

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

FINAL STATEMENT OF REASONS

Hearing Date: No hearing scheduled

Subject Matter of Proposed Regulations: Examination Appeal

Section(s) Affected: Title 16, California Code of Regulations (CCR), sections 443 (Inspection of Examination) and 444 (Examination Appeal).

Updated Information

The Initial Statement of Reasons is included in the rulemaking file and is incorporated here by reference. The information contained therein is updated as follows:

The initial comment period for this rulemaking was from February 26, 2021, to April 13, 2021, during which no comments were received. No hearing was requested nor held for this rulemaking. This rulemaking was approved by the Board for Professional Engineers, Land Surveyors, and Geologists at its May 27, 2021 meeting.

On the Initial Statement of Reasons, there is a typographical error under Underlying Data where it should say '1. Board for Professional Engineers, Land Surveyors, and Geologists 2015-2018 Strategic Plan, Strategic Goals 2 & 2.1'. The strategic goals 2.10 & 3.5 were added in error.

Objections or Recommendations/Responses

There were no objections or recommendations regarding the proposed action.

Local Mandate

A mandate is not imposed on local agencies or school districts.

Economic Impact Assessment

As described in detail in the Notice, the proposed repeal will clarify that examinations may no longer be inspected or appealed. This will benefit examinees by clearing up any misunderstandings regarding examination appeals and will not increase costs to the state. In addition, the proposal seeks to improve the consistency between regulations for the various professions regulated by the board.

Fiscal Impact

The Board does not anticipate any increase in workload or costs to the state as a result of this rulemaking. The sections affected by this rulemaking have been statutorily invalidated prior to this rulemaking and do not affect the Board's existing workload.

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because multiple-choice examinations cannot be appealed.

The Board has determined that the proposed regulations would not affect small businesses. The Board does not license businesses; the Board licenses individuals. The Board has determined there is no significant impact to any small business that might employ licensed individuals because the sections affected by this rulemaking are already invalid.

Anticipated Benefits

The Board anticipates the repeal will remove any confusion caused by the existence of regulations that address processes that cannot be followed. The current regulations allow for the appeal and inspection of state examinations only and specify that multiple-choice format examinations cannot be appealed.

All the Board's state examinations are multiple-choice format. Therefore, as specified in the regulations, none of the Board's state examinations are appealable. Maintaining these regulations can give the mistaken impression to people that examinations are appealable. Therefore, the proposed deletion will benefit examinees by clarifying the process.

Consideration of Alternatives

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which it was proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Set forth below is the alternative that was considered and the reason it was rejected:

- Continue to maintain regulations that address a process that, by virtue of the language of the regulations themselves, can no longer be followed. This alternative was rejected because it would lead to confusion for licensure applicants by giving them the mistaken impression that examinations could still be inspected and appealed.

No Reports Required

There are no reports required by this regulatory proposal.

Incorporation by Reference

There are no documents incorporated by reference.