

MINUTES OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

Contractors State License Board
12501 E. Imperial Hwy, Suite 601
Norwalk, CA 90650

Thursday, October 11, 2012, beginning at 1:00 p.m.

Friday, October 12, 2012, beginning at 9:00 a.m.

Board Members Present: Paul Wilburn, President; Erik Zinn, Vice President; Kathy Jones Irish; Carl Josephson; Philip Quartararo; Hong Beom Rhee; Jerry Silva; Robert Stockton; Patrick Tami; and Michael Trujillo

Board Members Absent: Mike Modugno and Ray Satorre

Board Staff Present: Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); and Gary Duke (Legal Counsel).

Thursday, October 11, 2012, beginning at 1:00 p.m.

I. Roll Call to Establish a Quorum – Roll call was taken, and a quorum was established.

II. Public Comment

Alvin Cox provided a handout and spoke in reference to a complaint he previously submitted to the Enforcement Unit that he would like to see re-opened. Ms. Eissler confirmed that a complaint against a professional engineer was filed and investigated, including obtaining information from the subject engineer as well as the information provided by Mr. Cox and the County. This information was reviewed by an independent technical expert who is a licensed engineer; based on all of the information obtained, there was no evidence of a violation.

Mr. Stockton indicated that it could possibly be a contractor issue.

President Wilburn suggested that if Mr. Cox has new information that he should submit it to the Enforcement Unit for review and possibly to be placed on a future agenda.

III. Hearing on the Petition for Reduction of Penalty of Paul Durand

This hearing was held on Thursday, October 11, 2012, at 1:00 p.m.

IV. 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)]

V. The Board Recessed at 3:25

Friday, October 12, 2012, beginning at 9:00 a.m.

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Board Members Absent: Mike Modugno; Philip Quartararo; and Ray Satorre

Board Staff Present: Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); and Gary Duke (Legal Counsel).

II. Public Comment

VI. Open Session to Announce the Results of Closed Session

Ms. Eissler announced that yesterday in Closed Session the Board discussed Mr. Durand's petition for reduction of penalty was discussed and directed the Administrative Law Judge to prepare a written decision.

Ms. Eissler also announced that the Board adopted four stipulations and one proposed decision.

VII. Certificates of Authorization for Engineering, Land Surveying, Geological, and Geophysical Businesses

Mr. Moore pointed out that at the August Board meeting, the Board directed staff to research the possibility of seeking changes to legislation and/or regulation for Certificates of Authorization for businesses. He provided a status update indicating that staff has researched other boards within DCA and other state boards. Our Board requires a current Organization Record form be filed according to the PE and LS Acts. The Geology and Geophysicists Act currently does not have any statutory requirements for such certificates. He would like to see that standardized throughout all practices. There are some other states that have varying degrees of how they have established fees.

Mr. Moore indicated that the Board would have to add statutory language to increase this authority, authorize the fee, and decide how much oversight we want to have over businesses and how to regulate them. If legislation is pursued, we must consider regulation fees and whether to align those with renewal fees. Consideration would also be given to workload and how the Board would notify licensees and businesses, as well as how to implement, enforce, and verify the requirements. Staff is continuing to research.

President Wilburn requested clarification that currently, the Board has no regulatory authority over businesses. Mr. Duke confirmed that and added that other DCA boards do regulate businesses. Mr. Tami did research and discovered that many boards within DCA display the business entity on their website and verified that this is not a brand new procedure. He would like to put teeth into the

existing Organization Record requirement.

Mr. Zinn indicated that AEG might oppose this proposal as they were initially opposed to the concept of required written contracts. Mr. Tami added that when the economy is bad, that is when many out-of-state firms without a California licensee come into California and are not knowledgeable of our laws.

Mr. Duke indicated that he will research the Corporations Code. The point of Business and Professions Code Section 6738 is to recognize that engineers can work in corporate forms or partnerships but also to maintain the professional judgment that can only be made by the licensed person.

Mr. Moore indicated that in the past, ALTA brokers were coming in from other states, opening offices, and hiring California licensees; now photogrammetry firms are starting to merge together due to the economy. Some are taking the photography and not doing the mapping. They are aligning the photography to the surface of the earth which is then tying in to the practice of Land Surveying or Civil Engineering.

Ms. Eissler pointed that our laws need to be strengthened and clarified. Mr. Duke indicated we license the individual. He offered an example: there is a business that has three licensees that are the corporate officers, and they do not have an organization record form on file. Do we hold all three responsible or just one? In addition, the requirements to have one on file need to be strengthened in order for the business to offer services in California, which many other states already have in place for engineering and surveying businesses. In these other states, one cannot offer services through that entity if one does not have a Certificate of Authorization issued by the licensing board; the Board will go after the business and the licensees associated with it. Whether they are called Certificates of Authorization or modeled after another state, our laws need to be strengthened independent from any kind of database capability for searching the business name or a licensee.

Mr. Moore advised that staff will continue with research and noted that NCEES has a model law for implementation.

VII. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2011-2012
 - a. Pending Legislation:

AB 1588 Atkins. Professions and vocations: reservist licensees: fees and continuing education. This bill would require the boards within Consumer Affairs to waive the renewal fees and continuing education requirements, if applicable, of any licensee who is a reservist called to active duty as a member of the United States Military Reserve or the California

National Guard if certain requirements are met.
STATUS: Amended 8/22/12. Approved by the Governor,
Chapter 742, Statutes of 2012. Effective January 1, 2013
BOARD POSITION: Support

AB 1750 Solorio. Rainwater Capture Act of 2012. This bill would authorize residential, commercial, and governmental land owners to install, maintain, and operate rain barrel systems and rainwater capture systems, as defined provided that the systems comply with specified requirements.

STATUS: Amended 8/24/12. Approved by the Governor,
Chapter 537, Statutes of 2012.

BOARD POSITION: Watch

AB 1904 Block. Professions and vocations: military spouses: expedited licensure. This bill would require a board within DCA to expedite the license process for an applicant who, holds a license in another jurisdiction, and is married to, or in a legal union with, an active duty member of the Armed Forces of the United States assigned to duty in California.

STATUS: Amended 6/12/12. Approved by the Governor,
Chapter 399, Statutes of 2012.

BOARD POSITION: Watch

AB 2570 Hill. Licensees: settlement agreements. This bill would prohibit a licensee who is regulated by DCA, from including or permitting to be included a provision in an agreement to settle a civil dispute that prohibits the other party in that dispute from contacting, filing a complaint with, or cooperating with the department, board, bureau or program, or that requires the other party to withdraw a complaint from the department, board, bureau, or program, except as specified.

STATUS: Amended 8/6/12. Approved by the Governor,
Chapter 561, Statutes of 2012.

BOARD POSITION: Support

SB 975 Wright. Professions and vocations: regulatory authority. This bill would provide that the California Architects Board and the Board for Professional Engineers, Land Surveyors, and Geologists have sole and exclusive authority to license and regulate the practice of the professions they regulate. No licensing requirements, as specified, shall be imposed upon a person licensed to practice one of those professions by code or by regulation promulgated except by the applicable board.

STATUS: Amended 8/22/12. Enrolled and Presented to the
Governor 9/6/12. Vetoed by the Governor 9/25/12.

BOARD POSITION: Support

SB 1061 Walters. Professional Engineers. This bill (which is identical to last year's SB 692) would change the disciplines currently licensed as "title act" engineers to "practice act" engineers. This bill also would authorize any licensed engineer to practice engineering work in any of those fields in which he or she is competent and proficient – but not necessarily licensed. STATUS: Introduced 2/13/12. Set for 1st hearing 4/23/12 in SEN Committee on B,P&ED. Hearing canceled at request of author. This bill is dead.
BOARD POSITION: Oppose

SB 1576 Committee on Business, Professions and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. (Amends section 6795 of the Engineer's Act and sections 8741, 8762 and 8773 of the LS Act.) This bill, among other things, revises the exemption from the taking of the LSIT to civil engineers licensed prior to January 1, 1982, expands the definition of "establish" when filing a record of survey to include "location, relocation, reestablishment or retracement," and corrects section 6795 to read that renewals are done every two years on a staggered quarterly basis rather than a monthly basis. STATUS: Amended 8/23/12. Approved by the Governor, Chapter 661, Statutes of 2012.
BOARD POSITION: Support

Mr. Moore pointed out that the revision to Section 6795 is to clarify that renewals are processed on a staggered quarterly basis to align with other license renewals.

He received information from the Senate Committee for Business Professions, and Economic Development requesting proposals for any language or bills to be submitted by December 10 and provide language by January 7, they expect to have a decision back to us by January 23, 2013.

b. Amendments to Business and Professions Code Section 27 Regarding Address of Record Available Via the Website

Mr. Moore indicated that the Board directed staff to pursue revisions. Staff sought feedback from DCA's legislative unit and legal unit. Mr. Duke provided an update and stated that a colleague has been assigned to research this issue. He suspects that it will be controversial as Section 27 was put in place for the purpose of governmental transparency and to provide more access for consumers. Mr. Tami indicated 18 boards do not provide the address of record on their website. Mr. Moore reviewed those boards under Section 27 and the majority do list the full address; some only list the county, others the city and state, and others nothing at all. The Board may want to look at this jointly along with the Certificates of Authorization. Ms. Irish inquired how

Board Members can help. Mr. Moore suggested connections with legislators for help with sponsorship. Ms. Irish suggested a committee could be appointed.

In response to Mr. Tami's reference to comments in a prior Sunset Report that the Board had eliminated its standing committees, Ms. Eissler indicated that the Board decided not to appoint Board Members to standing committees due to a small Board population and because of the changes to the Open Meetings Act that any member of the Board that was not a member of the committee could not participate in committee meetings except as a member of the public. Since there was a small group of Board members at the time that barely met quorum, there did not seem to be a need to have five members to be appointed, only to discuss it again at a Board meeting. There were budgetary concerns as well.

Ms. Eissler said it is helpful if Board members have connections with legislators or professional societies to advise staff. She added that in the past, the Board President had designated a Board member to be a liaison with staff on legislation and then to present information at Board meetings regarding legislation rather than having a full committee.

B. Strategic Plan Update

1. Action Plan Summary for FY 2012- 2013

Mr. Moore discussed the 2013 action plan. It is broken down by five major goals. Some are completed and others are ongoing and always will be. He pointed out that Board Members and Staff are intimately involved with the Strategic Plan. Updates will be provided at Board meetings.

C. Personnel

Mr. Moore indicated that a fingerprint technician was hired and is assisting with applications and enforcement while the fingerprint program is being established.

Joyce Hirano will retire at the end of the year as well as possibly Joanne Arnold.

President Wilburn was pleased with Mr. Moore's efforts towards succession planning.

D. Administrative Task Force

Mr. Moore stated that at the March 2012 meeting he presented a proposal to the Board, which approved the motion to develop an administrative committee to assist with various administrative issues. The original March minutes indicated Mr. Tami introduced the topic, and the Board discussed a Technical Advisory Committee. The Board approved a motion, but the Board did not clarify that it would be a Technical Advisory Committee, and, therefore it suggests establishing an Administrative Workgroup so it is not limited to Board members but can still have Board member involvement. Mr. Moore would select the workgroup participants with approval by the Board President in accordance with the Board's current Operating Procedures. Any

recommendations or status would be provided at each Board meeting as necessary. Mr. Moore has a work plan in place for the remainder of the year. One item is the evaluation and recommendation toward the process improvement of enforcement investigations. Another task is to assist the Executive Office with facilitating an audit of the licensing applications with the goal of ensuring that the Board is appropriately and consistently performing adequate review and approval of applications. Participation would be fluid to allow participants to come in as needed.

MOTION: Mr. Tami/Mr. Zinn motion to approve a new motion recognizing that this administrative workgroup will be a work group as defined in the Board's current operating procedures, Article 3, in lieu of the March 2012 board motion for the sake of clarity.

VOTE: 10-0, Motion Carried

VIII. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler presented statistics for engineering and land surveying as well as geology. She indicated that they are starting to track the interim time periods within the complaint investigation process and that the Administrative Workgroup would work with the Enforcement Unit on process improvement. One of the charts shows the number of complaint investigations opened and completed each fiscal year, the average days from opening to completion of the investigation, and how many are currently opened. The additional charts refer to the outcome of the completed investigations such as closed without enforcement action, if they are referred for a citation, or formal disciplinary action.

She pointed out a couple of ways to submit a complaint. There is a complaint form available on the Board's website, and at times, complaints are provided to DCA and they will forward the complaint to the Board.

Ms. Eissler indicated that the because of workload and various assignments, there was a huge backlog of cases awaiting issuance of a citation or referred to the Attorney General's Office. There was reorganization within the unit as part of the Strategic Plan, and the backlog has been reduced. She believes that by the end of the year or late January the backlog will be eliminated which will help reduce the aging of the citation cases.

The Enforcement Unit is still working through some of the cases that were inherited from the Geology and Geophysics program that needed to be reinvestigated which explains much of the aging within those cases.

Ms. Eissler will provide information on fees collected through citations at next meeting.

B. Presentation on the Citation Process

Mr. Moore referred to the last Board meeting where the investigation process

was discussed; this is a continuation of that presentation. He pointed out that this process is much more linear in nature.

Ms. Eissler explained the citation process. The subject has 30 days after the date of issuance of the citation to appeal. If an appeal is not received within 30 days, then the citation becomes final. If an appeal is received there are three options. They can request an informal conference, a formal appeal hearing, or both. If they request both, the informal conference is held first. If an informal conference is requested, the citation analyst schedules the conference with the subject, the Executive Officer, one of the staff registrars and the enforcement analyst who handled the complaint investigation. Most often the informal conferences are conducted via telephone so that the subject does not need to travel to Sacramento. However, they can choose to come in person. Following the informal conference, the Executive Officer can decide whether to affirm, modify, or dismiss the citation.

If the citation is affirmed or modified, the subject can appeal. If it is dismissed, then it becomes final. If the subject does not appeal an affirmed or modified citation, then 30 days after the informal conference decision is issued, the citation becomes final and would go into the compliance phase. If they appeal because they now request a formal appeal hearing or because they had originally requested one and do not withdraw that request, it is then moved to the formal appeal phase.

The investigative report is prepared with all documents and evidence that was collected during the investigation and sent to the Attorney General's Office as they handle the formal appeal process. Once it is assigned to a Deputy Attorney General, they submit the request to the Office of Administrative Hearings to schedule a hearing before an Administrative Law Judge. It is often six months out from when a hearing is requested until one is scheduled. Once the hearing is held, the parties present evidence or call witnesses. The judge prepares a proposed decision which is then presented to the Board for consideration.

If the Board adopts the proposed decision as its final decision, then it is served on the subject and the citation becomes final 30 days after the Board adopts the proposed decision. If the citation is dismissed, it would still have the 30-day window because it became effective and that would be the conclusion. Once the citation is final through whatever process it has gone through, it is then moved to the compliance phase.

The subject has 30 days after the citation has become final to comply with the order. Typically, it includes an order to pay an administrative fine. If a fine is included, it can be a maximum of \$5,000.00 per violation to a minimum of \$50.00 if a fine is included. They also include an order of abatement. If the subject does not comply they are advised of the consequences of non-compliance. If it is an unlicensed person who fails to comply, and there is a fine involved, the enforcement Analyst works with the Division of Investigation

and the Department of Consumer Affairs to then submit the fine that is owed to the FTB Intercept Program through the Franchise Tax Board. The Board can recover the funds owed through possible tax refunds or any lottery winnings. If the subject is licensed, a hold on the renewal of their license can be applied until the fine is paid. Other formal disciplinary action against their license can be pursued as well.

Mr. Tami asked when information is available to the public. Ms. Eissler explained that complaint investigations are kept confidential during the investigative phase under the Board's disclosure policy. If it is determined that there is no violation, then nothing is disclosed. With complaint investigations where they are not referred for citation or formal disciplinary action, it is not disclosed on the Board's website but it would be disclosed if any member of the public contacted the Board for a duration of five years. It would be disclosed that there was a complaint that was investigated, what was involved, and what the resolution was. Once the citation is issued it is a matter of public record that would have to be disclosed if anyone were to inquire. Citations, once they are issued, are not on the website as they may still be under appeal. However, if someone contacted the Board, it would be disclosed that a citation was issued, and they would be advised that it is not yet final as it is within the 30-day window or because it is under appeal. Once the citation is final, it is a matter of public record and will appear on the Board's website.

C. Presentation on the Administrative Disciplinary Process

Ms. Eissler moved onto the Formal Disciplinary Process. She indicated that once the investigative portion is completed and it has been decided to refer the matter to the Attorney General's Office, the enforcement analyst prepares the investigative report. Ms. Eissler as the program manager reviews and approves the report, and the enforcement analyst sends the file to the Attorneys General's Office. For the last few years, there has been a backlog of cases waiting to be prepared and referred that has now been eliminated in the last two weeks. The goal now is to send cases to the Attorney General's Office within 30 calendar days from the completion of investigative portion. Ms. Eissler is very pleased with the efforts of the Enforcement Unit to eliminate the backlog as it will not be a factor in the aging of the cases.

Once the case is submitted to the Attorney General's Office, it is then assigned to a Deputy Attorney General (DAG) to review and prepare an accusation. At times, the DAG will recommend that the Board not proceed with an accusation and provides a recommendation outlining what they see as possible legal challenges.

If they feel that they can move forward with the case, they will prepare the accusation and send it to Ms. Eissler for review, who provides them to the Executive Officer for signature. It is then considered filed and returned to the Attorney General's Office for service on the respondent. There are documents that are required to be served with the accusation such as a Notice of

Defense form that the subject must return within a period of time to contest what is contained in the accusation. If the subject does not file a Notice of Defense, they are considered to be in default. The DAG would prepare the default decision, and it is presented to the Board. If the subject does file a Notice of Defense, the DAG will submit a request to the Office of Administrative Hearings for the matter to be set for hearing. During this time it is possible to move into settlement discussions. Terms may be accepted or there may be negotiations. Once all is agreed, then the DAG prepares the stipulated settlement. It is signed by the subject, and it is submitted to the Board for consideration.

If a hearing has been calendared, and a stipulation is agreed upon, the DAG asks OAH to remove the matter from the calendar. If it is not settled, then it goes to hearing where each side can present evidence and witnesses. The judge will prepare a proposed decision that is submitted to the Board.

Ms. Eissler pointed out that if a person has requested a formal appeal hearing following a citation, it goes through the same hearing process.

If the Board rejects a default decision, it would be determined what action the Board was directing be taken and move forward. If the Board rejects the stipulation, the Board can direct what alternate conditions they would be willing to accept and convey that through the DAG to the respondent. If the respondent rejects them and a stipulation agreeable to all parties cannot be worked out, then a hearing would take place. If the respondent accepts them, the new stipulation becomes the final decision. If the Board were to indicate the accusation should be dismissed, that would be the final decision. If the Board rejects the proposed decision, transcripts from the hearing are then ordered from OAH. The DAG and the respondent are then given an opportunity to provide written argument. The transcript, the evidence from the hearing, and any written argument that has been submitted is presented to the Board. The Board would direct its legal counsel to prepare a Decision After Rejection, where changes can be made to factual findings, legal conclusions, or the order. It would then become the final decision.

If the Board adopts a proposed or default decision or a stipulation, an effective date is assigned, and it is served on the DAG and the respondent. The respondent can submit a petition for reconsideration prior to the effective date. If they do not, it becomes effective on the effective date. If they do, the Board considers the petition; there is a short window of time the Board can consider petitions for reconsideration. Often, they need to be done by mail ballot. If the Board grants the petition for reconsideration, then the decision is served on the DAG and the respondent and would be implemented depending on the order. It could be setting aside the default decision and sending the matter back to the AG's Office or changing probationary conditions that have been ordered or dismissing the accusation.

If the Board denies the petition for reconsideration, that decision is served on

the parties and the disciplinary decision becomes effective on the effective date.

When the decision becomes effective, copies are sent to the complainant, the expert, and it is posted on the Board's website and the order of the decision is implemented through the Probation Monitoring Process, which Ms. Eissler will explain at the next meeting.

IX. Exams/Licensing

A. Examination Update

Mr. Moore provided an update on the October 5, 2012, ASBOG Geologist Examination administration that took place in Long Beach. It was a smooth process despite candidates not having a map to get around the campus. There were students available to direct candidates to the appropriate location. Computer Based Testing took place for the state geology examinations. There was a slight confusion with the candidate information bulletin which describes what reference books and calculators they can have and where to go. For the most part it is standardized.

NCEES examinations will take place October 26 and 27, 2012. CBT examinations for Civil, Geotechnical, and Traffic will take place in the next week.

B. Audit of National Professional Geologist Written Examinations Outline

Mr. Moore indicated that OPES will conduct an audit of how much of our test plan and how much of our requirements are covered in the national geologist examination provided by ASBOG.

X. Approval of Delinquent Reinstatements

MOTION: Mr. Tami and Mr. Silva moved to approve

VOTE: 9-0, Motion Carried

XI. Administration

A. FY 2012/13 Budget Overview

As of August 31, 2012 for the PELS Fund, expenditures are at \$1.7 million, which is lower than the previous year as we are no longer encumbered to pay NCEES directly anymore.

Applications numbers have dropped due to no longer receiving the EIT and LSIT application fees until after the examination has been administered.

The Geology and Geophysicist Account expenditures have increased as a result of multiple examination development and occupation analyses contracts with OPES. Overall, expenditure and revenue at year-end should remain consistent with historical averages.

Mr. Moore indicated that DCA is involved in the Governor's pilot program for Performance Based Budgeting. Information has been provided by DCA which

entails how the Board would participate and projects how the Board would perform. Staff is still reviewing this information.

XII. **Technical Advisory Committees (TACs)**

A. Board Assignments to TACs

No report given

B. Appointment of TAC Members

No report given

C. Reports from the TACs

1. Proposed LS TAC Workplan

Ray Mathe and Pat Tami assembled a Land Surveyor TAC workplan and are seeking approval to proceed for Fiscal Year 2013.

MOTION: Mr. Zinn and Ms. Irish moved to adopt

VOTE: 9-0, Motion Carried

Mr. Stockton expressed interest in starting the Civil TAC and Mr. Josephson, the Structural TAC. Mr. Zinn inquired if the Civil TAC encompasses geotechnical engineering as well. Ms. Eissler stated that when the Board had a Geotechnical Engineer Board member, the Civil and Geotechnical TAC met jointly in the past. The Civil Engineer Board Member was the liaison for both committees when there was no Geotechnical Engineer Board Member.

Mr. Josephson requested clarification between GE, CE, PG, CEG, and CHG professions and suggested a presentation by the TACs.

XIII. **Liaison Reports**

A. ASBOG – Mr. Moore indicated that there is an Annual Meeting that the Board will be unable to attend.

B. ABET – Mr. Josephson thought that ABET visits were confidential. Mr. Tami indicated that he had not heard that but understands that the materials are confidential. Mr. Moore indicated he would get clarification on this issue.

C. NCEES – Mr. Josephson indicated that NCEES is going to conduct an item writing session in Sacramento in January 2013 for the Structural examination, and they are currently trying to recruit structural engineers to participate. He has been working with various professional societies in an attempt to recruit.

Mr. Moore added that the Board is still in the negotiation process and looking for speakers for the NCEES Western Zone meeting to be held April of 2013 in San Francisco.

D. Technical and Professional Societies

Mr. Moore indicated that the Board has been trying to get the word out regarding the new fees and examination structure to various societies. DCA has been very cooperative in allowing staff to attend these speaking engagements. We are making every attempt to coordinate these meetings

with other engagements to help defray the cost of travel.

XIV. 2013 Board Meeting Dates

- Postpone January 2013 meeting from 24-25 to January 31-February 1, 2013
- Postpone August 2013 meeting from 22-23 to August 28-29, 2013
- Move up the December 2012 meeting to December 7, 2012

XV. President's Report/Board Member Activities

President Wilburn thanked staff for their hard work.

XVI. Other Items Not Requiring Board Action

No other items.

XVII. Approval of Consent Items

(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 August 30, 2012 Board Meeting

MOTION: Mr. Tami and Mr. Zinn move to approve

VOTE: 9-0, Motion Carried

XVIII. The meeting Adjourned at 12:39 p.m.

PUBLIC PRESENT

Paul Durand

Erin Grisby, CPIL USD School of Law

Shahnawaz Ahmad, ASCE