

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

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**Professional Foresters Examining Committee Meeting Minutes**

Held: August 26, 2020

OPEN SESSION MINUTES**Members Present:**

- Otto Van Emmerik, Chair
- Frank Mulhair, Vice Chair
- Larry Forero, CRM representative
- Dan Sendek
- James Hawkins
- Christian Eggleton
- Bill Snyder

Staff Participating:

- Dan Stapleton, Executive Officer, Licensing
- Deniele Cade, Assistant to the Executive Officer, Licensing Analyst
- Robert Roth, Attorney

CLFA:

- George Gentry, California Forestry Association
- Robert Little, California Licensed Forester Association

Approval of Open Session Minutes for June 22, 2020

Committee Members reviewed June 22, 2020 Open Session Meeting Minutes. It was addressed that Chris Eggleton was present for the meeting and needed to be added to "Members Present." Additionally, on page 3, member "Roberto" should be corrected as "Poburko."

Member Mulhair moved to approve the Meeting Minutes. Member Forero seconded.

Roll Call: Mulhair (Aye), Forero (Aye), Sendek (Aye), Hawkins (Aye), Eggleton(Aye), Snyder (Aye), Van Emmerik (Aye). The motion passes unanimously.

Report of the Executive Officer

E.O. Stapleton reported on the renewals and funding for 2020 as of August 11, 2020. Of the 560 RPF renewals mailed out, 292 regular RPF's renewed, and 224 30-year RPF's renewed. Of the 41 CRM renewals mailed out, 33 CRM's renewed. There were also 12 additional reinstatements from withdrawal, however, 30 went into withdrawal status, and 44 voluntarily relinquished their license. He stated that the

program has made \$186,890 and will fall short of about \$7,000. Despite the shortfall, he believes that the 30-year renewal discount helped to retain many RPF's from the fee increase. Stapleton stated that the program application fee is limited by law to \$200, but if it can be increased over time, this could help put budgets in the black. He is hopeful that the program is close to getting funds into corrected conditions. He stated that even with the usual 25 to 30 applicants in a year that get their license, once they come into the fold, the deficit will be gone.

E.O. Stapleton also reported on the status of applications and the RPF exam. Since the April exam was postponed, there are 66 RPF applicants and 1 CRM applicant taking the upcoming October exam. The venues for the exam are located in Eureka, Redding, Shingle Springs, Santa Rosa, Visalia, Fort Bragg, and Sacramento. There are actions to implement mitigation plans for COVID-19. Examinees must wear face coverings, and have their temperature taken before entry. Proctors will wear rubber gloves, and surfaces will be sanitized before and after examinations. Additionally, if weather and air quality permits, doors and windows will be open to allow for sufficient air flow. E.O. Stapleton states that he strongly recommends switching to online exams, and would like to discuss this at the next PFEC meeting in November or December.

Review and Update PFEC Policy Items

E.O. Stapleton reminded everyone that the document is only a guidance, and that it is important to remain general as specific requirements will need to be supported by regulation and if not supported will require rulemaking.

PFEC Item3(b) Policy Review – Staff Proposed Edits:

E.O. Stapleton stated that starting at the top, the date needs to be changed. Staff crossed out sections, and added generalized language stating that these policies are neither mandatory nor enforceable in their own right. In policy 1, staff struck out language regarding burden of proof, and added generalized language. In policy 6, they struck out policy code. In policy 7, they removed regulations that were outside the jurisdiction for the State of California. Additional language was added to simplify and generalize policies. In policy 8, language was added where the E.O. has the discretion to determine that, "the facts pertaining to the processing of a particular complaint warrant deviation from these guidelines..." Staff struck out Miranda rights, as both staff and E.O. Stapleton felt that it was inappropriate. There is also a strike-out under accusation, where "suspension" was changed to "formal accusation." Language was changed to help avoid going through the process of a hearing. Additionally, the policy to notify clients and employers in the case of suspensions was struck out, as E.O. Stapleton stated that he has never done that.

Member Sendek recommended that policy 8, Board Actions from Hearings Findings, should be reviewed by staff regarding notifications to existing employers and clients.

Y.G. stated that per the Professional Foresters Laws and Regulations, when a license is suspended, it is required to notify the clients. He explained that license suspension isn't just licensing news, it is for the daily recorder, and that the strike-out in policy 8 seems to conflict existing regulation 1612.2a2.

In policy 10, changes were simplified but still informative. Staff added that conditions are, "determined by a case by case basis."

Member Snyder stated that it seems to be Timber Harvesting centered, and there are other documents prepared by RPF's that should be included to expand the focus.

It was decided that policy 10 needs to be revised by staff to provide more focus on work products that RPF's can undertake, with more information specific to RPF's.

PFEC Item3(a) Policy Review – Snyder Edits:

Member Snyder made changes starting with policy 3. Language was added to clarify that a statewide list shows only the registration number. In policy 5, language was added to provide clarification for list types, and the information that is included. A section for the CFIP list was also added.

E.O. Stapleton mentioned that there was prior discussion to combine the consultant and CFIP list.

Member Sendek proposed to rename statewide consumer list to statewide contact list.

E.O. Stapleton clarified that a consumer list should only display the name and license status to be used solely for verification purposes. He also wants to replace the public list with the statewide consumer list.

Vice Chair Mulhair expressed that he liked the idea that the public can verify license status for RPF's.

There were discussions to have two lists, a statewide and a consultant list, where the consultant list will provide more information including participation in CFIP, contact information, and the region of service. The regions would include county, statewide and geographical descriptions. There were discussions to provide information for landowner assistance instead of CFIP, or in addition to.

Bob Little recommended to add three categories, including harvest document, forest practice (CFIP, urban, and forest health), and federal categories that RPF's work under to keep the list generalized.

E.O. Stapleton will generalize information in policy 5 up to item c, with the removal of the entire section on the CFIP list, and recommends coming back to it at the next meeting.

There were discussions to make changes for policy 10. E.O. Stapleton recommended using PFEC Item3(b) Policy Review – Staff Proposed Edits to make changes. There were discussions to provide language to include RPF work product.

E.O. Stapleton proposed to strike, "written timber harvest plans and other related documents," and include, "required RPF professional work product."

Y.G. recommends including, "professional work products including but not limited to..." and list several examples.

It was decided to change the word "increase" to "include" in line 6 under policy 10 that reads, "It is the intent of the Board that this type of review will increase the thoroughness and completeness..." Additionally, it was decided that the last line should state, "including but not limited to the following."

Policy 11 had discussions for change as well. It was recommended to add more bullets to expand on information in Statement III.

Member Eggleton recommended to mention the requirement to have an RPF on certain projects, particularly in relation to carbon projects.

There were discussions to mention that professors in college are exempt, and do not require a valid California RPF license.

Vice Chair Mulhair stated that the focus is on management performance in the field, and may not be necessary to include.

There were also discussions to change Statement IV. It was recommended to add clarifying language to include that an RPF would be required if it involves the act of forestry, despite muddying the waters based on county regulations.

Y.G. stated that if you are going to practice forestry and make a professional opinion, qualifications should be stated and recognized that it is consistent with state law. He stated that language could be revised to read, "The extent to which full and accurate disclosure of potential adverse effects and mitigations necessitates the preparation of technical studies by state licensed professionals as determined by the lead agencies consistent with professional foresters code and state law."

For policy 12, Bob mentions that changes to statement 4 under RPF licensing should also be made for CRM's.

Public Forum

No offsite questions came forward.

Chair closes open session to resume to closed session.

Chair opens session to report on action item discussed in closed session.

There were proposed changes to the examinations.

Meeting Adjourned