

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

**Portola Hotel & Spa  
Two Portola Plaza  
Monterey, California 93940**

**Friday, March 14, 2008, beginning at 9:30 a.m.**

**Board Members Present:** Richard Lyons, President; Patrick Tami, Vice President; Kim Blackseth; Gregg Brandow; Arthur Duffy; James Foley; Robert Jones; Mike Modugno; Jerry Silva; and Michael Trujillo.

**Board Members Absent:** Ray Satorre

**Board Staff Present:** Cindi Christenson (Executive Officer); Nancy Eissler (Enforcement Program Manager); Cindy Fernandez (Executive Analyst); Gary Duke (Legal Counsel); and Debbie Thompson (Budget Analyst).

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

The meeting was called to order by President Lyons at 9:30 a.m. Roll call was taken, and there was a quorum.

President Lyons welcomed new Board Member, Jerry Silva.

**2. Public Comment**

Mr. Pierce thanked the Board for holding the Board meeting in Monterey and he also expressed concern regarding SB 246, and the new requirements for food safety.

**3. Administration of NCEES Professional Surveyor Exam and SEII Exam 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 exam in CA for purposes of seeking licensure by comity in other states.

Staff contacted the NCEES to determine whether an individual could take the exam through NCEES instead of going through a State Board. NCEES staff indicated that the person must apply through a Board.

Ms. Christenson talked to the individual and explained this to him and he understands.

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

Ms. Christenson reported that at the last Board meeting staff was directed to seek legislative changes to increase the temporary authorization fee to the actual cost to the Board of \$500. Board staff contacted key legislative staff who advised that this is not the appropriate time to seek such a change due to budget issues.

Vice President Tami feels this item should be brought back to the Board in the future.

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

Ms. Christenson stated that she contacted Mr. Katin of CLCPE regarding this item and he felt that by having this waiver, it is a positive step towards getting more Engineers licensed in CA.

Mr. Duffy stated that he would like to see what the other Engineering societies have to say regarding this item. Mr. Duffy doesn't feel the need to change this since it is such a small population requesting this.

President Lyons directed staff to bring Regulatory Language to the next Board meeting and to include Land Surveying.

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

Ms. Christenson reported on this item. She stated that the biggest problem she sees is how we come up with an additional \$550,000. She contacted NCEES to see if they would consider lowering their fee, NCEES will get back to Ms. Christenson regarding this.

Ms. Christenson advised that she spoke with Bob Katin of CLPCE, who indicated that he does not believe this is a good idea.

Mr. Copelan reported that PECG has no concerns at this time, but it should be explored further.

Mr. Foley stated that he has concerns as to what kind of "Risk Liability" it may cause.

Vice President Tami stated that he believes it would benefit staffing issues with the volume of applications all coming in at one time so that there would be no "peaks" and "valleys" with applications.

**7. California Structural Engineer Seismic Exam Test Plan Update to Accommodate the New California Building Code (Possible Action)**

**MOTION:** Dr. Brandow/Mr. Duffy moved to approve the updated California Structural Engineer Seismic Examination Test Plan.

**VOTE:** 10-0, motion carried.

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

**MOTION:** Vice President Tami/Mr. Foley moved to approve the Delinquent Reinstatements as follows:

**CIVIL**

**MARIA MANUEL**

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

**JOHN VLASSIS**

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

**ROBERT WALLACE**

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.

**ELECTRICAL**

**EVAN HO**

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.

**LAND SURVEYOR**

**DONALD RESER**

Rescind the decision issued on September 20, 2007, and reinstate the applicant's land surveyor license once he takes and passes the Board's Laws and Regulations examination.

**MECHANICAL**

**DONALD CHAN**

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

**SALAH MOHAMED**

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

**VOTE:** 10-0, motion carried.

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

**MOTION:** Mr. Foley/Dr. Brandow moved to approve the Handout Comity List.

**VOTE:** 10-0, motion carried.

**10. Administration**

**a. Fund Condition**

Ms. Thompson reported on changes included in the Board's fund condition dated March 5, 2008. Revenue projections have been updated in the fund condition. Revenue received through January 31, 2008 was \$7,749,000 which is \$1,203,000 more than the amount received for January of the prior FY. This is a normal pattern as every other year license fee renewal revenue peaks above the previous FY and this is a peak year.

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

Ms. Thompson reported that the Board currently projects to spend \$9,141,263 of its \$9,178,473 FY 2007-08 budget. This will leave a projected \$37,210 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 next approval process for the BCP is the Assembly and Senate Budget Hearings. The Assembly Budget Committee for Consumer Affairs is tentatively scheduled for April 1, 2008 and the Senate is scheduled for March 24, 2008.

**d. Land Surveyor Position**

In conjunction to the FY 2008-09 BCP, this proposal is required 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. Board staff is still in the process of responding to the Department of Personnel Administration questions that must be answered to schedule the proposal for a State Personnel Board hearing.

**e. Publications Review**

Ms. Eissler reported that the Board is looking into the possibility of a contract with an outside publication firm to publish the laws and rules handbook. Mr. Foley suggested the Board partner with CELSOC and CLSA to complete the handbook. Mr. Duke stated that such a partnering would be a conflict of interest for the Board. Ms. Christenson reported the Board will also be updating the Local Officials' Guide.

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

Ms. Thompson reported DCA indicated they will assist the Board with a FY 2008-09 request to obtain the funding needed for the exam grading fee increases. Ms. Thompson stated that in October, 2006 when the fee increases were instituted by NCEES, the Board's budget was in a position to absorb these increases. Since that time, the Board absorbed exam population increases above workload growth projections, an unexpected building lease increase this FY, and will absorb the benefits for the Land Surveyor position requested in the FY 2008-09 BCP. For this reason, excess budget funds are now no longer available to absorb the national exam fee increases that will begin October 2009.

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

Effective October 1, 2007, NCEES will require from California and its other member boards' financial damages for each national exam item breached or lost. Ms. Christenson reported that the Board will not be liable for these financial damages if NCEES administers its own exams in California. Ms. Christenson is negotiating a contract amount with NCEES for this purpose. Mr. Foley reported that in a recent NCEES Finance Committee meeting, members reported that insurance against this type of breach or loss is not feasible as the premium cost would be nearly equal to the cost of the loss. The NCEES Council has determined it must build its net assets so that the funds are available in the instance it does occur. If an entire shipment of one state's exam administration is lost at worst case scenario, the amount would be \$6.2 million.

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

Ms. Christenson reported that the Board is continuing to discuss alternative methods for NCEES to administer California's exams effective for the October 2009 exam administration. Since the requirement that applicants pay directly to NCEES would result in a significant applicant fee increase, alternate methods are now being explored by Board staff for NCEES to administer the Board's exams. Ms. Christenson indicated that instead of requiring applicants to pay directly to NCEES, the most feasible alternative may be to instead contract with NCEES for the exam administration and continue receiving exam applicant full payment at the Board. With this alternative, the same obstacles must be overcome regarding NCEES' requirement that qualified candidates be registered

seven weeks earlier than the Board's application deadline. Board staff is looking into minor legislative changes that could counter the negative effects of an early registration deadline that is prior to graduation dates. One idea is to allow early admission for PE exams before the required two years work experience is obtained. Ms. Thompson reported that the early PE exam admission has been a success in Nevada and New Mexico because it shortens the amount of time needed to meet license requirements and the exam pass rate has increases.

## 11. Enforcement

Ms. Eissler reviewed the enforcement statistics through February as included in the agenda packet. She noted that the number of cases over a year old is continuing to go down. She advised that the Enforcement Unit is now fully staffed and all the new staff are doing an excellent job learning the process quickly, which is helping reduce the backlog of cases.

Vice President Tami stated that he was very impressed with the number of cases that have been closed so far this fiscal year. On behalf of the Board, he thanked the Enforcement Unit for their hard work. President Lyons also thanked the Unit. Ms. Eissler advised that the Enforcement Unit appreciates the support of the Board.

Ms. Christenson advised that Board that the Contractors State License Board (CSLB) has been assisting with some of the investigations due to the backlog at the Division of Investigation. Ms. Christenson stated that the CSLB investigators have done an excellent job for us, and she will be sending a letter to the Registrar of CSLB expressing our appreciation.

## 12. Legislative

### a. Discussion of Proposed Legislation for 2008, including but not limited to, AB 2423, AB 2427, AB 2793, SB 374, SB 618, SB 721, and SB 963 (Possible Action)

Mr. Duffy reported on the information contained in the agenda.

**MOTION:** Mr. Duffy/Vice President Tami moved to watch AB 2423; Professions and vocations: licensure. Among other things, this bill would authorize specified Boards and the Director of Consumer Affairs to issue a probationary license or registration to an applicant subject with specified terms and conditions.

**VOTE:** 10-0, motion carried.

**MOTION:** Mr. Blackseth/Mr. Duffy moved to watch AB 2427; Professions and vocations. This bill would make it unlawful for a city or county to prohibit a person or a group of persons

licensed by the Department of Consumer Affairs from engaging in any act or series of acts that fall within the statutory or regulatory definition of that business, occupation, or profession.

**VOTE:** 10-0, motion carried.

**MOTION:** Mr. Duffy/Vice President Tami moved to watch AB 2793; Professional Engineers. This bill would declare the intent of the Legislature to enact legislation that requires professional engineers inspecting a building or structure for any reason to report dangerous structural deficiencies in order to protect the lives and safety of the people of this state.

Mr. Hofferber reported on additional Bills; SB 1237, AB 1777, and AB 1978. President Lyons requested that these Bills be included in the next agenda.

**b. Regulation Status Report**  
No additional report given.

**13. Technical Advisory Committee TAC Reports**

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

Vice President Tami gave the new Board members a brief history of what the TACs role is. Vice President Tami reported that the LS TAC will meet before the next Board meeting.

President Lyons made the following Board assignments to the TACs:

- Mr. Duffy and Mr. Silva; CE TAC
- Mr. Foley and Mr. Satorre; GE TAC
- Mr. Modugno and Mr. Jones; EE TAC
- Vice President Tami and Mr. Trujillo; LS TAC
- President Lyons and Mr. Jones; ME TAC
- Dr. Brandow and Mr. Blackseth; SE TAC

**b. Appointment of TAC Members (Possible Action)**  
There were no appointments of TAC Members.

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

**a. ABET**

No report given.

**b. NCEES**

President Lyons reported that Vice President Tami is running for Western Zone Vice President, which would mean that he would be on the NCEES

Board of Directors. President Lyons stated that it is very important for California to have a voice at NCEES.

President Lyons advised that he had attended an NCEES Committee meeting in February. He stated that three items will be coming up for a vote at the NCEES Annual Meeting that could affect the Board: 1) creating a national records database that all boards would participate in to track the number of times and locations individuals take the examinations; 2) approving a \$6.2 million fund to cover any potential examination breaches; and 3) in what manner boards may designate their executive officers or other individuals to act in place of the boards at meetings in the event that board members are unable to attend.

Dr. Brandow advised that the Structural Examination Task Force is moving forward with plans to revise the existing SE I and SE II examinations and create a national mastery level examination, which could be used in place of state-specific examinations.

Vice President Tami reported that he had attended a UPLG committee meeting regarding revising the Model Laws and Model Rules. He advised that NCEES is moving forward with the BS Plus 30 program, which our Board remains opposed to. He stated that this matter will be brought up at the Zone meetings.

**c. Technical and Professional Societies**

Vice President Tami, Ms. Christenson, and Ms. Eissler attended the CLSA Annual Conference. They reported that there were very positive reviews.

**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**

**a. New Hires**

No report given.

**b. Vacancies**

No report given.

**3. Enforcement/Examination/Licensing**

**a. College Outreach**

Outreaches were given at UC Davis and Sac State.

**b. Report on Enforcement Activities**

No additional report given.

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

Ms. Christenson reported that there is a shortage of proctors in the Bay area.

**4. Publications/Website**

**a. Website Activity Statistics**

Ms. Christenson reported that we have a new web address:  
[www.pels.ca.gov](http://www.pels.ca.gov)

**5. Other –**

**a. DCA Update**

Ms. Christenson reported that we are getting positive press about Engineers and Land Surveyors and their impact on the economy.

Ms. Christenson attended an Executive Officer meeting and was asked to pass on to the Board members that it is important to remember not to use cell phones, PDAs, etc., during the Board meetings. Also, if a Board member is contacted by a member of the public, it is important to refer them back to staff. If asked about an agenda item, ask how many other Board members they have talked to regarding the agenda item.

Ms. Christenson reported that the Geology Board moved out of our office building and our Board will be looking into reorganizing to utilize their vacated space.

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

**Date of Next Board Meeting: May 8 & 9, Bay Area or Sacramento, California.**

Ms. Christenson reported that we will be having a Strategic Planning session in conjunction with the May Board meeting.

Ms. Eissler reported that there will be no Petition Hearings at the next Board meeting.

**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. **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); 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 adopted the Stipulation Regarding Brian Jensen.

**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 January 24, 2008, 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:** 10-0, motion carried.

**21. Adjourn**

The Board adjourned at 12:15 p.m.

**PUBLIC PRESENT**

Bob DeWitt, CELSOC

William Hofferber, CLSA

Craig Copelan, PECG

Frank Pierce, AG Eng

Donald Reser