

# Association of Environmental & Engineering Geologists Southern California Section

“Connecting Professionals, Practice, and the Public”

July 19, 2006

Mr. Craig Copelan, President  
Board for Professional Geologists and Geophysicists  
2535 Capitol Oaks Drive, Suite 300A  
Sacramento, CA 95833-2926

**RE: Section 7847 Comity Applications**

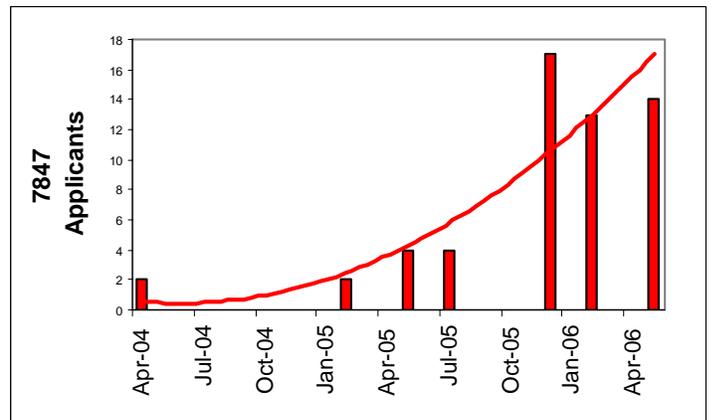
Dear Mr. Copelan:

During the May 19, 2006 Board meeting, discussion of agenda item #8 considered a March 12, 2006 letter I had prepared regarding reciprocal licensure applications under Business and Professions Code §7847 (a copy of the letter is attached). Board Counsel, Mr. Gary Duke, provided a well reasoned and thorough discussion of the issue and recommended specific revisions to the Code for the Board to consider. These recommendations included removing the words “without written examination,” and to more thoroughly scrutinize the procedures used to approve the comity applicants. The Board agreed that this is a serious issue, and to consider implementing Mr. Duke’s recommendations.

As an example of just how serious this issue is, Mr. Duke stated that he is aware of more than one applicant who had grandfathered in another State and was then granted a license in California under §7847 *without having ever taken any licensing examination*. As discussed during the February 17, 2006 Board meeting, applications for reciprocal licensure were very rare until about April 2004, and the number of these applications has increased dramatically since then.

There is a perception that the Board is actively promoting, *if not courting*, applicants for §7847 exemption. The data presented in the adjacent chart only furthers that perception.

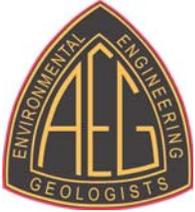
The Southern California Section of the Association of Environmental and Engineering Geologists requests that the practice of granting reciprocal licensure under §7847 of the Business and Professions Code **cease** until such time as the Board has thoroughly reviewed, with legal counsel, and revised, as needed, the process by which these licenses are granted.



Sincerely,

Charles Nestle, Chair  
Association of Environmental and Engineering Geologists  
Southern California Section

cc: J. Schmidt, C. Yu, R. Blake



# Association of Environmental & Engineering Geologists

## *Southern California Section*

*"Connecting Professionals, Practice, and the Public"*

March 12, 2006

Mr. Craig Copelan, President  
Board for Professional Geologists and Geophysicists  
2535 Capitol Oaks Drive, Suite 300A  
Sacramento, CA 95833-2926

**RE: Section 7847 Comity Applications**

Dear Mr. Copelan:

During the discussion of item 8 at the February 17, 2006 Board meeting, *Consideration of Approval of Comity Applications for licensure via Section 7847 of the Geologists and Geophysicists Act*, I questioned if it was possible for any applicant for reciprocal licensure to meet the requirements of Section 7847 without having taken and passed the California Specific Exam. The Board's legal counsel responded that this issue had been discussed and resolved at an earlier date and that the applicants do meet the requirements of the Act. I assert that the Board's counsel's statement is in error, and that the text of Sections 7847 and 7841(d) and a statement by Executive Officer Paul Sweeney proves this is so.

Section 7847 states: "The board...may issue a certificate of registration as a geologist...without written examination, to any person holding an equivalent certificate of registration as a geologist...issued to him by any state or country *when the applicant's qualifications meet the other requirements of this chapter and the rules established by the board*" [emphasis added]. Section 7841(d) of the Act reads: "Successfully pass a written examination that incorporates a national examination for geologists created by a nationally recognized entity approved by the board, **and a supplemental California specific examination**" [emphasis added].

Additionally, the Board's Executive Officer, Mr. Paul Sweeney, states on page 5 of his document *The California Specific Exam – A Value Appraisal* (April 20, 2005) that "Out-of-state licensees who have passed ASBOG since 1996 **are prohibited from practicing in California until they have passed the CSE.** Individuals who are licensed in other states through 'grandfathering' (non-examination licensure) **must take both the ASBOG and CSE**" [emphasis added].

It is the Board's fiduciary duty to correctly apply and enforce the provisions of the Geologist and Geophysicist Act. I request that the Board and counsel provide a written determination of the legal qualifications of all those licensed under Section 7847 and take appropriate action as warranted.

Sincerely,

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

CC: W. Black, J. Schmidt, C. Yu