

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

Department of Consumer Affairs
 HQ2 Hearing Room #186
 1747 North Market Boulevard
 Sacramento, CA 95834

Thursday, August 18, 2016, beginning at 9:00 a.m.

Board Members Present:	Coby King, President; Mohammad Qureshi, Vice President; Natalie Alavi; Fel Amistad; Chelsea Esquibias; Cynthia Guzman; Kathy Jones Irish; Eric Johnson; Asha Lang; Karen Roberts; Jerry Silva; Robert Stockton; and Steve Wilson
Board Members Absent:	Betsy Mathieson
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Larry Kereszt (Examinations Manager); Kara Williams (Budget Analyst); Susan Christ (Registrar); Mike Donelson (Registrar); Laurie Racca (Registrar); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President King called the meeting to order at 9:06 a.m., and a quorum was established.

II. Public Comment

No public comment.

President King thanked the Board for electing him and shared his goals to run a fair meeting while encouraging participation and achieving consensus. In return, he asked everyone to attend and to come prepared.

III. Consideration of Rulemaking Proposals

A. Adoption of Proposed Amendments to Title 16, California Code of Regulations §§426.10, 426.14, and 426.50 (Structural and Geotechnical Engineer Authority Qualifications)

MOTION:	Dr. Qureshi and Ms. Lang moved to adopt the proposed changes to Title 16, California Code of Regulations Sections 426.10, 426.14, and 426.50 and direct staff to finalize the rulemaking files for submittal to the Department of Consumer Affairs and the Office of Administrative Law for review and approval.
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VOTE:	11-0, Motion Carried.
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Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson				X	

MOTION:	Ms. Jones Irish and Mr. Johnson moved to delegate the authority to the Executive Officer to finalize the rulemaking file for submittal to the Office of Administrative Law.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson				X	

B. Adoption of the Proposal to Repeal to Title 16, California Code of Regulations §§3036.1, 3036.2, 3037.1, and 3037.2 (Appeal of Examinations)

MOTION:	Dr. Qureshi and Dr. Amistad moved to adopt the proposed changes to Title 16, California Code of Regulations Sections 3036.1, 3036.2, 3037.1, and 3037.2 and direct staff to finalize the rulemaking files for submittal to the Department of
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	Consumer Affairs and the Office of Administrative Law for review and approval.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson				X	

MOTION:	Ms. Jones Irish and Mr. Johnson move to delegate the authority to the Executive Officer to finalize the rulemaking file for submittal to the Office of Administrative Law.
VOTE:	11-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson				X	

C. Request to Amend Title 16, California Code of Regulations §438 (Waiver of Fundamentals Examination) from Robert A. Katin, P.E.

Mr. Katin stated that the purpose of the Board is to protect the public, and it would be great if there were more candidates to sit for the Professional

Engineering examinations. Current Board Rules indicate if you graduate from an ABET accredited school with a BS in engineering, four years apply towards the six years of qualifying experience if you have an EIT certificate. If you graduate with an MS, the fifth year applies towards the required six years. However, 15 years of experience are required to waive the EIT. He believes education credit should count towards the 15 years and would like the Board to consider modifying the Board Rules to allow for this.

Mr. Moore reported that the Board specifically changed the language in 2002 to clarify that experience is in addition to the degree.

Mr. Stockton noted there is no ambiguity in the language and believes it is appropriate.

The Board chose to take no action on Mr. Katin's request and to leave the Board Rule as it currently is.

9:21 a.m. Ms. Roberts arrived.

9:22 a.m. Mr. Wilson arrived.

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

Mr. Moore briefed the Board on a prior request about changing Board Rule 461 related to reports related to laboratory testing. At the time, the Board requested a review by the Civil Engineering TAC and the Geology & Geophysics TAC. At that time, the TACs recommended that an article be included in the Board's newsletter as an educational tool but that no changes be made to the Board Rule.

Robert Lokteff and Martin McIlroy representing CalGeo provided some background regarding testing and inspection during design and construction. There are certified inspectors and testers who are not under the supervision of an engineering firm or civil engineer. They believe there should be some clarification in the language to outline that laboratory testing for design and construction are engineering services and therefore need to be performed by an engineer or by a technician employed by an engineering company. Civil TAC member Neal Colwell reviewed background information and has worked with the Civil TAC and would like further direction from the Board.

Ms. Jones Irish believes it is not within the Board's jurisdiction, but other regulatory agencies could require a civil engineer to approve laboratory testing. Mr. Santiago concurred with Ms. Jones Irish but indicated that practice, and what constitutes the practice, of civil engineering is within the Board's jurisdiction to address. Ms. Roberts indicated her concern that modifying the language as CalGeo proposed could cause unintentional

consequences depending on the type of inspections; Mr. Johnson and Ms. Alavi concurred with her concerns. Mr. Stockton recommended staff work with CalGeo, Board members, and legal counsel to prepare a recommendation and report back to the Board.

IV. Legislation

A. Discussion of Legislation for 2016:

Ms. Williams reviewed important dates on the legislative calendar.

10:02 a.m. Mr. Silva left the meeting.

SB 1155 Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes any licensee whose license expired while he or she was on active duty as a member of the California National Guard or the United States Armed Forces to reinstate his or her license without examination or penalty if certain requirements are met. Existing law also requires the boards to waive the renewal fees, continuing education requirements, and other renewal requirements, if applicable, of any licensee or registrant called to active duty as a member of the United States Armed Forces or the California National Guard, if certain requirements are met. Existing law requires each board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law, on and after July 1, 2016, requires a board within the Department of Consumer Affairs to expedite, and authorizes a board to assist, the initial licensure process for an applicant who has served as an active duty member of the Armed Forces of the United States Armed Forces and was honorably discharged. This bill would require every board within the Department of Consumer Affairs to grant a fee waiver for the application for and the issuance of an initial license to an individual who is an honorably discharged veteran, as specified. This bill did not make it out of The Assembly Appropriations Committee.

SB 1085 This is Board sponsored legislation. This bill is needed to safeguard the public from unnecessary non-practice-related violations of the laws committed by California Professional Engineers, Land Surveyors, and Geologists. Based on the Board's experience, licensees fail to adequately and independently stay up-to-date with critical legal and regulatory changes that directly affect the manner in which they provide services to and for the general public. This bill would institute an online assessment relating to California laws and regulations under the Board's jurisdiction to reinforce licensee's knowledge of the relevant laws. This bill is currently on the Assembly floor.

MOTION:	Mr. Stockton and Ms. Roberts moved to take a support position on SB 1085 as amended 6/28/2016.
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VOTE:	12-0, Motion Carried.
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Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts	X				
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

SB 1165 This is Board sponsored legislation. This Bill would provide for more uniformity among the Board's acts. The Board anticipates the increased uniformity of our acts will provide licensees and consumers with improved protection and comprehension of our acts.

Mr. Silva returned at 10:10 a.m.

MOTION:	Mr. Stockton and Ms. Alavi move to take a support position on SB 1165 as amended 6/21/2016.
VOTE:	12-0-1, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts	X				
William Silva			X		
Robert Stockton	X				
Steve Wilson	X				

SB 1479 This omnibus bill was introduced by the Senate Committee on Business, Professions and Economic Development. This bill would make nonsubstantive changes to the provisions of the Board's Acts. This bill is currently on the Assembly floor.

SB 1194 and SB 1195 Ms. Eissler briefed the Board on the current status of the bills. At the last Board meeting, the Board discussed SB 1195 which had been amended in April and June to include language to address the North Carolina Dental Board Supreme Court decision which dealt with state supervision of licensing boards that have active market participant licensees as members. The bill was placed in the suspense file for the Senate floor and did not make it out of the Senate. At the Board's June meeting, it was anticipated that language regarding this matter would appear in another bill during session. The Board discussed it and took action. Staff has been in communication with DCA, and they have been actively working with the Senate Business, Professions and Economic Development Committee staff and Senator Hill, the bills' author, as well as other interested parties. Language has been developed for possible inclusion in SB 1194; however, it has not yet been published. DCA has provided the boards with the proposed language and have given the boards opportunities to have an open dialogue with them. Ms. Eissler and Mr. Moore have worked with Mr. Stockton and President King to convey opinions on the language in line with the actions taken by the Board at its June meeting. Ms. Eissler provided an overview of the proposed language and explained that staff will continue monitoring the bill and will take appropriate action as directed by Mr. Stockton and President King to convey the Board's positions. Ms. Eissler noted that the bill must be acted upon by both the Senate and the Assembly by the following week or it will be considered dead.

V. Administration

A. Budget Summary

Ms. Williams reviewed the budget. She reported an increase in expenditures for the PE and LS fund which is associated with an increase in civil service pay and benefits. Additionally, there has been an increase in revenue as well.

The Geologist and Geophysicists fund also increased in expenditures in staff benefits and pay. Renewals have decreased; Ms. Williams noted that this is usual because renewal cycles are cyclical depending on the Fiscal Year. She added that there was an increase in applicants for the Fundamentals of Geology which she attributed to outreach.

Mr. Stockton requested to add a row to reflect real surplus/deficit numbers. Dr. Qureshi requested that in the fund condition, he would like to have a line item be added to reflect surplus/deficit. Ms. Williams indicated that since the two funds have merged, she is looking at new ways to present the budget and will consider how to add this information during the development.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2015/16 Year-End Update
2. Fiscal Year 2016/17 Update

Ms. Criswell reviewed the enforcement statistics for both FY2015/16 and FY2016/17.

President King noted the success in reducing the aging of cases and congratulated the enforcement staff for reducing the amount of enforcement cases. He also asked if it would be feasible to combine prior-year statistics for PELS and G&G to have as a comparison with current-year since they are now merged. Ms. Criswell and Ms. Eissler agreed to investigate methods on how to accomplish this.

IX. Executive Officer's Report

F. NCEES

1. Presentation regarding the NCEES Technology Task Force Recommendations by Jim Foley, Task Force Chair

Jim Foley, former Board member and Emeritus member of NCEES, served on the NCEES Technology Task Force. The purpose of the task force is to evaluate emerging technology, study the impact it has on the engineering and surveying professions, and to provide guidelines to member boards for these emerging technologies. They are focusing on electronic seals and signatures, building information modeling, and remote sensing technologies.

Mr. Silva recognized former Board member Ray Satorre and presented him with a certificate of recognition and proclamation for his service. Mr. Satorre expressed his gratitude.

VIII. Approval of Delinquent Reinstatements

MOTION:	Mr. Stockton and Dr. Amistad moved to approve the delinquent reinstatements.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				

Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

No report given.

C. Reports from the TACs

No report given.

XII. President's Report/Board Member Activities

President King welcomed Steve Wilson to the Board as the new Professional Land Surveyor member.

XIII. 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 June 9-10, 2016, Board Meeting

MOTION:	Dr. Amistad and Mr. Stockton moved to approve the minutes as amended.
VOTE:	10-0-3, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias			X		
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang			X		
Betsy Mathieson				X	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson			X		

IX. Executive Officer’s Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reviewed the regulations. Ms. Eissler reported that the regulations regarding the citation program, Board Rules 472-473.4 and 3062-3063.4, have been submitted to DCA to begin their final review prior to submitting it to Office of Administrative Law for final approval.

F. NCEES

2. NCEES Annual Meeting Motions & Resolutions

- (a) Uniform Procedures and Legislative Guidance Committee – Motion 12 regarding Proposed Changes to NCEES Model Law/Rules related to Structural Engineers

MOTION:	Mr. Stockton and Ms. Alavi moved to support as is but give authority to the members attending the Annual Meeting to evaluate and deal with any changes that may arise at meeting.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

- (b) Advisory Committee on Council Activities – Motion 8 regarding the NCEES Treasurer Terms

MOTION:	Mr. Stockton and Ms. Lang moved to support a 3-year term for treasurer.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				

Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

(c) Northeast Zone Resolution related to NCEES's Examination Management System

MOTION:	Mr. Johnson and Mr. Stockton moved to oppose.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

(d) Southern Zone Resolution regarding proposed Changes to How NCEES Interim Zone Meetings are Funded

MOTION:	Mr. Stockton and Ms. Lang moved to oppose.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				

Kathy Jones Irish	X				
Asha Lang	X				
Betsy Mathieson				X	
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

B. Personnel

Mr. Moore advised that recruitment for the Land Surveyor registrar has been extended until the end of August.

D. ABET

Dr. Qureshi advised that he has been assigned as an ABET observer for a university outside of California for training purposes.

E. ASBOG

Out-of-state travel requests for ASBOG meetings were not approved as part of the Board's blanket request. Ms. Williams is currently working on submitting a specific request for the annual meeting in Lawrence, Kansas. Ms. Racca came in second to be secretary and was encouraged to apply next year. She is also providing a presentation on geological efforts to update educational requirements.

G. Outreach

Ms. Racca reported on her outreach efforts. She provided a presentation at the Department of Water Resources, took part in an online webinar for the Groundwater Resources Association of California, and is currently scheduling college outreach visits for the fall. She noted that the Geologist-in-Training applications have increased by 75% and the Professional Geologist applications have increased by 20% over last year and attributed it to the Board's outreach.

Mr. Donelson provided a presentation at Camp Pendleton for military veterans.

Mr. Moore and Ms. Criswell will attend a session at Cal Poly Pomona to discuss land surveyor applications and enforcement.

VII. Exams/Licensing

A. Presentation regarding the Exam Development Process

Mr. Kereszt provided an overview on the exam development process which includes a test plan, item writing, item review, exam construction, field test, administration, and standard setting.

Holly Dance, Vice-President of global account management at Prometric introduced Patrick Cheicante, Laura Pitz, Julie Morby, and Janice Flores representing Prometric explained their roles and responsibilities in the exam development and administration process.

IX. Executive Officer's Report

C. Administrative and Business Processes Assessment Contract1. Presentation from Visionary Integration Professionals (VIP)
Eddie Rash and Jeston Griffith representing VIP Services provided a brief overview and outlined their objectives for the business process analysis project.

Mr. Moore announced the release of the new plastic licensee identification cards currently being mailed to all licensees.

XI. Board Recognition of Former Board Members

The Board discussed ways in which it could recognize former Board members for their service. Ms. Eissler provided historical information on what the Board has done over the past 25 years. It was decided that any member who served two full terms would be given a Board proclamation at the last meeting before their grace year began and that all other Board members and all TAC members would be sent a letter thanking them for their service. It was further decided that this procedure would be included in the Board Operating Procedures, which staff is in the process of updating. The Board Operating Procedures will be presented at a future meeting for discussion and approval.

XIV. Other Items Not Requiring Board Action

A. Next Board Meeting: October 13-14, 2016 in Bay Area

3:45 p.m. Ms. Lang left the meeting.

XV. 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)]

B. Civil Litigation

1. 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)
2. Joseph Elfelt v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2015-80002130

3. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334

XVI. Open Session to Announce the Results of Closed Session

Ms. Criswell reported that during closed session, the Board took action on six stipulations, three default decisions, and discussed litigation as noticed.

XVII. Adjourn

The meeting adjourned at 5:02 p.m.

PUBLIC PRESENT

Steve Hao, CalTrans

Yeaphana LaMarr, DCA Legislation

Neal Colwell, Civil TAC member

Carl Josephson, SEAOC

Rob McMillan, CLSA