

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

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**Professional Foresters Examining Open Session Committee Meeting Minutes**

Held: September 5, 2019

**Members Present:**

- Otto Van Emmerik, Chair
- Frank Mulhair
- Jerry Jensen
- Larry Forero
- Jason Poburko
- Dan Sendek

**Staff Participating:**

- Dan Stapleton, Executive Officer, Licensing

**Open Session****Committee Members reviewed Open Session Meeting Minutes from the June 27, 2019 meeting.**

09-19-03 Member Poburko moved to approve the Meeting Minutes. Member Jensen seconded.

**Roll Call: Sendek: (Aye); Jensen: (Aye); Mulhair (Aye); Forero: (Aye); Poburko: (Aye); Van Emmerik: (Aye)**

**The Motion carried.**

**Report of the Executive Officer**

E.O gave a brief update on what has been going on in the Licensing office. The office received 53 applicants for the October 2019 RPF Exam with two CRM's. That is another 10-year high as was the 51 applicants who applied for the April 2019 Exam. This is an excellent trend moving into the future as current RPF's retire. He is also working with CAL FIRE and the Department of Finance to look at long term solutions on funding.

He has had discussions with Master Examiner's and Graders on how to help potential applicants prepare for the exam.

**Committee members reviewed the renewal and other fee amendments, amendments to PRC 1647, draft Initial Statement of Reasons and draft Plead.**

E.O. gave a brief overview of what was discussed and amended at the June 27, PFEC meeting.

**Committee Discussion**

Member Sendek made suggestions on lines 1-10 strike the words “discount on” and replace it with “renewal of license, \$250” He also suggested that the E.O. review RPF fund annually to discover potential issues so they may be addressed sooner. E.O. will create an agenda item to present annually to the PFEC with prior fiscal year’s information to evaluate how the fund is performing.

It was mentioned that the term fund 0300 should be given a different name in the report. Suggesting Professional Forester’s Registration fund. E.O. responded that the change will be made throughout the document where 0300 is mentioned. The draft plead needs to be in place by April 2020.

**09-19-04 Member Jensen moved to approve as amended. Member Sendek seconded.**

Roll Call: Sendek: (Aye); Jensen: Aye; Mulhair (Aye); Forero: (Aye); Poburko: (No); Van Emmerik: (Aye).

**The motion carried.**

**09-19-05 Member Poburko made a motion to remove the reference to the 0300 fund and replace with Professional Forester’s Registration fund globally across the document. Member Forero seconded the motion.**

Roll Call: Sendek: (Aye); Jensen: (Aye); Mulhair (Aye); Forero: (Aye); Poburko: (Aye); Van Emmerik: (Aye)

**The Motion carried.**

**Appeal Procedure Amendments**

E.O. gave an overview of the appeal process. Committee members discussed how to work through the appeals process.

**09-19-06 Member Jensen moved that any exams graded on appeal must pass based on an average of at least two scores with the Exam Graders. Member Forero seconded.**

Roll Call: Sendek: (Aye); Jensen: (Aye); Mulhair (Aye); Forero: (Aye); Poburko: (Aye); Van Emmerik: (Aye)

**The motion carried.**

**Committee Discussion:**

In terms of the two scores, E.O. wanted to clarify, it would need to be the average score from the original graders combined with the exam regrade score and would be a cumulative total average across the exam.

E.O. stated that he has worked with the Regulations Coordinator and the Board's Attorney. The language in the document needed to reflect when applicants request an appeal, the appeal shall be made in writing and shall include the reasons or circumstances leading to the appeal and the items on which the appeal is made along with supporting documentation and shall be accompanied by a non – refundable \$100.00 fee.

**Member Jensen moved to approve the Appeal Procedure Amendments regulatory language. Member Sendek seconded.**

Roll Call: Sendek: (Aye); Jensen: (Aye); Mulhair (Aye); Forero: (Aye); Poburko: (Aye); Van Emmerik: (Aye)

**The Motion carried.**

**Committee Members reviewed nominations for PFEC Public and Consulting Membership.**

- Michael Atkins (Consultant)
- Andrew David Funk (Consultant)
- James Christian Eggleton (Consultant)
- John Vona (Consultant)
- Michael J. Bacca (Public)

**09-19-08 Member Forero nominated Michael J. Bacca for Public Membership. Member Poburko seconded.**

Roll Call: Sendek: (Aye); Jensen: (Aye); Mulhair (Aye); Forero: (Aye); Poburko: (Aye); Van Emmerik: (Aye)

**The Motion carried.**

E.O. commented, that their geographic location should also be considered.

**09-19-09 Member Poburko nominated James Eggleton for Public Membership. Member Jensen seconded.**

Roll Call: Sendek: (Abstained); Jensen: (Aye); Mulhair (Aye); Forero: (Aye); Poburko: (Aye); Van Emmerik: (Aye)

**The Motion carried with one Abstention.**

**Committee Members reviewed the “Role of the Registered Professional Forester, 2013” for updating.**

### **Pg. 6 Professional Ethics**

E.O. reported that the proposed regulation RPF/CRM amendments are being reviewed by the Office of Administrative Law (OAL). OAL suggested Section 1611.2 be removed from the document. This was language regarding fiduciary responsibility to a client, which is not found in the Professional Foresters Law and is not supported. Specific language in any Board document should be backed in regulation. If specific professional ethics language isn't included in the Professional Foresters Law, it can't be cited.

Member Forero suggested striking the second sentence in the first paragraph. A reference to a code of ethics shouldn't be included.

Member Poburko commented that it is an informational document only, it isn't a regulatory document. E.O. stated that the last sentence should not be included.

### **Committee Discussion:**

Member Poburko commented on the section of the Role of the RPF that pertains to forestry related environmental laws in California, page 6. There is language he saw that he would like to see revised for clarity such as the Clean Water Act. Given the complexity of these laws they should only be cited rather than provide any interpretation of them. Member Forero added that maybe the Environmental Laws section shouldn't be included.

Member Jensen was reluctant to remove them, he commented there needs to be something to inform the general public about the laws or at least for further investigation or discussion.

George Gentry added at the very minimum there needs to be a list of laws. There should be something about the Timber Harvest process.

E.O. will copy the language from the document to an editable word document and send out to committee members for further review.

### **Public Forum**

George Gentry suggested, the committee should review and discuss AB 5, Independent Contracting to determine if it will affect the contracts process. E.O. will send out a google poll on dates for the next PFEC meeting.

**Adjourn Meeting**