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BULLETIN

BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS

PROTECTING CONSUMERS SINCE 1929

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

MESSAGE FROM THE PRESIDENT



It has been an exciting and eventful quarter for the Board of Professional Engineers and Land Surveyors (BPELS). Although self funded and operating within our budget, BPELS' staff has been required to participate in furlough Fridays, making the task of accomplishing a burgeoning workload all the more challenging, yet through commitment to excellence and consumer protection, essential duties as well as key issues continue to be addressed. Highlights include the following:

- On October 1, 2010, the Sunset Report was delivered to the Legislature. The Sunset Report provides the legislature, the administration, and the public with a synopsis of the Board's history, as well as its current functions. It also provides recommendations for continuing improvements to ensure that the Board has all of the necessary tools it needs to promote licensure and protect the public.
- As of July 2010, National Council of Examiners for Engineering and Surveying (NCEES) identification numbers are required for national exam eligibility. To obtain an ID number, exam applicants must register at <http://www.ncees.org/Exams.php>.
- Staff continues to negotiate with the Department of Consumer Affairs and NCEES on the liability and cost of administering exams so that NCEES can take over administration of the exams in California.

I would like to thank our staff for their continued dedication to our operations. Although these are fiscally trying times, I can assure licensees and the public that we will continue to make the Board as accessible and user friendly as possible.

Sincerely,
Mike Modugno, PE , President

A NEW NAME FOR THE BOARD

Assembly Bill 1431 was signed by the Governor on September 30, 2010 and put into statute (Chapter 696, Statutes of 2010), calling for the renaming of the Board now that it is administering the Geologists and Geophysicists Act. As of January 1, 2011, the newly named Board for Professional

Engineers, Land Surveyors, and Geologists will have 15 members, including including a licensed geologist or geophysicist and one additional public member. We welcome the opportunity to include this respected profession on the Board and look forward to working closely with them to ensure continued consumer protection.

NCEES AWARDS CALIFORNIA COLLEGES

BPELS was proud to present two of the seven 2010 National Council of Examiners for Engineering and Surveying awards to California educational institutions. The awards were granted to those schools that are successfully "Connecting Professional Practice and Education," by linking engineering programs with industry businesses. The jury of NCEES members and representatives from academic institutions and professional engineering organizations made the award selection, granting \$7,500 each to the California Polytechnic State University, San Luis Obispo Civil and Environmental



Gregg Fiegel, Cal Poly (left), Patrick J. Tami, BPELS (right)

Engineering Department and the California State University, Los Angeles Department of Civil Engineering.

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Meet the President and Vice President

Mike S. Modugno, P.E., 2010 President



President Modugno has been a licensed Electrical Engineer since 1977 and the Electrical Engineer member of the Board since 2006. Currently he owns Mike S. Modugno Consulting, Inc. in Carpinteria. He was President of Dalan Engineering, Inc. for over 20 years, and prior to that he was

with the Los Angeles Department of Water and Power.

President Modugno is an alumnus of California State University, Northridge. He is also a member of over a dozen organizations, including the American Council of Engineering Companies of California, Consulting Engineer and Land Surveyors of California, and the American Consulting Engineers Council.

William “Jerry” Silva, 2010 Vice President



Vice President Silva is currently the Transmission Licensing Manager at Southern California Edison. Prior to his current employment, he was a Public Affairs Officer, responding to emergency situations and resolving sensitive political issues with local, state, and federal agencies as well as the public.

Silva received his Bachelor of Science Degree in Business Administration and his Bachelor of Science in Management and Organizational Behavior from La Verne University. He has extensive experience with economic and legislative projects on both a regional and State level and has been a member of many non-profit organizations, including High Desert United Way, West Covina Chamber of Commerce, and Citrus College Foundation.

The Responsibilities of Serving as a Reference

During your career, you may be asked to be a reference for an applicant pursuing his or her professional license. Consider the following issues before you put your name, reputation, and license on the line.

Serving as a reference for a professional engineer, land surveyor, geologist, or geophysicist applicant means being responsible to the Board; the engineering, land surveying, geology, and geophysics professions; consumers; and the applicant. A reference's appraisal of an applicant and endorsement for professional licensure is looked at closely and is a critical component in the Board's decision-making process.

It is important to note that references are technical (not character) appraisals, so review of the applicant's plans, calculations, maps, and/or reports is necessary for a

truly valid assessment. Therefore, the person providing the reference must possess the technical knowledge and abilities necessary to assess those duties that the applicant is claiming to have performed while employed. Appraisals are confidential and should not be shared with the applicant.

Civil engineer applicants can only use licensed civil engineers as references, electrical engineer applicants must use licensed electrical engineers, and mechanical engineer applicants must use licensed mechanical engineers. It may be acceptable for civil engineers to serve as references for mechanical and electrical engineer applicants if the civil engineer possesses the technical competency to appraise the work of the electrical and/or mechanical engineer applicant. For the other professional engineer

disciplines (not including geotechnical or structural engineering), the reference need not be a professional engineer; however, the reference still must be technically competent to appraise the applicant's abilities. Land surveyor applicants can only use licensed land surveyors or civil engineers legally authorized to practice land surveying as references, and geology and geophysics applicants can only use licensed geologists and geophysicists, respectively.

For questions regarding the completion of the Engagement Record and Reference form or the Independent Evaluation of Scope, Character, and Duration of Applicant's Qualifying Geologic Work Experience form, contact the appropriate Board staff as listed at http://www.pels.ca.gov/about_us/contact.shtml.

A National Exam for Structural Engineers - What It Means for California's Engineers

By Carl H. Josephson, CE, SE, F.SEAOC
BPELS SE Technical Advisory Committee Member

In April 2011, all states that offer a structural engineering exam will begin using the same national test.

The entire nation will be using the new National Council of Examiners for Engineering and Surveying (NCEES) 16-hour structural examination that will test structural engineering candidates on both high wind and high seismic design and, because some states require that Structural Engineers (SE) design bridges, the exam will include some bridge problems as well.

One of the goals of transitioning to a national exam is to make it easier for engineers to be licensed in other states so that they can practice across state borders. While this standardized test will move the profession in that direction, it is only the first step. For example, it will not stipulate that SEs

are the only engineers allowed to design structures and infrastructures in any locale. That decision, as well as any additional qualifications required of practicing engineers, will continue to be made by each state. As an example, some states plan to use this exam as a first "professional engineering" exam while other states, particularly western states, will use this exam to test structural engineering candidates who have first obtained their civil engineering license.

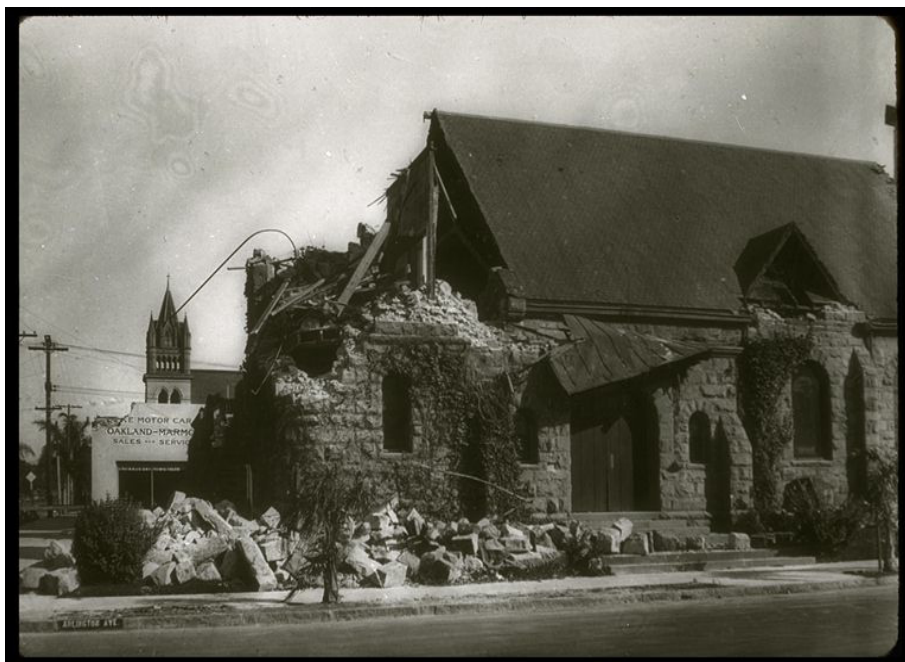
One thing is for sure, more and more states are requiring that "significant structures" be designed by licensed SEs. Hawaii and Illinois already require that licensed SEs design all structures. The states of Washington, Oregon, Utah, and Nevada require an engineer hold an SE license in order to design "significant structures" —a term that varies slightly from

state to state, but generally involves buildings above a certain number of stories, size, occupancy, or importance.

Several other states are currently considering enacting similar laws, and with good reason. Buildings are increasingly more complex, the methods of analysis are more involved, and the amount of education required to complete a basic education in structural engineering now usually involves some level of post-graduate work. Building codes have also become increasingly complex, particularly in states like California. What started out as a half-inch-thick building code in 1927 is today a collection of standards and references that takes up two and a half feet of shelf space.

A quick look at the evolution of structural engineering in California explains why the reference books take up so much space. Following the 1925 earthquake near Santa Barbara, voluntary seismic design provisions were written into the first edition of the Uniform Building Code in 1927. The next year, the California State Chamber of Commerce began drafting the California Building Code, but when the St. Francis Dam collapsed in 1928, the California Legislature determined that the unregulated design of construction projects created a public hazard. Consequently, the Board of Registration for Civil Engineers (CE) was created in 1929. In 1932, the California Legislature established the title of SE to recognize civil engineers who specialized in structural design. The following year the Long Beach earthquake resulted in the "Field Act," requiring that public schools be designed by licensed SEs, and the 1971 San Fernando earthquake resulted in legislation requiring California's hospitals be designed by licensed SEs.

1925 Santa Barbara Earthquake



Courtesy of the National Information Service for Earthquake Engineering, EERC, University of California, Berkeley

SEE NATIONAL PAGE 4

LIMITED LIABILITY PARTNERSHIPS

Effective September 30, 2010, Senate Bill 1008 (Chapter 634, Statutes of 2009) amended the Corporations Code and Business and Professions Code sections 6738 and 8729 to include engineers and land surveyors among the professionals who may form Limited Liability Partnerships (LLPs) as long as certain conditions are met.

The laws still do not allow professional engineers and professional land surveyors to form Limited Liability Companies (LLCs), which are different types of businesses than LLPs. Additionally, the geology and geophysics professions were not included in this bill; therefore, they may not form LLPs or LLCs at this time.

As the Board cannot provide advice on this issue, professional engineers and professional land surveyors interested in learning more should seek private legal and financial counsel before deciding whether or not to form an LLP.

NATIONAL CONTINUED FROM PAGE 3

The result is that SEs in California should find it easier to get licensed in other states once the national exam is in place. Engineers from states outside of California who wish to obtain a California SE license will still need to be licensed as a CE first. In most cases this will mean that the engineer will need to take the national civil engineering exam and California Special Civil Seismic Principles and Engineering Surveying exams, even if he or she has already passed the 16-hour national SE exam.

With the upcoming changes in the SE testing landscape and more and more states requiring an SE license for major design work, California's licensed CEs may find it advantageous to obtain their SE license, particularly if they want to practice out of state.

For more information about the upcoming national exam, contact Susan Christ, CE, at (916) 263-2247 or Susan.Christ@dca.ca.gov.

2010-2011 BOARD MEETINGS

February 9-10, 2011

Southern California
San Diego

March 24, 2011

Northern California
Sacramento

May 12-13, 2011

Northern California
Sacramento

July 14 or 21, 2011

Location to be determined

September 15 or 22, 2011

Location to be determined

November 9-10, 2011

Location to be determined



This schedule is tentative and may change, please check the website.

Computer-Based Testing is on the Way!

The Board is in the process of converting its State licensing exams to computer-based testing (CBT). Under the current system, exams are administered twice a year in northern and southern California. The implementation of computer-based testing will more clearly distinguish expectations set forth for exams from the licensing process and ultimately allow for a greater number of test locations and dates. With a more effective and secure way to administer exams, the Board will be able to concentrate more on testing content rather than administration and logistics of assessment implementation.

The geologist exam series will be the first to use the new system,

acting as a pilot for the testing process. Currently the exams are being converted to more computer-oriented formats, and additional test questions are being developed. "Having multiple test versions will allow for more than one variation of a given test to be administered at the same time, helping to secure the integrity of the testing process. We are very excited about the implementation of CBT and are committed to taking the necessary steps to insure its success," said the Board's Examinations Unit Manager Ric Moore.

Updates regarding CBT will be posted to the Board's website at <http://www.pels.ca.gov/>. For questions, contact Ric Moore at Ric.Moore@dca.ca.gov.

UPDATE REGARDING CERTIFICATION BY THE CHICAGO SECB

The following update applies to California Civil Engineers who are not yet licensed as Structural Engineers (SE) in California, but have been certified by the Structural Engineering Certification Board (SECB) in Chicago, Illinois.

The Board has communicated with the SECB regarding possible confusion over the wording of the certification provided by their organization as the designation implies structural engineering certification. As a result of the discussions, the Board has agreed to the use of "SECB*," provided the asterisk is in place with the statement that the engineer is not licensed as a structural engineer in California. However, without the use of the asterisk and clarifying information, the Board will need to reconsider the use of the "SECB" designation. SECB certification DOES NOT take the place of being licensed as a structural engineer (B&P Code sections 6736 and 6787) in California, and its use to denote a civil engineer's licensing status or primary license specialization is a violation of State law which could result in disciplinary action.

For questions about becoming a licensed SE in California, go to the BPELS website at

<http://www.pels.ca.gov/applicants/apps.shtml>

REGULATION UPDATES

The Board is currently pursuing regulatory action to amend Board rules 404, 424, 425, 438, and 460 which outline curricula approved for engineering and land surveying qualifying experience as well as provide for a waiver of the Fundamentals of Engineering (FE) examination. The amendments will more clearly define approved curricula as well as how education credits earned can be used toward experience, and will also allow those applicants with a PhD in qualifying curricula to apply for an FE exam waiver. For more information on the amendments, see the November Board meeting agenda at http://www.pels.ca.gov/about_us/schedule.shtml.

Effective September 24, 2010, Board Rules 427.10 and 427.30 were amended in an effort to clarify the Engagement Record and Reference forms used by professional engineering, land surveying, and structural engineering applicants. Amendments were also made to Board Rule 427.10, adding a

new optional Log Book for Land Surveyor Applicants, which allows for supplemental information to be provided to the Board as part of the application for licensure process. These forms can be found on the Board's website at <http://www.pels.ca.gov/applicants/apps.shtml>.

In the coming year, the Board will also be pursuing regulatory action to amend Board Rule 407, restructuring the examination and application fees to be consistent with operational changes relating to new application review and examination administration processes. Throughout the year, the Board will also be reviewing regulations relating to the practices of engineering and land surveying (Title 16, Division 5, California Code of Regulations) and geology and geophysics (Title 16, Division 29, California Code of Regulations) to determine if other sections need to be amended. Any proposed changes will be posted to the Board website at <http://www.pels.ca.gov>.

What is an Occupational Analysis?

An occupational analysis (OA) is the legal method that is followed to ensure that occupational testing is legally valid and defensible. OA refers to a process designed to obtain descriptive information regarding the tasks required to effectively perform a job and the important knowledge, skills and abilities necessary to competently complete those activities. Well-designed analyses should reflect the diversity within a profession such as geographic region, practice setting, professional experience, and education. Analysis relevancy is best assured through broad-based, thorough surveying of a wide range of the licensing population. Those tasks, skills, and abilities valued by the majority of experts surveyed can be considered reliable content for competent entry-level practice. The verified competencies can then be used in the development of test specifications for licensure examinations.

California Board for Professional Engineers and Land Surveyors Examinations and Occupational Analysis Status

Examination	Last OA Conducted	Future OA Date
Special Civil	2005	2011
Traffic	2010	2015
Geotechnical	2010	2015
Structural	2003	Being converted to NCEES
Land Surveyor	2002	2011
Geologist	2000	2011
Hydrologist	1999	2011
Engineering Geologist	2000	2011
Geophysicist	2005	2011

Geologist and Geophysicist Expert Consultants- Enforcement Vacancies

The Board is recruiting Professional Geologists, Professional Geophysicists, Certified Engineering Geologists, and Certified Hydrogeologists with specific areas of expertise to serve as expert consultants for enforcement (formerly technical experts).

Duties

Experts review enforcement complaint investigation cases for compliance with the Geologist and Geophysicist Act. Upon completion of a review, a written report of the findings must be submitted to the Board. Experts may also be asked to testify at an administrative hearing.

Qualifications

Expertise in the area of the complaint is essential. Applicants must be free of disciplinary actions, licensed in California, a California resident, and have been licensed for at least five years.

Reimbursement

Experts are paid an hourly rate for case review, report preparation, and actual time spent testifying at administrative hearings. Travel costs associated with testifying are reimbursed.

How to Apply

Interested parties should print out and complete the Areas of Expertise form for Geologists and Geophysicists found at http://www.geology.ca.gov/forms-pubs/te_app.pdf. Submit the form and current resume to:

Board for Professional Engineers and Land Surveyors
Geologist & Geophysicist Program
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

For more information, contact the Geology Program at (916) 572-4361 or geology@dca.ca.gov.

Geologist and Geophysicist TECHNICAL ADVISORY COMMITTEE (TAC)

The Geologist and Geophysicist Technical Advisory Committee (TAC) was established by the Board in May 2010 to provide expertise on issues and trends impacting the geoscience community. The work plan for 2010/11 includes clarifying the definitions of “geology” and “geophysics” and assisting the Board in reviewing proposed legislation affecting the practices of geology and geophysics. The five Board-appointed TAC members include Thomas Barry, Professional Geologist (P.G.), Engineering Geologist (E.G.), Hydrogeologist (H.G.) (Chairman); Hugh Robertson, P.G., E.G. (Vice Chairman); Francisco Cabije, P.G.; Eldon Gath, P.G., E.G.; and Andy Zdon, P.G., E.G., H.G. TAC members typically serve two-year terms and can be reappointed for two additional two-year terms.

EXPERT CONSULTANTS - EXAMS

The Board’s Examination Development Unit is recruiting licensed geologists and geophysicists who reside and practice in California to assist with various aspects of examination development. These tasks include item writing and review, field testing, grading, and standard setting. Newly licensed (within the past three years) professionals are especially needed. Licensed experts (formerly subject matter experts) are needed in the following disciplines to assist with the appropriate California state-specific examinations:

- Professional Geologists to assist with the California Supplemental Component (CSC)
- Professional Geophysicists to assist with the California Professional Geophysicists (PGp) examination
- Certified Engineering Geologists to assist with the California Certified Engineering Geologist (CEG) examination
- Certified Hydrogeologists to assist with the California Certified Hydrogeologist (CHG) examination.

Experts have the opportunity to meet and work with other licensed professionals from around the state and are paid an honorarium for time spent at meetings and meeting preparation. Travel costs associated with attending meetings are reimbursed at the current state contracted rates.

If you would like more information about being an Expert Consultant for exams, please visit the website at <http://www.geology.ca.gov/licensees/smeswanted.shtml> or contact the Examination Development Unit at (916) 572-GEO1 [4361].



Engineer and Land Surveyor Expert Consultants - Enforcement Vacancies

The Board Enforcement Unit is recruiting professional engineers and land surveyors with specific areas of expertise to serve as experts (formerly technical experts) in the following areas:

Civil Engineering - subdivision planning and development, grading and drainage of residential and small business projects, home inspections for resale and for national disaster evaluation, water intrusion issues, and septic system design; *Civil and/or Structural Engineering* - structural design for residential houses and commercial projects; *Civil and/or Geotechnical Engineering* - geotechnical evaluations for new construction and mitigating soil and compaction failure; and *Land Surveying* - boundary surveying, property line disputes, subdivision map processing, and title descriptions.

Duties

Experts review enforcement complaint investigation cases for compliance with BPELS standards and regulations. Upon completion of a review, a written report of the findings must be submitted to the Board. Experts may also be asked to testify.

Qualifications

Expertise in the area of the complaint is essential. Most cases involve residential and small business projects. Applicants must be free of Board disciplinary actions, licensed in California, a California resident, and have been licensed for at least five years.

Reimbursement

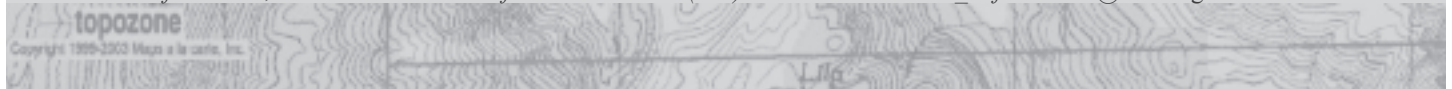
Experts are paid an hourly rate for case review, report preparation, and actual time spent testifying at administrative hearings. Travel costs associated with testifying are reimbursed.

How to Apply

Interested parties should print out and complete the Areas of Expertise form for Civil (including Structural and Geotechnical) Engineers and Land Surveyors at http://www.pels.ca.gov/pubs/forms/experts_aoe_ce_ls.pdf or the Areas of Expertise form for Electrical and Mechanical Engineers at http://www.pels.ca.gov/pubs/forms/experts_aoe_me_ee.pdf. Submit the form and current resume/curriculum vitae to:

Board for Professional Engineers and Land Surveyors
Attention: Enforcement Unit
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833

For more information, contact the BPELS Enforcement Unit at (866) 780-5370 or BPELS_Enforcement@dca.ca.gov.



2010 In Memorium

Achterberg, Rolland Berdet
Anderson, Gene Lavare
Bank, Milton Harold
Bunnell, Richard Billings
Cohen, Norman A.
Crawford, Gary Lee
Dunn, Philip Robert
Ellis, James Burlew
Freeman, Stephen III

Guzman, Carlos Frederico
Hobbs, Donald Leroy
Hobbs, Robert Elmer
Hughes, Albert Clinton
Kolehouse, Margaret Eileen
Maloney, James Michael
Maneatis, John A.
Maxwell, Rodney Francis
Mayer, Edward H.

Mc Donald, Gerald Charles
Muff, Harry J.
Okey, Robert White
Pahkamaa, Frank L.
Pucci, Anthony Louis
Saad, Mark George
Simpson, Hugh B
Tanaka, George J
Urban, Robert Gene

Weber, Everett Clarence
Whitston, Ned W.
Whitten, Travice Winfield Jr.
Wokas, Albert Louis
Wren, Harper Christopher
Zijderveld, Hendrik Raoul



BOARD FOR PROFESSIONAL ENGINEERS
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2535 Capitol Oaks Drive, Suite 300
Sacramento, California, 95833-2944

BPELS Updates

- Reports of Enforcement Actions will now be reported on the website only. Due to budgetary constraints, the Board is unable to print its newsletter at this time. The Board will reassess printing newsletters including enforcement action in the future when the budget permits.
- A BPELS email subscription service is now available.

Applicants and licensees are encouraged to join the listserv to automatically receive updates and information from the Board via email. Subscription information is confidential and will not be shared. To register, go to <https://www.dca.ca.gov/webapps/pels/subscribe.php>.

CONTACT THE BOARD

2535 Capitol Oaks Drive, Suite 300
Sacramento, California, 95833-2944

Contact information for inquiries regarding Professional Engineering, Professional Land Surveying, and the Geologists and Geophysicists Program can be found at:

http://www.pels.ca.gov/about_us/contact.shtml

Toll Free: (866) 780-5370 | Phone: (916) 263-2222 |

Fax: (916) 263-2246

General Emails for the Board Office:

BPELS_Office@dca.ca.gov

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