

**BOARD OF FORESTRY AND FIRE PROTECTION
PROFESSIONAL FORESTERS REGISTRATION**

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**PROFESSIONAL FORESTERS EXAMINING COMMITTEE****Open Session Meeting Minutes****Held: Thursday, February 26, 2009**

Resources Building, 1416 9th Street, **15th floor, LARGE CONFERENCE ROOM, 1506-12**
Sacramento, California

TELECONFERENCE LOCATION: Department of Forestry and Fire Protection,
San Bernardino Unit Office, 3800 North Sierra Way, San Bernardino, California 92405

Members Present: Doug Ferrier, Chairmen
Otto van Emmerik (participated by telephone)
Kimberly Rodrigues (participated by telephone)
William Frost
Raymond Flynn
Gerald Jensen
Michael Stroud (participated by telephone)

Members Absent: Tom Osipowich

Staff Participating: Eric Huff, Executive Officer

Agency/Public: Jerry Ahlstrom, Cal Fire
Chris Browder, Cal Fire

Item #1: Approval of Open Session minutes of December 18, 2008 Meeting.

02-09-01 Member Rodrigues moved to approve the minutes. Vice-Chair van Emmerik seconded the motion. The motion carried unanimously with two abstentions for absence.

Item # 2 Report on Status of Professional Registrations and Certifications.

Executive Officer Huff referred to the "RPF/CRM Vital Statistics" handout provided for the members and general public. He reported a high confidence level in the accuracy of the statistics. Mr. Huff noted that staff had reviewed every registrant file individually and attempted to make contact with registrants from whom the office had received no recent contact.

Item # 3 Report on status of contracts for RPF Exam Preparation and Grading, Condition of the Professional Foresters Registration Fund.

Mr. Huff updated the PFEC on the status of contracts for examination preparation and grading services. The existing contracts are not renewable thus requiring that three new contracts be prepared and posted for bid. Mr. Huff expects the bid invitations to be posted in the next few months. The bid invitations are posted to the Department of Personnel website as well as to potentially interested and qualified consulting RPFs.

Mr. Huff then reported on the status of the Professional Foresters Registration Fund noting that all exam and renewal fees go to a central treasury investment account. The Program is then “reimbursed” for its operating expenses. This gives the appearance that the Program has a large pool of money from which to draw. In fact, on paper the special fund consists of just under a half million dollars. However, when the state is strapped for cash as it is currently, the Program’s special fund is simply considered state money and completely expended for a variety of state operating expenses. This came to the Executive Officer’s attention when one of the graders reported that he had not been paid for the grading of the December exam. Because the state had surreptitiously expended the special fund, Huff had to wait until checks for the upcoming RPF Exam were collected and use that cash to pay the grader.

Item #4 Presentation by the Department on RPF Civil Penalties Payment Issues and Possible Amendment of the Professional Foresters Law.

Jerry Ahlstrom, Enforcement Coordinator for the Department of Forestry and Fire Protection presented a proposal to revise the regulations for Professional Foresters and Certified Rangeland Managers. The regulations for civil penalties took effect in 2000 and the statute provides that Licensed Timber Operator’s (LTO’s) who fail to pay civil penalties cannot receive their license until the penalties are paid in full. More recently, some RPF’s have had civil penalties judgments against them. However, there is no provision in the regulations that would penalize an RPF or CRM for failure to pay a civil penalty assessment. Mr. Ahlstrom’s proposal would remedy that situation by making failure to pay a civil penalty judgment actionable under the Professional Foresters Regulations.

Chairmen Ferrier asked Mr. Ahlstrom how many RPF’s have civil penalties been issued to and Ahlstrom replied that there had been two such RPFs (no CRMs). The Chairman then asked if both had failed to pay their civil penalty assessment and Mr. Ahlstrom replied that one of the two had failed to pay.

Member Rodrigues suggested that the number of cases in which an RPF failed to pay their civil penalty is not so much the issue as the public’s perception that RPFs are being held accountable under the same standard as an LTO.

While the Members generally agreed that it would be difficult to justify an accusation of *gross negligence* for failure to pay a civil penalty, an accusation of *fraud* may be sustainable.

Discussion concluded with the request that the PFEC have some time to consider the proposal and hear further from Mr. Ahlstrom as development of the idea continues.

Item # 5 Discussion of Recent Trend of Higher RPF Examination Pass Rates

Mr. Huff introduced the topic and provided a historical perspective on the pass rate since the examination was first offered in 1973. Expert Examiner, Carl Yee observed that the average score has not changed, but the pass rate has changed and that there is high variation between cohorts though at the moment the exam pass rate is on an upward swing. In Dr. Yee's opinion, the pass rate has always been a reflection of the person taking the test, not of the test itself. Those that pass are the ones who have a wide variety in their three years experience, and likely focus their study on the areas they know least well.

The Members generally agreed that no action needed to be taken in terms of adjusting the exam. Mr. Huff will discuss the topic in an upcoming issue of Licensing News.

Item # 6 Discussion on Public Comment Regarding the Decision of Case D-308.

Mr. Huff introduced the topic noting that he had received comment to the effect that there was too much publicity on the outcome of the case.

Chairmen Ferrier observed that once the Board has taken action and that action is released to the media outlets pursuant to the regulations, it is beyond the control of the PFEC.

Item # 7 New and Unfinished Business

Mr. Huff reported that he is still working on the follow up with people who have participated in both the exam and the CLFA RPF Exam Prep Seminar.

Mr. Huff reported that he had sent Calaveras County Planning a notice regarding their posting of a project bid requesting "licensed arborist" rather than "licensed forester" participation. Calaveras County accordingly revised the bid prospectus.

02-09-02 Member Flynn moved to adjourn the meeting. Member Jensen seconded the motion. The motion carried unanimously.

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