

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

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**PROFESSIONAL FORESTERS EXAMINING COMMITTEE****Draft Open Session Meeting/Teleconference Minutes****Held: Thursday, February 17, 2011**

Resources Building, 1416 9th Street  
**15<sup>TH</sup> FLOOR LARGE CONFERENCE ROOM, NO. 1506-12**  
Sacramento, California

**Members Present:**

Doug Ferrier, Chair  
Otto vanEmmerik (phone), Vice-Chair  
Jerry Jensen  
Raymond Flynn  
Tom Osipowich (phone)  
Kim Rodrigues

**Staff Participating:**

Eric Huff, Executive Officer  
Shana Bagley, Deputy Attorney General (phone)

**Item #1: Approval of Open Session minutes of December 16, 2010 Meeting.**

**02-11-01** Member Jensen moved to approve the minutes and Member Flynn seconded the motion. The motion carried with two abstentions due to absence.

**Item #2: Reports of Chairman and Executive Officer.**

Executive Officer Huff reported that the Board of Forestry and Fire Protection is now reduced to six Members. He also reported on the delays in payment to the Program's contractors. It took over 100 days for the Expert Examiner to be paid for his contracted services. At least one Exam Grader has not yet received payment nor have the Exam Proctors.

Chairman Ferrier reported that he had been reappointed as Chair of the Committee at the Board meeting earlier in the month.

**Item #3: Review of Draft Conceptual Revisions and Amendments to the Professional Foresters Law, Public Resources Code Section 750.**

Executive Officer Huff introduced the topic and summarized the latest revisions to the draft proposal for amendment of the Professional Foresters Law. The revisions reflect the direction of the Committee at the December 2010 meeting as well as Deputy Attorney General Shana Bagley's suggested changes related to legal cost recovery.

Member Jensen had two questions about the retired status and legal cost recovery provisions of the proposal. He specifically questioned what sort of examination process would be imposed for testing of retired status RPFs that would seek full reinstatement to active status. Executive Officer Huff responded that the draft language is intended to allow for an abbreviated examination rather than the normal 7-hour comprehensive initial examination. Several Members concurred with this approach.

Member Jensen's second question concerned the provision for an Administrative Law Judge to waive awarded costs where it has been found that the respondent does not have the ability to pay the awarded costs. Deputy Attorney General Bagley responded that this provision is based upon case law that requires the respondent to present real evidence to support the contention of inability to pay. The judge then has to weigh the evidence and determine what the appropriate payment amount and schedule should be. It is rare that a complete waiver of the awarded costs is granted by a judge.

Member Flynn questioned whether or not there is an existing Department bill proposal with which this proposal could be included. EO Huff responded that there is not a proposal well suited to inclusion of this proposal at this time.

Chair Ferrier questioned the reasonableness of requiring a retired RPF seeking full reinstatement to pass even an abbreviated examination under certain circumstances. He suggested that there should be an allowance for PFEC discretion to determine when an examination is necessary to determine professional currency and competency. This discussion resulted in a revision to the proposal to allow for PFEC discretion in making the determination of whether or not an examination is necessary for reinstatement of a retired license.

Chair Ferrier then questioned the proposed cost recovery provision that only allows for conditional renewal or reinstatement of a license for a maximum of one year where the respondent enters into an awarded payment plan. It is conceivable that a respondent could be subject to a payment plan over multiple years. EO Huff accordingly suggested that the one year maximum language be struck from the draft proposal. The Committee concurred with this revision.

Deputy Attorney General Bagley questioned the provision stating that the 'Board cannot recover costs incurred at the administrative hearing.' EO Huff responded that this language is intended to reinforce Board Policy that requires the cost of the actual hearing to be paid from the Professional Foresters Registration Fund. Deputy Attorney General Bagley noted that this is not clear as presented in the language and suggested revision to improve clarity.

She then provided an overview of disciplinary options available to the Contractors State License Board including the use of administrative civil penalties where the local District Attorney declines to prosecute a complaint. She suggested that such provisions could be useful to this proposal and the Committee concurred. EO Huff will revise the language accordingly working with Deputy Attorney General Bagley.

Member Rodrigues inquired as to next steps for the proposal. The Committee discussed how best to proceed with the proposal concluding with direction to the Executive Officer to revise the proposal and keep it on file for possible future action.

#### **Item #4: Discussion of Draft Committee Priorities for Inclusion in 2011 Board Priorities Report.**

Executive Officer Huff presented the draft priorities and explained how they were organized. He summarized the intent behind each of the identified draft priorities. Member Jensen suggested a clarification to priority number 5 in the first set of priorities so that it is clear that the PFEC makes disciplinary recommendations to the Board. Member Rodrigues suggested that there should be a priority focused on the creation of stronger working relationships with the Board, professional societies, and the general public. The Committee concurred with this addition.

Member Flynn asked whether or not the Executive Officer has continued outreach to Humboldt State and Cal Berkeley in addition to his alma mater, Cal Poly SLO. EO Huff responded that he has not been diligent in his outreach to all of the schools. On a related note, Vice-Chair vanEmmerik reported on an effort that Green Diamond has undertaken to educate high school students about forestry as a career choice. Students get to go out to the woods with a forester and learn about the practice of forestry.

Member Rodrigues suggested that continuing to assist with the annual RPF examination preparation seminar should be included as a priority. Member Flynn suggested a revision to priority number 2 in the first set of priorities to reflect that the PFEC reviews, revises, and certifies draft RPF exams. The Committee concurred with these two and the other proposed additions and revisions to the draft priorities. The priorities will remain open to revision on an ongoing basis.

#### **Item #5: New and Unfinished Business**

– **Status update on a proposed contract for the development of new RPF exam questions:**

The Executive Officer reported that no progress on this proposal had been made since the last meeting. Member Rodrigues inquired about the possibility of consulting with universities to develop questions without having to contract for this service.

– **Status update on proposed revised Certified Rangeland Manager Program Guidelines:**

The Executive Officer and Deputy Attorney General Bagley reported that a number of revisions to the draft revised CRM Program Guidelines are necessary to maintain compliance with the Administrative Procedures Act, Public Resources Code, and Title 14 Regulations. The EO in consultation with the Deputy Attorney General will work to complete these revisions and circulate it to the PFEC Members.

#### **Adjournment**

**02-11-02** Member Flynn moved to adjourn the open session. Member Jensen seconded the motion. The motion carried unanimously.

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