

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

**Sheraton San Diego Mission Valley Hotel  
1433 Camino Del Rio South  
San Diego, CA 92108  
(619) 260-0111**

**Thursday, January 24, 2008, beginning at 9:00 a.m.**

**Board Members:** Richard Lyons, President; Patrick Tami, Vice President; Gregg Brandow; James Foley; Robert Jones; Mike Modugno; Ray Satorre; and Michael Trujillo.

**Board Members Absent:** Kim Blackseth and Arthur Duffy

**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); Linda Brown (Administrative Manager) and Debbie Thompson (Budget Analyst).

**1. Roll Call to Establish a Quorum**

The meeting was called to order by President Lyons at 9:00 a.m. Roll call was taken, and there was a quorum.

President Lyons welcomed new Board Member, Michael Trujillo.

Mr. Jones arrived at 9:25 a.m.

**2. Public Comment**

Donald Resser addressed the Board regarding his Land Surveyor Delinquent Reinstatement Application. He was previously sent a decision from the Board stating that he needed to take the State Land Surveyor Examination in order to reinstate his California Land Surveyor license. He requested that the Board reconsider this requirement.

President Lyons requested that Mr. Resser send in additional information and that when this is received, the Board will look into what can be done and will get back to Mr. Resser.

**3. Modification of Renewal Envelopes (Possible Action)**

Ms. Brown reported on this item.

**MOTION:** Mr. Foley/Mr. Satorre moved to allow the Board's renewal notices to be sent to licensees in a blank envelope similar to all other Boards and Bureaus in the Department.

**VOTE:** 7-0, motion carried.

**4. Renewal of Emeritus Board Member Terms (Possible Action)**

**MOTION:** Dr. Brandow/Vice President Tami moved to remove Mr. Lazarian and Mr. Shambeck as Emeritus Board members.

**VOTE:** 7-0, motion carried.

**5. Evaluation of Non-ABET Engineering Degrees by the Center for Professional Engineering Education Services (Possible Action)**

Ms. Christenson reported that under current law, an EIT who possesses a non-ABET engineering degree receives two years of experience credit towards the six-year experience requirement. Candidates submit an original or notarized copy of the transcript to the Board upon application. If the transcripts indicate that an engineering degree has been conferred, the candidate receives two years of experience credit.

CPEES provides a review of foreign transcripts on behalf of the Board, determines the equivalency to an ABET degree, and provides both the candidate and the Board with a report that indicates equivalency or deficiencies.

Dr. Brandow stated that most states use this service, and he feels that it is a good thing.

Vice President Tami has concerns over the time it may take to do the evaluations with this service.

**MOTION:** Mr. Foley/Mr. Modugno directed staff to look into using CPEES.

**VOTE:** 7-0, motion carried.

Mr. Jones arrived at 9:25 a.m.

**6. Administration of NCEES Professional Surveyor Exam and SEII to Licensees Seeking Licensure Out-of-State (Possible Action)**

Ms. Christenson reported that Board staff received a request from an individual who is a licensed Land Surveyor and wanted to take the NCEES Professional Surveyor examination in California for purposes of seeking licensure by comity in other states. Mr. Duke advised that there are no legal prohibitions and that this is a policy decision that the Board would have to make.

Ms. Christenson stated that we would need to make modifications to the Board's database system.

Dr. Brandow suggested NCEES look into doing this. Ms. Christenson will check with NCEES.

**7. Increase of Temporary Authorization Fee (Possible Action)**

Ms. Christenson reported that Board staff was directed at the last meeting to determine the actual cost of processing an application for Temporary Authorization. Staff determined that the cost is approximately \$500. This includes cashiering, administrative evaluation, technical evaluation, and Board review.

**MOTION:** Dr. Brandow/Mr. Foley moved to increase the Temporary Authorization application fee, currently \$68.75 to the actual cost of \$500.00.

**VOTE:** 8-0, motion carried.

**8. Waiver of the EIT Examination for PhDs (Possible Action)**

Ms. Christenson reported that effective January 4, 1995, a provision was added to regulation that allowed the board to waive the EIT exam if the applicant held a doctorate in engineering from an approved college or if the applicant was a professor in an engineering curriculum.

Board staff indicated that between January 1995 and January 2000 approximately 25 candidates (1-5 per exam cycle) received a waiver of the EIT exam under this provision. Of those who received the waiver, only two were actually professors teaching at a University. All of the others who received a waiver were graduates who had recently earned a PhD. The Board decided to let it Sunset.

Ms. Christenson reported that it would cost around \$6,000-\$7,000 to do a Regulation Package.

Vice President Tami thinks that it is worthwhile to ask how many are really interested in doing this.

Mr. Modugno feels that anything we can do to encourage licensing in CA., is heading in the right direction.

President Lyons directed staff to move forward with checking with CLCPE to see how many are actually committed to doing this and to look at reinstating the 1995 process.

**9. Early Admission Process to the PE and PLS Examinations (Possible Action)**

Ms. Christenson reported that Board staff has been reviewing the business processes of the examination application process due to the fact that ELSSES may take over the examination administration process. The problem that exists is that the final filing date would have to be pushed back to June or earlier in order to have all the data to ELSSES by their filing date. This would cause an impact on licensure of candidates because candidates applying after ELSSES takes over exam administration would be delayed in applying for the PE examination for 6 months or more. Thus, other alternatives needed to be considered.

The Nevada Board implemented an early admission process whereby a candidate can take the PE examination anytime after graduation provided that the individual has taken and passed the FE/EIT examination, is an ABET graduate, and is a resident of Nevada. Once the candidate passes the examination and gains the requisite experience, he or she can apply for licensure. Conversations with the Nevada Board indicate that this process has been very successful. California accepts candidates for licensure irregardless of the date of examination provided that they have the requisite experience upon application.

Board staff believe that this process would also work out well in California. It would meet the goal of providing a list of qualified candidates to ELSSES in a timely manner and would also work to further the Governor's 2008 proposal to increase the number of new engineers in California. The process would allow engineers to become licensed faster by licensing them upon gaining sufficient experience instead of gaining the experience, passing the exam and then obtaining licensure. It may also even out the application evaluation workload.

Ms. Christenson reported that some of the major benefits would be:

- Candidates will be encouraged to take the FE/EIT while in college;
- Encourages graduates in other fields to take the PE since they can take it earlier in their career;
- Licenses can be awarded throughout the year upon obtaining the requisite experience instead of twice a year;
- Technical evaluation workload may eventually even out; and
- May encourage land surveyor candidates to obtain a four year degree.

Ms. Christenson stated that if the Board directs staff to proceed with this process, it will require several changes to statutes and regulations and that we will need to start looking for an author.

**MOTION:** Vice President Tami/Mr. Satorre moved to direct staff to seek an author to make the necessary statutory changes to implement an early admission process.

**VOTE:** 8-0, motion carried.

**10. Approval of Delinquent Reinstatements (Possible Action)**

**MOTION:** Mr. Satorre/Mr. Modugno moved to approve the Delinquent Reinstatements as follows:

**CIVIL**

**ALI SADEGHI**

Reinstate applicant's civil license once he 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.

**MECHANICAL**

**JOHN FRANK**

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Regulations Examination.

**STEPHEN ROCHE**

Reinstate applicant's mechanical license once he takes and passes the Board's Laws and Regulations Examination.

**VOTE:** 8-0, motion carried.

**11. Comity and Temporary Authorization Applications (Possible Action)**

**MOTION:** Mr. Modugno/Vice President Tami moved to approve the Handout Comity List.

**VOTE:** 8-0, motion carried.

**12. Administration**

**a. Fund Condition**

Ms. Thompson reported on changes included in the Board's fund condition dated January 15, 2008. Revenue projections have been updated and are included in the fund condition. Revenue received through November 30, 2007, was \$6,904,589 which is \$846,564 more than the amount received for November 30, 2006. This is a normal pattern as every other year license fee renewal revenue peaks above the previous Fiscal Year.

**b. Fiscal Year 2007-08 Budget**

Ms. Thompson reported that the Board currently projects to spend \$9,016,563 of its \$9,178,563 FY 2007-08 budget. This will leave a projected \$161,910 surplus after expenses.

**c. Fiscal Year 2008-09 Budget Change Proposals**

Ms. Thompson reported that the Board has one BCP for FY 2008-09 to redirect the Land Surveyor contract funding to create a permanent, full-time state Civil Service Land Surveyor position. The BCP requested the

benefits for the position be augmented from the Board's fund. However, DOF approved the BCP contingent upon the benefits funding be redirected from the Board's existing budget. Board staff agreed to this contingency.

**d. Land Surveyor Position**

This is a proposal to revise the existing Senior Engineer Registrar (SER) State Personnel Board classification so that the Board can use this classification to hire a California Licensed Land Surveyor to perform registrar responsibilities for the Board's Land Surveyor Program. The Board proposes amending the classification title and expanding the knowledge, skills, abilities, and minimum qualifications to include land surveying. Amendments must be made to identify the minimum qualification requirements be **either** a Professional Engineer (PE) License **or** a Professional Land Surveyor (PLS) license. Currently, only a PE license is required. Board staff expects to complete by January 31, 2008, the added forms and information required to schedule this proposal for a State Personnel Board Hearing.

**e. Publications Review**

No report given at this time.

**f. NCEES Exam Fee Increases Effective October 2008**

Ms. Thompson reported that grading fee increases for NCEES PE, PLS, Fundamentals of Land Surveying, and Structural II exams will be effective beginning with the October 2008 exam. The increase in grading fees are:

Discipline	Current Fee	Increase Amount	New Fee
PE	\$ 125	\$ 30	\$ 155
PLS	\$ 125	\$ 30	\$ 155
FLS	\$ 60	\$ 30	\$ 90
Structural II	\$ 395	\$ 250	\$ 655

The projected \$250,000 expense increase will be absorbed from the Board's existing budget surplus.

**g. NCEES Exam Item Liability Expense:**

Effective October 1, 2007, NCEES will require from its member boards financial damages for each exam item breached. For example, in the event one EIT exam booklet is breached, the Board would be liable to pay NCEES \$168,720 (80 exam questions x \$2,109). If this occurred and the Board didn't have adequate funds within its budget to absorb the expense, a Deficiency Request approval would be required for the Board obtain the added funding from its reserve.

FE	\$ 2,109
PE Group I	\$ 3,068
PE Group II	\$ 2,504
FS/PS	\$ 2,251
SE II	\$ 41,537

**h. Applicant Direct Payment of National Exam Fees to NCEES:**

The NCEES proposal to have ELSEES administer the Board's exams requires regulatory changes to reduce exam applicant fees paid to the Board and add state-specific exam fees to support the Board's state-specific exam development costs. The existing \$275 PE/PLS and \$100 EIT/LSIT application fees pay for application qualification review and file update, exam administration, and NCEES book and grading fees. The state-specific exam development costs are currently subsidized by license renewal revenue. Legislative changes will also be required in some areas.

Ms. Thompson explained one of the goals of this proposal is to set more equitable exam application fees for exam applicants required to take only one exam for licensure as compared to those who must take two or more exams. Currently, those who take one exam pay the same fee as those taking two or more exams during one exam administration. As an example, the Structural (SE) examinees pay only one \$275 fee to the Board to take both the State and National exams if they are taken during the same exam administration. The Board's cost for the National SE exam alone is now over \$500 per applicant and will be \$750 effective October 2008. Secondly, this proposal will eliminate budget shortfalls that can occur from NCEES fee increases for exam books, grading, and exams breached as well as shortfalls occurring from unexpected exam population increases. The last goal this proposal will accomplish is to eliminate any potential liability costs incurred for national exams breached.

Ms. Thompson outlined the three options available to the Board, two that will accomplish the goals identified above:

1) **No Change**. Liability expenses incurred by the Board for NCEES exam breaches can be accommodated from the Board's reserve fund upon approval via a deficiency request if needed. This option will require an application fee increase effective within the next 5 fiscal years or sooner if grading fees increase again after October 2008. This option does not meet the Board's goals identified above.

2) **ELSEES Administers the Board's Exams**. The total amount of fees paid by applicants to both the Board and ELSEES would be high for the Civil and SE applicants - - (\$690 for Civil and \$1,050 for Structural). This may discourage state licensure and individuals interested in becoming an engineer in the State of California. This option provides a

more equitable fee structure and eliminates liability for national exams breached.

3) **ELSES Administers Board Exams & Fees Phased In.** This option is the same as #2 except the Board will subsidize a portion of applicants' ELSES fees for two years to alleviate the initial cost increase impact to applicants. In the third year, applicants will pay the same fees as included in Option #2.

**MOTION:** Mr. Foley/Vice President Tami moved to direct staff to move forward with having ELSES administer the examinations and to direct staff to present additional information regarding Options 2 and 3 at the next Board meeting.

**VOTE:** 8-0, motion carried.

### 13. Enforcement

Ms. Eissler reported that Margie Freeman retired at the end of December after working in the Board's Enforcement Unit for over 20 years and that Tralee Carney has been hired to fill the vacant position. Ms. Eissler also reported that the Enforcement Unit is now fully staffed and cases have been redistributed among the eight analysts so that they each have been 60 and 70 cases, which is a much more manageable workload. Ms. Eissler advised that the primary focus of the Enforcement Unit is still working on reducing the backlog. She pointed out that the number of cases over one year old has gone down each month this fiscal year. She also noted that the Citation Program is getting back on track and more citations are being issued.

Vice President Tami noted that more cases have been closed this fiscal year than have been opened. He praised the Enforcement Unit staff for their hard work in closing cases and reducing the backlog.

Mr. Modugno asked if the examination subversion cases are the cause of the spikes in the number of cases opened in some of the months. Ms. Eissler advised the Board that the examination subversion cases are typically opened in November and January for the October examinations and in April and July for the April examinations. Bill Hofferber, representing CLSA, questioned why there had been such a dramatic increase in the number of examination subversion cases beginning in 2006. Ms. Eissler explained that that was the year that candidates were removed from the examinations for having a prohibited calculator and also the year that NCEES began its Collusion Analysis Program.

Mr. Satorre stated that he had been contacted by the Daly City Building Official, who had contacted the Enforcement Unit with questions; the Building Official advised that the staff had been very helpful. Mr. Satorre thanked the Enforcement Unit for providing assistance to local agencies as well as the consumers and licensees.

**14. Legislative**

**a. Discussion of Proposed Legislation for 2008, including but not limited to, SB 374, SB 618, SB 721, and SB 963 (Possible Action)**

Ms. Christenson reported on the information contained in the agenda and stated that the Legislature moves in two year cycles and that these Bills are left over from last year.

**b. Regulation Status Report**

Information contained in the agenda.

**15. Technical Advisory Committee TAC Reports**

**a. Board Assignments to TACs (Possible Action)**

There were no assignments made to the TACs.

**b. Appointment of TAC Members (Possible Action)**

There were no appointments made.

**16. Liaison Reports (Possible Action)**

**a. ABET**

There was no ABET report given.

**b. NCEES**

**1. Nominations for Western Zone and National Awards**

**MOTION:** Mr. Satorre/Vice President Tami moved to nominate Gregg Brandow for the Western Zone Distinguished Service Award.

**VOTE:** 8-0, motioned carried.

**MOTION:** Vice President Tami/Mr. Foley moved to nominate Ted Fairfield for the NCEES Distinguished Service Award.

**VOTE:** 8-0, motioned carried.

President Lyons directed staff to send a letter to NCEES and the Western Zone member boards nominating Vice President Tami for Western Zone Vice President.

**c. Technical and Professional Societies**

No report was given.

**17. President's Report**

No report was given.

**18. Executive Officer's Report**

**1. Administration Report**

**a. Executive Summary Report**

No additional report given.

**2. Personnel**

**b. New Hires**

No report given.

**c. Vacancies**

No report given.

**3. Enforcement/Examination/Licensing**

**a. College Outreach**

Ms. Christenson reported that there have been a few College Outreach presentations.

**b. Report on Enforcement Activities**

Ms. Eissler advised that the Reporting of Legal Actions Program became operative on January 1, 2008, and that there is information, including the reporting form, available on the Board's website. She also advised that staff is looking into sending out a postcard to all licensees informing them of the new program. Ms. Eissler also gave a brief summary of the requirements of the program. She explained that the initial goal will be to educate all licensees regarding the program and its requirements.

Robert DeWitt, representing CELSOC, stated that he participated in a teleconference with Ms. Christenson and Ms. Eissler and others regarding the new program and appreciated the input. He indicated that CELSOC would be sending a letter requesting clarification of various aspects of the program.

**c. Report on Examination Activities – October examinations**

Ms. Christenson reported that we will be giving the examination at a site in Visalia.

**4. Publications/Website**

**a. Website Activity Statistics**

No additional report given.

**5. Other –**

**a. DCA Update**

Ms. Christenson reported that she and Ms. Eissler met with the new Chief and Deputy Chief of the Division of Investigation.

**19. Other Items Not Requiring Board Action**

**Date of Next Board Meeting: March 20 & 21, Bay Area or Sacramento, California.**

Ms. Christenson stated that the March 2008 meeting will be only one day.

**20. 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

**21. 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; and 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 Board approved the passing scores for the October 2007 examinations:

- EIT Pass/Fail Only
- LSIT Pass/Fail Only
- Agricultural Pass/Fail Only
- Chemical Pass/Fail Only

- Control System Pass/Fail Only
- Electrical Pass/Fail Only
- Fire Protection Pass/Fail Only
- Industrial Pass/Fail Only
- Mechanical Pass/Fail Only
- Metallurgical Pass/Fail Only
- Nuclear Pass/Fail Only
- Petroleum Pass/Fail Only
- Traffic score of 67 out of 117
- Civil 8-hour Pass/Fail Only
- Seismic Principles score of 177 out of 292
- Engineering Surveying score of 193 out of 300
- Structural National Pass/Fail Only
- Structural (State Specific) score of 184 out of 400
- Geotechnical score of 453 out of 900
- Land Surveyor National Pass/Fail Only

Ms. Christenson reported that the Board adopted the Stipulation Regarding Vincent Bossi.

**22. 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 November 15, 2007, Board Meeting**
- b. **Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

**MOTION:** Vice President Tami/Mr. Foley moved to approve the consent items.

**VOTE:** 8-0, motion carried.

**23. Adjourn**

The Board adjourned at 12:00 p.m.

**PUBLIC PRESENT**

Bob DeWitt, CELSOC

William Hofferber, CLSA

Craig Copelan, PECG