  
18 30 days after the time that a claim is initially asserted through  
19 service of a summons, complaint, or comparable pleading in a  
20 judicial or administrative proceeding, the partnership has provided  
21 the required amount of security by designating and segregating  
22 funds in compliance with the requirements of this subparagraph.

23 (C) Unless the partnership has satisfied subparagraph (D), each  
24 partner of a registered limited liability partnership or foreign  
25 limited liability partnership providing accountancy services, by  
26 virtue of that person's status as a partner, thereby automatically  
27 guarantees payment of the difference between the maximum  
28 amount of security required for the partnership by this paragraph  
29 and the security otherwise provided in accordance with  
30 subparagraphs (A) and (B), provided that the aggregate amount  
31 paid by all partners under these guarantees shall not exceed the  
32 difference. Neither withdrawal by a partner nor the dissolution and  
33 winding up of the partnership shall affect the rights or obligations  
34 of a partner arising prior to withdrawal or dissolution and winding  
35 up, and the guarantee provided for in this subparagraph shall apply  
36 only to conduct that occurred prior to the withdrawal or dissolution  
37 and winding up. Nothing contained in this subparagraph shall  
38 affect or impair the rights or obligations of the partners among  
39 themselves, or the partnership, including, but not limited to, rights  
40 of contribution, subrogation, or indemnification.

1 (D) Confirming, pursuant to the procedure in subdivision (c),  
2 that, as of the most recently completed fiscal year of the  
3 partnership, it had a net worth equal to or exceeding ten million  
4 dollars (\$10,000,000).

5 (2) For claims based upon acts, errors, or omissions arising out  
6 of the practice of law, a registered limited liability partnership or  
7 foreign limited liability partnership providing legal services shall  
8 comply with one, or pursuant to subdivision (b) some combination,  
9 of the following:

10 (A) Each registered limited liability partnership or foreign  
11 limited liability partnership providing legal services shall maintain  
12 a policy or policies of insurance against liability imposed on or  
13 against it by law for damages arising out of claims; however, the  
14 total aggregate limit of liability under the policy or policies of  
15 insurance for partnerships with five or fewer licensed persons shall  
16 not be less than one million dollars (\$1,000,000), and for  
17 partnerships with more than five licensees rendering professional  
18 services on behalf of the partnership, an additional one hundred  
19 thousand dollars (\$100,000) of insurance shall be obtained for  
20 each additional licensee; however, the maximum amount of  
21 insurance is not required to exceed seven million five hundred  
22 thousand dollars (\$7,500,000) in any one designated period, less  
23 amounts paid in defending, settling, or discharging claims as set  
24 forth in this subparagraph. The policy or policies may be issued  
25 on a claims-made or occurrence basis, and shall cover (i) in the  
26 case of a claims-made policy, claims initially asserted in the  
27 designated period, and (ii) in the case of an occurrence policy,  
28 occurrences during the designated period. For purposes of this  
29 subparagraph, "designated period" means a policy year or any  
30 other period designated in the policy that is not greater than 12  
31 months. The impairment or exhaustion of the aggregate limit of  
32 liability by amounts paid under the policy in connection with the  
33 settlement, discharge, or defense of claims applicable to a  
34 designated period shall not require the partnership to acquire  
35 additional insurance coverage for that designated period. The policy  
36 or policies of insurance may be in a form reasonably available in  
37 the commercial insurance market and may be subject to those  
38 terms, conditions, exclusions, and endorsements that are typically  
39 contained in those policies. A policy or policies of insurance

1 maintained pursuant to this subparagraph may be subject to a  
2 deductible or self-insured retention.

3 Upon the dissolution and winding up of the partnership, the  
4 partnership shall, with respect to any insurance policy or policies  
5 then maintained pursuant to this subparagraph, maintain or obtain  
6 an extended reporting period endorsement or equivalent provision  
7 in the maximum total aggregate limit of liability required to comply  
8 with this subparagraph for a minimum of three years if reasonably  
9 available from the insurer.

10 (B) Each registered limited liability partnership or foreign  
11 limited liability partnership providing legal services shall maintain  
12 in trust or bank escrow, cash, bank certificates of deposit, United  
13 States Treasury obligations, bank letters of credit, or bonds of  
14 insurance or surety companies as security for payment of liabilities  
15 imposed by law for damages arising out of all claims; however,  
16 the maximum amount of security for partnerships with five or  
17 fewer licensed persons shall not be less than one million dollars  
18 (\$1,000,000), and for partnerships with more than five licensees  
19 rendering professional services on behalf of the partnership, an  
20 additional one hundred thousand dollars (\$100,000) of security  
21 shall be obtained for each additional licensee; however, the  
22 maximum amount of security is not required to exceed seven  
23 million five hundred thousand dollars (\$7,500,000). The partnership  
24 remains in compliance with this section during a calendar year  
25 notwithstanding amounts paid during that calendar year from the  
26 accounts, funds, Treasury obligations, letters of credit, or bonds  
27 in defending, settling, or discharging claims of the type described  
28 in this paragraph, provided that the amount of those accounts,  
29 funds, Treasury obligations, letters of credit, or bonds was at least  
30 the amount specified in the preceding sentence as of the first  
31 business day of that calendar year. Notwithstanding the pendency  
32 of other claims against the partnership, a registered limited liability  
33 partnership or foreign limited liability partnership shall be deemed  
34 to be in compliance with this subparagraph as to a claim if within  
35 30 days after the time that a claim is initially asserted through  
36 service of a summons, complaint, or comparable pleading in a  
37 judicial or administrative proceeding, the partnership has provided  
38 the required amount of security by designating and segregating  
39 funds in compliance with the requirement of this subparagraph.

1 (C) Unless the partnership has satisfied the requirements of  
2 subparagraph (D), each partner of a registered limited liability  
3 partnership or foreign limited liability partnership providing legal  
4 services, by virtue of that person's status as a partner, thereby  
5 automatically guarantees payment of the difference between the  
6 maximum amount of security required for the partnership by this  
7 paragraph and the security otherwise provided in accordance with  
8 the provisions of subparagraphs (A) and (B), provided that the  
9 aggregate amount paid by all partners under these guarantees shall  
10 not exceed the difference. Neither withdrawal by a partner nor the  
11 dissolution and winding up of the partnership shall affect the rights  
12 or obligations of a partner arising prior to withdrawal or dissolution  
13 and winding up, and the guarantee provided for in this  
14 subparagraph shall apply only to conduct that occurred prior to  
15 the withdrawal or dissolution and winding up. Nothing contained  
16 in this subparagraph shall affect or impair the rights or obligations  
17 of the partners among themselves, or the partnership, including,  
18 but not limited to, rights of contribution, subrogation, or  
19 indemnification.

20 (D) Confirming, pursuant to the procedure in subdivision (c),  
21 that, as of the most recently completed fiscal year of the  
22 partnership, it had a net worth equal to or exceeding fifteen million  
23 dollars (\$15,000,000).

24 (3) For claims based upon acts, errors, or omissions arising out  
25 of the practice of architecture, a registered limited liability  
26 partnership or foreign limited liability partnership providing  
27 architectural services shall comply with one, or pursuant to  
28 subdivision (b) some combination, of the following:

29 (A) Maintaining a policy or policies of insurance against liability  
30 imposed on or against it by law for damages arising out of claims  
31 in an amount for each claim of at least one hundred thousand  
32 dollars (\$100,000) multiplied by the number of licensed persons  
33 rendering professional services on behalf of the partnership;  
34 however, the total aggregate limit of liability under the policy or  
35 policies of insurance for partnerships with five or fewer licensees  
36 rendering professional services on behalf of the partnership shall  
37 not be less than five hundred thousand dollars (\$500,000), and for  
38 all other partnerships is not required to exceed five million dollars  
39 (\$5,000,000) in any one designated period, less amounts paid in  
40 defending, settling, or discharging claims as set forth in this

1 subparagraph. On and after January 1, 2008, the total aggregate  
2 limit of liability under the policy or policies of insurance for  
3 partnerships with five or fewer licensees rendering professional  
4 services on behalf of the partnership shall not be less than one  
5 million dollars (\$1,000,000), and for partnerships with more than  
6 five licensees rendering professional services on behalf of the  
7 partnership, an additional one hundred thousand dollars (\$100,000)  
8 of liability coverage shall be obtained for each additional licensee;  
9 however, the total aggregate limit of liability under the policy or  
10 policies of insurance is not required to exceed five million dollars  
11 (\$5,000,000). The policy or policies may be issued on a  
12 claims-made or occurrence basis, and shall cover: (i) in the case  
13 of a claims-made policy, claims initially asserted in the designated  
14 period, and (ii) in the case of an occurrence policy, occurrences  
15 during the designated period. For purposes of this subparagraph,  
16 “designated period” means a policy year or any other period  
17 designated in the policy that is not greater than 12 months. The  
18 impairment or exhaustion of the aggregate limit of liability by  
19 amounts paid under the policy in connection with the settlement,  
20 discharge, or defense of claims applicable to a designated period  
21 shall not require the partnership to acquire additional insurance  
22 coverage for that designated period. The policy or policies of  
23 insurance may be in a form reasonably available in the commercial  
24 insurance market and may be subject to those terms, conditions,  
25 exclusions, and endorsements that are typically contained in those  
26 policies. A policy or policies of insurance maintained pursuant to  
27 this subparagraph may be subject to a deductible or self-insured  
28 retention.

29 Upon the dissolution and winding up of the partnership, the  
30 partnership shall, with respect to any insurance policy or policies  
31 then maintained pursuant to this subparagraph, maintain or obtain  
32 an extended reporting period endorsement or equivalent provision  
33 in the maximum total aggregate limit of liability required to comply  
34 with this subparagraph for a minimum of three years if reasonably  
35 available from the insurer.

36 (B) Maintaining in trust or bank escrow, cash, bank certificates  
37 of deposit, United States Treasury obligations, bank letters of  
38 credit, or bonds of insurance or surety companies as security for  
39 payment of liabilities imposed by law for damages arising out of  
40 all claims in an amount of at least one hundred thousand dollars

1 (\$100,000) multiplied by the number of licensed persons rendering  
2 professional services on behalf of the partnership; however, the  
3 maximum amount of security for partnerships with five or fewer  
4 licensees rendering professional services on behalf of the  
5 partnership shall not be less than five hundred thousand dollars  
6 (\$500,000), and for all other partnerships is not required to exceed  
7 five million dollars (\$5,000,000). On and after January 1, 2008,  
8 the maximum amount of security for partnerships with five or  
9 fewer licensees rendering professional services on behalf of the  
10 partnership shall not be less than one million dollars (\$1,000,000),  
11 and for partnerships with more than five licensees rendering  
12 professional services on behalf of the partnership, an additional  
13 one hundred thousand dollars (\$100,000) of security shall be  
14 obtained for each additional licensee; however, the maximum  
15 amount of security is not required to exceed five million dollars  
16 (\$5,000,000). The partnership remains in compliance with this  
17 section during a calendar year notwithstanding amounts paid during  
18 that calendar year from the accounts, funds, Treasury obligations,  
19 letters of credit, or bonds in defending, settling, or discharging  
20 claims of the type described in this paragraph, provided that the  
21 amount of those accounts, funds, Treasury obligations, letters of  
22 credit, or bonds was at least the amount specified in the preceding  
23 sentence as of the first business day of that calendar year.  
24 Notwithstanding the pendency of other claims against the  
25 partnership, a registered limited liability partnership or foreign  
26 limited liability partnership shall be deemed to be in compliance  
27 with this subparagraph as to a claim if within 30 days after the  
28 time that a claim is initially asserted through service of a summons,  
29 complaint, or comparable pleading in a judicial or administrative  
30 proceeding, the partnership has provided the required amount of  
31 security by designating and segregating funds in compliance with  
32 the requirements of this subparagraph.

33 (C) Unless the partnership has satisfied subparagraph (D), each  
34 partner of a registered limited liability partnership or foreign  
35 limited liability partnership providing architectural services, by  
36 virtue of that person's status as a partner, thereby automatically  
37 guarantees payment of the difference between the maximum  
38 amount of security required for the partnership by this paragraph  
39 and the security otherwise provided in accordance with  
40 subparagraphs (A) and (B), provided that the aggregate amount

1 paid by all partners under these guarantees shall not exceed the  
2 difference. Neither withdrawal by a partner nor the dissolution and  
3 winding up of the partnership shall affect the rights or obligations  
4 of a partner arising prior to withdrawal or dissolution and winding  
5 up, and the guarantee provided for in this subparagraph shall apply  
6 only to conduct that occurred prior to the withdrawal or dissolution  
7 and winding up. Nothing contained in this subparagraph shall  
8 affect or impair the rights or obligations of the partners among  
9 themselves, or the partnership, including, but not limited to, rights  
10 of contribution, subrogation, or indemnification.

11 (D) Confirming, pursuant to the procedure in subdivision (c),  
12 that, as of the most recently completed fiscal year of the  
13 partnership, it had a net worth equal to or exceeding ten million  
14 dollars (\$10,000,000).

15 (4) *For claims based upon acts, errors, or omissions arising*  
16 *out of the practice of engineering or the practice of land surveying,*  
17 *a registered limited liability partnership or foreign limited liability*  
18 *partnership providing engineering or land surveying services shall*  
19 *comply with one, or pursuant to subdivision (b) some combination,*  
20 *of the following:*

21 (A) *Maintaining a policy or policies of insurance against*  
22 *liability imposed on or against it by law for damages arising out*  
23 *of claims; however, the total aggregate limit of liability under the*  
24 *policy or policies of insurance for partnerships with five or fewer*  
25 *licensees rendering professional services on behalf of the*  
26 *partnership shall not be less than two million dollars (\$2,000,000),*  
27 *and for partnerships with more than five licensees rendering*  
28 *professional services on behalf of the partnership, an additional*  
29 *one hundred thousand dollars (\$100,000) of liability coverage*  
30 *shall be obtained for each additional licensee; however, the total*  
31 *aggregate limit of liability under the policy or policies of insurance*  
32 *is not required to exceed five million dollars (\$5,000,000). The*  
33 *policy or policies may be issued on a claims-made or occurrence*  
34 *basis, and shall cover: (i) in the case of a claims-made policy,*  
35 *claims initially asserted in the designated period, and (ii) in the*  
36 *case of an occurrence policy, occurrences during the designated*  
37 *period. For purposes of this subparagraph, "designated period"*  
38 *means a policy year or any other period designated in the policy*  
39 *that is not greater than 12 months. The impairment or exhaustion*  
40 *of the aggregate limit of liability by amounts paid under the policy*

1 *in connection with the settlement, discharge, or defense of claims*  
2 *applicable to a designated period shall not require the partnership*  
3 *to acquire additional insurance coverage for that designated*  
4 *period. The policy or policies of insurance may be in a form*  
5 *reasonably available in the commercial insurance market and may*  
6 *be subject to those terms, conditions, exclusions, and endorsements*  
7 *that are typically contained in those policies. A policy or policies*  
8 *of insurance maintained pursuant to this subparagraph may be*  
9 *subject to a deductible or self-insured retention.*

10 *Upon the dissolution and winding up of the partnership, the*  
11 *partnership shall, with respect to any insurance policy or policies*  
12 *then maintained pursuant to this subparagraph, maintain or obtain*  
13 *an extended reporting period endorsement or equivalent provision*  
14 *in the maximum total aggregate limit of liability required to comply*  
15 *with this subparagraph for a minimum of three years if reasonably*  
16 *available from the insurer.*

17 *(B) Maintaining in trust or bank escrow, cash, bank certificates*  
18 *of deposit, United States Treasury obligations, bank letters of*  
19 *credit, or bonds of insurance or surety companies as security for*  
20 *payment of liabilities imposed by law for damages arising out of*  
21 *all claims; however, the maximum amount of security for*  
22 *partnerships with five or fewer licensees rendering professional*  
23 *services on behalf of the partnership shall not be less than two*  
24 *million dollars (\$2,000,000), and for partnerships with more than*  
25 *five licensees rendering professional services on behalf of the*  
26 *partnership, an additional one hundred thousand dollars*  
27 *(\$100,000) of security shall be obtained for each additional*  
28 *licensee; however, the maximum amount of security is not required*  
29 *to exceed five million dollars (\$5,000,000). The partnership*  
30 *remains in compliance with this section during a calendar year;*  
31 *notwithstanding amounts paid during that calendar year from the*  
32 *accounts, funds, Treasury obligations, letters of credit, or bonds*  
33 *in defending, settling, or discharging claims of the type described*  
34 *in this paragraph, provided that the amount of those accounts,*  
35 *funds, Treasury obligations, letters of credit, or bonds was at least*  
36 *the amount specified in the preceding sentence as of the first*  
37 *business day of that calendar year. Notwithstanding the pendency*  
38 *of other claims against the partnership, a registered limited liability*  
39 *partnership or foreign limited liability partnership shall be deemed*  
40 *to be in compliance with this subparagraph as to a claim if, within*

1 30 days after the time that a claim is initially asserted through  
2 service of a summons, complaint, or comparable pleading in a  
3 judicial or administrative proceeding, the partnership has provided  
4 the required amount of security by designating and segregating  
5 funds in compliance with the requirements of this subparagraph.

6 (C) Unless the partnership has satisfied subparagraph (D), each  
7 partner of a registered limited liability partnership or foreign  
8 limited liability partnership providing engineering services or land  
9 surveying services, by virtue of that person's status as a partner,  
10 thereby automatically guarantees payment of the difference  
11 between the maximum amount of security required for the  
12 partnership by this paragraph and the security otherwise provided  
13 in accordance with subparagraphs (A) and (B), provided that the  
14 aggregate amount paid by all partners under these guarantees  
15 shall not exceed the difference. Neither withdrawal by a partner  
16 nor the dissolution and winding up of the partnership shall affect  
17 the rights or obligations of a partner arising prior to withdrawal  
18 or dissolution and winding up, and the guarantee provided for in  
19 this subparagraph shall apply only to conduct that occurred prior  
20 to the withdrawal or dissolution and winding up. Nothing contained  
21 in this subparagraph shall affect or impair the rights or obligations  
22 of the partners among themselves, or the partnership, including,  
23 but not limited to, rights of contribution, subrogation, or  
24 indemnification.

25 (D) Confirming pursuant to the procedure in subdivision (c),  
26 that, as of the most recently completed fiscal year of the  
27 partnership, it had a net worth equal to or exceeding ten million  
28 dollars (\$10,000,000).

29 (b) For purposes of satisfying the security requirements of this  
30 section, a registered limited liability partnership or foreign limited  
31 liability partnership may aggregate the security provided by it  
32 pursuant to subparagraphs (A), (B), (C), and (D) of paragraph (1)  
33 of subdivision (a), subparagraphs (A), (B), (C), and (D) of  
34 paragraph (2) of subdivision (a), ~~or~~ subparagraphs (A), (B), (C),  
35 and (D) of paragraph (3) of subdivision (a), *or subparagraphs (A),*  
36 *(B), (C), and (D) of paragraph (4) of subdivision (a)*, as the case  
37 may be. Any registered limited liability partnership or foreign  
38 limited liability partnership intending to comply with the alternative  
39 security provisions set forth in subparagraph (D) of paragraph (1)  
40 of subdivision (a), subparagraph (D) of paragraph (2) of subdivision

1 (a), ~~or~~ subparagraph (D) of paragraph (3) of subdivision (a), *or*  
2 *subparagraph (D) of paragraph (4) of subdivision (a)* shall furnish  
3 the following information to the Secretary of State’s office, in the  
4 manner prescribed in, and accompanied by all information required  
5 by, the applicable section:

6  
7 TRANSMITTAL FORM FOR EVIDENCING COMPLIANCE  
8 WITH SECTION 16956(a)(1)(D), SECTION 16956(a)(2)(D), OR  
9 SECTION 16956(a)(3)(D) OF THE CALIFORNIA  
10 CORPORATIONS CODE

11  
12 The undersigned hereby confirms the following:

- 13 1. \_\_\_\_\_  
14 Name of registered or foreign limited liability partnership
- 15 2. \_\_\_\_\_  
16 Jurisdiction where partnership is organized
- 17 3. \_\_\_\_\_  
18 Address of principal office
- 19 4. The registered or foreign limited liability partnership chooses  
20 to satisfy the requirements of Section 16956 by confirming,  
21 pursuant to Section 16956(a)(1)(D), 16956(a)(2)(D), ~~or~~  
22 ~~16956(a)(3)(D)~~, *16956(a)(3)(D)* ,*or 16956(a)(4)(D)* and pursuant to  
23 Section 16956(c), that, as of  
24 the most recently completed fiscal year, the partnership had  
25 a net worth equal to or exceeding ten million dollars  
26 (\$10,000,000), in the case of a partnership providing  
27 accountancy services, fifteen million dollars (\$15,000,000)  
28 in the case of a partnership providing legal services, or  
29 ten million dollars (\$10,000,000), in the case of a partnership  
30 providing architectural services.
- 31 5. \_\_\_\_\_  
32 Title of authorized person executing this form
- 33 6. \_\_\_\_\_  
34 Signature of authorized person executing this form

35  
36 (c) Pursuant to subparagraph (D) of paragraph (1) of subdivision  
37 (a), subparagraph (D) of paragraph (2) of subdivision (a), ~~or~~  
38 subparagraph (D) of paragraph (3) of subdivision (a), *or*  
39 *subparagraph (D) of paragraph (4) of subdivision (a)*, a registered  
40 limited liability partnership or foreign limited liability partnership

1 may satisfy the requirements of this section by confirming that, as  
2 of the last day of its most recently completed fiscal year, it had a  
3 net worth equal to or exceeding the amount required. In order to  
4 comply with this alternative method of meeting the requirements  
5 established in this section, a registered limited liability partnership  
6 or foreign limited liability partnership shall file an annual  
7 confirmation with the Secretary of State's office, signed by an  
8 authorized member of the registered limited liability partnership  
9 or foreign limited liability partnership, accompanied by a  
10 transmittal form as prescribed by subdivision (b). In order to be  
11 current in a given year, the partnership form for confirming  
12 compliance with the optional security requirement shall be on file  
13 within four months of the completion of the fiscal year and, upon  
14 being filed, shall constitute full compliance with the financial  
15 security requirements for purposes of this section as of the  
16 beginning of the fiscal year. A confirmation filed during any  
17 particular fiscal year shall continue to be effective for the first four  
18 months of the next succeeding fiscal year.

19 (d) Neither the existence of the requirements of subdivision (a)  
20 nor the extent of the registered limited liability partnership's or  
21 foreign limited liability partnership's compliance with the  
22 alternative requirements in this section shall be admissible in court  
23 or in any way be made known to a jury or other trier of fact in  
24 determining an issue of liability for, or to the extent of, the damages  
25 in question.

26 (e) Notwithstanding any other provision of this section, if a  
27 registered limited liability partnership or foreign limited liability  
28 partnership is otherwise in compliance with the terms of this section  
29 at the time that a bankruptcy or other insolvency proceeding is  
30 commenced with respect to the registered limited liability  
31 partnership or foreign limited liability partnership, it shall be  
32 deemed to be in compliance with this section during the pendency  
33 of the proceeding. A registered limited liability partnership that  
34 has been the subject of a proceeding and that conducts business  
35 after the proceeding ends shall thereafter comply with paragraph  
36 (1), (2), ~~or~~ (3), *or* (4) of subdivision (a), in order to obtain the  
37 limitations on liability afforded by subdivision (c) of Section  
38 16306.

39 ~~(f) This section shall become operative on January 1, 2019.~~

1 SEC. 5. Section 16959 of the Corporations Code, as amended  
2 by Section 10 of Chapter 157 of the Statutes of 2015, is amended  
3 to read:

4 16959. (a) (1) Before transacting intrastate business in this  
5 state, a foreign limited liability partnership shall comply with all  
6 statutory and administrative registration or filing requirements of  
7 the state board, commission, or agency that prescribes the rules  
8 and regulations governing a particular profession in which the  
9 partnership proposes to be engaged, pursuant to the applicable  
10 provisions of the Business and Professions Code relating to the  
11 profession or applicable rules adopted by the governing board. A  
12 foreign limited liability partnership that transacts intrastate business  
13 in this state shall within 30 days after the effective date of the act  
14 enacting this section or the date on which the foreign limited  
15 liability partnership first transacts intrastate business in this state,  
16 whichever is later, register with the Secretary of State by submitting  
17 to the Secretary of State an application for registration as a foreign  
18 limited liability partnership, signed by a person with authority to  
19 do so under the laws of the jurisdiction of formation of the foreign  
20 limited liability partnership, stating the name of the partnership,  
21 the street address of its principal office, the mailing address of the  
22 principal office if different from the street address, the name and  
23 street address of its agent for service of process in this state in  
24 accordance with subdivision (a) of Section 16309, a brief statement  
25 of the business in which the partnership engages, and any other  
26 matters that the partnership determines to include.

27 (2) Annexed to the application for registration shall be a  
28 certificate from an authorized public official of the foreign limited  
29 liability partnership's jurisdiction of organization to the effect that  
30 the foreign limited liability partnership is in good standing in that  
31 jurisdiction, if the laws of that jurisdiction permit the issuance of  
32 those certificates, or, in the alternative, a statement by the foreign  
33 limited liability partnership that the laws of its jurisdiction of  
34 organization do not permit the issuance of those certificates.

35 (b) The registration shall be accompanied by a fee as set forth  
36 in subdivision (b) of Section 12189 of the Government Code.

37 (c) If the Secretary of State finds that an application for  
38 registration conforms to law and all requisite fees have been paid,  
39 the Secretary of State shall issue a certificate of registration to  
40 transact intrastate business in this state.

1 (d) The Secretary of State may cancel the filing of the  
2 registration if a check or other remittance accepted in payment of  
3 the filing fee is not paid upon presentation. Upon receiving written  
4 notification that the item presented for payment has not been  
5 honored for payment, the Secretary of State shall give a first written  
6 notice of the applicability of this section to the agent for service  
7 of process or to the person submitting the instrument. Thereafter,  
8 if the amount has not been paid by cashier's check or equivalent,  
9 the Secretary of State shall give a second written notice of  
10 cancellation and the cancellation shall thereupon be effective. The  
11 second notice shall be given 20 days or more after the first notice  
12 and 90 days or less after the original filing.

13 (e) A partnership becomes registered as a foreign limited liability  
14 partnership at the time of the filing of the initial registration with  
15 the Secretary of State or at any later date or time specified in the  
16 registration and the payment of the fee required by subdivision  
17 (b). A partnership continues to be registered as a foreign limited  
18 liability partnership until a notice that it is no longer so registered  
19 as a foreign limited liability partnership has been filed pursuant to  
20 Section 16960 or, if applicable, once it has been dissolved and  
21 finally wound up. The status of a partnership registered as a foreign  
22 limited liability partnership and the liability of a partner of that  
23 foreign limited liability partnership shall not be adversely affected  
24 by errors or subsequent changes in the information stated in an  
25 application for registration under subdivision (a) or an amended  
26 registration or notice under Section 16960.

27 (f) The fact that a registration or amended registration pursuant  
28 to Section 16960 is on file with the Secretary of State is notice that  
29 the partnership is a foreign limited liability partnership and of those  
30 other facts contained therein that are required to be set forth in the  
31 registration or amended registration.

32 (g) The Secretary of State shall provide a form for a registration  
33 under subdivision (a), which shall include the form for confirming  
34 compliance with the optional security requirement pursuant to  
35 subdivision (c) of Section 16956. The Secretary of State shall  
36 include with instructional materials, provided in conjunction with  
37 the form for registration under subdivision (a), a notice that filing  
38 the registration will obligate the limited liability partnership to pay  
39 an annual tax for that taxable year to the Franchise Tax Board  
40 pursuant to Section 17948 of the Revenue and Taxation Code.

1 That notice shall be updated annually to specify the dollar amount  
2 of this tax.

3 (h) A foreign limited liability partnership transacting intrastate  
4 business in this state shall not maintain any action, suit, or  
5 proceeding in any court of this state until it has registered in this  
6 state pursuant to this section.

7 (i) Any foreign limited liability partnership that transacts  
8 intrastate business in this state without registration is subject to a  
9 penalty of twenty dollars (\$20) for each day that unauthorized  
10 intrastate business is transacted, up to a maximum of ten thousand  
11 dollars (\$10,000).

12 (j) A partner of a foreign limited liability partnership is not liable  
13 for the debts or obligations of the foreign limited liability  
14 partnership solely by reason of its having transacted business in  
15 this state without registration.

16 (k) A foreign limited liability partnership, transacting business  
17 in this state without registration, appoints the Secretary of State  
18 as its agent for service of process with respect to causes of action  
19 arising out of the transaction of business in this state.

20 (l) "Transact intrastate business" as used in this section means  
21 to repeatedly and successively provide professional limited liability  
22 partnership services in this state, other than in interstate or foreign  
23 commerce.

24 (m) Without excluding other activities that may not be  
25 considered to be transacting intrastate business, a foreign limited  
26 liability partnership shall not be considered to be transacting  
27 intrastate business merely because its subsidiary or affiliate  
28 transacts intrastate business, or merely because of its status as any  
29 one or more of the following:

30 (1) A shareholder of a domestic corporation.

31 (2) A shareholder of a foreign corporation transacting intrastate  
32 business.

33 (3) A limited partner of a foreign limited partnership transacting  
34 intrastate business.

35 (4) A limited partner of a domestic limited partnership.

36 (5) A member or manager of a foreign limited liability company  
37 transacting intrastate business.

38 (6) A member or manager of a domestic limited liability  
39 company.

1 (n) Without excluding other activities that may not be considered  
2 to be transacting intrastate business, a foreign limited liability  
3 partnership shall not be considered to be transacting intrastate  
4 business within the meaning of this subdivision solely by reason  
5 of carrying on in this state any one or more of the following  
6 activities:

7 (1) Maintaining or defending any action or suit or any  
8 administrative or arbitration proceeding, or effecting the settlement  
9 thereof or the settlement of claims or disputes.

10 (2) Holding meetings of its partners or carrying on any other  
11 activities concerning its internal affairs.

12 (3) Maintaining bank accounts.

13 (4) Maintaining offices or agencies for the transfer, exchange,  
14 and registration of the foreign limited liability partnership's  
15 securities or maintaining trustees or depositories with respect to  
16 those securities.

17 (5) Effecting sales through independent contractors.

18 (6) Soliciting or procuring orders, whether by mail or through  
19 employees or agents or otherwise, where those orders require  
20 acceptance without this state before becoming binding contracts.

21 (7) Creating or acquiring evidences of debt or mortgages, liens,  
22 or security interest in real or personal property.

23 (8) Securing or collecting debts or enforcing mortgages and  
24 security interests in property securing the debts.

25 (9) Conducting an isolated transaction that is completed within  
26 180 days and not in the course of a number of repeated transactions  
27 of a like nature.

28 (o) A person shall not be deemed to be transacting intrastate  
29 business in this state merely because of its status as a partner of a  
30 registered limited liability partnership or a foreign limited liability  
31 company whether or not registered to transact intrastate business  
32 in this state.

33 (p) The Attorney General may bring an action to restrain a  
34 foreign limited liability partnership from transacting intrastate  
35 business in this state in violation of this chapter.

36 (q) Nothing in this section is intended to, or shall, augment,  
37 diminish, or otherwise alter existing provisions of law, statutes,  
38 or court rules relating to services by a California architect,  
39 California public accountant, *California engineer*, *California land*  
40 *surveyor*, or California attorney in another jurisdiction, or services

1 by an out-of-state architect, out-of-state public accountant,  
2 *out-of-state engineer, out-of-state land surveyor*, or out-of-state  
3 attorney in California.

4 (r) An agent designated for service of process may deliver to  
5 the Secretary of State, on a form prescribed by the Secretary of  
6 State for filing, a signed and acknowledged written statement of  
7 resignation as an agent for service of process containing the name  
8 of the foreign limited liability partnership and Secretary of State's  
9 file number of the foreign limited liability partnership, the name  
10 of the resigning agent for service of process, and a statement that  
11 the agent is resigning. On filing of the statement of resignation,  
12 the authority of the agent to act in that capacity shall cease and the  
13 Secretary of State shall mail or otherwise provide written notice  
14 of the filing of the statement of resignation to the foreign limited  
15 liability partnership at its principal office.

16 (s) The resignation of an agent may be effective if, on a form  
17 prescribed by the Secretary of State containing the name and  
18 Secretary of State's file number for the foreign limited liability  
19 partnership and the name of the agent for service of process, the  
20 agent disclaims having been properly appointed as the agent.

21 (t) If an individual who has been designated agent for service  
22 of process dies or resigns or no longer resides in the state, or if the  
23 corporate agent for that purpose resigns, dissolves, withdraws from  
24 the state, forfeits its right to transact intrastate business, has its  
25 corporate rights, powers, and privileges suspended, or ceases to  
26 exist, the foreign limited liability partnership shall promptly file  
27 an amended application for registration as a foreign limited liability  
28 partnership designating a new agent.

29 (u) The Secretary of State may destroy or otherwise dispose of  
30 any resignation filed pursuant to this section after a new application  
31 for registration as a foreign limited liability partnership is filed  
32 pursuant to this section replacing the agent for service of process  
33 that has resigned.

34 ~~(v) This section shall become operative on January 1, 2019.~~

# Introduced Legislation

## SB 1098 (Cannella-R Merced) Geologists and geophysicists: fees.

**Status:** 2/14/2018-From printer. May be heard in committee March 16

**Location:** 2/13/2018—Senate Rules Committee

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

**Introduced:** 2/13/2018

**Updated 2/21/18**

**Staff Analysis: SB 1098**

**Bill Summary:** This bill would require the Board to fix the application fee for certification as a geologist-in-training at no more than \$100. The bill would delete a provision setting the license fee for a geologist or geophysicist and for certification in a specialty required to be paid in addition to the application fee. The bill would delete a provision limiting the examination fee for licensure as a geophysicist or certification as an engineering geologist or hydrogeologist to \$100, and would instead require the fee to be fixed at an amount equal to the Board’s costs to administer the examination. The bill would delete a provision fixing the renewal fee for a specialty geologist or specialty geophysicist at no more than \$100, and would provide that the renewal fee for each specialty license held is required to be no more than \$400. The bill would delete a provision fixing the amount of a duplicate certificate fee and would require the Board to set all other document fees by regulation, as provided. This bill contains other related provisions.

**Staff Comment:** This bill is sponsored by the Board. On January 8, 2018, the Board approved sponsoring legislation to conform the fee structure specified in the Geologist and Geophysicist Act with the fee structures provide in the Professional Engineers Act and the Professional Land Surveyors’ Act. Currently, the fee structure established in the Geologist and Geophysicist Act is not appropriate for the recovery of the actual cost incurred by the Board for its services. This fee structure defined in the Geologist and Geophysicist Act is hindering the Board’s ability to establish a consistent and equitable fee structure for the Board’s applicants and licensees.

It should be noted that staff is working with the author’s office to amend the bill to correct inconsistent language used in Section 7887 and to add other sections of the Geologist and Geophysicist Act that are impacted by the changes to Section 7887. Staff is confident the required changes will be made.

**Staff Recommendation:** Staff recommends the Board **vote to support** this legislation.

**Laws:** An act to amend Section 7887 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

**Introduced by Senator Cannella**

February 13, 2018

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An act to amend Section 7887 of the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1098, as introduced, Cannella. Geologists and geophysicists: fees.

Existing law, the Geologist and Geophysicist Act, provides for the registration and regulation of geologists and geophysicists by the Board for Professional Engineers, Land Surveyors, and Geologists. Existing law requires the board to fix various license, renewal, and document fees in accordance with a specified schedule. Existing law requires fees and civil penalties received pursuant to the act to be deposited in the Professional Engineer's, Land Surveyor's, and Geologist's Fund and continuously appropriates those funds to the board for purposes of the act.

This bill would require the board to fix the application fee for certification as a geologist-in-training at no more than \$100. The bill would delete a provision setting the license fee for a geologist or geophysicist and for certification in a specialty required to be paid in addition to the application fee. The bill would delete a provision limiting the examination fee for licensure as a geophysicist or certification as an engineering geologist or hydrogeologist to \$100, and would instead require the fee to be fixed at an amount equal to the board's costs to administer the examination. The bill would delete a provision fixing the fee for a specialty geologist or specialty geophysicist at no more than \$100, and would provide that the renewal fee for a geophysicist, for each branch of professional geologist in which licensure is held,

and for each authority level designation held, is required to be no more than \$400. The bill would delete a provision fixing the amount of a duplicate certificate fee and would require the board to set all other document fees by regulation, as provided.

Because the bill would authorize additional fee money to be deposited into the Professional Engineer's, Land Surveyor's, and Geologist's Fund, a continuously appropriated fund, the bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 7887 of the Business and Professions  
2 Code is amended to read:

3 7887. The amount of the fees prescribed by this chapter shall  
4 be fixed by the board in accordance with the following schedule:

5 (a) The fee for filing each application for licensure as a geologist  
6 or a geophysicist or certification as a specialty geologist or a  
7 specialty geophysicist and for administration of the examination  
8 shall be fixed at not more than two hundred fifty dollars (\$250).  
9 *The filing fee for an application for certification as a*  
10 *geologist-in-training shall be fixed at not more than one hundred*  
11 *dollars (\$100).*

12 ~~(b) The license fee for a geologist or for a geophysicist and the~~  
13 ~~fee for the certification in a specialty shall be fixed at an amount~~  
14 ~~equal to the renewal fee in effect on the last regular renewal date~~  
15 ~~before the date on which the certificate is issued, except that, with~~  
16 ~~respect to certificates that will expire less than one year after~~  
17 ~~issuance, the fee shall be fixed at an amount equal to 50 percent~~  
18 ~~of the renewal fee in effect on the last regular renewal date before~~  
19 ~~the date on which the certificate is issued. The board may, by~~  
20 ~~appropriate regulation, provide for the waiver or refund of the~~  
21 ~~initial certificate fee where the certificate is issued less than 45~~  
22 ~~days before the date on which it will expire.~~

23 ~~(c) The duplicate certificate fee shall be fixed at not more than~~  
24 ~~six dollars (\$6).~~

25 ~~(d)~~

26 ~~(b) The renewal fee for a geologist or for a geophysicist~~  
27 ~~geophysicist, for each branch of professional geologist in which~~

1 *licensure is held, and for each authority level designation held,*  
2 *shall be fixed at not more than four hundred dollars (\$400).*

3 ~~(e) The renewal fee for a specialty geologist or for a specialty~~  
4 ~~geophysicist shall be fixed at not more than one hundred dollars~~  
5 ~~(\$100):~~

6 ~~(f)~~

7 (c) Notwithstanding Section 163.5, the delinquency fee for a  
8 certificate is an amount equal to 50 percent of the renewal fee in  
9 effect on the last regular renewal date.

10 ~~(g)~~

11 (d) Each applicant for licensure as a geologist shall pay an  
12 examination fee fixed at an amount equal to the actual cost to the  
13 board to administer the examination described in subdivision (d)  
14 of Section 7841, unless an applicant pays the examination fee  
15 directly to an organization pursuant to Section 7844.

16 ~~(h)~~

17 (e) Each applicant for licensure as a geophysicist or certification  
18 as an engineering geologist or certification as a hydrogeologist  
19 shall pay an examination fee fixed by the board at an amount equal  
20 to the actual cost to the board for the development and maintenance  
21 of the written examination, and shall not exceed one hundred  
22 dollars (\$100): *examination.*

23 ~~(i)~~

24 (f) The fee for a retired license shall be fixed at not more than  
25 50 percent of the fee for filing an application for licensure as a  
26 geologist or a geophysicist in effect on the date of application for  
27 a retired license.

28 (g) *All other document fees shall be established by the board*  
29 *by regulation and shall be set in an amount not to exceed a*  
30 *reasonable regulatory cost.*

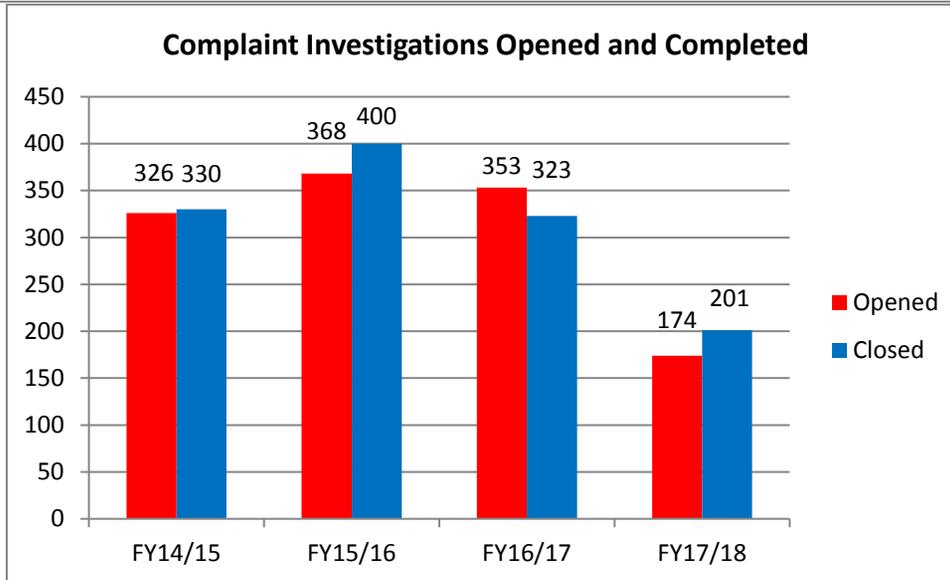
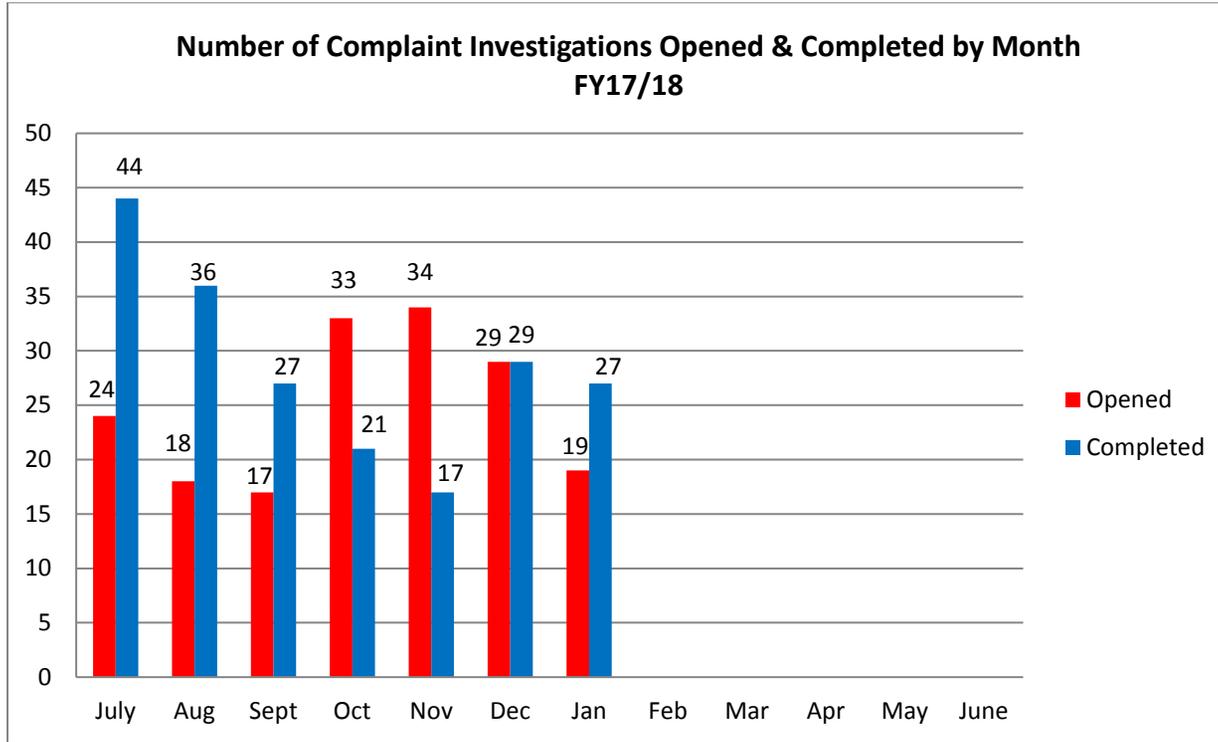
**V. Enforcement**

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- A. Enforcement Statistical Reports
  - 1. Fiscal Year 2017/18 Update

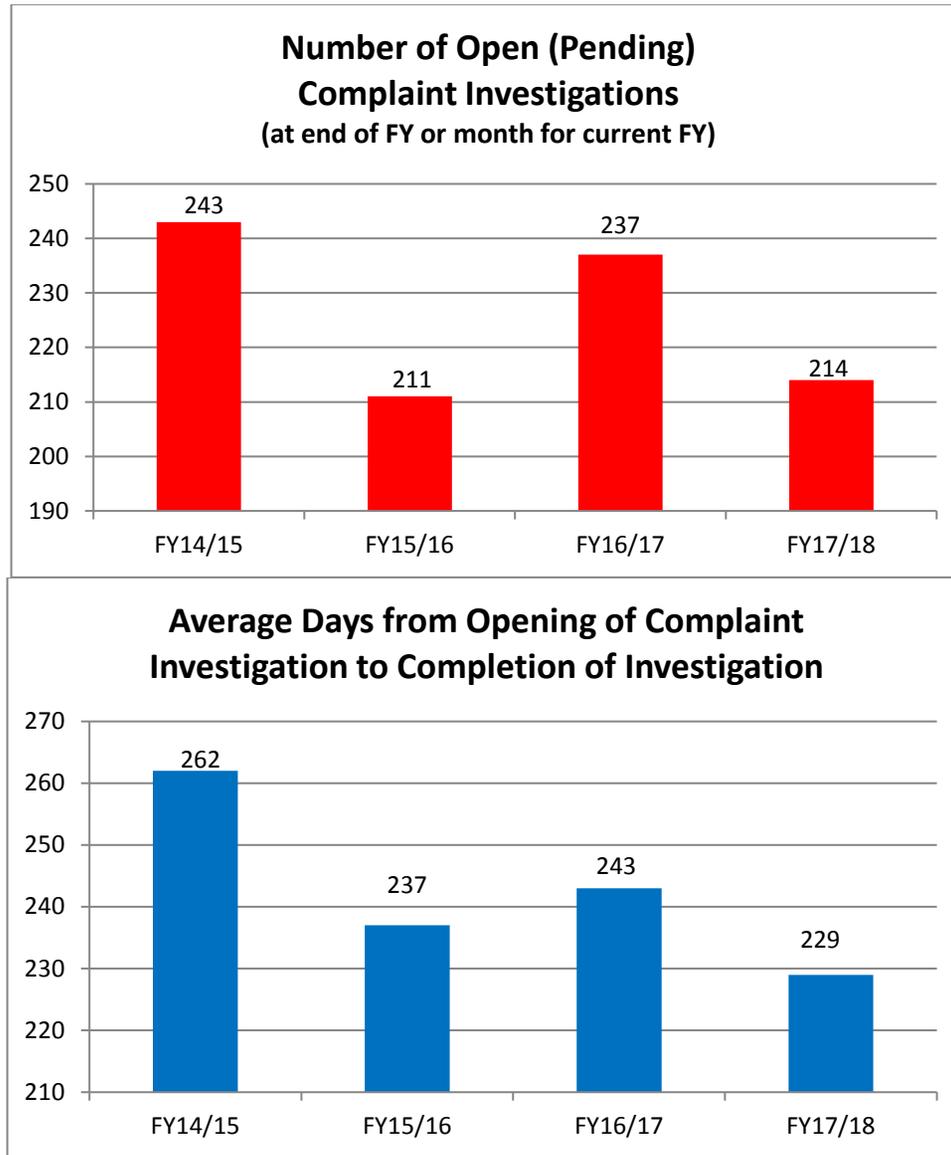


# Complaint Investigation Phase



NOTE: FY17/18 statistics are through January 31, 2018

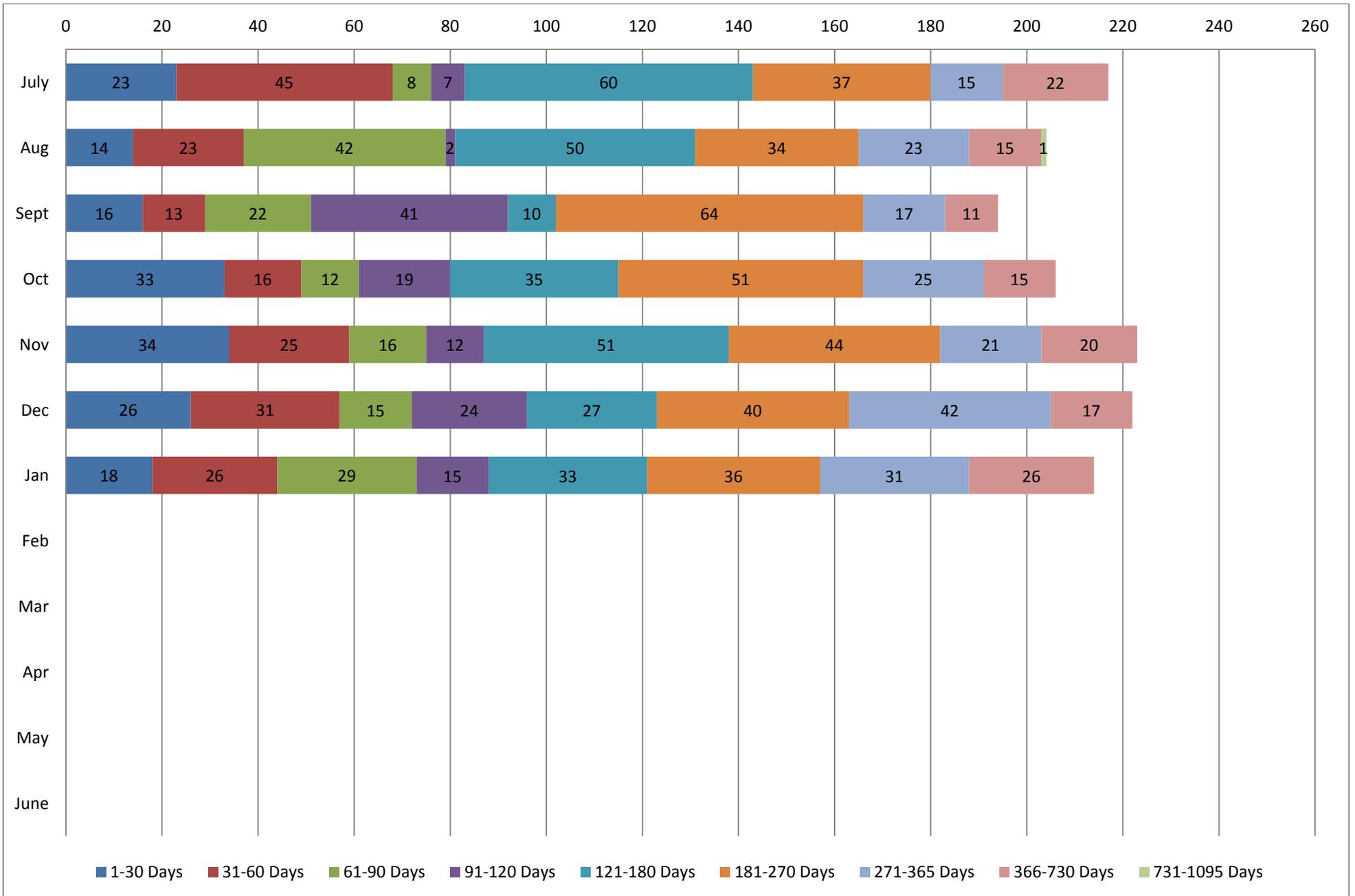
# Complaint Investigation Phase



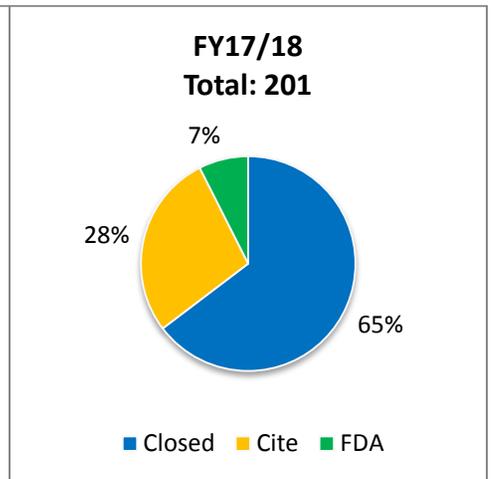
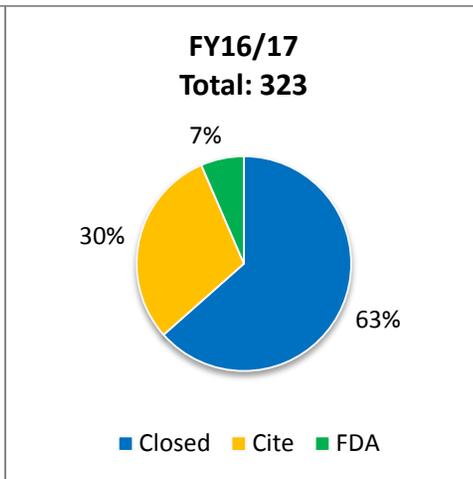
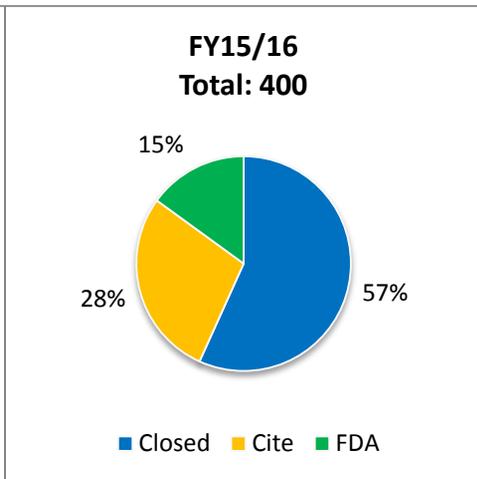
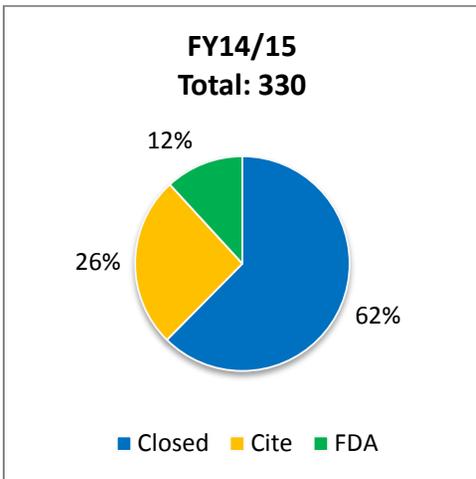
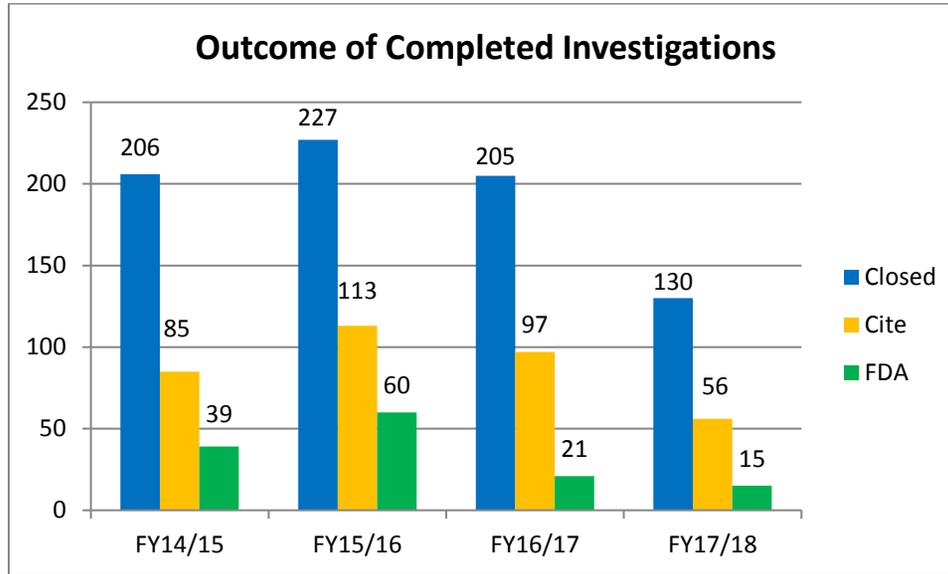
NOTE: FY17/18 statistics are through January 31, 2018

# Complaint Investigation Phase

## Aging of Open (Pending) Complaint Investigation Cases – FY17/18



# Complaint Investigation Phase Outcome of Completed Investigations



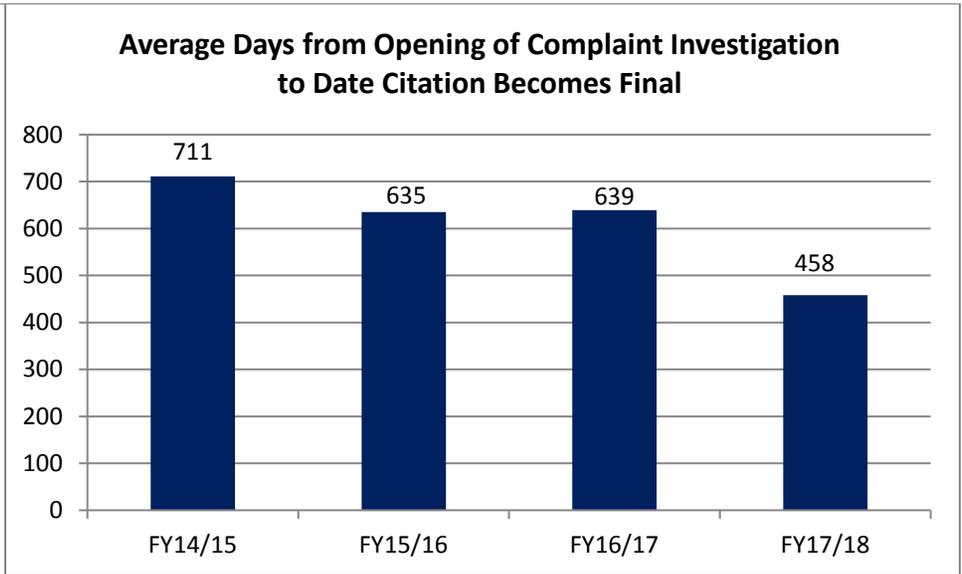
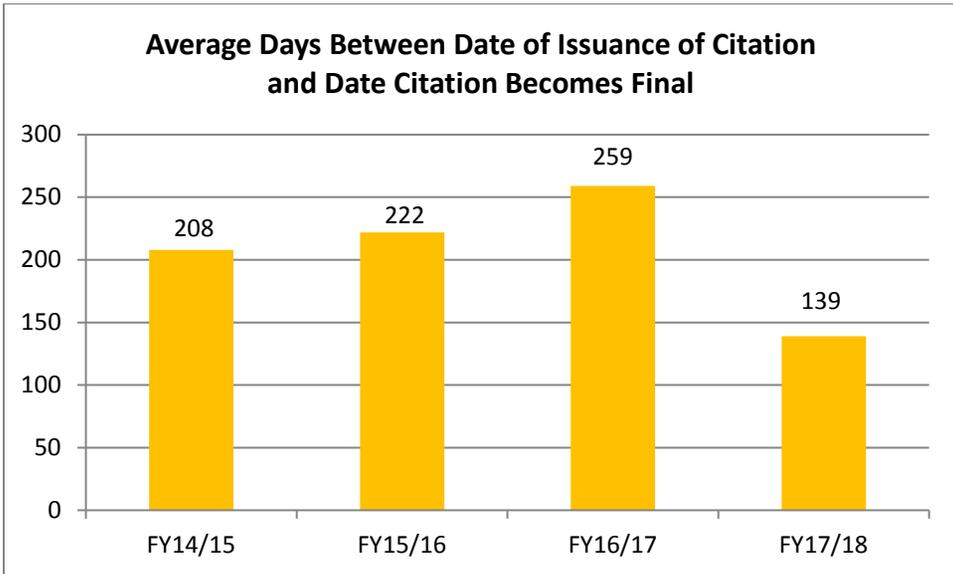
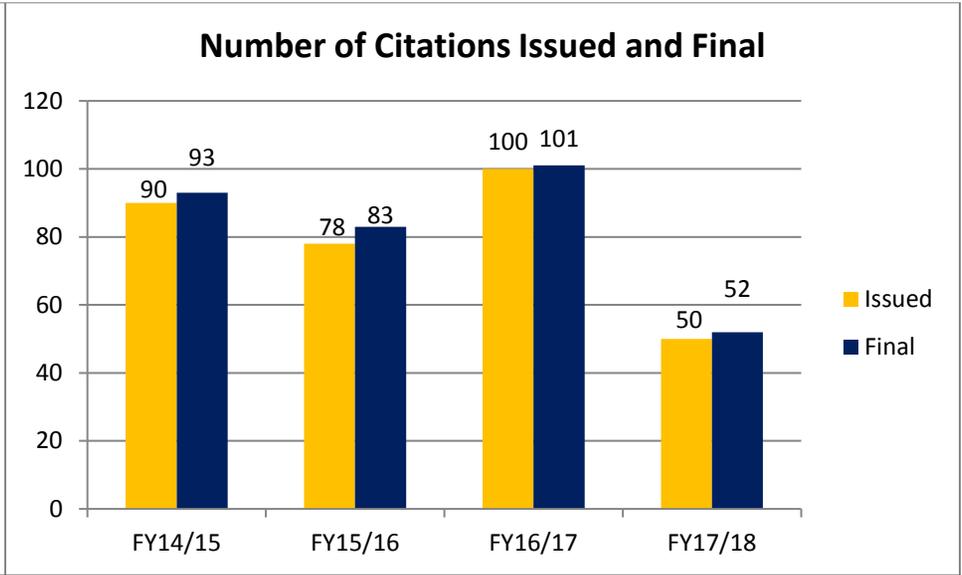
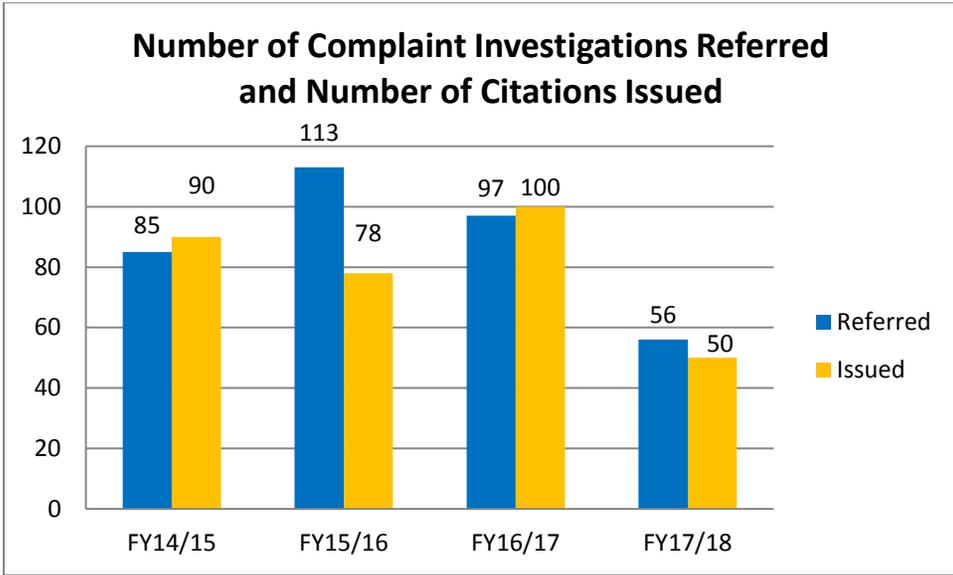
**NOTE: FY17/18 statistics are through January 31, 2018**

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

Cite = Referred for Issuance of Citation

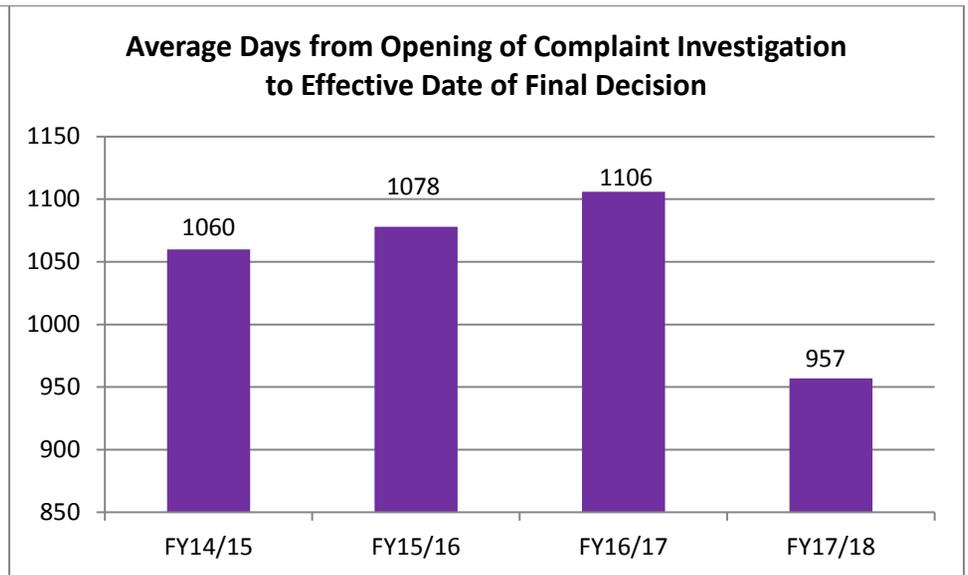
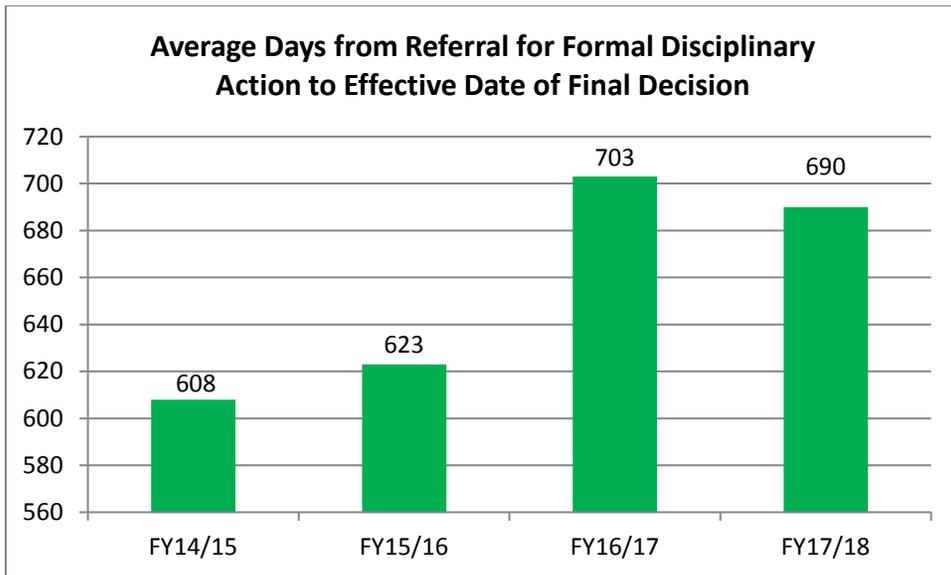
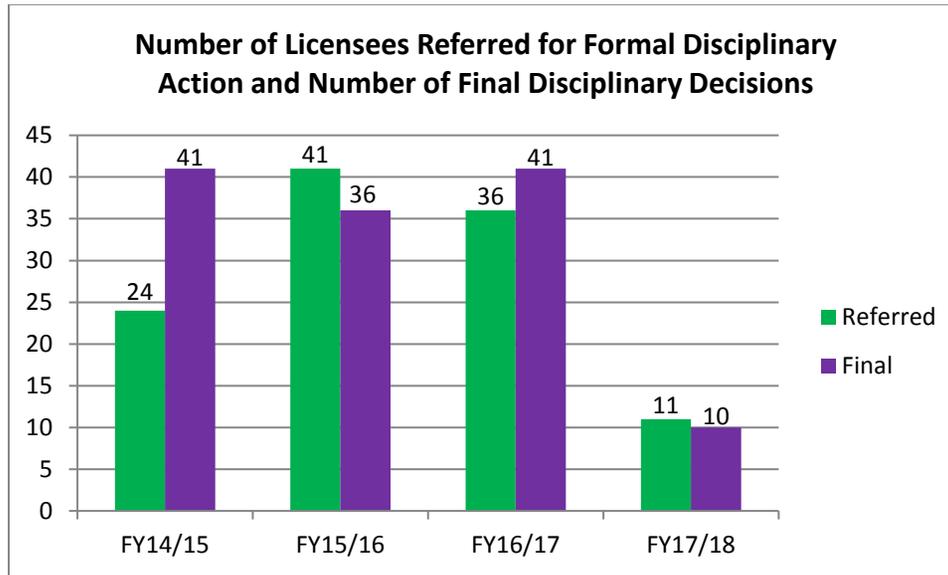
FDA = Referred for Formal Disciplinary Action

# Citations (Informal Enforcement Actions)



NOTE: FY17/18 statistics are through January 31, 2018

# Formal Disciplinary Actions Against Licensees



NOTE: FY17/18 statistics are through January 31, 2018

**VI. Exams/Licensing**

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- A. Update on Spring 2018 Examinations
- B. Update on Licenses Issued
- C. Update on Application Numbers



## Item VI. Exams/Licensing

Traditionally, we have included an update on examinations as a way to gauge a relationship to our applicant/licensee population trends and to explain seasonal spikes in workload, expenditures, and anticipated revenue sources. Given that the registration and administration of the national engineering and surveying exams are largely managed by NCEES now and the Board is evolving from being “exam-centric” to more “application and license centric” in our processes, Staff believes we need to provide reports that more directly assess those changes in our workload, processes, and trends. In addition to our normal reports on examination statistics, we’ve decided to begin also reporting on the number of licenses issued and on the number of applications received, both during a given period.

### A. Update on Spring 2018 Examinations

- ASBOG exams will be administered March 16<sup>th</sup>
- CSE exam will be administered via CBT March 8<sup>th</sup>
- LS exam will be administered via CBT April 19<sup>th</sup>
- GE exam will be administered via CBT May 1<sup>st</sup> – 15<sup>th</sup>
- CE exams (CSP and CES) will be administered continuously beginning April 1<sup>st</sup>.
  - As of February 23, 2018, 1,190 CSP are scheduled; 1,098 CES are scheduled.
  - Spring 2017 saw 1,969 CSP and 1,911 CES - Keep in mind that it’s not quite March yet and this is for just the second quarter (first quarter that the exam is being administered in 2018).
  - We are shoring up internal processes and our legacy system, but we are ready for the administration of the exam without interruption to the candidate.

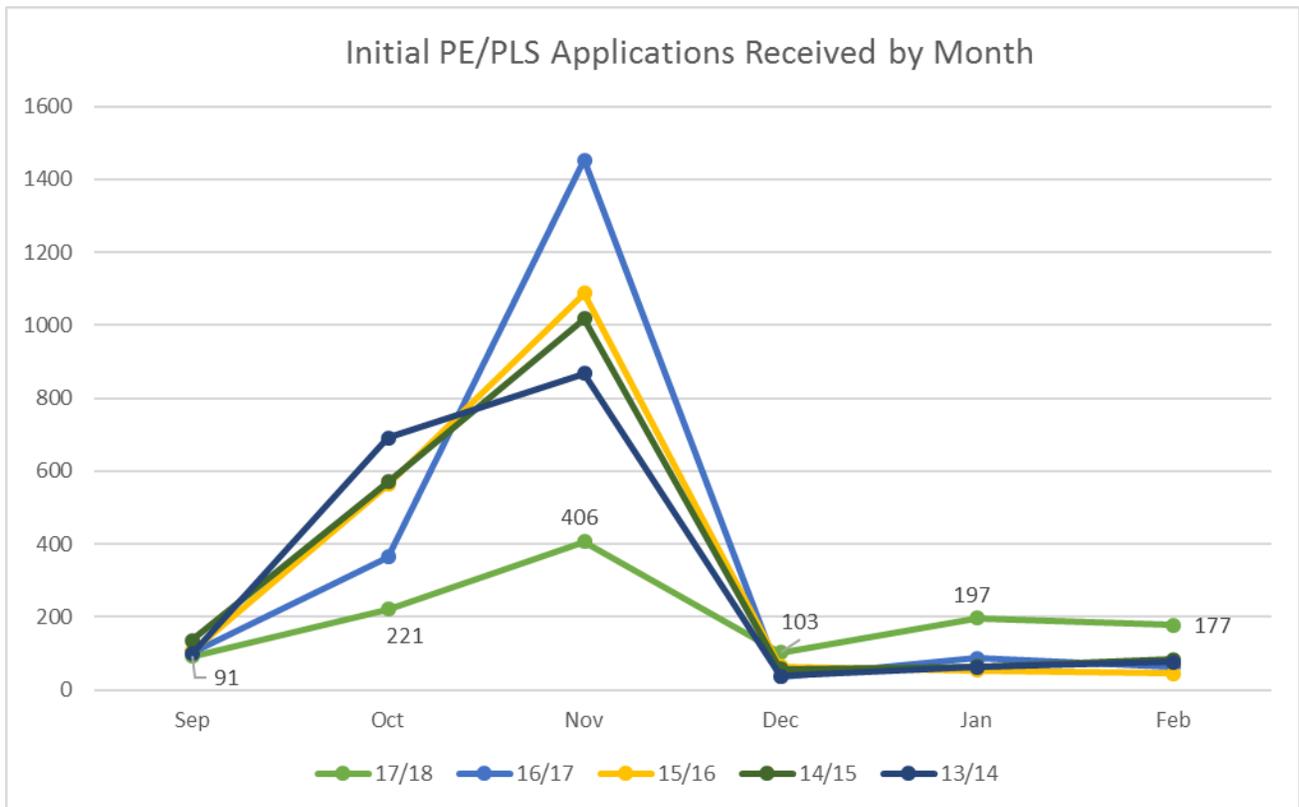
### B. Update on Licenses Issued

Number of licenses issued December 2017 – February 2018:

1311	Total PE
32	Total PLS
89	Total PG (and related)
5	Total PGp
1437	Total Licenses Issued

## Item VI. Exams/Licensing (cont.)

### C. Update on Application Numbers



- Prior to 2018, the bulk of initial PE/PLS applications were received during the months of May and November each year.
- Currently averaging approximately 200 initial PE/PLS applications on a monthly basis due to change in application/examination processes.
- Note: Historical numbers for PG/PGp and related licenses not available prior to Sept 2017 as initial applications and refile applications were not separately tracked prior to that date.

## **VII. Executive Officer's Report**

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- A. Rulemaking Status Report
- B. SB 2 (2017 Ch. 364) Effect on Filing a Record of Survey
- C. Update on Board's Business Modernization Report
- D. Personnel
- E. ABET
- F. Association of State Boards of Geology (ASBOG)
- G. National Council of Examiners for Engineering and Surveying (NCEES)
  - 1. Western Zone Interim Meeting – Nominations for Zone Vice President  
(Possible Action)
- H. Update on Outreach Efforts



## Regulations

### **1. Geology Education (3031)**

- Concurrent review being done by DCA Regulations, Legal, and Budget Office.
  - Regulation language approved by DCA Legal August 16, 2017
  - DCA Legal approved initial package and sent to DCA Regulations Coordinator on August 30, 2017.

### **2. Section 100: Engagement Record and Reference Forms (427.10 & 427.30)**

- Office of Administrative Law (OAL) approved our nonsubstantive request on January 11, 2018, that updates engagement record and reference forms, and the Land Surveyor Log Book.

### **3. Section 100: Delinquent Reinstatements (420.1 & 424.5)**

- Office of Administrative Law (OAL) approved our nonsubstantive request on January 17, 2018, that repeals delinquent reinstatements based on statutory changes from Senate Bill (SB) 1165.

**Note:** Documents related to any rulemaking file listed as “noticed” can be obtained from the Board’s website at [http://www.bpelsg.ca.gov/about\\_us/rulemaking.shtml](http://www.bpelsg.ca.gov/about_us/rulemaking.shtml).

The DCA procedure for approving rulemaking proposals has changed. Geology Education (3031) is the first rulemaking package that will undergo the new procedures.



## **VII. B. SB 2 (2017 Ch. 364) Effect on Filing a Record of Survey**

Late in 2017, staff begin researching what effect, if any, the following language would have on our licensees authorized to practice land surveying, including what effect it may have on compliance issues traditionally related to filing a Record of Survey.

SB 2 added Government Code section 27388.1, which states:

### **27388.1.**

*(a) (1) Commencing January 1, 2018, and except as provided in paragraph (2), in addition to any other recording fees specified in this code, a fee of seventy-five dollars (\$75) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars (\$225). "Real estate instrument, paper, or notice" means a document relating to real property, including, but not limited to, the following: deed, grant deed, trustee's deed, deed of trust, reconveyance, quit claim deed, fictitious deed of trust, assignment of deed of trust, request for notice of default, abstract of judgment, subordination agreement, declaration of homestead, abandonment of homestead, notice of default, release or discharge, easement, notice of trustee sale, notice of completion, UCC financing statement, mechanic's lien, **maps**, and covenants, conditions, and restrictions. (emphasis added)*

*(2) The fee described in paragraph (1) shall not be imposed on any real estate instrument, paper, or notice recorded in connection with a transfer subject to the imposition of a documentary transfer tax as defined in Section 11911 of the Revenue and Taxation Code or on any real estate instrument, paper, or notice recorded in connection with a transfer of real property that is a residential dwelling to an owner-occupier.*

After discussions with a Legislator, that office agreed to seek Legislative Counsel and Attorney General's opinions for us. Staff will provide a report in the future as those are received.

## **VII. C. Update on Board's Business Modernization Report**

- Business Advantage Consulting began consulting services January 10, 2017 - Craig Osborn, PMP, is our direct consultant for this engagement
- Services include the creation of business and technical system requirements, updated and newly developed use cases, and completion of the CA Department of Technology Project Approval Lifecycle (PAL) Stage 2 documents (market research, mid-level solution requirements, alternatives analysis worksheets, CA project management complexity assessment, and financial analysis worksheets)
- Currently tacking market research: contacted 33 licensing system vendors with standardized questions regarding services, systems on the market, and references (if any). Most vendors were retrieved from the Bureau of Cannabis Control's (BCC) RFI for their system procurement.

## **VII. D. Personnel**

Angelica Munoz, our Receptionist since 2016, will be leaving at the end of February for a job at State Controller's Office.



Patty Mamola, PE  
Executive Director

Robert O LaRiviere, PLS  
Chairman (6/30/19)

Karen D Purcell, PE  
Vice Chairman (6/30/18)

L Brent Wright, PE/SE  
Member (6/30/20)

Gregory P DeSart, PE  
Member (9/30/19)

Michael G Kidd, PLS  
Member (6/30/20)

Amy Y Cheng, PE  
Member (6/30/18)

Bud A Cranor  
Public Member (6/30/19)

Kent B Anderson, PE  
Member (6/30/18)

Tracy Larkin-  
Thomason, PE  
Member (6/30/20)

February 1, 2018

NCEES Western Zone Members

Re: Karen Purcell, PE, Candidate for Western Zone Vice President

Dear Colleagues,

The Nevada Board of Professional Engineers and Land Surveyors is honored to announce the candidacy of Karen Purcell, PE, for Western Zone Vice President. Nevada board members recognized Karen's strategic leadership soon after her appointment to the board in 2015 and have elected her to serve as its vice-chair. Karen listens intently, distilling information, to build consensus on challenges faced by the board.

In addition to serving the engineers, surveyors, and public of Nevada, Karen's aptitude for new technology led to her appointment as chair of the NCEES Technology Task Force. Karen brings a unique perspective of the engineering and surveying professions founded on a diversity of experiences. As a successful business owner of PK Electrical with offices in Nevada and Colorado, Karen knows what it takes to effectively lead an organization. Karen's passion for STEM drove her to author *Unlocking Your Brilliance*, targeted at young women to promote STEM. She is a sought after national speaker on STEM and is committed to bringing her passion for the professions to serve Western Zone as its Vice President.

With the astute leadership that Karen has demonstrated as vice-chair of the Nevada Board, the members of Western Zone of NCEES can benefit from Karen's leadership. The Western Zone has a history of accomplishments through thoughtful and progressive governance. Karen's proven skills will continue to build on the programs initiated by past zone leaders. With Karen's diverse experiences and demonstrated influence, the successful advocating of Western Zone issues and concerns can be optimized at the national level. We ask for your support in electing Karen as NCEES Western Zone Vice President. We look forward to seeing you soon in Honolulu!

Best Regards,

Patty Mamola, PE  
Executive Director



COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

January 24, 2018

NCEES Western Zone Board Members and Administrators

RE: NCEES Western Zone Candidate  
Brian G. Robertson, II, PE

Dear Colleagues,

The Colorado Board of Licensure for Architects, Professional Engineers and Professional Land Surveyors (“Colorado Board”) is pleased to announce the candidacy of Brian G. Robertson, II, PE, for the office of NCEES Western Zone Vice President.

Mr. Robertson was first appointed to the Colorado Board in 2013 and established himself as a leader right away. He is a consensus builder among the members of this multi-disciplinary board and encourages dialog so each member fully understands the varied aspects of issues that come before the board. He is an effective and well liked presenter for the Colorado Board’s outreach activities.

Mr. Robertson has been a member of the National Council of Examiners for Engineering and Surveying since 1999, and currently serves as Chair of the Committee on Education 2017-2018, leading eight committee charges. He is licensed in nine states, a member of the American Council of Engineering Companies, and a LEED Accredited Professional with the US Green Building Council.

Attached is Mr. Robertson’s personal message, educational background, work experience, professional credentials and activities. Please distribute this information to your Board members.

We are pleased Mr. Robertson is interested in this leadership position, and encourage you to support his candidacy at the next NCEES Western Zone Vice President.

Thank you for the opportunity to offer our nomination. If you need any additional information concerning this nomination, please contact the Colorado Board’s Administrator Joyce J. Young at (303) 894-7791 or [joyce.young@state.co.us](mailto:joyce.young@state.co.us), or me at 303-996-7016 or [mmorisette@hcm2.com](mailto:mmorisette@hcm2.com).

We look forward to the Scottsdale conference in August.

Sincerely,  
On behalf of the Colorado Board

Mary Morisette, FAIA  
Board Chair



COLORADO

Department of  
Regulatory Agencies

Division of Professions and Occupations

January 24, 2018

Dear Western Zone Delegates,

I am honored to be nominated by the Colorado Board of Licensure for Architects, Professional Engineers, and Professional Land Surveyors as a candidate for the Western Zone Vice President for the 2018-2020 term. I look forward to this opportunity to continue to serve my profession and our member boards.

For those to whom I have not yet introduced myself, please allow me to hit the “high points” of my path to this point. I graduated from The Pennsylvania State University in 1993 with a Bachelor’s of Architectural Engineering degree, and immediately moved to Colorado to start my consulting engineering career in lighting and power systems for vertical construction. I have been fortunate to work for several firms, medium and small, and to have learned from different engineering mentors along the way. One advocated establishing my NCEES Record as soon as I obtained my Colorado PE in 1999, and another encouraged me to participate in local professional societies. I am now my firm’s Lead Electrical Engineer, and sit on our Board of Directors. It was through my service on the Board of Directors for ACEC-Colorado that I was nominated to serve on the Colorado licensing board.

At my first zone and annual meetings, I was drawn to become more actively involved and applied to serve on a committee. I was appointed to the Committee on Education by Past President Mike Conzett and served there for two years, including service on the jury for the 2017 Engineering Awards. I am honored President Pat Tami has asked me to chair that committee this year.

Part of the strength of our Council is that we are divided into four zones to better represent different regional interests. I have not been shy to discuss Colorado’s position at the annual meeting microphones, and I look forward to representing the Western Zone’s interests at the Board of Directors if elected. I have enjoyed the opportunity to discuss the common issues our boards face, and to learn from you how different jurisdictions have approached the same issues we have wrestled with in Colorado. I look forward to continue interactions and communication between our Western Zone boards in particular, and to represent our common interests on the Council Board.

I would appreciate your support and vote at our meeting in Hawaii this April. If you have any questions ahead of time, please feel free to contact me directly at [bgrobertson@bgbuildingworks.com](mailto:bgrobertson@bgbuildingworks.com) or on my mobile at (970) 556-3667.

Brian Robertson, II, P.E.

Secretary for the  
Colorado Board of Licensure for Architects,  
Professional Engineers, and Professional Land Surveyors

bgrobertson@bgbuildingworks.com



## Electrical Engineer

Brian is an electrical engineer for BG Buildingworks and provides guidance for the company's development and implementation of electrical design standards. BG's electrical group benefits from his years of experience in staffing, electrical and lighting designs, leading energy audits for businesses, and performing facility condition and O&M assessments. Viewed as a valuable asset by his clients, Brian successfully leads scopes of work to deliver positive building turnover and energy-savings by cultivating an integrated experience for project teams and clients alike.

With an eye for detail, Brian combines an ability to complete an array of engineering tasks efficiently, expertly, and with a focus on budget. Whether the task involves a rapid energy assessment for a small building, or overseeing a large-scale new build, he is committed to completing work in a timely and accurate manner.

**BRIAN ROBERTSON**  
PE, LEED AP



**EDUCATION** B.A.E. Architectural Engineering, Pennsylvania State University | **REGISTRATIONS** Professional Engineer CO AZ CA DC FL GA IN NM MI MT NV OH UT TX VA WI WY | **CERTIFICATIONS** LEED AP, U.S. Green Building Council | **MEMBERSHIPS** Education committee Chairman for the National Council of Examiners for Engineers and Surveyors, Colorado Department of Regulatory Agencies AES Board Vice President

# EXPERIENCE





## Q4 & YEAR-END OUTREACH REPORT

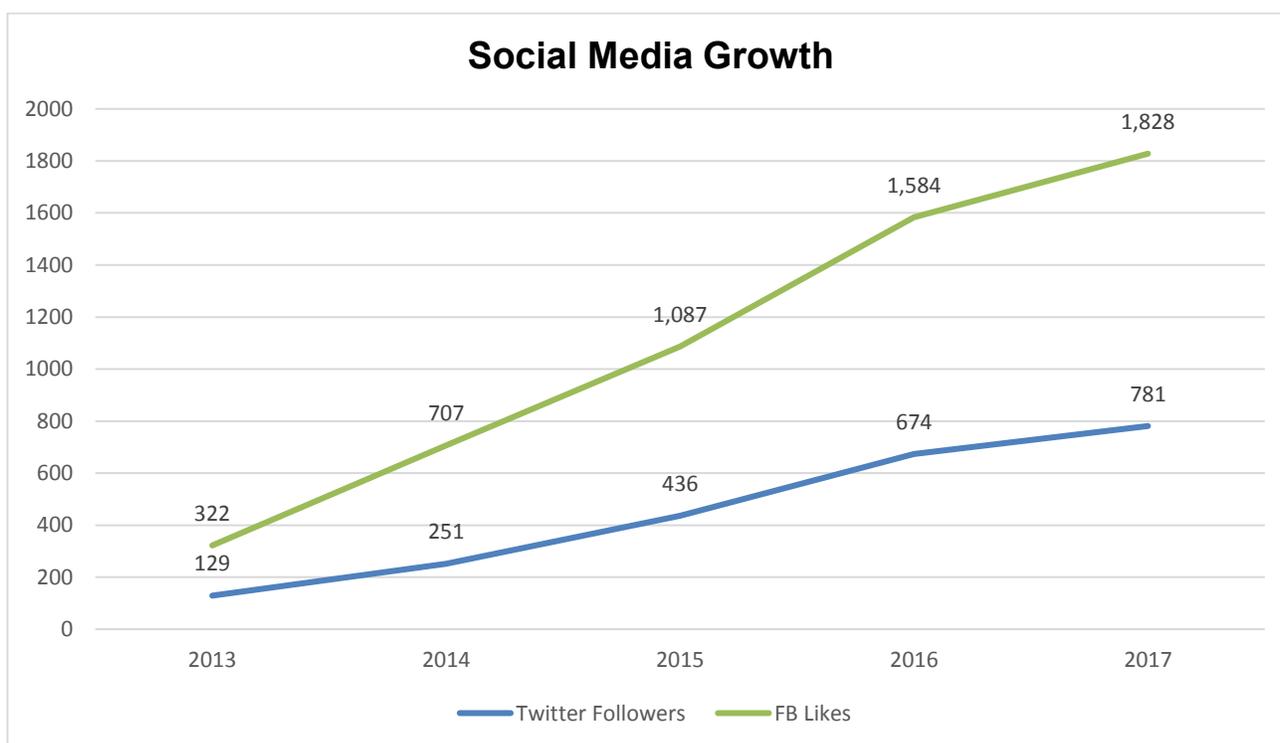
### SOCIAL MEDIA October – December 2017

#### Twitter Growth

Description	2013	2014	2015	2016	2017
Followers	129	251	436	674	781
Tweets	106	401	1,155	1,845	2,774

#### Facebook Growth

Description	2013	2014	2015	2016	2017
Likes	322	707	1,087	1,584	1,828
Growth		385	380	497	244



Facebook started June, 2013; Twitter started October, 2013



### Top 5 Twitter “Tweets” of Past Quarter (October – December 2017)

Posts	Date Posted	Views
1. Exam Results - Engineers	<b>Dec 4</b>	<b>3,271</b>
2. Exam Results - Land Surveyors	<b>Dec 7</b>	<b>2,522</b>
3. New Application Process	<b>Oct 24</b>	<b>1,562</b>
4. New Rulemaking Proposal - Land Surveyors	<b>Oct 13</b>	<b>452</b>
5. Fall <i>Bulletin</i> Available	<b>Oct 6</b>	<b>184</b>

### Top 5 Facebook Posts of Past Quarter (October – December 2017)

Posts	Date Posted	Views
1. New Application Process	<b>Oct 24</b>	<b>4,382</b>
2. New Rulemaking Proposal - Land Surveyors	<b>Oct 13</b>	<b>1,682</b>
3. Exam Results - Land Surveyors	<b>Dec 7</b>	<b>1,234</b>
4. Exam Results - Engineers	<b>Dec 4</b>	<b>697</b>
5. Fall <i>Bulletin</i> Available	<b>Oct 6</b>	<b>638</b>

### Top 5 Webpage Views of Past Quarter (October – December 2017)

Page Title	Views
1. Home	136,809
2. License Lookup	114,032
3. Instructions on How to Apply for a CA Engineer License	76,274
4. Professional Engineer Application	49,234
5. Exam Schedule	31,608



## VIDEO PRODUCTION

- *Video #1 - How To File A Complaint – Posted to Website*
- *Video #2 - The EIT/LSIT Application For Certification Process - Posted to Website*
- *Video #3 – How To Renew Your License Online – Posted to Website*

### In Production at DCA:

- *Applying For Professional Licensure*
- *New Process For Applying For Licensure As A Civil Engineer*
- *New Process For Applying For Licensure As A Traffic Engineer*
- *New Process For Applying For Licensure As A Geotechnical Engineer*
- *New Process For Applying For Licensure As A Professional Engineer In The Following Disciplines: Agricultural; Chemical; Control System; Electrical; Fire Protection: Industrial; Mechanical; Metallurgical; Nuclear; Petroleum*
- *New Process For Applying For Licensure As A Structural Engineer*
- *New Process For Requesting A Waiver of The Fundamentals Of Engineering Exam When Applying For Licensure As A Professional Engineer*
- *New Process For Applying For Licensure As A Land Surveyor*
- *New Process For Requesting A Waiver Of The Fundamentals Of Surveying Exam When Applying For Licensure As A Professional Land Surveyor*
- *Geology Licensing Law Changes*

## COLLEGE OUTREACH October – December 2017

- 44 Colleges/Universities Reached
- 242 Packets sent to All Deans & Department Chairs – All Disciplines

### Success of Mailing

Presentations	2015	2016	2017
In-Class	Cal Poly, SLO		LMU UC Irvine
Career Fair	CSU Sacramento	UCLA UC Irvine Cal State LA	
Senior Project Day	CSU Northridge UC Davis		
Student Club		USC	UCLA CSU Sacramento

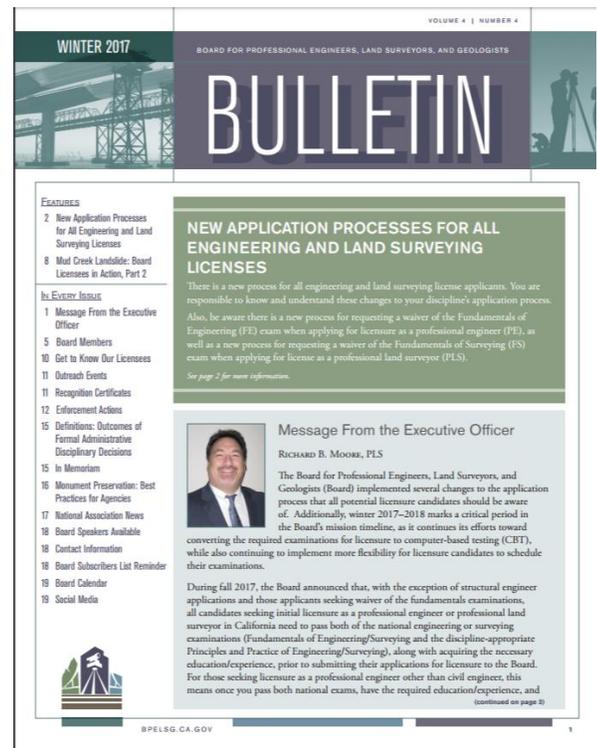


## PRINTED MATERIALS October – December 2017

### Winter 2017 Bulletin:

Quarterly Bulletin –

<http://www.bpelsg.ca.gov/pubs/bulletin.latest.pdf>



## OUTREACH EVENTS October – December 2017

### LA Chapter CSLA, October 10

Executive Officer Ric Moore, PLS, and Staff Senior Registrar Dallas Sweeney, PLS, participated in a meeting of the LA Chapter of the California Land Surveyors Association (CLSA) and spoke about licensing and enforcement.

### Cal Poly Pomona, October 11-12

Executive Officer Ric Moore, PLS, and Staff Senior Registrar Dallas Sweeney, PLS made a presentation at the Cal Poly Pomona Geomatics Conference on applying to become licensed as a land surveyor and moderated a County Surveyor panel discussion.

### Riverside County, October 19

Executive Officer Ric Moore, PLS, and Staff Senior Registrar Dallas Sweeney, PLS attended the County of Riverside County Surveyor Industry Meeting to answer questions on compliance with the PLS Act

### Sacramento City College, November 3

Executive Officer Ric Moore, PLS, and Staff Senior Registrar Dallas Sweeney, PE attended the Introduction to Engineering class at Sacramento City College to discuss licensing



### **Cal Poly San Luis Obispo (SLO), November 7**

Senior Engineering Registrars Susan Christ and Mike Donelson spoke to 100–110 participants in a senior design class. The presentation was video captured for students abroad. Topics covered included the purpose, composition, and history of the Board; the laws and rules, including a discussion of title versus practice acts and the two title authorities structural and geotechnical; licensing and exams; and application preparation and submittal. Students asked many questions and were given a brief assignment to reinforce the speech.

### **Sacramento, November 29**

Staff Senior Registrar Dallas Sweeney, PLS attended a County Engineers Association of California (CEAC) meeting to answer questions regarding licensing and enforcement.

## **VIII. Technical Advisory Committees (TACs)**

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- A. Assignment of Items to TACs (Possible Action)
- B. Appointment of TAC Members (Possible Action)
- C. Reports from the TACs (Possible Action)
  - 1. Report from the Traffic Engineering TAC: Recommendation to Amend Title 16, California Code of Regulations section 404(qq) [Definition of Traffic Engineering] (Possible Action)
- D. Approval of Work Plans (Possible Action)
  - 1. Civil Engineering TAC
  - 2. Geology and Geophysics TAC
  - 3. Land Surveying TAC
  - 4. Structural Engineering TAC



**Report from the Traffic Engineering Technical Advisory Committee (TAC):  
Recommendation to Amend Title 16, California Code of Regulations  
Section 404(qq) [Definition of Traffic Engineering]**

The Traffic Engineering Technical Advisory Committee (TAC) met on two occasions, and discussed the definition of traffic engineering as contained in Board Rule 404(qq) [Title 16, California Code of Regulations section 404(qq)]. During the most recent meeting on January 30, 2018, the TAC completed its discussions and offered a recommendation to the Board for the next step.

The definition of traffic engineering was adopted in 1975 when that license category was created by the Board. It has not been changed since then (other than relettering of the subdivision). The TAC believes the phrase “science of measuring traffic and travel and the human factors relating to traffic generation and flow” is outdated and uses terminology that was popular in the industry in the 1970s and 1980s and does not adequately represent the current realm of traffic engineering, nor does it capture emerging areas such as autonomous vehicles. The TAC believes moving the phrase “to provide safe and efficient movement of people and goods” from the end of the secondary clause to the main clause of the definition and tying it to “streets and highways,” terminology that is currently used in the secondary clause of the definition, provides for better clarity as to what traffic engineering is and may be in the future. It was also determined that the list of items in the secondary clause was incorrectly punctuated, leading to confusion as to what each of the items related to.

Based on the discussion, the TAC recommends that the definition of traffic engineering as contained in the regulations be amended as shown below. (NOTE: Only the introductory paragraph to the entire section and the pertinent subdivision are shown. No changes to any of the other subdivisions are proposed to be made.)

**404. Definitions.**

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

...  
(qq) “Traffic engineering” is that branch of professional engineering which requires such education and experience as is necessary to understand the science of ~~measuring traffic and travel and the human factors relating to traffic generation and flow~~ the safe and efficient movement of people and goods on streets and highways; and requires the ability to apply this knowledge to planning, operating, and evaluating streets and highways and their networks, their ~~abutting lands,~~ and or their interrelationships with other modes of travel, ~~to provide safe and efficient movement of people and goods.~~ The above definition of traffic engineering shall not be construed to permit the practice of civil, electrical, or mechanical engineering.

**PROPOSED MOTION:**

Begin the rulemaking process to amend Title 16, California Code of Regulations section 404(qq) – definition of traffic engineering.



## **TECHNICAL ADVISORY COMMITTEES (TACS) – APPROVAL OF WORK PLANS**

Included for the Board's review and adoption are proposed Work Plans for the Civil Engineering TAC, the Geology and Geophysics TAC, the Land Surveying TAC, and the Structural Engineering TAC.

We believe it is best to keep the tasks listed in the work plans very broad so that the Board has the flexibility to assign matters to the TACs. All of the tasks listed are in accordance with the items described in statute (Business and Professions Code sections 6726, 7826, and 8715) that the TACs may be assigned by the Board.

### **RECOMMENDED MOTION:**

Adopt the Work Plans for the Civil Engineering TAC, the Geology and Geophysics TAC, the Land Surveying TAC, and the Structural Engineering TAC, as shown.



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

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Facsimile: (916) 263-2246

www.bpelsg.ca.gov



## **PROPOSED**

### **WORK PLAN FOR THE CIVIL ENGINEERING TECHNICAL ADVISORY COMMITTEE**

The Civil Engineering Technical Advisory Committee (CETAC) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers, Land Surveyors, and Geologists. The input may take the form of assistance to Board staff and to the liaison Board members or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the CETAC will be in the interest of safeguarding the public health, safety, welfare, and property.

#### **TASKS**

1. To assist Board staff in the review of applications for licensure as a Professional Civil Engineer when requested by Board staff.
2. To help clarify the existing laws, rules, and regulations regarding the practice of civil engineering and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested information required and questions to be asked with regard to enforcement issues relating to the practice of civil engineering when requested by Board staff.
4. To review proposed legislation and regulations that would affect the practice of civil engineering when requested by the Board.
5. To assist the Board with outreach to students, professionals, governmental agencies, and the general public on issues relating to the practice of civil engineering and licensure as a Professional Civil Engineer when requested by the Board.
6. To review ABET matters regarding the practice of civil engineering when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding civil engineering when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.

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## **PROPOSED**

### **WORK PLAN FOR THE GEOLOGY AND GEOPHYSICS TECHNICAL ADVISORY COMMITTEE**

The Geology and Geophysics Technical Advisory Committee (GGTAC) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers, Land Surveyors, and Geologists. The input may take the form of assistance to Board staff and to the liaison Board members or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the GGTAC will be in the interest of safeguarding the public health, safety, welfare, and property.

#### **TASKS**

1. To assist Board staff in the review of applications for licensure as a Professional Geologist, Certified Engineering Geologist, Certified Hydrogeologist, and Professional Geophysicist when requested by Board staff.
2. To help clarify the existing laws, rules, and regulations regarding the practices of geology and geophysics and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested information required and questions to be asked with regard to enforcement issues relating to the practices of geology and geophysics when requested by Board staff.
4. To review proposed legislation and regulations that would affect the practices of geology and geophysics when requested by the Board.
5. To assist the Board with outreach to students, professionals, governmental agencies, and the general public on issues relating to the practices of geology and geophysics and licensure as Professional Geologists and Professional Geophysicists when requested by the Board.
6. To review ABET matters regarding the practice of geology when referred by the Board.
7. To assist with any National Association of State Boards of Geology (ASBOG) matters regarding geology when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.

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## **PROPOSED**

### **WORK PLAN FOR THE LAND SURVEYING TECHNICAL ADVISORY COMMITTEE**

The Land Surveying Technical Advisory Committee (LSTAC) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers, Land Surveyors, and Geologists. The input may take the form of assistance to Board staff and to the liaison Board members or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the LSTAC will be in the interest of safeguarding the public health, safety, welfare, and property.

#### **TASKS**

1. To assist Board staff in the review of applications for licensure as a Professional Land Surveyor when requested by Board staff.
2. To help clarify the existing laws, rules, and regulations regarding the practice of land surveying and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested information required and questions to be asked with regard to enforcement issues relating to the practice of land surveying when requested by Board staff.
4. To review proposed legislation and regulations that would affect the practice of land surveying when requested by the Board.
5. To assist the Board with outreach to students, professionals, governmental agencies, and the general public on issues relating to the practice of land surveying and licensure as a Professional Land Surveyor when requested by the Board.
6. To review ABET matters regarding the practice of land surveying when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding land surveying when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.

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## **PROPOSED**

### **WORK PLAN FOR THE STRUCTURAL ENGINEERING TECHNICAL ADVISORY COMMITTEE**

The Structural Engineering Technical Advisory Committee (SETAC) recognizes its position as an advisory committee to the Board, providing input to the liaison Board members on matters requested by the Board for Professional Engineers, Land Surveyors, and Geologists. The input may take the form of assistance to Board staff and to the liaison Board members or recommendations made directly to the Board in the form of proposed motions or recommendations. In all cases, the focus of the activities of the SETAC will be in the interest of safeguarding the public health, safety, welfare, and property.

#### **TASKS**

1. To assist Board staff in the review of applications for licensure as a Structural Engineer when requested by Board staff.
2. To help clarify the existing laws, rules, and regulations regarding the practice of structural engineering and make recommendations for handling and/or revising the laws, rules, and regulations, where appropriate.
3. To aid in formulating suggested information required and questions to be asked with regard to enforcement issues relating to the practice of structural engineering when requested by Board staff.
4. To review proposed legislation and regulations that would affect the practice of structural engineering when requested by the Board.
5. To assist the Board with outreach to students, professionals, governmental agencies, and the general public on issues relating to the practice of structural engineering and licensure as a Structural Engineer when requested by the Board.
6. To review ABET matters regarding the practice of structural engineering when referred by the Board.
7. To assist with any National Council of Examiners for Engineering and Surveying (NCEES) matters regarding structural engineering when referred by the Board.
8. To coordinate with the Board's other Technical Advisory Committees as required by the Board.

**IX. President's Report/Board Member Activities**

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**X. Approval of Meeting Minutes (Possible Action)**

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A. Approval of the Minutes of the January 8, 2018, Board Meeting



**DRAFT**

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

Department of Consumer Affairs  
1747 North Market Boulevard, Hearing Room  
Sacramento, CA 95834

Monday, January 8, 2018, beginning at 9:00 a.m.

<b>Board Members Present:</b>	Eric Johnson, President; Betsy Mathieson, Vice-President; Natalie Alavi; Fel Amistad; Kathy Jones Irish; Coby King; Asha Lang; Mohammad Qureshi; Robert Stockton; and Steve Wilson
<b>Board Members Absent:</b>	Karen Roberts and Jerry Silva
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Jeff Alameida (Administration Manager); Celina Calderone (Board Liaison); Kara Williams (Budget and Legislative Analyst); and Anthony Pane (Legal Counsel)

**I. Roll Call to Establish a Quorum**

President Johnson called the meeting to order at 9:01 a.m., and a quorum was established.

**II. Public Comment for Items Not on the Agenda**

During public comment, Rob McMillan, representing California Land Surveyors Association (CLSA), expressed his appreciation to Board staff in their collaboration with CLSA.

Christopher Castrillo, Deputy Director for Board and Bureau Services, is looking forward to applying his personal experience and skills to implement the goals laid out in the Department's Strategic Plan. He reported on several personnel changes that included former Deputy Director of Board and Bureau Relations, Christine Lally, joining the Medical Board as Deputy Director; Karen Nelson and Patrick Le have been appointed as the two new Assistant Deputy Directors for Board and Bureau Services; Chris Schultz is the new Chief Deputy Director; and Natalie Daniel as the new Deputy Director of Administration. He is confident that the staff additions will strengthen their ability to pursue the Department's mission and the services provided to the boards and bureaus.

Steven Hunter requested the Board evaluate the current procedures and potentially clarify the pathway for individuals seeking dual licensure in both Professional Engineering and Land Surveying.

Bob DeWitt reported that he renewed his license online in July but noticed recently that his license was delinquent. He has since paid but was concerned that perhaps there was an issue with the online payment process. Mr. Moore explained that he should have received a receipt via e-mail to confirm his payment. Mr. DeWitt indicated he had not.

9:03 a.m. Ms. Irish arrived.

**III. Administration**

A. Fiscal Year 2017/18 Budget Review

Ms. Williams distributed copies of the fund condition and reviewed the budget. Fi\$Cal reports should be available by the end of January.

**IV. Legislation**

A. Legislative Calendar

Ms. Williams reviewed the legislative calendar and highlighted important dates.

B. Legislative and Regulatory Proposals to Address Fee Inequities (Article 7 of Chapter 12.5 of Division 3 of the Business and Professions Code and Title 16, California Code of Regulations sections 407 and 3005)

<b>MOTION:</b>	Mr. King and Mr. Stockton moved to direct staff to seek an author to carry legislation to amend Business and Professions Code section 7887.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi	X				
Fel Amistad	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Karen Roberts				X	
William Silva				X	

Robert Stockton	X				
Steve Wilson	X				

**V. Enforcement**

A. Enforcement Statistical Reports

1. Fiscal Year 2017/18 Update

Ms. Criswell reviewed the statistics. She noted that they are starting to open cases based on subsequent arrests and convictions of the applicants once they become licensed.

**VII. Executive Officer's Report**

F. Update on Business Process Improvement Study

1. DCA Business Modernization Report

Mr. Moore introduced Jason Piccione, Deputy Director, Office of information Services. Mr. Piccione reported on the Business Modernization Plan and addressed business needs and emerging technology that can help the Board in its mission. He acknowledged staff and the leadership of the Board in that it is leading the business modernization effort and is ahead in schedule from other Release 3 programs. He recognized that the Board has put in a lot of work into recognizing the need for change and dedicating resources to this effort.

**VI. Exams/Licensing**

A. Update on Fall 2017 Examinations

Mr. Moore reflected on the statistics from the November meeting and noted that as of November 2017 there were 33 Geotechnical examinees. He provided an update and announced there were an additional 35 candidates who sat for the examination in December alone, for a total of 67.

B. Adoption of Test Plan Specifications for the California Traffic Engineer Examination

Mr. Moore reviewed the Traffic Engineering test plan as recommended by Prometric based on the occupational analysis conducted last year.

<b>MOTION:</b>	Dr. Qureshi and Vice-President Mathieson move to approve the Traffic Engineering Test Plan.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi	X				

Fel Amistad	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Karen Roberts				X	
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

**VII. Executive Officer's Report (cont.)**

**A. Legislation and Regulation Workgroup Summary**

Mr. Moore reported that the geology education regulation (3031) remains with DCA and continues to be reviewed by the regulations staff, the legal office, and budgets. Once that review is completed, the Board will be able to notice the proposal for public comment to being the official rulemaking process.

**B. Personnel**

Mr. Moore announced that Susan Christ, Senior Registrar for Civil Engineering, retired from the Board after 25 years of service. Ms. Eissler is currently working with Human Resources to establish an examination process to create a hiring list for engineers. Mr. Moore is optimistic that the position will be filled within the next six months.

**C. ABET**

Mr. Moore reported on a newspaper article that announced that both Stanford and CalTech were considering not seeking ABET accreditation for their chemical engineering programs.

**D. Association of State Boards of Geology (ASBOG)**

**1. American Institute of Professional Geologists (AIPG) – Proposal of New Membership Category to ASBOG**

Mr. Moore expressed his concern with a request ASBOG received from AIPG (American Institute of Professional Geologists) to establish a new membership category called “Nationally Licensed Geologists”. Ms. Racca indicated the proposal was not well received by the ASBOG Member Boards. AIPG has not formally presented anything to ASBOG. Mr. Moore recommended sending a letter to AIPG expressing concerns.

<b>MOTION:</b>	Mr. King and Ms. Lang moved to direct staff to write a letter to AIPG expressing the Board’s concern with the use of the title “Nationally Licensed Geologist” and to send a copy to ASBOG.
<b>VOTE:</b>	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi	X				
Fel Amistad	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Karen Roberts				X	
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

- E. National Council of Examiners for Engineering and Surveying (NCEES)  
Mr. Moore reported that Chief Executive Officer, Jerry Carter, will retire as of October 1, 2018.

**VIII. Technical Advisory Committees (TACs)**

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

No report given.

C. Reports from the TACs

Ms. Eissler reported that there will be a Traffic TAC meeting January 30, 2018.

Mr. Wilson indicated he has seen issues with land surveyors not complying with Section 8771(a) of the Professional Land Surveyors’ Act. He inquired whether it was appropriate to direct staff to develop statistics to see how prevalent this issue has become with enforcement. Ms. Eissler advised that would be a workload-intensive project because staff would have to manually review each case since data that specific is not tracked electronically. Mr. Moore explained there are issues with the interpretation of the word “sufficient” as used in that section and that consideration might need to be given to clarifying what it

means. Ms. Eissler advised that the Land Surveyor TAC could be directed to aid in developing language that can be adopted into regulation.

**IX. President’s Report/Board Member Activities**

No report given.

**X. Approval of Meeting Minutes**

A. Approval of the Minutes of the November 6, 2017, Board Meeting

<b>MOTION:</b>	Mr. King and Ms. Irish moved to approve minutes as amended.
<b>VOTE:</b>	9-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi			X		
Fel Amistad	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Karen Roberts				X	
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

**XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

A. March 8-9, 2018, Board Meeting will be held at CSU, Fresno

**XII. Other Items Not Requiring Board Action**

No report given.

**XIII. Closed Session** – The Board will meet in Closed Session to discuss, as needed:

A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]

B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]

C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]

- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
1. Thomas Lutge v. Richard B. Moore, in his capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, U.S. District Court, Eastern District, Case No. 2:17-CV-02290-KJM-EFB (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
  2. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334

**XIV. Open Session to Announce the Results of Closed Session**

During Closed Session, the Board took action on two stipulations and one petition for reconsideration and discussed litigation as noticed.

**XV. Adjourn**

The meeting adjourned at 2:42 p.m.

**PUBLIC PRESENT**

Rob McMillan, CLSA

Bob DeWitt, ACEC

Carl Josephson, SEAOC

Natalia Blackburn, Blackburn Engineering

Steve Hao, Caltrans



**XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

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- A. May 3-4, 2018, Board Meeting will be held in Sacramento at DCA's HQ2 Hearing Room.



**XII. Other Items Not Requiring Board Action**

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**XIII. Closed Session – The Board will meet in Closed Session to discuss, as needed:**

- 
- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
  - B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
  - C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
  - D. Pending Litigation [Pursuant to Government Code section 11126(e)]
    - 3. Thomas Lutge v. Richard B. Moore, in his capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, U.S. District Court, Eastern District, Case No. 2:17-CV-02290-KJM-EFB (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
    - 4. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334



**XIV. Open Session to Announce the Results of Closed Session**



**XV. Adjourn**

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