

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

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

**Wednesday April 15, 2009, beginning at 10:00 a.m.**

**Board Members Present:** Patrick Tami, President; Kim Blackseth, Vice President; Gregg Brandow; James Foley; David Luzuriaga; Mike Modugno; Ray Satorre; Jerry Silva; and Michael Trujillo

**Board Members Absent:** None

**Board Staff Present:** Joanne Arnold (Interim Executive Officer); Nancy Eissler (Enforcement Program Manager); Cindy Fernandez (Executive Analyst); Debbie Thompson (Budget Analyst); Linda Brown (Admin Manager); Tiffany Criswell (Enforcement Analyst); Susan Christ (Staff Civil Engineer); Mike Donelson (Staff Electrical Engineer); and Gary Duke (Legal Counsel)

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

The meeting was called to order by President Tami at 10:00 a.m. Roll call was taken, and there was a quorum.

Mr. Luzuriaga arrived at 10:10 a.m.

President Tami announced that items would be taken out of order to accommodate scheduling issues.

**2. Public Comment**

Mr. Copelan, representing PECG, presented a plaque to Ms. Christenson.

Mr. Copelan reported that PECG members had several questions and comments that they asked him to share with the Board:

- They questioned the time it takes to receive examination results and the time it takes to be notified that they can sit for an examination. They suggested putting FAQs on the Board's website.

- They suggested that the cost of examination be prorated due to budget cuts and State employees' salary reductions.
- They asked if it is possible to get a copy of the tape from the Board meetings.

Ms. Eissler stated that anyone interested in a receiving a copy of the tape can submit a written request prior to the next Board meeting.

President Tami suggested that Mr. Copelan and PECG may wish to work with Board staff to arrange an outreach meeting to discuss some of these issues.

Dr. Al-Kalezi, representing ASCE Region 9 Board of Directors, reported that ASCE is interested in competency and continuing education. Dr. Al-Kalezi stated that they are interested in opening a dialog with the Board regarding mandatory continuing education and will have a representative at Board meetings from now on.

Mr. Sanawi provided the Board with a handout regarding his removal from the October 2008 examination administration and his suggestions for changes in the process. Mr. Sanawi gave a brief description of his experience at the examination site, stating that he wrote his name on his reference books after the examination materials had been collected at the end of the morning examination session. He stated that he unintentionally broke the rules but he was not subversive. Mr. Sanawi stated that he was treated very unprofessionally and that the proctor was very explosive, lost her temper, and was very disrespectful to him, and that the CHP officers were asked to escort him out of the examination room, which he felt was unnecessary. Mr. Sanawi stated that if there was a licensee on site during the examination administration, he would have received the proper warning and would not have been mistreated. Mr. Sanawi asked if the proctors are employed by the State or hired on a contract basis. Mr. Sanawi stated that he is concerned that he was mistreated because of his name. He also stated that he doubts the professional members of the Board would approve of the actions of the proctor. Mr. Sanawi also stated that, at this point, he is so traumatized that he cannot see going through with taking the examination again. Mr. Sanawi noted that he brought his wife, mother, and sister with him to the meeting, and that he works for the State.

President Tami told Mr. Sanawi that the proctors are employed by the State and that all examinees need to make sure that they review all examination instructions before they take the examination; these instructions clearly indicate that writing on anything other than examination materials will result in the candidate's removal from the examination. President Tami stated that he is sorry is Mr. Sanawi believes he was mistreated, but that President Tami has worked with the proctor involved and has always found her to be very professional. President Tami also noted that if the CHP officers became involved, they

obviously believed the situation needed security and that is why they were requested to escort Mr. Sanawi out.

Mr. Satorre asked Mr. Sanawi if there was any shouting back and forth between him and the proctor. Mr. Sanawi stated that he did not have a chance to respond. Mr. Satorre noted that for every action there is a reaction.

Mr. Foley stated that the word "subversion" is euphemism for the word "cheating" and that there is a very big problem nationwide with "cheating." Mr. Foley stated that some people go to the examination just to copy and sell the questions; therefore, any kind of writing on any materials after time is called is taken very seriously. He further stated that it costs approximately \$6.5 million to replace an examination, and with so many people to monitor, we have to be very strict with the rules. Mr. Foley said he does understand Mr. Sanawi's frustration but asked Mr. Sanawi to try and understand the difficulty for the Board and staff in ensuring that the rules are strictly enforced.

Mr. Sanawi stated that if licensed professionals administered the examination, they would be more logical and rationale. He stated that the Board should consider the logic before enforcing the rules.

Mr. Duke stated that all candidates are entitled to have a disruptive-free test environment and that Board Rule 442 is very specific about writing and/or erasing after time is called. Mr. Duke also stated that reports to the Board from witnesses at the examination site stated that Mr. Sanawi had been notified several times to stop writing. Mr. Duke noted that Board Rule 442 also allows the Board to prevent a candidate from taking the examination for up to three years; however, Mr. Sanawi was being allowed to sit for examinations immediately, including the upcoming April 2009 examinations.

Mr. Sanawi stated that he is too traumatized to sit for the examination. Mr. Duke pointed out that was not an issue the Board could address.

Mr. Modugno stated that he understands Mr. Sanawi's concerns but the Board has to strictly enforce the rules. Mr. Modugno suggested that Mr. Sanawi focus on his goal of becoming a Professional Engineer and take the examination and get licensed.

Mr. Sanawi stated that he wants a statement in his file saying he did not violate any law and did not commit examination subversion.

Mr. Sanawi admitted that the proctor did tell him to stop writing.

Mr. Trujillo stated that the Board is allowing Mr. Sanawi to take the examination again.

Mr. Sanawi stated that that does not clear the matter. He is asking the Board to look into it and do the right thing.

Mr. DeWitt, representing ACEC-CA, thanked Ms. Christenson for her years of service to the professions of engineering and land surveying.

Mr. Luttrell provided the Board a handout regarding the 16-hour Structural Engineer National Examination. Mr. Luttrell is opposed to this proposal and has concerns regarding the fee increase, if adopted.

**8. New 16-Hour NCEES Structural Engineering Examination (Possible Action)**

Dr. Brandow advised that there has been a nationwide review and discussion of the practice of structural engineering and the structural engineering examinations since 2002. He explained that with the adoption of the International Building Code (IBC) nationwide, all states now have the same building code. There were concerns with the existing national examinations, including what they covered, who used them, and whether the separate parts were used as stand-alone examinations. NCEES has now developed a 16-hour, two-part examination; the examination may be passed in parts, but both parts must be passed in order to become licensed as a Structural Engineer.

Dr. Brandow explained that the SETAC met and reviewed the use of the NCEES examination in lieu of a combined national and state-specific examination, which is what the Board currently uses. The biggest concern from the SETAC members was the level of participation of California Structural Engineers in developing the national examination. Dr. Brandow noted that the California Subject Matter Experts (SMEs) focus on the development of the state-specific examination; he hopes that they will volunteer to work on the national examination if California is no longer developing a state-specific examination.

Dr. Brandow noted that the alternative to using the new 16-hour national structural engineering examination would be very difficult for the Board – the Board would have to write and develop its own 16-hour examination, which would be very costly; and it would cause problems for comity licensure.

Ms. Christ advised that she had spoken with NCEES after the SETAC meeting. NCEES indicated that California Structural Engineers did participate in the development of the test plan; NCEES would also welcome more California licensees as SMEs for the national examinations.

Ms. Christ explained that it currently costs between \$2,000 and \$3,000 per candidate per examination to develop the 8-hour California state-specific examination. Dr. Brandow advised that the current 8-hour NCEES SE II examination costs the Board \$800 per examination.

Mr. Modugno asked how much the Board pays the SMEs. Ms. Christ advised that they are paid \$32 per hour. She also explained that the development costs include the SMEs hourly rate and travel expenses for development and grading, as well the vendor costs and the printing costs. Mr. Modugno asked what the national rate was for paying SMEs. Dr. Brandow advised that it is done on a volunteer basis, but all of their travel expenses are reimbursed by NCEES. Ms. Christ noted that many of the SMEs she has talked to believe it is an honor, and part of their professional duty, to work on the examination development.

Mr. Foley noted that he originally shared Mr. Luttrell's concerns but after listening to Dr. Brandow's presentation, he believes the new examination will address many issues and will help California in the long run; he does not believe it will be a "lesser" examination than the current one.

Mr. Luttrell noted that examination performance under the new IBC has been spotty because not everyone is used to it yet. He stated that it sounds like the Board does not have much choice but to use the new 16-hour national examination but he believes the Board and NCEES should do more to ensure that there are more California SMEs working on the examination. He also believes the Board should use its negotiating power to require identification of whether the candidates completed the bridge or building track on examinations.

Dr. Brandow noted that the Board does not keep track now of whether a candidate completes bridge or building problems on the examination. He stated that he does not believe that is an issued. He noted that California could decide not to use the national examination at a later date if it is decided that it does not meet our needs.

**MOTION:** Dr. Brandow/Mr. Foley moved to approve the adoption of the new 16-hour NCEES Structural Engineering Examination for use in licensing structural engineers in California beginning in April 2011.

**VOTE:** 9-0, motion carried.

#### **9. NCEES Candidate ID Requirement (Possible Action)**

Mr. Donelson reported that NCEES representatives will be meeting with Board staff in May to discuss this issue. NCEES wants to have a unique ID number for each candidate and wants to allow for on-line registration for examinations.

Dr. Brandow stated that this unique ID number is separate from Social Security numbers, passport numbers, etc.

Mr. Foley stated that NCEES is trying to prevent exam subversion and they believe if everyone has their own unique ID number, that it would help control

subversion because they could track where candidates go to take the examinations.

Mr. Donelson reported that NCEES would like to have this implemented by October 2010. Mr. Donelson will have a full report at the next Board meeting.

**3. Removal of Expiration Date Requirements (Possible Action)**

Ms. Eissler reported that at the January 15, 2009, Board meeting, a proposal was made by the professional association ACEC-CA to change the renewal period back to four years (from the current two years). One of the reasons given for this proposal is that many projects span more than a two-year period; since licensees are required to include their expiration date when they sign and seal their documents, the expiration date may change during the course of the project, raising questions as to whether the license was current at the time or causing the licensee to have to re-sign and re-seal all of the documents. As directed, staff researched the issue of what sections of the laws would need to be amended to remove requirements for the expiration date to be included on engineering and land surveying documents.

Ms. Eissler reviewed the information contained in the agenda packet regarding when the laws were added or amended to require the inclusion of the expiration date on engineering and land surveying documents and as part of the seal. She noted that the first amendments were done in the 1980s; while she was able to find staff files regarding the legislation, unfortunately, there were no notes indicating why the expiration date requirement was being added.

Ms. Eissler advised that if the Board chooses to remove the expiration date requirements, the following sections of the laws would need to be amended, requiring either statutory or regulatory changes, as noted below:

Business and Professions Code sections 6735, 6735.3, 6735.4, and 8761 – these sections require the expiration date be included on all final civil, electrical, and mechanical engineering documents. Amending these sections would require statutory changes through the Legislature.

Business and Professions Code section 8764.5 – this section requires the expiration date to be included in the Surveyor's Statement and the County Surveyor's Statement on maps. Amending this section would require statutory changes through the Legislature.

Business and Professions Code sections 6764 and 8750 – these sections require that the expiration date or a space in which it may be written be included in the seal. Amending these sections would require statutory changes through the Legislature.

Board Rule 411 – this regulation requires that the seal contain either the expiration date or a space in which it can be written. Amendments would require regulatory changes through the rulemaking process; however, such amendments could not be done until Business and Professions Code sections 6764 and 8750 were amended to remove the requirement.

Mr. Luzuriaga stated that the expiration date/renewal of license is really more of a reminder and not a review of qualifications.

Mr. Foley stated that he remembers the change to a four-year renewal cycle and the addition of the requirement to include the expiration date; he stated it was done as a way to remind licensees and to avoid the increase in delinquent licenses.

President Tami questioned the term “expiration” versus “renewal.” Mr. Duke advised that, under the law, the term “expiration” means that the person cannot use the license after that day; therefore, it is an “expiration” of the license.

Mr. Modugno stated that if the license is current at the time the work is signed and sealed, which would be apparent since the date of signing and sealing must also be included, then the documents should not have to be re-signed and re-sealed.

Mr. Luzuriaga stated that the approving agency always wants a current expiration date on the documents. He also questioned whether people could pay ahead for their renewals, paying several cycles at a time. President Tami noted that that would not take into account in any changes in the renewal fees.

Dr. Brandow noted that the laws regarding including the expiration date were enacted prior to the internet; now that License Lookup is available, it is easy to check whether a person’s license is current.

Mr. Satorre noted that some professions have other renewal requirements, such as continuing education, in addition to paying the fee; a person may pay the fee, but if he has not met the other requirements, his license is not renewed.

Mr. DeWitt stated that ACEC does not yet have a position on this item; however, they do prefer the term “renewal date” to “expiration date.” He stated that they would need to see the actual language before taking a position.

Mr. Luzuriaga stated that if continuing education becomes a requirement, he believes the expiration date should remain but he would then like to consider a longer renewal period. Mr. Silva asked what the fiscal impact would be. Ms. Eissler stated that this issue only deals with the expiration date requirement, not changes to the renewal period.

Mr. Foley stated that delinquents went down when the renewal cycle was changed from four to two years. He believes that the problems with having to re-sign and re-seal are caused by the requirement to include the expiration date, not by the renewal period.

President Tami stated that he is on the fence regarding this issue. He noted that most neighboring states do not require the inclusion of the expiration date, but if it is a reminder to licensees to renew, then it may be a good thing to require. He stated that he would like to hear more from the professions; so far, it seems that they do not want the reminder.

Mr. Trujillo asked what the penalties were for failure to renew on time. Ms. Eissler explained that there are delinquency fees added on to the renewal fee if the license is renewed after the expiration date. She explained that the licensees cannot practice once the expiration date has passed until the renewal fee, and any delinquency fees, are paid.

Dr. Brandow stated that he believes the public is better served by verifying a license via the internet, rather than the expiration date on the seal.

**MOTION:** Mr. Foley/Mr. Luzuriaga moved to direct staff to move forward with the process to remove the expiration date requirement.

**VOTE:** 9-0, motion carried.

**4. On-Line Renewals/Credit Card Renewals (Possible Action)**

Ms. Eissler stated that at the January 15, 2009, Board meeting, the Board directed staff to research the issue of what steps the Board would need to take to be able to accept renewal payments via credit cards and through an on-line renewal system. Staff has done preliminary research and learned that some professions regulated by various boards and bureaus currently offer on-line renewals via credit card payments as part of a pilot or trial program through the Department of Consumer Affairs (DCA). Ms. Eissler stated that staff is continuing to research this matter and will be working with DCA to determine what steps the Board would need to take to accept renewal payments via credit cards and through an on-line renewal system. Staff will provide a full report at a future Board meeting.

President Tami stated that he believes this would be very beneficial to the Board and to the professions.

**5. Submittal of Take Home Examination (Possible Action)**

Ms. Eissler reviewed information contained in the agenda and reported that staff is continuing to research this matter and will be working with the Board's Legal

Counsel to determine if statutory or regulatory amendments would be needed to specify a date by which the take home examination must be submitted. Staff will provide a full report with recommendations at a future Board meeting.

Mr. Luzuriaga stated that his preference would be that the take home examination be required at the time the applicant submits their application.

Mr. Hofferber, representing CLSA, asked if the Board has a monitoring system to know if someone had taken and passed the take home examination. Ms. Eissler stated that the Board has a database system keeps track of all examination information, including whether the applicant has passed the take home examination. Ms. Eissler advised that it is indicated on the admission notice and the result letter whether the candidate still needs to take and pass the take home examination.

President Tami expressed concerns with adding requirements for applicants along with all the other changes coming to the application process.

President Tami announced that the Board will work until 12:30 p.m. and then go into Closed Session; he expects to be back into open session around 3:30 p.m.

## 15. Legislative

### a. Proposed Legislation for 2009: AB 484, AB 645, SB 275, SB 284, SB 389, SB 502, SB 599, SB 638, and SB 819 (Possible Action)

Ms. Arnold reported on the information contained in the agenda.

**MOTION:** Mr. Foley/Dr. Brandow moved to oppose AB 484; Franchise Tax Board: Professional or Occupational licenses.

**VOTE:** 9-0, motion carried.

**MOTION:** Dr. Brandow/Mr. Silva moved to oppose AB 645; Professional Engineers and Land Surveyors: licensing

**VOTE:** 7-2, motion carried. Mr. Modugno and President Tami, nay.

President Tami appointed Mr. Foley and Mr. Luzuriaga as a sub-committee to work with staff regarding AB 645.

**MOTION:** Dr. Brandow/Mr. Luzuriaga moved to watch SB 275; This bill would change the disciplines currently licensed as “title act” engineers to “practice act” engineers.

Mr. Foley noted that SB 275 does not convert the “title acts” to “practice acts” in the same manner as the Board had previously proposed. He noted that the Board’s proposal did not have the support of PECG or ACEC and did not pass. Ms. Arnold advised that the bill was scheduled to be heard in Committee the following Monday.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Satorre/Mr. Silva moved to watch SB 389; This bill would make fingerprinting a requirement for the licensure of various professions and vocations by boards within the Department of Consumer Affairs.

Ms. Arnold advised that the Board was not yet included in this bill but might be added later. She advised that the Department of Justice has concerns with the workload impact that implementing this for all of the DCA professions would have if all of the professions are done at once.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Modugno/Mr. Silva moved to watch SB 502; State Agency Website: Information.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Trujillo/Mr. Silva moved to watch SB 638; Regulatory Boards: Operations.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Silva/Mr. Luzuriaga moved to support SB 819; This bill among other things eliminates the current sections of the Professional Engineers Act and Professional Land Surveyors Act that require the Board to meet and approve, by a majority vote, the issuance of licenses.

**VOTE:** 9-0, motion carried.

**b. Regulation Status Report**

Ms. Eissler reported that public hearings on the rulemaking proposals will be held in conjunction with the July Board meeting.

**21. 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), 11126 (e)(1), and 11126(e)(2)(B)(i)]

- 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. Discrimination Complaint (Authority for Closed Session Discussion pursuant to Government Code section 11126(e)(2)(B)(i))
- c. Selection of Executive Officer

**22. Open Session to Announce the Results of Closed Session**

Ms. Eissler 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 the Discrimination Complaint (Authority for Closed Session Discussion pursuant to Government Code section 11126(e)(2)(B)(i)).

Ms. Eissler reported that the Board adopted the results of the take home examinations for the candidates who had previously passed other portions of the examinations and the appeal results for the October 2008 Geotechnical Engineering Examination and the October 2008 Structural Engineering Examination.

Ms. Eissler reported that the Board adopted the Stipulations regarding Allan Baird, Marvin Chapman, and Robert Chi and adopted the Proposed Decisions regarding Charles Barsuglia, Nick Kazemi, and Levi Rodriguez.

President Tami reported that, in Closed Session, the Board had interviewed candidates for the Executive Officer position. He stated that the Board hoped to announce its new Executive Officer in a few days and the announcement would be posted on the Board's website.

**6. Requirements for References for Applicants for Licensure (Possible Action)**

Ms. Eissler stated that at the January 15, 2009, Board meeting, Board Member David Luzuriaga requested that the Board discuss the issue of the requirements of the references for the applicants for licensure as professional engineers and professional land surveyors.

Mr. Luzuriaga indicated that he wished to discuss such issues as the liability placed on the people providing the references; what the actual purpose of the reference information is; whether other individuals besides professional engineers and professional land surveyors should be allowed to provide references; and what should be done in situations where the applicant has difficulty obtaining the required number of references because they only worked

at small firms. He also indicated that he would like to know what other states require.

Dr. Brandow noted that out-of-state Structural Engineers who wish to become licensed in California has contacted him about references. He explained that other Structural Engineers at his firm have interviewed the applicants and reviewed samples of their work in order to provide references.

President Tami directed staff to work with Mr. Luzuriaga to provide a full report at the next Board meeting.

**7. Governor's Press Release Indicating the Need to Increase the Number of Engineers by 20,000, including but not limited to, Early Admission Process to the Professional Engineers and Professional Land Surveyors Examinations (Possible Action)**

Ms. Arnold reported that there is no support from any of the professional associations on the Early Admission Process.

President Tami spoke at ACEC Board of Directors meeting and at the CLSA Annual Conference regarding this matter. He stated that CLSA is neutral on the proposal at this point.

Dr. Al-Kalezi stated that she would present the matter to the ASCE Board of Directors.

**10. Nomination for and Selection of President and Vice President of the Board (Possible Action)**

President Tami reported that he decided to not appoint a nominating committee and to do the nominations today at the Board meeting and to open the floor to all nominations.

**MOTION:** Mr. Foley/Dr. Brandow moved to nominate Vice President Blackseth as the next Board President and to nominate Mr. Modugno as the next Board Vice President.

**MOTION:** Mr. Satorre/Mr. Trujillo moved to close the nominations.

**VOTE:** 9-0, motion carried.

**VOTE ON ORIGINAL MOTION:** 9-0, motion carried.

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

**MOTION:** Mr. Foley/Mr. Silva moved to approve the Delinquent Reinstatements in the agenda and the handout provided at the Board meeting, as follows:

**CIVIL**

**BONIFACE BIGORNIA**

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.

**DAVID COLLETT**

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

**WARREN KEITH**

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

**JOHN MEISNER**

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.

**GERALD WILLIAMS**

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.

**TRAFFIC**

**PATRICK GARAHAN**

Reinstate applicant's traffic 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.

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

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

**VOTE:** 9-0, motion carried.

**13. Administration (Possible Action)**

**a. Fund Condition**

Ms. Thompson gave an update on revenue projections included in the fund condition for FY 2008-09 using revenue received up to February 28, 2009. Exam application revenue projections reduced from \$3,865,000 to \$3,629,000. License renewal revenue projections increased from \$5,228,000 to \$5,564,000. The Board's fund reserve remains consistent projecting a 6.5 month reserve this fiscal year. The reserve for the next four fiscal years is projected to remain above a 5-month reserve up to FY 2012-13.

**b. Fiscal Year 2008-09 Expenditures**

Ms. Thompson explained that the expense reports through February 28, 2009, show a total expense of \$9,406,297, leaving a projected year-end surplus of \$4,981. Board staff are working with DCA's Budget Office staff to ensure deficit spending does not occur. This fiscal year's unexpected proctor benefit payout now totals \$114,000 for proctors separated earlier this fiscal year pursuant to the Governor's Executive Order #S-09-08. Ms. Thompson explained that additional savings may occur after the April 2009 examination costs are determined in early May.

Ms. Thompson reported that DCA recommended that the Board could accrue salary savings by waiting until June 1, 2009, to appoint the new Executive Officer.

**MOTION:** Mr. Foley moved to fill the Executive Officer position as soon as possible.

The motion died for a lack of a second.

**MOTION:** Vice President Blackseth/Mr. Mudugno moved to have the start date for the new Executive Officer be June 1, 2009, due to budget issues.

**VOTE:** 9-0, motion carried.

Ms. Thompson advised the Board that a decision may have to be made between enforcement and examination administration to cut down on future expenditures, such as ceasing work on enforcement complaint investigation cases or cancelling an examination. President Tami expressed concern with having to stop work on complaint investigations because that does not protect the public. Mr. Foley indicated that cancelling an examination would call attention to the issue of the Board not being able to spend the money it collects from its own licensees' renewal fees. Ms. Thompson advised that she would present additional

information at a future meeting if the Board must make such a determination.

**c. FY 2010-11 Budget Change Proposals**

A FY 2010-11 Budget Change Proposal (BCP) will be prepared for the budget revisions needed to transfer the examination administration process over the NCEES for the Board's state and national examinations.

**d. Land Surveyor Position Redirection**

The FY 2008-09 Budget Change Proposal was approved to redirect the Board's operating and expense contract budget authority (now used to fund a Land Surveyor Contract) to personal services to establish the Land Surveyor position effective January 1, 2009. The Senior Engineer Registrar (SER) classification specification amendments are still pending State Personnel Board (SPB) approval needed to conduct an examination and hire a Land Surveyor into the new Board Registrar position. The SPB hearing is scheduled for May 14, 2009, to approve the classification amendment. Once approved, the DCA statewide testing and hiring process can begin, which will require approximately six months time. In the meantime, Board staff are awaiting DGS approval for a contract extension amendment to the Land Surveyor Consultant contract that has already expired to ensure the land surveying-related work can be completed.

**e. Publication Review**

Ms. Eissler reported that Enforcement staff is finalizing the Technical Expert Manual and the Guide for Local Officials. Staff is awaiting details from the DCA Office of Publications regarding the costs to print these publications.

**f. National Exam Application Fee Pass Through and Exam Administration**

Ms. Thompson outlined the timeframes and tasks required to shift the Board's examination administration functions over the NCEES. The critical timeframe within which all tasks must be accomplished is November 1, 2010, for staff to begin receiving examination applications for the NCEES examination administration start date of April 2011.

**14. Enforcement (Possible Action)**

Ms. Eissler reviewed the statistical report contained in the agenda packet.

President Tami commended the Enforcement staff on for doing such a good job to continue closing cases and reducing the age of cases.

- 16. Technical Advisory Committee (TAC) Reports**
- a. Board Assignments to TACs (Possible Action)**  
President Tami stated he would like to have an LSTAC meeting. Ms. Thompson stated that we are budgeted for one LSTAC meeting.
  - b. Appointment of TAC Members (Possible Action)**  
There were no appointments.

- 17. Liaison Reports (Possible Action)**
- a. ABET**  
There was no report.
  - b. NCEES**
    - 1. Western Zone Meeting**  
President Tami reported that the Western Zone meeting will be held in Banff at the end of May. He stated that one item for discussion will be the “Masters or Equivalent” examination task force, which is the new name for the “BS+30” proposal.
  - c. Technical and Professional Societies**  
President Tami requested that a volunteer to serve as a liaison with ASCE. Mr. Luzuriaga offered to do this.

- 18. President’s Report**  
President Tami stated that Ms. Arnold has been doing a great job as the Interim Executive Officer and thanked her for all her hard work.

President Tami reported that he has been attending several professional association meetings on the Board’s behalf.

- 19. Executive Officer's Report**
- 1. Administration Report**
    - a. Executive Summary Report**  
A handout was provided.
  - 2. Personnel**
    - a. New Hires**  
Ms. Arnold reported that we have a new receptionist, Catherine Bednarczyk.
    - b. Vacancies**  
Ms. Arnold stated that the EIT/LSIT evaluator position is still vacant and that the Department was requested that we wait to fill it due to budget issues.

**3. Enforcement/Examination/Licensing**

**a. College Outreach**

Mr. Donelson and Ms. Hirano did an outreach at California State University Sacramento. Ms. Christ has an outreach scheduled at San Jose State University.

**b. Report on Examination Activities – April Exam**

Ms. Arnold reported that staff is in the process of getting ready for the administration of the April 2009 examinations. There was a small problem with the names on the admission notices; the middle names were included this time, which caused the last letters of long surnames to be cut off; staff is working to resolve this issue.

**4. Publications/Website**

**a. Website Activity Statistics**

A handout was provided.

**5. Other**

**a. DCA Update**

Ms. Arnold reported that Ms. Lopez has resigned as the Director of DCA and that Spencer Walker and Patty Harris are sharing the position for now.

Ms. Arnold reported that furlough days are still in effect, but the employee can pick which days to take off.

Ms. Arnold reported that staff and Board members gave Ms. Christenson as a GPS unit, gift cards for the Folsom Outlet Mall, and donations in her name to the SPCA and the Grace Foundation for horses as her going-away gifts.

Ms. Arnold stated that the staff has been wonderful and very helpful during her tenure as the Interim Executive Officer.

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

**Date of Next Board Meeting: July 23 & 24, 2009, Location To Be Determined**

Ms. Eissler stated that there will be Petition Hearings at the next Board meeting and believes that it will require a two-day meeting.

Ms. Eissler advised that the Board's Conference Room is being used by the Exam Development Unit those days, so the meeting would need to be in a different location if it is held in Sacramento. Ms. Eissler also noted that the law requires the Board to hold at least one meeting in Northern California and one in Southern California each calendar year; to date, all of the meetings have been in

Northern California, so if the July meeting is held in Sacramento, either the September or November meeting will need to be held in Southern California.

After discussion by the Board members regarding schedules, President Tami directed that the July Board meeting be held in Sacramento due to budgetary issues.

President Tami presented Ms. Christenson a Senate Resolution and thanked her for her years of service to the Board and the professions of engineering and land surveying.

- 23. 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 15 & 16, 2009, Board Meeting and the February 25, 2009, Teleconference Board Meeting**
  - b. Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)**

The minutes from the January 2009 meeting were removed from the Consent Items so that they can be corrected and re-presented at the next Board meeting.

**MOTION:** Mr. Foley/Mr. Satorre moved to approve the February 25, 2009, Teleconference Board Meeting Minutes and approve Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)

**VOTE:** 9-0, motion carried

- 24. Adjourn**  
The Board adjourned at 5:20 p.m.

## **MOTIONS – APRIL 15, 2009, BOARD MEETING**

**MOTION:** Mr. Foley/Mr. Luzuriaga moved to move forward with the process to remove the expiration date requirement.

**VOTE:** 9-0, motion carried.

**MOTION:** Dr. Brandow/Mr. Foley moved to approve the adoption of the new 16-hour NCEES Structural Engineering Examination for use in licensing structural engineers in California beginning in April 2011.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Foley/Dr. Brandow moved to oppose AB 484; Franchise Tax Board: Professional or Occupational licenses.

**VOTE:** 9-0, motion carried.

**MOTION:** Dr. Brandow/Mr. Silva moved to oppose AB 645; Professional Engineers and Land Surveyors: licensing

**VOTE:** 7-2, motion carried. Mr. Modugno and President Tami, nay.

**MOTION:** Dr. Brandow/Mr. Luzuriaga moved to watch SB 275; This bill would change the disciplines currently licensed as “title act” engineers to “practice act” engineers.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Satorre/Mr. Silva moved to watch SB 389; This bill would make fingerprinting a requirement for the licensure of various professions and vocations by boards within the Department of Consumer Affairs.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Modugno/Mr. Silva moved to watch SB 502; State Agency Website: Information.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Trujillo/Mr. Silva moved to watch SB 638; Regulatory Boards: Operations.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Silva/Mr. Luzuriaga moved to support SB 819; This bill among other things eliminates the current sections of the Professional Engineers Act and Professional Land Surveyors Act that require the Board to meet and approve, by a majority vote, the issuance of licenses.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Foley/Dr. Brandow moved to nominate Vice President Blackseth as the next Board President and to nominate Mr. Modugno as the next Board Vice President.

**MOTION:** Mr. Satorre/Mr. Trujillo moved to close the nominations.

**VOTE:** 9-0, motion carried.

**VOTE ON ORIGINAL MOTION:** 9-0, motion carried.

**MOTION:** Mr. Foley/Mr. Silva moved to approve the Delinquent Reinstatements in the agenda and the handout provided at the Board meeting, as follows:

**CIVIL**

**BONIFACE BIGORNIA**

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.

**DAVID COLLETT**

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

**WARREN KEITH**

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

**JOHN MEISNER**

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.

**GERALD WILLIAMS**

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.

**TRAFFIC**

**PATRICK GARAHAN**

Reinstate applicant's traffic 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:** Dr. Brandow/Mr. Modugno moved to approve the Handout Comity List.

**VOTE:** 9-0, motion carried.

**MOTION:** Vice President Blackseth/Mr. Mudugno moved to have the start date for the new Executive Officer be June 1, 2009, due to budget issues.

**VOTE:** 9-0, motion carried.

**MOTION:** Mr. Foley/Mr. Satorre moved to approve the February 25, 2009, Teleconference Board Meeting Minutes and approve Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)

**VOTE:** 9-0, motion carried

## **ACTION ITEMS – APRIL 15, 2009, BOARD MEETING**

President Tami appointed Mr. Foley and Mr. Luzuriaga as a sub-committee to work with staff regarding AB 645.

Mr. Donelson will have a full report at the next Board meeting regarding the NCEES Candidate ID issue.

Staff will provide a full report at a future Board meeting regarding accepting payments via credit cards and through an on-line renewal system.

Staff will work with the Board's Legal Counsel to determine if statutory or regulatory amendments would be needed to specify a date by which the take home examination must be submitted. Staff will provide a full report with recommendations at a future Board meeting.

President Tami directed staff to work with Mr. Luzuriaga to provide a full report at the next Board meeting regarding references for applicants for licensure as professional engineers and professional land surveyors.

President Tami stated he would like to have an LSTAC meeting.

President Tami requested that a volunteer to serve as a liaison with ASCE. Mr. Luzuriaga offered to do this.

The minutes from the January 2009 meeting were removed from the Consent Items so that they can be corrected and re-presented at the next Board meeting.

President Tami directed that the July Board meeting be held in Sacramento due to budgetary issues.

**PUBLIC PRESENT**

Bob DeWitt, ACEC-CA

Craig Copelan, PECG

Bill Hofferber, CLSA

Phil Ball, METAC

Monroe Cash, DCA

Steve Hao, Cal Trans

Mohsen Sanawi, Caltrans

Joan Al-Kazily, ASCE, Region 9

David Garcia

Ryan Batty

Brian Clifford, DCA

Kenneth Luttrell, CYS Structural Engineers