

BULLETIN



Our Enforcement Statistics Issue

As always in the summer edition of the *Bulletin*, our theme for this issue is “Enforcement.”

As we state in the Board’s mission and vision statements, to effectively protect the public we always strive to regulate our licensed professions as efficiently as possible:

- **Mission:** We protect the public’s safety and property by promoting standards for competence and integrity through licensing and regulating the Board’s professions.
- **Vision:** A California that leads the nation in protecting the public and environment with competent and ethical professional services by the Board’s licensees.

We hope you will find our enforcement report informative. It begins on page 3.

FEATURE

- 2 **Reminder: Address of Record Requirement**
- 3 **Enforcement Unit Reports and Information**
- 6 **How Land Surveyors Can Avoid Dangerous Situations or be Contacted by the Board—the Right of Entry and Professional Behavior**

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Executive Officer’s Report

RICHARD B. MOORE, P.L.S.

Change is inevitable, as we all know, whether in our personal lives or business. While the Board is not immune to this and sometimes appears to be constantly experiencing change, there are some events that tend to stand out more than others. Lately, change has become rather prominent in the licensure process, specifically affecting applications for licensure and the examinations licensing

boards use to measure the applicant’s minimum qualifications for licensure.

Recently, the Board released a new update to the Connect system, which now allows individuals seeking a Geologist-in-Training (GIT) certificate or a Professional Geologist (PG) license to complete and submit applications through this online portal. Not surprisingly, this release was met with excitement as completed applications were received literally within hours of the release.

In related news, the Board is happy to report that the first computer-based-testing (CBT) delivery of the national Fundamentals of Geology (FG) and Principles of Geology (PG) examinations in March were successful for California-based candidates.

On the national engineering and surveying front, the National Council of Examiners for Engineering and Surveying (NCEES) has announced that the paper-based national 16-hour structural engineering examination will be phased out after the fall of 2023 administration and replaced with the PE-Structural examinations, which will be administered in five separate sections beginning in the spring of 2024.

(continued on page 2)

Executive Officer's Report (continued from page 1)

And last but certainly not least, changes with our Board. We are saying goodbye to Paul Novak, public member, and two long-serving members of our Board, Kathy Jones Irish, public member, and Dr. Mohammad Qureshi, Ph.D., P.E., traffic engineer member. These are the kinds of changes that are difficult to accept since all three members truly brought great effort to their service on the Board. We will miss each of them. And on a positive note, we can report that Dr. Fel Amistad, public member, Elizabeth "Betsy" Mathieson, professional geologist member, and Wilfredo Sanchez, public member, were all reappointed to our Board. Additionally, the Board welcomes new electrical engineer member Guillermo Martinez Jr. P.E. to the Board!

Finally, at the Board's June 8, 2023 meeting, Michael Hartley, P.L.S., land surveyor member, was elected president and Christina Wong, public member, was elected vice president for 2023-24. Congratulations to you both.

Have a nice summer!

REMINDER: Address of Record Requirement

As a licensed professional that is primarily engaged in the practice of your given discipline, it is easy to forget that licensure comes with administrative responsibilities that may not occur very often.

As a reminder, section 412 of the Board Rules (Title 16, California Code of Regulations section 400, et. seq.) requires each person who is an applicant for, or a holder of a certificate or license issued by the Board, to file an address of record with the Board, and within 30 days after any change of address of record, to notify the Board in writing of such change. Please use this reminder as an opportunity to make the applicable notification to the Board if you have a change of address to report so that you are following this important regulatory requirement.

For more information, go to: www.dca.ca.gov/webapps/bpelsg/address_change.php



Board Members

(Effective July 1, 2023, through June 30, 2024)

President: Michael S. Hartley, P.L.S.

Vice President: Christina Wong

Public Members:

Fel Amistad, Ph.D.

Coby King, Esq.

Frank Ruffino

Wilfredo Sanchez

Fermin Villegas

Professional Members:

Alireza Asgari, Ph.D., P.E., S.E.

Rossana D'Antonio, P.E., G.E.

Guillermo Martinez Jr., P.E.

Elizabeth Mathieson, P.G., C.E.G.

Executive Officer:

Richard B. Moore, P.L.S.

Assistant Executive Officer:

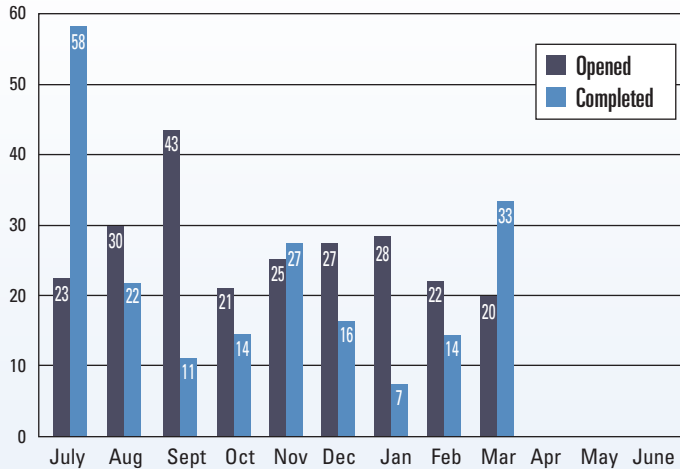
Nancy Eissler

Bulletin Editor: Brooke C. Payer

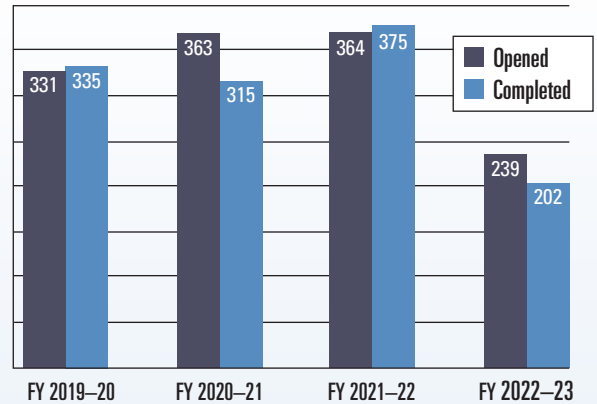
ENFORCEMENT UNIT REPORTS AND INFORMATION

This edition of the Board's *Bulletin* includes the annual update on the Board's enforcement-related actions throughout the past year. While the Board publishes enforcement actions quarterly in every edition of the *Bulletin*, and current case load regularly in the Board's meeting materials, we hope this annual update provides another perspective that may be beneficial to our readers.

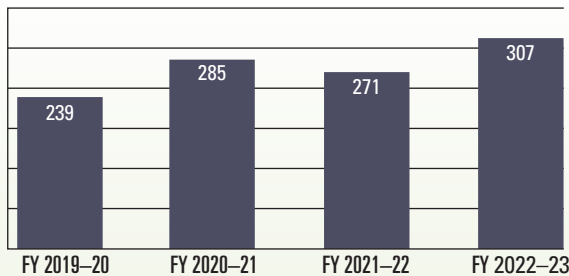
NUMBER OF COMPLAINT INVESTIGATIONS OPENED AND COMPLETED BY MONTH (fiscal year 2022–23)



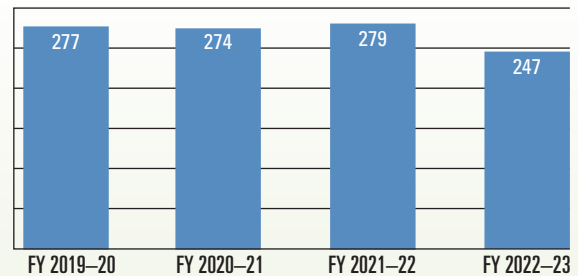
COMPLAINT INVESTIGATIONS OPENED AND COMPLETED



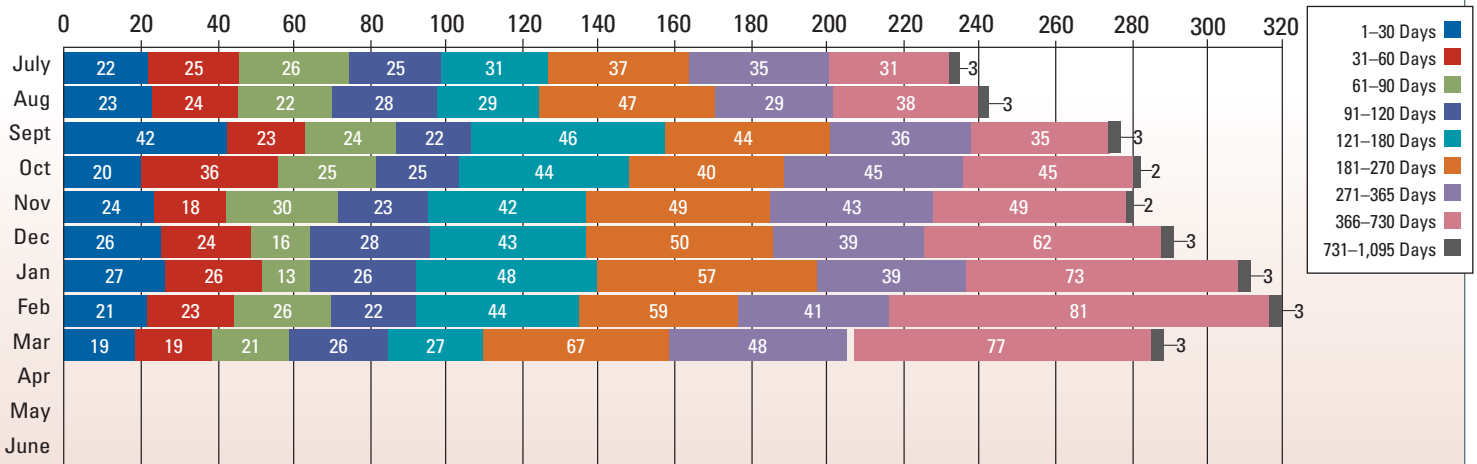
NUMBER OF OPEN (PENDING) COMPLAINT INVESTIGATIONS
(at end of FY or month for current FY)



AVERAGE DAYS FROM OPENING OF COMPLAINT INVESTIGATION TO COMPLETION OF INVESTIGATION



AGING OF OPEN (PENDING) COMPLAINT INVESTIGATION CASES (fiscal year 2022–23)



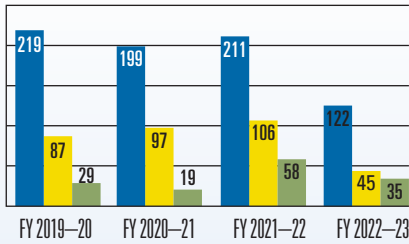
NOTE: Fiscal year 2022–23 statistics are through March 31, 2023.

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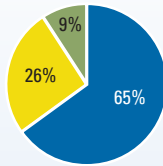
BULLETIN

Enforcement Unit Reports and Information (continued from page 3)

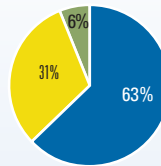
OUTCOME OF COMPLETED INVESTIGATIONS



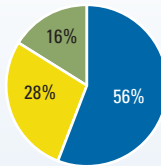
FY 2019-20
TOTAL: 335



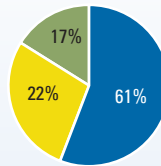
FY 2020-21
TOTAL: 315



FY 2021-22
TOTAL: 375



FY 2022-23
TOTAL: 375



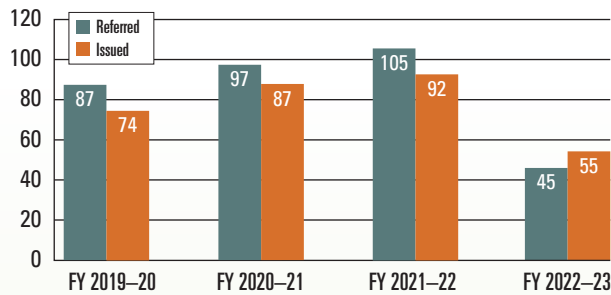
Closed (Closed with No Action Taken, includes the No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.)

Cite (Referred for issuance of citation.)

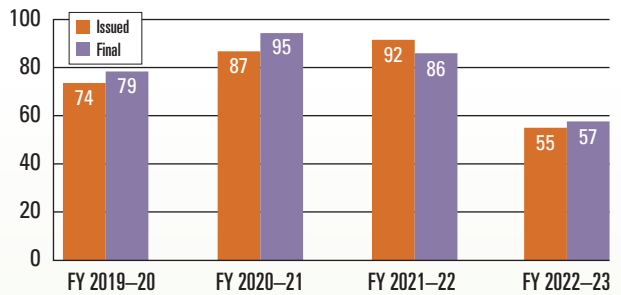
FDA (Referred for formal disciplinary action.)

CITATIONS (INFORMAL ENFORCEMENT ACTIONS)

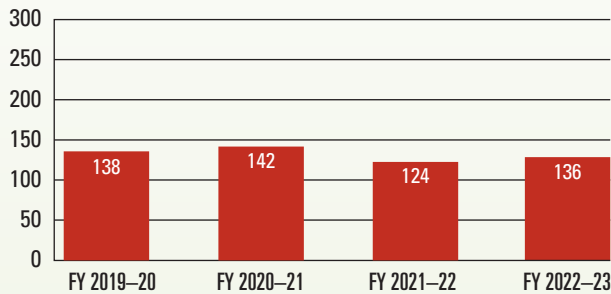
NUMBER OF COMPLAINT INVESTIGATIONS REFERRED AND NUMBER OF CITATIONS ISSUED



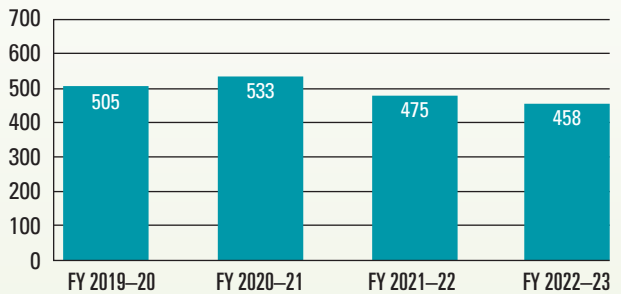
NUMBER OF CITATIONS ISSUED AND FINAL



AVERAGE DAYS BETWEEN DATE OF ISSUANCE OF CITATION AND DATE CITATION BECOMES FINAL

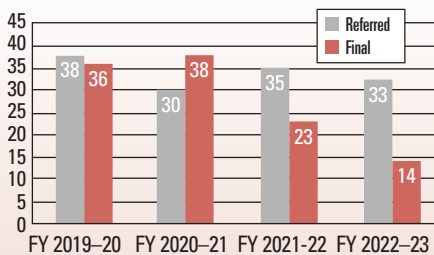


AVERAGE DAYS FROM OPENING OF COMPLAINT INVESTIGATION TO DATE CITATION BECOMES FINAL

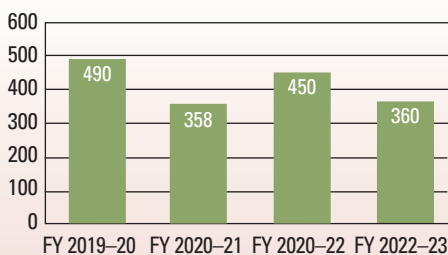


FORMAL DISCIPLINARY ACTIONS AGAINST LICENSEES

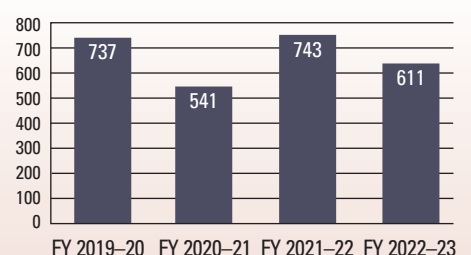
NUMBER OF LICENSEES REFERRED FOR FORMAL DISCIPLINARY ACTION AND NUMBER OF FINAL DISCIPLINARY DECISIONS



AVERAGE DAYS FROM REFERRAL FOR FORMAL DISCIPLINARY ACTION TO EFFECTIVE DATE OF FINAL DECISION



AVERAGE DAYS FROM OPENING OF COMPLAINT INVESTIGATION TO EFFECTIVE DATE OF FINAL DECISION



NOTE: Fiscal year 2022-23 statistics are through March 31, 2023.

OUTREACH EVENTS: JANUARY–MARCH 2023

ALL Virtual Unless Noted

JANUARY

Jan. 12—San Diego—CLSA PLS exam review class. D. Sweeney, P.L.S.

Jan. 17—ASCE S.F. YMF Presentation. In person. N. King, P.E.

FEBRUARY

Feb. 7—Cal Poly SLO—Path to PE license presentations (4) to ME senior design class: M. Donelson, P.E.

Feb. 7—Cal Poly SLO—Path to PE license Presentation to EE Dept., members of Eta Kappa Nu. In person. M. Donelson, P.E.

Feb. 15—PEER Student Committee FE/PE presentation. N. King, P.E. and Dr. M. Qureshi, Ph.D., P.E., T.E.

Feb. 15—Dept. of Conservation’s Division of Mine Reclamation (DMR) inspection workshop. J. Goodwin, P.G., C.E.G., N. King, P.E., and D. Sweeney, P.L.S.

Feb. 15—DMR Inspection Workshop. J. Goodwin, P.G., C.E.G., N. King, P.E., and D. Sweeney, P.L.S.

Feb. 16—University of San Francisco—Professional Licensure presentation: N. King, P.E.

Feb. 21—Arcadis Company Professional Licensure presentation. J. Goodwin, P.G., C.E.G., and N. King, P.E.

Feb. 28—San Francisco AEG presentation. J. Goodwin, P.G., C.E.G.

MARCH

Mar. 2—CSU Sacramento—ASCE Student Chapter FE/PE presentation. N. King, P.E.

Mar. 7—UC Irvine—CEE 181B Licensure and NCEES Exam presentation. N. King, P.E.

Mar. 8—UC Irvine—PE presentation. M. Donelson, P.E.

Mar. 9—Cal Poly Pomona—CLSA Student Chapter Professional Licensure presentation. N. King, P.E., and D. Sweeney, P.L.S.

Mar. 22—Cal Poly Pomona—Role of a Professional in Society presentation. N. King, P.E.

OUTREACH KEY

ACEC American Council of Engineering Companies
AEG Association of Environmental & Engineering Geologists
ASCE American Society of Civil Engineers
CLSA CA Land Surveyors Association
PEER Pacific Earthquake Engineering Research Center, Berkeley
YMF Young Members Forum

In Memoriam

In celebration of the lives and contributions of the following professionals, the Board would like to recognize professionals licensed as engineers, land surveyors, or geologists who recently passed away. This list may not include all those who have recently passed away as we rely on information from the public, other licensees, and family members. Please contact the Board regarding individuals who have recently passed.

3 RD QUARTER JANUARY-MARCH		
Name	License Number	Years of Service
Engineers		
Kenneth Anderson	TR 1194	38
Vincent B. De Palma Jr.	C 15407	58
Kenneth Edward Smith	C 23209	49
Mark Trogstad	M 36643	10
Eugene Weatherby	C 14774	59
Land Surveyors		
John Richard Dawson	L 3547	54
Multiple Licenses		
Mohammad Rafique	C 29618	44
	TR 1184	39

How Land Surveyors Can Avoid Dangerous Situations or be Contacted by the Board—the Right of Entry and Professional Behavior

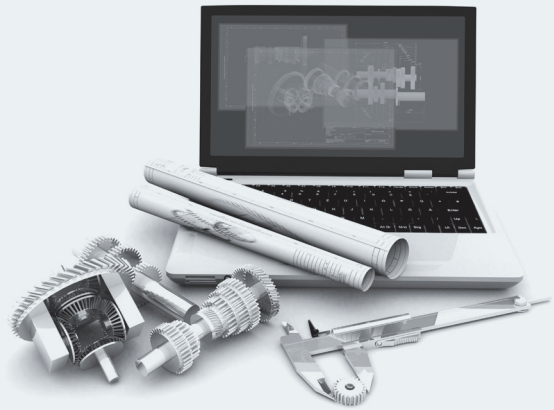
By Tiffany Criswell
Enforcement Program Manager

Perhaps it's the movement to working from home more often. Perhaps it's the increase in home security cameras. Whatever the cause, there is a significant rise in complaints related to residents observing surveyors or their field crews entering properties, and the confrontations that often ensue. Claims include lack of permission or notification, refusal to provide identification and explain the reason and authority to be on a property, law enforcement intervention, destruction of property, and even physical threats.

Professional land surveyors and civil engineers licensed prior to 1982 and the field crews working under their responsible charge, have a legal "right of entry"—the right to go onto a person's property without that person's permission to perform their survey work. These laws are contained in Business and Professions Code section 8774 and Civil Code section 846.5.

However, these laws do not give licensees (or their field crews) the right to destroy property (such as cutting down a tree to provide for a better sight line) or to be rude and confrontational when the property owners ask who the strangers are roaming around on their property.

The law requires surveyors try to notify the property owners before entering their property. The Board realizes that sometimes the property owners are not at home or do not answer their door when you arrive at the property. But certainly, if a property owner approaches you and asks what you are doing on the property, take the opportunity to advise the property owner who you are and why you're on the property. Appropriate responses—no matter how rude the property owner might be—are NOT:



"I have the right to be here!"

"I don't have to tell you who I am!"

"The law says I can be on your property!"

These kinds of responses will at a minimum get a complaint filed against you with the Board and could result in a call to local law enforcement. And while you might not have violated a law, the Board's Enforcement Unit will have to contact you and advise you how to avoid having similar complaints filed against you for similar behavior in the future.

If you or your field crew refuse to provide identification, you are presumed to be trespassing until such time as confirmation is made that you have the legal right to be there. The best response is to identify yourself by name and explain that you are performing the professional practice of land surveying and that the law does give you the right to be on the property.

Two things to remember:

- As the professional land surveyor or civil engineer in responsible charge of the survey, you are responsible for anything your subordinates do while they are out in the field performing the field work.
- You are professional land surveyors and civil engineers; if you and your field crew act professionally in the field, you will be treated as professionals.

Enforcement Actions

Citations Issued to Unlicensed Individuals: Fiscal Year 2022–23 (January–March)

Citations are an alternative to criminal prosecutions that the Board may use to enforce the laws prohibiting the unlicensed practice of engineering, land surveying, geology, and geophysics, or other activities for which a license is required. When a fine is levied with a citation, payment of the fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter pursuant to Business and Professions Code section 125.9(d). Code sections numbered in the 6700s, 7800s, and 8700s refer to the Business and Professions Code; those numbered in the 400s and 3,000s refer to Title 16 of the California Code of Regulations. You may look up the code sections and read the laws on the Board’s website, www.bpelsg.ca.gov/laws/index.shtml. All final citations are matters of public record. For a copy of the final citation order or if you have any questions, you may contact the Board’s Enforcement Unit at BPELSG.Enforcement.Information@dca.ca.gov or (916) 999-3593. Please include the name of the cited person and the citation number in your request.

Cited Person	Citation	Violation Code Sections	Date Final	Fine Amount	Status of Fine
GEITNER, KYLE	20020-U	6787(a),(g); 8792(a)	2/13/2023	\$1,000	

Citations Issued to Licensees: Fiscal Year 2022–23 (January–March)

Citations are issued to licensed engineers, land surveyors, geologists, and geophysicists when the severity of a violation may not warrant suspension or revocation of the licensee’s right to practice. When a fine is levied with a citation, payment of the fine does not constitute admission of any violations charged but represents a satisfactory resolution of the matter, pursuant to Business and Professions Code section 125.9(d). Code sections numbered in the 6,700s, 7,800s, and 8,700s refer to the Business and Professions Code; those numbered in the 400s and 3,000s refer to Title 16 of the California Code of Regulations. You may read the laws on the Board’s website, www.bpelsg.ca.gov/laws/index.shtml. All final citations are matters of public record. For a copy of the final citation order or if you have any questions, you may contact the Board’s Enforcement Unit at BPELSG.Enforcement.Information@dca.ca.gov or (916) 999-3593. Please include the name of the cited person and the citation number in your request.

Cited Person	Citation	Violation Code Sections	Date Final	Fine	Status of
CHAIJ, ELIAS	20036-L	8762(b)(4); 8762(c)	2/13/2023	\$500	Paid
CHAVEZ, EDUARDO	20017-L	6749(a)(4),(5)	1/30/2023	\$250	Paid
GARCIA, NONILON	20008-L	6775(c)	1/12/2023	\$1,000	Paid
MacNEIL, JOHN	11029-L	8780(b); 8761; 464(c)	1/9/2023	\$1,500	Paid
VAN, STEVEN	20039-L	8780.2	2/13/2023	\$500	



(continued on page 8)

Enforcement Actions (continued from page 7)

Formal Administrative Disciplinary Decisions: Fiscal Year 2022–23 (January–March)

A formal disciplinary decision is considered formal administrative disciplinary action against a licensee. It results from the Board’s adoption of a proposed decision prepared by an administrative law judge following a hearing, a stipulated settlement agreement, or a default decision following a full investigation and the filing of an accusation. An accusation is a formal legal document that notifies a licensee of the Board’s charges and allegations of violations against the licensee and that requests a disciplinary order be issued. The licensee is entitled to contest the charges at a formal hearing before an administrative law judge or to agree to a stipulated settlement. A final disciplinary decision contains findings and determinations or statements of advisements, waivers, and culpability and a disciplinary order. If there are findings of violations, the order may include revocation or suspension of the license, a stayed revocation or suspension of the license with a probationary period and terms and conditions of probation, or a public reproof. In the alternative, the decision may find that no violations or violations of a *de minimus* nature occurred and order the dismissal of the accusation. All final disciplinary decisions are matters of public record. For a copy of the final decision or if you have any questions, you may contact the Board’s Enforcement Unit at BPESLG.Enforcement.Information@dca.ca.gov or (916) 999-3593. Please include the name of the respondent and the case number in your request.

Respondent	Case Number	Effective Date	Disciplinary Order
BABICKA, HARRY	1261-A	3/9/2023	Revocation, Stayed; Probation
EVERARD, LES	1262-A	3/9/2023	Revocation, Stayed; Probation
LIU, TIEN KUANG	1288-A	1/12/2023	Revocation of License
MUNGIA, FRANK	1067-A	2/11/2023	Revocation of License
PLOUFF, KACIE	1282-A	3/9/2023	Revocation, Stayed; Probation

Definitions: Outcomes of Formal Administrative Disciplinary Decisions

The following actions constitute formal disciplinary actions against the license which is not the same as an administrative citation.

Public Reproof: The licensee is sent a letter of public reproof advising that licensee of the violations. The letter is a matter of public record, and a copy will be provided upon request. There are no restrictions on the right to practice, nor is the licensee on probation.

Revoked or Revocation of License: The license is terminated, and the right to practice is ended.

Revocation, Stayed, Probation: The order of revocation of the license has been stayed (put on hold), and the

licensee has been placed on probation for a specified period of time with terms and conditions. Professional practice may continue so long as the licensee complies with the specified terms and conditions of probation. If the probation is violated, the Board can pursue further action to terminate the stay and impose the order of revocation.

Suspended: The licensee is prohibited from practicing for a specific period of time.

Voluntary Surrender or Surrender of License: The license has been voluntarily returned to the Board, and the right to practice has ended.

Board Speakers Available

The Board continues its efforts to reach out to groups interested in any of the broad array of Board functions. As part of this outreach effort, we have speakers available to present at meetings and events. Speakers include Executive Officer Ric Moore, P.L.S.; Assistant Executive Officer Nancy Eissler; Enforcement Manager Tiffany Criswell; Senior Engineering Registrars Natalie King, P.E., and Mike Donelson, P.E.; Senior Land Surveyor Registrar Dallas Sweeney, P.L.S., and Senior Geology and Geophysics Registrar Josh Goodwin, P.G., C.E.G.

Our Enforcement, Licensing, Examination, and Outreach units all have speakers authorized to represent the Board. To request a speaker, we will need the following information: size of group, location, time, length and type of presentation, and proposed subject matter. Appropriate advance notice is always appreciated. Current and former Board members may also appear on the Board's behalf, depending on availability.

For more information, contact Board outreach coordinator Brooke Phayer at Brooke.Phayer@dca.ca.gov.

Contact Us

California Board for Professional Engineers, Land Surveyors, and Geologists

2535 Capitol Oaks Drive, Suite 300, Sacramento, CA 95833

ADMINISTRATION

Executive Officer	Ric Moore, P.L.S.	(916) 999-3600
Assistant Executive Officer	Nancy Eissler	(916) 999-3600

ENFORCEMENT, COMPLAINTS, AND QUESTIONS ABOUT THE LAWS	(916) 999-3593
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FINGERPRINTING	(916) 999-3631
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LICENSURE OR CERTIFICATION QUALIFICATIONS AND APPLICATIONS (ALL TYPES)	(916) 999-3635
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LICENSE RENEWAL	Vicki Kereszt	(916) 999-3612
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OUTREACH	Brooke Phayer	brooke.phayer@dca.ca.gov
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SENIOR REGISTRARS (FOR PROFESSIONAL LICENSES)

Engineers (Civil, Structural, Traffic, and Geotechnical)	Natalie King, P.E.	(916) 999-3637
Engineers (Other Than Civil, Structural, Traffic, and Geotechnical)	Michael Donelson, P.E.	(916) 999-3636
Geologists and Geophysicists	Josh Goodwin, P.G., C.E.G.	(916) 999-3638
Land Surveyors	Dallas Sweeney, P.L.S.	(916) 999-3639

WEBMASTER	Celina Calderone	(916) 999-3600
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Board Subscribers List Reminder

Receiving email notifications regarding meetings, legislation, or e-news from the Board couldn't be easier. Simply join our subscribers list on the Board's website. You will then be connected to new editions of the *Bulletin*, notified when the Board holds meetings, and receive information related to consumers, candidates, or licensees.

Joining the subscribers list can be done in just a few easy steps:

1. Visit the Board's website at www.bpelsg.ca.gov.
2. Click on "Subscribe to the Board's Email List" in the "Quick Hits" section.
3. Enter your email address and the specified text or audio link to validate submission of your data.
4. Click on "Submit," you will then receive a confirmation email.



**California Board for Professional Engineers,
Land Surveyors, and Geologists**
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Phone (916) 999-3600
www.bpelsg.ca.gov

Board Calendar

July 2023

7/4: Independence Day,
Board Office Closed

7/27-28: Board Meeting

September 2023

9/4: Labor Day Holiday,
Board Office Closed

9/21-22: Board Meeting



Continuous Testing Exams:

[CA Civil: Seismic Principles Exam and Engineering Surveying Exam; NCEES Civil, Chemical, Electrical, Mechanical, P.S.](#)

SUMMER 2023

BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS



BULLETIN



Social Media: Board Facebook and Twitter Pages

The Board is asking for your help in getting the word out regarding its Facebook and Twitter pages. The Board is posting information of interest to postsecondary institutions and students on a regular basis. This information includes regulatory changes, updates to our website, interesting articles, useful resources, and a host of other Board-related data.

For those institutions that communicate with students through email or some other means, we invite you to share this information with them. The Board will use these social media outlets as an ongoing way to reach our stakeholders. Thank you for your assistance in spreading the word.

Please take a few minutes to like us on Facebook and follow us on Twitter:

 **Facebook**—www.facebook.com/pages/The-Board-for-Professional-Engineers-Land-Surveyors-and-Geologists/107020752801578

 **Twitter**—twitter.com/CA_Engineers



1625 N. Market Blvd.
Sacramento, CA 95834
www.dca.ca.gov