

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

SECTION I: PROFILE

(1) Agency:

Department of State, Bureau of Professional and Occupational Affairs

(2) Agency Number:

16A

Identification Number:

54

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IRRC Number: **2903**

(3) Short Title:

Schedule of civil penalties – engineers, land surveyors and geologists

(4) PA Code Cite:

49 Pa. Code § 43b.13a

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: **Thomas A. Blackburn, Regulatory unit counsel, Department of State;**
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; tblackburn@pa.gov
Secondary Contact: **Cynthia K. Montgomery, Regulatory Counsel, Department of State**
(717)783-7200; P.O. Box 2649, Harrisburg, PA 17105-2649; (717)787-0251; cymontgome@pa.gov

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- ☒ Proposed Regulation
- ☐ Final Regulation
- ☐ Final Omitted Regulation
- ☐ Emergency Certification Regulation;
 - ☐ Certification by the Governor
 - ☐ Certification by the Attorney General

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(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

This rulemaking would amend the schedule of civil penalties of the State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) to correct deficiencies identified by the Commonwealth Court in the recent case of *Evans v. State Reg. Bd. For Prof. Engineers, Land Surveyors and Geologists*, 15 A.3d 99 (Pa. Cmwlth. 2011).

(9) Include a schedule for review of the regulation including:

- | | |
|---|---------------------------|
| A. The date by which the agency must receive public comments: | 30 days after publication |
| B. The date or dates on which public meetings or hearings will be held: | N/A |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | within 2 years of publ. |
| D. The expected effective date of the final-form regulation: | final promulgation |
| E. The date by which compliance with the final-form regulation will be required: | effective date |
| F. The date by which required permits, licenses or other approvals must be obtained: | effective date |

(10) Provide the schedule for continual review of the regulation.

The Commissioner and BPOA licensing boards continually review the efficacy of their regulations, as part of their annual review process pursuant to Executive Order 1996-1. More information can be found on the BPOA website (www.dos.state.pa.us/bpoa).

SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

Section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (63 P.S. § 2205(a)) authorizes the Commissioner, after consultation with the appropriate licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of these boards. Section 11(b) of the Engineer, Land Surveyor and Geologist Registration Law (Act) (63 P.S. § 158(b)) authorizes the Board to levy a civil penalty of up to \$1,000 on any licensee who violates any provision of the Act or on any person who practices the profession without a license to do so. Section 5(b)(4) of Act 48 (63 P.S. § 2205(b)(4)) authorizes the Board, as a licensing board within the Bureau, to levy a civil penalty of not more

Regulatory Analysis Form

than \$10,000 on any licensee or unlicensed person who violates any provision of the act or Board regulations. However, section 5(a) of Act 48 limits the civil penalty levied by citation to no more than \$1,000 per violation.

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

In response to the holding of *Evans v. State Reg. Bd. for Prof. Engineers, Land Surveyors and Geologists*, 15 A.3d 99 (Pa. Cmwlth. 2011) that the Board's Act 48 schedule cites to improper statutory provisions, the proposed rulemaking is intended to correct those citations. The proposed rulemaking is not otherwise mandated by any federal or state law or court order.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

See the response to question 12. In addition, the proposed rulemaking would extend the benefits of the Act 48 citation process to those matters charging practice on a lapsed licensed for up to an entire biennial renewal cycle, not just one year, and for subsequent violations as well.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

The proposed rulemaking is not based on any scientific data, studies, or references.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

The Board has not identified any group of individuals or entities that will be adversely affected by the rulemaking.

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

The proposed rulemaking would apply to those persons who practice engineering, land surveying or geology in this Commonwealth without a license to do so and to all licensees of the Board. However, it would be applied only to those unlicensed persons whose acts of practice are holding out and to those licensees who continue to practice the profession after the license has expired. There are approximately 31,700 licensed professional engineers, 2,900 licensed professional land surveyors, and 2,600 licensed professional geologists in this Commonwealth, with current licenses.

Regulatory Analysis Form

SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

Those members of the regulated community who are charged with violating any of the applicable provisions of law will enjoy a savings as a result of compliance with this proposed rulemaking, as a result of using the summary Act 48 citation process rather than full formal disciplinary action. This benefit applies even to the extent that the rulemaking corrects references in the Act 48 schedule, as in the absence of such correction, all violations must be prosecuted through formal action.

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

There are no costs or savings to local governments associated with compliance with the proposed rulemaking.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

The Bureau and the Board will enjoy a savings as a result of compliance with this proposed rulemaking, as a result of using the summary Act 48 citation process rather than full formal disciplinary action. This benefit applies even to the extent that the rulemaking corrects references in the Act 48 schedule, as in the absence of such correction, all violations must be prosecuted through formal action.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
Regulated Community						
Local Government						
State Government						
Total Savings	N/A	N/A	N/A	N/A	N/A	N/A

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COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs	N/A	N/A	N/A	N/A	N/A	N/A
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses	N/A	N/A	N/A	N/A	N/A	N/A

(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3 (2007-08)	FY -2 (2008-09)	FY -1 (2009-10)	Current FY (2010-11)
Pa. State Registration Board for Professional Engineers, Land Surveyors and Geologists	(projected) \$943,864	(projected) \$1,152,000	(budgeted) \$1,083,000	(budgeted) \$1,223,000

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

No adverse effects or increased costs have been associated with compliance with the proposed rulemaking. Therefore, the above-identified benefits would outweigh any costs.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

Because the rulemaking is intended only to correct the schedule references as noted in the adverse court decision, the Board did not prepare and circulate an exposure draft of the proposed rulemaking. However, the Board discussed this proposed rulemaking in public session at its meeting February 3, 2011. All public sessions are open to the public, and representatives of the three professions generally attend the public sessions of all Board meetings.

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(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

No alternative regulatory schemes were considered.

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

The proposed rulemaking does not overlap or conflict with any federal requirements.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

The proposed regulation will not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The proposed rulemaking will have no effect on other regulations of the Board or other state agencies.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

Because the proposed rulemaking merely corrects the references of the Board's Act 48 schedule, it would not require any legal, accounting or consulting procedures or additional reporting, recordkeeping or other paperwork. To the extent the rulemaking includes additional violations in the Act 48 schedule, the rulemaking reduces the paperwork burden by permitting matters to be prosecuted through the issuance of Act 48 citations rather than formal disciplinary action.

(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

No affected groups or persons have been identified whose particular needs would necessitate the making of special accommodations.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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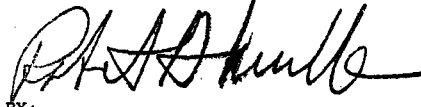
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DO NOT WRITE IN THIS SPACE

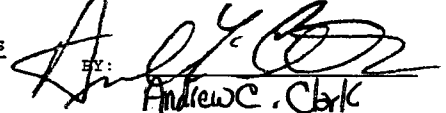
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Executive or Independent
Agencies.

BY: 
(DEPUTY ATTORNEY GENERAL)

Department of State, Bureau of
Professional and Occupational Affairs
(AGENCY)

BY: 
Andrew C. Clark

JUL 01 2011

DATE OF APPROVAL

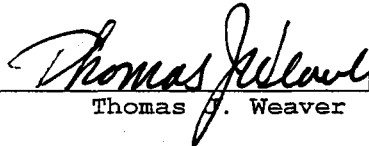
DOCUMENT/FISCAL NOTE NO. 16A-54

JUN 2 2011

DATE OF APPROVAL

DATE OF ADOPTION:

BY:


Thomas J. Weaver

(Deputy General Counsel
(~~Chief Counsel~~,
Independent Agency
(~~Strike inapplicable title~~))

[] Check if applicable.
Copy not approved.
Objections attached.

TITLE: Acting Commissioner
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable.
No Attorney General approval
or objection within 30 day
after submission.

PROPOSED RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

49 Pa. Code § 43b.13a

SCHEDULE OF CIVIL PENALTIES - ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

The Commissioner of Professional and Occupational Affairs (Commissioner) proposes to amend § 43b.13a (relating to schedule of civil penalties – engineers, land surveyors and geologists) to read as set forth in Annex A.

Effective date

The amendment will be effective upon publication of the final regulation in the *Pennsylvania Bulletin*.

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (the Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of these licensing boards.

Background and Need for the Amendment

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's licensing boards. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive an Act 48 citation retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented, and they have become an important part of the Bureau's enforcement efforts. The State Registration Board for Professional Engineers, Land Surveyors and Geologists (Board) has had an Act 48 schedule of civil penalties since 2001 (*See*, 31 Pa. B. 1227).

Section 3(a) of the Engineer, Land Surveyor and Geologist Registration Law (act) (63 P.S. § 150(a)) makes it "unlawful for any person to practice or to offer to practice engineering in this Commonwealth, unless he is licensed and registered under the laws of this Commonwealth as a professional engineer" and similarly prohibits unlicensed practice of land surveying and geology. Section 3(b) of the act (63 P.S. § 150(b)) provides that a person is construed to practice or offer to practice engineering, land surveying or geology if the person, among other things, "by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be an engineer, land surveyor or geologist, or through the use of some other title implies that he is an engineer, land surveyor or geologist or that he is registered under this act." The prohibition against unlicensed practice applies also to practicing while one's license is lapsed, that is, the license was not renewed upon expiration. *See*, 49 Pa. Code § 37.18(3) (relating to reactivation of licensure status) (which provides that a licensee whose license has lapsed due to failure to register biennially with the Board is prohibited from the practice of that profession in this Commonwealth unless the licensure status is reactivated). Section 4(e) of the act (63 P.S. § 151(e)) authorizes the Board, among other thing, to require licensees to register biennially with the Board and to collect the biennial registration fee, to issue biennial registration to those licensees who renew, to suspend the licenses of persons who do not renew and to reinstate the licenses of those persons who thereafter renew and pay the registration fees. In order to enforce

these provisions, section 11(b) of the act (63 P.S. § 158(b)) authorizes the Board to levy a civil penalty of up to \$1,000 on any licensee who violates any provision of the act or on any person who practices the profession without being properly licensed to do so. Section 5(b)(4) of Act 48 (63 P.S. § 2205(b)(4)) authorizes the Board, as a licensing board within the Bureau, to levy a civil penalty of not more than \$10,000 on any licensee or unlicensed person who violates any provision of the act or Board regulations. However, section 5(a) of Act 48 limits the civil penalty levied by citation to no more than \$1,000 per violation. This authority to levy a civil penalty is in addition to the Board's authority under section 4(g) of the act (63 P.S. § 151(g)) to suspend or revoke the license and registration of a licensee who has, among other things, committed misconduct in the practice of the profession, which includes violating any provision of the act or Board regulations.

The Board's current Act 48 schedule of civil penalties authorizes issuance of a citation under 63 P.S. § 151(g) for "representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, without being licensed or registered" and provides that the penalty for a first offense is a civil penalty of \$1,000 and for a subsequent offense is formal action. It is generally simpler and more straightforward and therefore more amenable to the streamlined procedures of Act 48 to prove that a person offered to practice the profession by holding himself out as an engineer, land surveyor or geologist through use of a business card or other medium than to prove that the person actually practiced the profession. Charges of actually practicing the profession are brought only through the traditional process of filing an order to show cause, an answer from the respondent, and full hearing. The current schedule also authorizes issuance of a citation under 63 P.S. § 151(e) for "biennial renewal – practicing on a lapsed license or registration" and provides that the penalty for a first offense is a civil penalty of \$500 for practice up through 5 months or \$1,000 for practice from 6 months to a year and for a subsequent offense is formal action.

In the recent case of *Evans v. State Reg. Bd. for Prof. Engineers, Land Surveyors and Geologists*, 15 A.3d 99 (Pa. Cmwlth. 2011), the court reversed the Board's order sustaining a citation issued under section 4(e) of the act for practicing geology on a lapsed license. Because section 4(e) of the act empowers the Board to do many tasks but does not impose any duties on licensees, the court held that a licensee cannot be disciplined for "violating" this section of the act. The court also noted that a licensee can no more "violate" a section of the act providing a definition (as does section 3(b)) than "violate" a section of the act that provides the Board's authority (as does section 4(e)). The court opined that the Commonwealth should have charged under section 3(a) of the act, as construed by section 3(b) and in light of the Board's authority under section 4(e). The court further noted its understanding that the Commonwealth issued the citation referencing section 4(e) because the Board's Act 48 schedule does not mention section 3(a) of the act, but only provides for sections 3(b) and 4(e) for unlicensed practice by holding out and for practice on a lapsed license, respectively.

Description of the Proposed Amendments

The Commissioner, in consultation with the Board, proposes to amend the Board's schedule to correct the deficiencies noted by the Commonwealth Court. Instead of a citation for unlicensed practice by holding out referencing only section 3(b) of the act, the schedule would

reference section 3(a) of the act and describe the violation as “offering to practice engineering, land surveying or geology by representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, as construed by section 3(b), without being licensed or registered.” Instead of a citation for practice on a lapsed license referencing section 4(e) of the act, the schedule would reference § 37.18(3) and use the language of that section to describe the violation as “practicing after license and registration have lapsed, while in compliance with continuing education requirements.” The Board’s regulations at § 37.19(c)(5) (relating to biennial renewal of licensure status) require a licensee to verify compliance with the continuing education requirements as a condition of licensure renewal, and the regulations at § 37.111(d) (relating to continuing education) provide that a licensee who failed to complete the required amount of continuing education is subject to an Act 48 citation and is required to make up all deficient continuing education. Because of the greater risk of harm to the public by a licensee continuing to practice after expiration of the license without renewing due to having failed to complete the required amount of continuing education, such a combination of violations should normally be addressed through formal action. However, it is not the Board’s intention that the Commonwealth would be precluded from issuing both citations to a licensee who did not complete the required amount of continuing education and did not renew but continued to practice and who subsequently cured the deficiency in continuing education and reactivated the license before the end of that biennial renewal cycle. The maximum civil penalty of \$1,000 is appropriate for a licensee who has continued to practice an entire biennial renewal cycle on a lapsed license. Because the biennial renewal cycle is 24 months, the schedule would provide that the civil penalty is \$50 per month up to a maximum of \$1,000.

Subsequent violations of practicing on a lapsed license for less than one renewal cycle would also be subject to an Act 48 citation and need not proceed through the formal disciplinary process. Because practice for such an extended period of time might suggest the need to impose additional sanctions, all violations of practice on a lapsed license for more than one renewal cycle would proceed through the formal disciplinary process. The Board has concluded that the amount of the civil penalty for practicing on a lapsed license should be proportionate to the length of time from expiration of the license until the licensee has reactivated the license.

Fiscal Impact and Paperwork Requirements

The proposed rulemaking should have no adverse fiscal impact on the Commonwealth, its political subdivisions, or the private sector. The proposed rulemaking will impose no additional paperwork requirements upon the Commonwealth, its political subdivisions, or the private sector. To the extent that the rulemaking corrects the references in the Act 48 citation schedule, there will be no fiscal impact. Moreover, to the extent the rulemaking also provides for additional violations of the act and Board regulations to be prosecuted through the issuance of a citation rather than formal action, the proposed rulemaking will reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

Sunset Date

Professional licensure statutes require each board to be self-supporting. Therefore, the Commissioner and the boards continuously monitor the cost effectiveness of their regulations. As a result, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 8, 2011, the Commissioner submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee and the House Professional Licensure Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations of objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding this proposed rulemaking to Regulatory Unit Counsel, Department of State, at P. O. Box 2649, Harrisburg, PA 17105-2649 or by e-mail at ST-ENGINEER@state.pa.us, within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Please reference No. 16A-54 (schedule of civil penalties – engineers, land surveyors and geologists), when submitting comments.

Katie True
Commissioner of Professional and Occupational
Affairs

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND

OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL

PENALTIES AND PROCEDURES FOR APPEAL

* * * * *

§ 43b.13a. Schedule of civil penalties – engineers, land surveyors and geologists.

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND

SURVEYORS AND GEOLOGISTS

Violation Under

63 P.S.	Title/Description	Penalties
[Section 150(b)]	[Representing] <u>Offering to practice</u>	1st offense – \$1,000
<u>Section 150(a)</u>	<u>engineering, land surveying or</u> <u>geology in this Commonwealth by</u> <u>representing oneself as an engineer,</u> land surveyor or geologist on sign, advertisement, letterhead or card, <u>as construed by section 3(b),</u> without being licensed or registered	2nd offense – formal action

16A-54 Annex Proposed

Schedule of Civil Penalties – Engineers, Land Surveyors and Geologists

[Section 151(e)	Biennial renewal – Practicing on a lapsed license or registration	1st offense – Up thru 5 months - \$500 6 months thru 1 year - \$1,000 Over 1 year – formal action 2nd offense – formal action]
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Violation Under

49 Pa. Code Ch. 37

Title/Description

Penalties

* * * * *

Section 37.18(3)

Practicing engineering, land
surveying or geology in this
Commonwealth after license and
registration have lapsed (while in
compliance with continuing
education requirements)

One renewal cycle or less -
\$50 per month lapsed, not to
exceed \$1,000
Greater than one renewal cycle
– formal action

* * * * *



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
Post Office Box 2649
Harrisburg, Pennsylvania 17105-2649
(717) 783-1404

August 8, 2011

The Honorable Silvan B. Lutkewitte, III, Chairman
INDEPENDENT REGULATORY REVIEW COMMISSION
14th Floor, Harrisstown 2, 333 Market Street
Harrisburg, Pennsylvania 17101

Re: Proposed Regulation
Bureau of Professional and Occupational Affairs
16A-54: Schedule of Civil Penalties

Dear Chairman Lutkewitte:

Enclosed is a copy of a proposed rulemaking package of the Commissioner of Bureau of Professional and Occupational Affairs pertaining to Schedule of Civil Penalties.

The Board will be pleased to provide whatever information the Commission may require during the course of its review of the rulemaking.

Sincerely,

A handwritten signature in cursive script that reads "Katie True".

Katie True
Commissioner
Bureau of Professional and Occupational Affairs

KT/CKM:rs

Enclosure

cc: Katie True, Commissioner
Bureau of Professional and Occupational Affairs
Steven V. Turner, Chief Counsel
Department of State
Cynthia Montgomery, Regulatory Counsel & Senior Counsel in Charge
Department of State
Thomas A. Blackburn, Counsel
State Board of State Registration Board for Professional Engineers, Land Surveyors and Geologists
State Board of State Registration Board for Professional Engineers, Land Surveyors and Geologists

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-54

SUBJECT: SCHEDULE OF CIVIL PENALTIES – ENGINEERS, LAND SURVEYORS
AND GEOLOGISTS

AGENCY: DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

TYPE OF REGULATION

- X Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
- a. With Revisions b. Without Revisions

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FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
8/8/11	<i>Angie Kelly</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
8/8/11	<i>Danielle Calley</i>	MAJORITY CHAIRMAN <u>Julie Harhart</u>
8/8/11	<i>Mary Walmer</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
8/8/11	<i>Dept 2 Smith</i>	MAJORITY CHAIRMAN <u>Robt. M. Tomlinson</u>
8/8/11	<i>K Cooper</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
	<i>[Signature]</i>	LEGISLATIVE REFERENCE BUREAU (for Proposed only)