

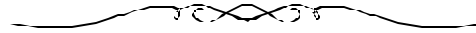
A Resolution of The State Mining & Geology Board

THE STATE MINING &
GEOLOGY BOARD
Sacramento, California

Resolution Number 2004-04

ALLEN M. JONES, CHAIRMAN
ROBERT GRIEGO, VICE CHAIR
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Board Internal Policy for Validating and Accepting Professionally Prepared Reports and Other Documents Submitted for Consideration



Policy

Whereas: Professional reports, documents, calculations, plans, specifications, maps, cross sections, boring or trench logs, and diagrams (*documents* hereafter) which must, under applicable law, regulation, or code, be prepared by or under the supervision of licensed professionals will not be accepted or considered by the State Mining and Geology Board (Board) unless at least one copy of the document bears an original signature, stamp impression or seal, and date affixed by the author in accordance with applicable law and regulation.

Unless otherwise directed or agreed in advance, all professionally prepared documents included in Board, or Board committee, meeting packages or presented to the Board in a meeting are to be in final form and must be signed, stamped or sealed, and dated in accordance with applicable law and regulation.

Reason

Whereas: As a quasi-judicial body operating in the public trust, the Board must have confidence that documents submitted to it are complete and genuine, and have been prepared by or under the supervision of licensed professionals if and as required by law and regulation. The Board can not rely on documents that lack the original signature and stamp impression or seal of the responsible author(s). The Board could make an incorrectly substantiated decision, and may be subject to challenge, if it relies on unsigned and unstamped documents, or incomplete documents, or if it accepts facsimile or reproduced signatures or stamp images on documents without having a matching signed and stamped or sealed, and dated original in its files.

Application

Whereas: This policy applies to all documents presented to the Board for its information, consideration, acceptance, or action that are required by law, regulation or code to be prepared by or under the supervision of licensed professionals. The licensed professional authors include, but are not limited to, engineers, land surveyors, architects, landscape architects, geologists, geophysicists, foresters, and accountants. The Board may, at its option, evaluate and consider professional documents that lack the original signature, stamp impression or seal, or date affixed by the author. It is expected that this situation will arise in the case of older documents rather than current documents.

Implementation

Whereas: The Executive Officer shall implement this policy by:

1. Advising all parties that the Executive Officer notifies in writing of the presence of an item of interest to them on a Board Agenda that any report or document that they or their agents submit to the Board must conform to statutory and regulatory requirements for the inclusion of an original signature, stamp impression or seal, and date applied by the responsible professional(s).
2. Advising all parties that the Executive Officer notifies in writing of an Order or Notice from the Board applying to them that any report or document that they or their agents submit to the Board in response to such Order or Notice must conform to statutory and regulatory requirements for the inclusion of an original signature, stamp impression or seal, and date applied by the responsible professional.
3. If more than one copy of a document is submitted to the Board, only one copy must bear the original signature, stamp impression or seal, and date applied by the responsible professional. The Executive Officer shall verify that all other copies are true and correct copies of the signed original before distributing them to Board members, staff, or other parties.
4. One copy of any document submitted in response to an agenda item or Board Notice or Order that bears the original signature, stamp impression or seal, and date signed by the responsible professional shall be filed as part of the Board's permanent records.

5. If a party or agent submitting a document for Board consideration states that no copy of the document is available that bears the original signature, stamp or seal, and date of the author, the Executive Officer shall request the party or agent to obtain a complete copy from the author, bearing the original signature, stamp or seal, and date, as required by law or regulation. The Executive Officer may also request verification that a document is a true and correct copy by direct communication with the author. In the event that a copy of the document bearing an original signature, stamp impression or seal, and date affixed by the author can not be made available, the Executive Officer shall report the circumstances to the Board.
6. The Executive Officer may develop a standard advisory statement to be attached as appropriate to letters or notices to inform the recipients of this Board policy.
7. The Executive Officer shall report to the Board at the earliest reasonable time any instances of possible fraud, forgery, lack of completeness, or impropriety with respect to professional documents submitted to the Board, and request the Board's direction.

The Board shall implement this internal policy by:

1. Seeking clarification if any report or document presented to it that appears to be, or to have the potential to be, improperly or not signed or stamped, or fraudulent, or misleading, or incomplete.
2. Acting promptly on any report from the Executive Officer that calls the Board's attention to any instance of possible fraud, forgery, or other impropriety, or lack of completeness with respect to professional documents submitted to the Board office.
3. Requiring the Executive Officer to report periodically on the implementation of this policy.
4. Other considerations not overriding, the Board may immediately postpone any business or hearing before it if it should become apparent, in the judgment of the Chair based on consultation with the Executive Officer and the Board's Legal Counsel, that some part of the evidence or documentary record before the Board lacks or may lack conformance with applicable law or regulation as to requirements for the signature, stamp or seal, and date applied by a licensed professional; or, the Board may agree to disregard such evidence in its deliberations.

Therefore, the State Mining and Geology Board Resolves: To adopt and implement this internal policy for validating and accepting professionally prepared reports and other documents submitted to the Board for its consideration.



Adopted: May 13, 2004

Allen M. Jones, Chairman