

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

Judge Joseph Rattigan Building
50 D Street, Conference Room 405
Santa Rosa, CA 95040

September 25-26, 2014

Thursday, September 25 beginning at 10:00 a.m. and continuing on Friday, September 26, beginning at 9:00 a.m., if necessary.

Thursday, September 25, 2014

Board Members Present:	Kathy Jones Irish, President; Robert Stockton, Vice President; Natalie Alavi; Asha Brooks; Diane Hamwi; Eric Johnson; Coby King; Mohammad Qureshi; Karen Roberts; Ray Satorre; Patrick Tami and Erik Zinn
Board Members Absent:	Philip Quartararo; Hong Beom Rhee, and Jerry Silva;
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Kara Williams (Budget and Legislative Analyst); and Gary Duke (Legal Counsel).

I. Roll Call to Establish a Quorum

President Jones Irish called the meeting to order; roll call was taken; and a quorum was established.

Ray Satorre arrived at 10:14 a.m.

II. Public Comment

No Public Comment.

III. Hearing on the Petition for Reduction/Modification of Penalty of Scott S. Bennett

The Board heard the Petition for Reduction/Modification of Penalty as presented by Mr. Scott S. Bennett.

IV. Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]

XVII. 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. Civil Litigation

1. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
2. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
3. Ruvim Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145675
4. Ruvim Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145796
5. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185

XVIII. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that the Board met with the Administrative Law Judge following the hearing and directed the Judge to prepare the written decision. Civil litigation was discussed as noticed, the Board took action on two stipulations, and discussed exam procedures, administration, and results.

V. Legislation

Jeff Alameida introduced Kara Williams as the new Budget and Legislative Analyst. Ms. Williams provided her educational and occupational background.

A. Discussion of Legislation for 2014

AB 2396 This bill would prohibit boards within the Department of Consumer Affairs from denying a professional license based solely on a criminal conviction that has been withdrawn, set aside, or dismissed by the court.

INTRODUCED: 2/21/2014

STATUS: Enrolled and Presented to the Governor 9/8/2014

LOCATION: Assembly Enrollment 8/26/2014

BOARD POSITION: Oppose

AB 186 This Bill requires the Board to issue a 12-month temporary license to an applicant who is a spouse or domestic partner of an active duty member of the Armed Forces and holds a current, active, and unrestricted license in another state, district, or territory of the U.S. Additionally, applicants seeking a temporary license must pass the appropriate California specific examinations.

INTRODUCED: 1/28/2013

STATUS: Enrolled and presented to the Governor 9/5/2014

LOCATION: Assembly Enrolled 9/5/2014

BOARD POSITION: Watch

AB 1702 This bill would provide that an individual who has satisfied the requirements needed to obtain a license while incarcerated, who upon release from incarceration, shall not be subject to a delay in processing the application or a denial of the license solely based on the prior incarceration, except when the incarceration was for a crime substantially related to the qualifications, functions, or duties of the business or profession.

INTRODUCED: 2/13/2014

STATUS: Presented to the Governor 8/19/2014 and Chaptered 9/18/14

LOCATION: Assembly Enrolled 8/19/2014

BOARD POSITION: Watch

SB 1467 This bill removes reference to title “Petroleum Geologist” and adds petition for reinstatement language to the Geology and Geophysicist Act to mirror Professional Engineers (PE) Act and Professional Land Surveyors (PLS) Act. Cross-references existing authority to the Education Code and Health and Safety Code sections. Modifies language to clarify monument preservation requirements in the PLS Act. Requires an authorized land surveyor be designated as the person in responsible charge of professional land surveying work practiced in any public agency.

INTRODUCED: 3/25/2014

STATUS: Enrolled and presented to the Governor 8/28/2014 and Chaptered 9/17/14

LOCATION: Senate Enrolled 8/28/2014

BOARD POSITION: Support

VI. Consideration of Rulemaking Proposals

A. Request from CalGeo to Amend Title 16, California Code of Regulations Section 461 (Testing Laboratory Reports)

Bob Lokteff, representing CalGeo, provided information on their society, reporting they represent geotechnical engineering firms throughout California. Many of their firms provide materials testing inspection during construction, and they believe it is part of their engineering service. CalGeo’s membership has identified an issue with an increase in the number of firms offering material testing and inspections without being overseen by a licensed civil engineer with appropriate experience. The current language in the Code of Regulations can be interpreted in different ways.

They are requesting that Title 16, California Code of Regulations, Section 461 be amended for clarification. Mr. Moore recommended presenting this to the CETAC and GGTAC to review the existing language and make recommendations to the Board to address any ambiguities related to this concern. Ms. Roberts mentioned that there may be issues related to the California Building Code and requested that the SETAC be involved in the joint TAC meeting as well. The Board agreed on that action.

VII. Administration

A. FY 2013/14 Budget Summary

Mr. Alameida reviewed the PELS fund condition and identified the expenditures for Fiscal Year 2013-14 and what was approved by the Governor for the current 2014-15 Fiscal Year.

He noted there is now \$4.5 million outstanding in the General Fund Loan, down from \$7 million, and added that in Fiscal Year 2013-14, \$2.5 million was paid back.

There is revenue of \$8.7 million versus expenditures of \$7.8 million bringing in approximately \$1 million more in revenue, which leads to a fund balance of \$5 million and 6.4 months in reserve.

The Geology and Geophysics Account received over \$900,000 in revenue for the 2013-14 Fiscal Year while accruing \$1.1 million in expenditures. There remains a continued pattern of expenditures exceeding revenue on an annual basis for the G&G Account. Two ideas on how to properly address this issue includes the merging of the PELS fund with the G&G account and establishing new regulatory fees.

Mr. Moore would like to bring this topic up for discussion at an early 2015 Board meeting as it coincides with a new Board issue in the upcoming Sunset Report.

B. FY 2014/15 Budget Introduction

Ms. Williams introduced the budget appropriation from the Governor for both the PELS fund and G&G account.

C. Multi-Unit Operational Support Budget Change Proposal (BCP) Update

Mr. Alameida reported on the proposed BCP for multiple units within the PELS fund. The idea was to seek three new positions for the program. One for licensing for an additional evaluator, one for examinations for an additional position for exam development, and one for administrative services. The BCP, along with 26 others of the 41 submitted by DCA, was denied. Mr. Alameida indicated that there is a contingency plan in place.

D. Outreach Calendar

Mr. Alameida reviewed the Board's Outreach Calendar for events taking place through the end of 2014. President Jones Irish expressed interest in attending the Society of Fire Protection Engineers Expo, Mr. Zinn indicated he was interested in attending the American Geophysical Union Expo, and Mr. Stockton would like to attend the North San Diego County Civil Engineer

and Land Surveyor Association meeting. Mr. Moore indicated that he would be in touch with those interested for evaluation of travel approval.

VIII. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler requested input from the Board members regarding which statistics they wanted included in the meeting materials. She recommended that the first Board meeting after the end of the fiscal year include the full report, but the other meetings include only the most pertinent statistics. The Board requested recommendations be presented at the next meeting.

IX. Executive Officer's Report

A. Strategic Plan

Mr. Moore reported that the entire Board staff met and the various units within the Board have been directed to provide what they believe should be the priorities for the first year at a yet-to-be-scheduled staff meeting. He added that he expects to present the staff's recommendations for first year priorities at the first meeting in January for the Board to consider, and he requested Board members' suggestions as well.

B. Sunset Report

Mr. Moore indicated that management is reviewing the Sunset Report draft and developing new items. Mr. Tami expressed the importance of the Sunset Report and the huge undertaking and effort from Board staff to complete this task.

C. Personnel

Mr. Moore announced that Ms. Nancy Eissler was selected as the new Assistant Executive Officer, beginning October 1, 2014, and they are actively looking to fill the Enforcement Manager position.

As for the Senior Registrar Position for Geology, Mr. Moore has been in contact with CalHR to provide a timeline. Currently, it is in the last stage of analysis before it is reviewed by the State Personnel Board and PEGG.

D. Audit of BreEZe System

Mr. Moore reported that there will be an audit of the BreEZe system and its progression. The audit should be completed by February 2015. Mr. Moore is on the DCA Change Control Board along with other board administrators. He explained that when there are changes in the current legacy systems or in BreEZe requested by boards, these changes go before the Change Control Board for recommendation, evaluation, and approval.

XIII. Liaison Reports

A. ASBOG

Mr. Moore reported that the Board received approval for Erik Zinn to attend the ASBOG Annual Meeting mid-November. In addition, the contract with OPES is being finalized to audit the ASBOG examination.

B. ABET

Dr. Qureshi took part in an ABET visit. He reported that civil and mechanical students are getting exposure to licensure and believes it is attributable to faculty who recognize the importance of and encourage licensure. Both groups were planning to take the Fundamentals of Engineering examinations. Mr. Moore indicated that Michael Donelson will attend another ABET visit specifically for electrical and mechanical programs, and Mr. Johnson is also scheduled to take part in an ABET visit.

C. NCEES

Mr. Moore reported that several Board Members and staff attended the NCEES Annual Meeting in Seattle, WA. Several items that were voted on by the member boards were favorable to the Board's previously-approved positions.

Ms. Eissler reported that Mr. Tami was installed as Western Zone Vice-President.

D. Technical and Professional Societies

Bill Owen, member of the Geology and Geophysicist TAC, arranged to speak at the Bay Area Geophysical Society (BAGS) in Oakland and invited Mr. Moore to attend with him.

XV. Approval of Delinquent Reinstatements

MOTION: Mr. King and Ms. Brooks moved to approve the reinstatement.

VOTE: 10-0, motion passed (President Jones Irish was not present for the vote)

X. Exams/Licensing

A. Fall 2014 Examination Update

A flowchart was generated and will be posted soon on the Board's website to help with applicant questions for State specific and National exams.

B. Changes to Test Administration for Geotechnical Engineering Licensure

Mr. Moore reported that the Board had previously approved providing year-round testing for the geotechnical engineering examination. For the applicants approved to sit for the fall geotechnical examination, a letter was sent that explained why the Board chose move in this direction.

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
Mr. Moore reported that there will be a joint meeting with the civil, geology, and structural TACs on October 29 in San Bernardino.

XIV. President's Report/Board Member Activities

No report given.

XV. Approval of Consent Items

(These items are before the Board for consent and will be approved with a single motion. 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 July 31-August 1, 2014, Board Meeting

MOTION: Mr. King and Ms. Brooks moved to approve the minutes.

VOTE: 10-0, motion passed (President Jones Irish was not present for the vote)

XVI. Other Items Not Requiring Board Action

Ms. Calderone noted that the next Board meeting is scheduled for November 13-14, 2014 in Riverside.

XIX. Adjourn

The meeting adjourned at 5:00 p.m.

PUBLIC PRESENT

Roger Hanlin, CLSA

Talia Cortese, CPIL

Bob Lokteff, CalGeo

Martin McIlnoy, CalGeo