

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

P.O. Box 944246

SACRAMENTO, CA 94244-2460

Website: www.bof.fire.ca.gov/licensing/licensing_main.html**Professional Foresters Examining Committee****OPEN SESSION MEETING MINUTES****Held: June 24th 2015**

Resources Building, 1416 9th Street
15th Floor Large Conference Room, No. 1506-12
Sacramento, California

Members Present:

Otto van Emmerick – Vice Chairman
Dan Sendek
Jerry Jensen
Jason Poburko

Staff Participating:

Matt Dias, Executive Officer - Foresters Licensing
Shuhani Patel, Assistant to the Executive Officer

Members of Public:

Kent Harris
Charles Greenlaw

Associated California Loggers:

Eric Carlson
Bob MacMullin

California Licensed Foresters Association:

Clay Code
Kevin Conway

CAL FIRE staff:

Matthew Reischman
Cary Japp
Bill Solinsky

Waterboard staff:

Nick Kunz

1. Reports from the Chairman and Executive Officer.

EO Matt Dias introduced the newest member of the PFEC; Jason Porburko was selected by the PFEC and approved by the Board in the last meeting. Jason Porbuko has worked for SPI for 14 years and will

The Board's mission is to lead California in developing policies and programs that serve the public interest in environmentally, economically, and socially sustainable management of forest and rangelands, and a fire protection system that protects and serves the people of the state.

be serving as an Industry member of the PFEC. George "YG" Gentry's last day will be July 10th, 2015 and EO Dias will be serving as the acting Executive Officer. Kent Harris was introduced; he has been with the attorneys general office for 25 years and handles licensing cases. He will work as a liaison with EO Dias to handle disciplinary cases. Steve Lerner is the Board counsel and will work closely with Mr. Harris when need be.

EO Dias stated that YG and he attended Doug Ferrier's memorial services with about 150 other people and about 12 RPFs. Doug was very involved in the community in Dutch Flat and was recognized for all his services. A few thousand dollars were raised for a plaque in his honor and a tree, donated by Associated California Loggers, will also be planted as well for remembrance.

2. RPF/LTO Responsibilities with participation including, but not limited to, Associated California Loggers, CAL FIRE and California Licensed Foresters Association.

Since the last meeting an interim meeting was held with CAL FIRE, ACL, CLFA and Board staff that worked toward developing problem statement that could be agreed upon. The problem statement, if accepted by the PFEC will be the relied upon problem statement for future efforts in this discussion. In addition, the solutions that were previously provided by ACL were discussed and eventually compartmentalized into regulatory and non-regulatory solutions. These solutions, or a possibly combination of regulatory and non-regulatory solutions, could be recommended to the FPC as viable options to be implemented by the Board. EO Dias stated that the non-regulatory option could entail development of a Board policy, a Memorandum of Understanding between the Department and the Board, or simply a memo or letter from the Board to the Department. The regulatory pathway was focused on clarifying and making specific the responsibilities of each licensee to make it clear who would be responsible for each violation.

CAL FIRE reiterated that the Department is not in favor of creating an appeal process or pursuing regulatory revisions. Chief Reischman recommended that ACL and CLFA work closely with the Department staff to educate them on the Department's policies. Chief Reischman further stated that communication and training is the best way to resolve this issue. He stated that the available data (FPS data) has not been reviewed fully to fully evaluate if a problem exists.

EO Dias stated that he utilized FPS to query violations from 2013-2014. There were several instances where RPFs and/or LTO did not get violations were the observations made in the violations would sees to indicate that partial culpability existed for both parties. EO Dias indicated that a problem seemed to exist and that the PFEC has seemed to agree in past meetings.

Cary Japp stated that it is difficult to look at it from the Department's and enforcement standpoint. Violations are only given to individuals that meet all the criteria to receive one; questions such as Who, What, When, and Why should all be present for the violation to be written. He also stated that the number of violations that were not given due to discretion used is not recorded or documented in any manner.

EO Dias has stated that a letter of warning and corrective actions would not be viable solutions to this problem, which was offered by ACL. Those actions occur subsequent to the issuance of a violation, and could not supplant an actual violation. This was learned through discussions with the Department Law Enforcement staff.

EO Dias stated that he would attempt to put together a Draft letter from the Board to the Department that reflects the non-regulatory pathway and the ideas that have been discussed to increase education and outreach.

3. Discussion of Contracts.

EO stated a new bid contract is underway for an expert grader for Len Lindstrand is submitted; which we are 6 months away from the expiration date. Most likely, we expect that Len Lindstrand will be the new grader again for another 2 year term. Bob Heald and Jim Ostrowski's contract for expert examiner will be looked at for expiration date and needs for renewal in advance as the process is extremely time consuming.

4. Discussion of the Current Condition of the Professional Foresters Fund

EO Dias brought forth that the current fund balance is at \$352, 058.38. He will continue monitoring the fund balance and working closely with the accounting unit to get expenditures and revenue reports. The fiscal year came in to an end July 1st and 2 years of data has been collected. Advance collection of all funds was utilized so all renewal fees from that year will be in one fiscal year to easy comparison. There will be a meeting between licensing staff and accounting office for final determinations in the fund balance.

5. New and unfinished business.

RPF Steven Butler called the Licensing Office and expressed concern over the an interpretation of Labor Board code 1720 definition of Public Works could include forestry, which would require consulting RPFs to enroll as a Public Works contractor. No prevailing wage rates for foresters have been set. He was hopeful that the PFEC and/or Board would be willing to investigate the issue with the Department of Industrial Relations to determine if the definition of Public Works actually should or does include forestry. This topic was introduced and will be discussed at future PFEC meetings.

EO Dias brought forward the notion that universities, including SAF accredited programs, are offering certificate programs in carbon accounting in forested landscapes. It is likely that future exam applicants will be asking for these certificates to account for exam qualification standards. This has not yet occurred, but it will likely occur in the near future and the PFEC should contemplate the issue in the future.

EO Dias stated that at the next PFEC meeting that a discussion on committee membership and officers needs to occur. The PFEC currently has no chairman and a new public Board member will soon be appointed, who will likely replace Chairman Gilliss on the PFEC.