



Association of Environmental & Engineering Geologists *Southern California Section*

“Connecting Professionals, Practice, and the Public”

January 20, 2006

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Board for Geologists and Geophysicists
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RE: Rescission of the California-Specific Examination

Mr. Copelan:

Upon review of the documents associated with the Focus Group that was convened to review the effectiveness of the California Specific Examination (CSE), questions are raised about the composition, appropriateness, bias, and validity of the Focus Group, their conclusions, and recommendations. Individually, these comments may seem to be of minor importance, but collectively they indicate a process that may not have been conducted in a proper manner, that a bias may have been introduced into the Focus Group, and that the members may not have been appropriately chosen.

- 1) ***Are the seven Focus Group members representative of geologists practicing in California who work for clients requiring the protections afforded by the Board? What is the nature of the practice that these geologists perform, and who are their clients?*** One Focus Group member is a CEG, two are CHGs, and the remaining do not have a specialty license. Geologists practicing in the environmental industry will typically have clients who range from large industrial corporations to small businesses. The work generally entails contaminant remediation, and is otherwise not a life-safety-related practice. There is no danger of site or structural collapse in this type of work, and it could be argued that these clients, being business-oriented, are more sophisticated consumers of consulting services than the average property owner building a home.

A Focus Group established to review the effectiveness of the CSE should be composed of geologists whose dominant type of geologic practice is providing services to the relatively unsophisticated consumer of geologic services.

- 2) ***Not one Focus Group member is a member of AEG. Where is the organizational representation on the Focus Group?*** Members of AEG, CCGO, and other recognized geologic organizations were not specifically requested to participate in the Focus Group.

- 3) **Do the Focus Group members have sufficient experience to effectively evaluate the CSE?** Three of the Seven members were licensed within months of being on the Focus Group. Is this considered sufficient experience to evaluate the effectiveness of the CSE? The licensing dates are as follows: June 2005; May 2005; April 2005; May 2003; May 2001; Feb 1995; and May 1994.

The November 15, 2005 Memorandum by Nancy Linn of the Office of Examination Resources states that three had been licensed since 2000 by passing the ASBOG, three were licensed between 1990 and 1999 under the Board-administered exam, and one was exempted based on reciprocity with Florida. **This statement is not correct.** Four of seven passed the ASBOG, and only two were licensed under the old exam. This means that 5 of the seven were licensed relatively recently.

- 4) One of these recent licensees was granted his license in May under the Section 7847 out-of-state exemption. **Can it be reasonably expected that this geologist would have concluded that the CSE is necessary after being granted a license without it?**
- 5) **Were the Focus Group members as unbiased a sample as could be found?** This same licensee is quoted in the May 20, 2005 BGG meeting minutes as saying "as a small business person [I believe] the CSE must be eliminated." This geologist was then placed on the Focus Group.
- 6) The sole CEG on the Focus Group practices in an area of relatively low population, and of hard rock geology with no active landslides, very rare fault activity and even rarer volcanic activity. This area is otherwise lacking in the need for the sophisticated engineering geological knowledge and ability required in coastal areas with soft, weak rock, where rampant development is occurring. **Is this geologist representative of the state of practice?**
- 7) **Why was the Board's existing Technical Advisory Committee not requested to address the effectiveness of the CSE?** The Board's TAC is charged with addressing technical issues for the Board to act upon. This is exactly what the Focus Group was set up to do, and appears to be redundant. The existing TAC members appear to have significantly more experience with standard of practice issues than the Focus Group members, and may be better able to judge the effectiveness of the CSE.
- 8) **The Focus Group functions as an ad hoc TAC.** During the December 2, 2005 Board meeting Mr. Gary Duke, legal counsel to the Board, determined that the TAC must abide by the requirements of the Bagley-Keene and Brown Acts. Therefore, there should have been public notification of the Focus Group meetings, and they should have been held in facilities open to the public. Proper process must be followed for the Focus Group's work to be considered valid.
- 9) The California Building Code defines Engineering Geologist as: "a geologist experienced and knowledgeable in engineering geology." And this is in Appendix Chapter 33 which is **not** required to be adopted by local jurisdictions.

What this means is that jurisdictions that do not adopt Appendix Ch. 33 do not necessarily require geology or soils reports for grading projects. For jurisdictions that do adopt the

Appendix a PG license is all that is legally required to prepare geology reports for engineered projects in California.

Since the ASBOG task analysis generally lacks consideration of faults and landslides, the ASBOG exam cannot be relied upon to test the knowledge and skills appropriate to practice in California; and since a CEG specialty license is not required to practice, that exam provides no substitute coverage.

- 10) In reference to “**The California Specific Exam - A Value Appraisal**” prepared by the Board’s Executive Officer, Dr. Tracy Montez of the Office of Examination Resources writes in her April 28, 2005 Memorandum:

“The occupational analysis *did* identify competencies and knowledge unique to practice in California; however, the document distributed by the BGG stated a different conclusion.”

How could such an error of misrepresentation occur?

She goes on to recommend that “A focus group consisting of subject matter experts and facilitated by a test development expert should be convened...” ***How does the board define “subject matter expert”? And who was the “test development expert?”***

In the minutes for the May 20, 2005 BGG Meeting Dr. Montez is quoted as recommending that the Focus Group work with a psychometrician from the OER. ***Was this done? And if so, who was this person?***

- 11) ***Who from the Board participated with the Focus Group? Was this an unbiased individual with nothing at stake?*** If not, this person should not have been involved with the process.
- 12) Lastly, the CSE Focus Group summary dated November 15, 2005 was prepared not by the Focus Group, not by a psychometrician, and not by a “test development expert.” It was prepared by a “Personnel Selection Consultant.” ***Is the summary a true and correct representation of the Focus Group’s conclusions and recommendations?***

The above comments and questions lead to the conclusion that appropriate processes may not have been followed, that a bias, however inadvertent, may have been introduced into the Focus Group, and that the Focus Group members themselves may not have been chosen in the most appropriate manner. AEG recognizes that the CSE may not be relevant; and therefore, requests that the CSE receive a fair and proper evaluation with a strong emphasis on methods to improve the relevance the exam. And until that process is completed, AEG requests that the conclusions and recommendations of the Focus Group and the approval of those recommendations by the Board during their December 2, 2005 meeting be rescinded.

Sincerely,



Charles Nestle, Chair
Association of Environmental and Engineering Geologists
Southern California Section
PG 6400, CEG 2065