

**MEETING OF THE BOARD FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS**

**Contractors State License Board
Hearing Room
9821 Business Park Drive
Sacramento, California, 95827
(916) 255-4000**

Thursday, November 15, 2007, beginning at 9:00 a.m.

Board Members Present: Richard Lyons, President; Patrick Tami, Vice President; Kim Blackseth; Gregg Brandow; Arthur Duffy; James Foley; Robert Jones; Mike Modugno; and Ray Satorre.

Board Members Absent: N/A

Board Staff Present: Cindi Christenson (Executive Officer); Nancy Eissler (Enforcement Program Manager); Cindy Fernandez (Executive Analyst); Rita Lane (Liaison Deputy Attorney General); Gary Duke (Legal Counsel); Joanne Arnold (Assistant Executive Officer) and Debbie Thompson (Budget Analyst).

1. Roll Call to Establish a Quorum

The meeting was called to order by President Lyons at 9:25 a.m. Roll call was taken, and there was a quorum.

President Lyons reported that there is a new Board member; Mr. Michael Trujillo.

2. Public Comment

Mr. Copelan representing PECG, stated that members of PECG have concerns regarding unlicensed practice and Mr. Copelan would like to have information to give to PECG members on who they can contact for information on unlicensed activity. Another concern is the time it is taking for candidates to receive their admission notices to attend an examination.

3. Special Civil Seismic Principles Examination Test Plan Update to Accommodate the New California Building Code (Possible Action)

Ms. Christenson reported on the following changes to the Test Plan:

Page 1 – Added under the Note at the bottom of the page “including the adopted edition of ASCE 7”. On page 28 (Section 1613.1) of the 2007 CBC

reference is specifically made to the ASCE 7, in requiring all structures to be designed for earthquake loads determined in accordance with the provisions of ASCE 7.

Page 4 – Deleted ‘reliability’ under SPC7.3. Reliability is no longer specifically mentioned in ASCE 7, Section 12.3.4 as it was in the 2001 CBC.

Page 4 – Note added under SPC8.1 “Note: ‘static force procedures’ refers to equivalent lateral force procedures”. The static force procedures used in the 2001 CBC are now referred to as the equivalent lateral force procedures in ASCE 7, Section 12.8.

Page 4 – Notes added under SPC11 and SPC 12 “Note: ‘elements of structures’ refers to ‘Architectural Components’” and “‘non-structural components’ refers to Mechanical and Electrical Components”, respectively. ASCE 7, Section 13.5, addresses elements of structures as architectural components and Section 13.6 refers to non-structural equipment and lifelines as mechanical and electrical components.

MOTION: Dr. Brandow/Mr. Satorre moved to approve the Updated Special Civil Seismic Principles Test Plan.

VOTE: 9-0, motion carried.

4. Temporary Authorization Process/Procedures (Possible Action)

Mr. Foley said he does not like the Temporary Authorization Process, but after talking to Ms. Christenson regarding this, it was determined that it is not feasible to do away with this due to the Special Civil Examination.

Ms. Christenson stated that we are not currently recovering our cost in processing the Temporary Authorization Apps and that staff will look into raising the fee.

Mr. Duke reported that the Temp Authorization is for a Specific Project only and is very different than granting a person a General License.

President Lyons directed staff to determine what the monetary cost would need to be to recover the cost for processing these applications.

5. Mentoring Program (Possible Action)

President Lyons had requested that this item be placed on the agenda for discussion. In looking at NCEES website, they don’t have much information on any Mentoring Programs.

President Lyons suggested that the Board send a letter to NCEES asking them to look at their website and to add more information on Mentoring Programs.

MOTION: Mr. Foley/Vice President Tami moved to send a letter to NCEES regarding the Mentoring Program.

VOTE: 9-0, motion carried.

6. Procedures for Electing the Board President (Possible Action)

Mr. Jones read and commented on his memo contained in the agenda relating to this item. Mr. Jones wanted to make it clear that this memo was not directed at any one person, it is for the purpose of coming up with procedures for electing the Board President. It is Mr. Jones' opinion that every Board member should have an equal opportunity to serve as Board President and it should not depend on their "Grace Period" or anything else.

Mr. Jones stated that he had asked Mr. Duffy what the qualifications were to be nominated as Board President and/or Vice President, Mr. Jones said that Mr. Duffy told him that there were no qualifications that he knew of. Mr. Duffy responded to Mr. Jones' statement by saying that he did not say that. Mr. Duffy clarified that he had been asked if seniority was the "sole" criteria

Mr. Jones provided a hand out motion to be placed before the Board for a vote.

MOTION: Mr. Jones/Mr. Blackseth moved to reconsider and amend the previous adopted motion to elect a new Board Vice President and reopen nominations from the floor.

VOTE: 2-6-1, motion failed.
Ayes – Mr. Jones and Mr. Blackseth; Nays – President Lyons, Vice President Tami, Dr. Brandow, Mr. Duffy, Mr. Foley, and Mr. Modugno; Abstentions – Mr. Satorre.

Mr. Foley stated that in the past, the current Board President elects two Board members to the nominating committee to make nominations to the Board. Any Board member can make a recommendation to the Board for the positions of President and/or Vice President, and there were no additional nominations made. Mr. Foley feels that the process is very open and fair and he doesn't see any problem with the process/procedures and as far as he knows, in the last 10 years there has never been a problem with the way the Board President and Vice President have been elected.

Mr. Blackseth thanked Mr. Jones for bringing this up and it should be considered but that it should not be the sole criteria.

President Lyons stated that he feels the Policy/Procedures for electing a Board President and Vice President are very clear cut and simple.

Mr. Duffy suggested in the future the current Board President should ask if there are any other nominations.

7. CELSOC DVD Presentation: “Design Your Future”

Mr. DeWitt of CELSOC introduced Rob Salabar, President of CELSOC. Mr. Salabar told the New Board members who CELSOC is. Mr. Salabar said that there is a shortage of Engineers and Land Surveyors in California and that CELSOC is trying to do what they can to promote licensure in California. CELSOC has put together a DVD promoting licensure in California and they have sent out approximately 3,000 of these DVD's to Junior High Schools, High Schools, and Universities to try to do their part in promoting licensure in CA.

8. Approval of Delinquent Reinstatements (Possible Action)

MOTION: Dr. Brandow/Mr. Modugno moved to approve the Delinquent Reinstatements as follows:

CIVIL

AMER KAMAL

Reinstate applicant's civil license once he/she takes and passes the seismic principles examination, the engineering surveying examination, the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

TERRILL LEWIS

Reinstate applicant's civil license once he/she takes and passes the seismic principles examination, the engineering surveying examination, the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

ELECTRICAL

BEYOUNG JUN

Reinstate applicant's electrical license once he/she takes and passes the Board's Laws and Regulations Examination and pays all delinquent and renewal fees.

METALLURGICAL

ROBERT DUFAULT

Reinstate applicant's metallurgical license once he/she takes and passes the Board's Laws and Regulations Examination and pays all delinquent and renewal fees.

VOTE: 9-0, motion carried.

MOTION: Mr. Blacksth/Mr. Duffy moved to approve the Delinquent reinstatement for David Chesterman, as follows:

CIVIL

DAVID CHESTERMAN

Reinstate applicant's civil license once he/she takes and passes the seismic principles examination, the engineering surveying examination, the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

VOTE: 8-1, motion carried. Mr. Foley recused himself.

9. Comity and Temporary Authorization Applications (Possible Action)

MOTION: Vice President Tami/Mr. Foley moved to approve the Handout Comity List with the correction to Mr. Schamel's state.

VOTE: 9-0, motion carried.

MOTION: Mr. Duffy/Dr. Brandow moved to approve the Temporary Civil Authorization for Richard Wayne McCoy for a period of 180 days.

VOTE: 9-0, motion carried.

The Temporary Authorization application of Rajeev Mathew has been tabled to the next Board meeting.

10. Administration

a. Fund Condition

Ms. Thompson reported on changes included in the Board's fund condition dated October 22, 2007. Revenue projections have been updated and are included in the fund condition:

- The application revenue projection for this FY is \$3,759,000 somewhat lower than the \$3,772,000 projection prepared in August, 2007.

- The renewal revenue projection of \$6,835,000 is now higher than the earlier projection prepared in August, 2007.

b. Fiscal Year 2007-08 Budget

Ms. Thompson reported that the Board currently projects to spend \$9,042,881 of its \$9,178,563 FY 2007-08 budget. This will leave a surplus balance of \$135,682 at year-end.

c. Fiscal Year 2008-09 Budget Change Proposals

Ms. Thompson reported that the Land Surveyor Position redirection BCP for FY 2008-09 was approved by the Department of Finance (DOF). The approval required the Board change the BCP to require all of the position funding be redirected from the Board's contract budget.

d. Land Surveyor Position

The Board received notification that the Department of Personnel Administration has approved the classification proposal to revise the existing SPB Senior Engineer Registrar classification specification. The revision adds land surveying to the minimum qualifications which will allow Board staff to hire a licensed land surveyor once the FY 2008-09 LS Position redirection BCP is approved. The next step is for the proposal to be scheduled at a State Personnel Board hearing for approval.

e. Publications Review

Ms. Eissler reported that the next publication to be prepared will be an update to the Board's Law Publication. Board staff will begin a new Bulletin in 2008.

f. Applicant Direct Payment of National Exam Fees to NCEES

NCEES provided the Board with a proposal that identifies all services ELSES will provide for registration of applicants and administration of all the Board's exams. Board staff had a teleconference meeting with NCEES November 8, 2007 to review information included in NCEES' proposal. Board staff decided that the target date for converting to ELSES administration of exams would be October 2009.

Due to NCEES' requirement that applicants be registered 7 weeks before the exam date, the Board's exam application deadline date would need to be 7 weeks earlier. As an example, the July 20, 2007 PE exam application deadline date for the October 27, 2007 exam would need to be moved back to June 1, 2007. Board staff is still evaluating regulatory changes and business process changes that will need to be made. Ms. Christenson indicated that the date of experience in qualifying would also be impacted and requires changes in regulations. Another change that will need to be made is the approval of exam results. Lastly, the Board will have to delay its I-Licensing start up date as it is now scheduled to occur at the same time NCEES will start administering the Board's exams.

Ms. Thompson indicated that this change will require a signed new contract with NCEES one year prior to the start, regulations approved at least 6 months prior, and a BCP for FY 2009-19 to eliminate Board budgeted funds no longer used to pay NCEES for grading and exam books.

11. Enforcement

Ms. Eissler reviewed the Enforcement statistics through October as contained in the agenda packet. She advised that the Enforcement Unit staff is working hard to reduce the number of old cases. Ms. Eissler also announced that Christine Doering has been hired as a new Enforcement Analyst, and she had just started in the Unit that week. Ms. Eissler also advised that the Reporting of Legal Actions Program would be starting in January with Enforcement Analyst Jacqueline Jenkins acting as the coordinator and that information was being prepared to put on the website about it. Ms. Eissler also announced that Enforcement Analyst Margie Freeman would be retiring at the end of December, so staff will be working to fill her position.

Vice President Tami complimented the Enforcement Unit on its hard work to reduce the backlog of cases, noting that more cases had been closed than opened for the fiscal year.

12. **Legislative**
 - a. **Discussion of Proposed Legislation for 2007, including but not limited to, AB 1025, AB 1393, SB 374, SB 618, SB 721, SB 963, and SB 1047 (Possible Action)**

Mr. Duffy reported on the information contained in the agenda.
 - b. **Regulation Status Report**

Mr. Duffy reported on the information contained in the agenda.
13. **Technical Advisory Committee TAC Reports**
 - a. **Board Assignments to TACs (Possible Action)**

Vice President Tami reported that the LS TAC is still discussing the Log Book issue and stated that the Architect Board has a similar program and that the LS TAC is looking into theirs. Vice President Tami also thanked Mr. Satorre for attending the meeting.
 - b. **Appointment of TAC Members (Possible Action)**

No appointments were made.
14. **Liaison Reports (Possible Action)**
 - a. **ABET**

The Board members gave their reports on their ABET visits. Mr. Foley attended San Jose State; Mr. Modugno attended CA State Northridge; Dr. Brandow attended Cal Tech; Mr. Duffy attended DeVry University; and Vice President Tami attended Naval Post Graduate School. They all enjoyed their visits and things went well.
 - b. **NCEES**

No report given.
 - c. **Technical and Professional Societies**

Mr. DeWitt stated that CELSOC voted to support the Board in opposing the BS Plus 30 requirement and that they are in the process of preparing a letter. Mr. Duffy reported that PECG is also opposed to the BS Plus 30 requirement.
15. **President's Report**

No report given.
16. **Executive Officer's Report**
 1. **Administration Report**
 - a. **Executive Summary Report**

No additional report given.

2. Personnel

b. New Hires

Ms. Christenson reported that Linda Brown has been hired as the new Administrative Staff Manager and Christine Doering has been hired as an Enforcement Analyst.

c. Vacancies

Ms. Christenson reported that Margie Freeman will be retiring at the end of December and that will leave a position in Enforcement vacant, Ms. Christenson stated that they are hoping to fill the position in January 2008.

3. Enforcement/Examination/Licensing

a. College Outreach

No report given.

b. Report on Enforcement Activities

No additional report given.

c. Report on Examination Activities – October examinations

Ms. Christenson reported that things went pretty well at the examination sites with the exception of the “Stapled” materials. Ms. Christenson will be sending a letter to NCEES asking them to re visit their policy regarding stapled materials because of all the reference books that are bound with staples.

4. Publications/Website

a. Website Activity Statistics

No additional report given.

5. Other –

a. DCA Update

No report given.

17. Other Items Not Requiring Board Action

Date of Next Board Meeting: January 24 & 25, 2008, San Diego, California.

The January 2008 Board meeting will be one day only, January 24, 2008.

Ms. Christenson reported that the Strategic Planning session will probably be held in the spring.

18. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), and 11126 (e)(1)]

- a. Michael William Foster v. Board for Professional Engineers and Land Surveyors, Court of Appeal Third Appellate District Case No. C050630 (El Dorado Superior Court Case No. PC 20030492)
- b. Michael Z. Yevtovich v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court Case No. BS105225
- c. Monique S. Sidaross v. State of California, et al., Los Angeles Superior Court Case No. BC354160
- d. Mario Morales v. Board for Professional Engineers and Land Surveyors, et al., San Mateo Superior Court Case No. CIV 461857
- e. Richard Godina v. Board for Professional Engineers and Land Surveyors, Riverside Superior Court Case No. RIC473474

19. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically; Michael William Foster v. Board for Professional Engineers and Land Surveyors, Court of Appeal Third Appellate District Case No. C050630 (El Dorado Superior Court Case No. PC 20030492); Michael Z. Yevtovich v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court Case No. BS105225; Monique S. Sidaross v. State of California, et al., Los Angeles Superior Court Case No. BC354160; Mario Morales v. Board for Professional Engineers and Land Surveyors, et al., San Mateo Superior Court Case No. CIV 461857; Richard Godina v. Board for Professional Engineers and Land Surveyors, Riverside Superior Court Case No. RIC473474.

Ms. Christenson reported that the Board adopted the results of the take-home examination for the candidates who had previously passed the 8-hour portion of the examinations.

Ms. Christenson reported that the EIT Comity from Canada had been approved.

Ms. Christenson reported that the Board approved the April 2007 LS Appeal Results.

Ms. Christenson reported that the Board adopted the Default Decisions regarding Christopher Russell and Ronald Warrecker and adopted the Proposed Decision regarding Iyad Saleh Naffa.

20. Approval of Consent Items (Possible Action)

(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

- a. **Approval of the Minutes of the September 20, 2007, Board Meeting**
- b. **Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

MOTION: Mr. Foley/Vice President Tami moved to approve the minutes from the September 20, 2007, Board Meeting.

VOTE: 9-0, motion carried.

MOTION: Mr. Foley/Mr. Jones moved to approve Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session).

VOTE: 9-0, motion carried.

21. Adjourn

The Board adjourned at 12:10 p.m.

PUBLIC PRESENT

Bob DeWitt, CELSOC

William Hofferber, CLSA

Tom Stout, CSPE/CLCPE

Brian Clifford, DCA

Marc Mason, DCA

Craig Copelan, PECG

Anand Upadhye, CPIL