

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

Long Beach Gas & Oil Auditorium
2400 E. Spring Street
Long Beach, CA 90806

Thursday, July 27, 2017, beginning at 9:00 a.m.

Board Members Present:	Eric Johnson, President; Natalie Alavi; Fel Amistad; Kathy Jones Irish; Coby King; Asha Lang; Mohammad Qureshi; Robert Stockton; and Steve Wilson
Board Members Absent:	Betsy Mathieson, Vice President; Karen Roberts; Jerry Silva
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Kara Williams (Legislative and Budget Analyst); Gary Duke (Legal Counsel); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Johnson called the meeting to order at 9:08 a.m., and a quorum was established.

II. Public Comment for Items Not on the Agenda

During public comment, Joan Davidson an activist within the Palos Verdes community discussed a complaint filed in 2016 that took ten months to investigate in which she alleged the subject made false claims and used false titles. She believes the Board needs to reevaluate its decision and presented to the Board a Public Records Act (PRA) request requesting a copy of the correspondence sent to the subject stating that he has been cautioned. Her intention is to file another complaint. Mr. Moore recommended she speak with the Board's Enforcement Manager, Tiffany Criswell.

John Rogers, Civil Engineer representing ASCE, provided information regarding the upcoming NCEES elections. He is encouraging support for David Mongan of Maryland for NCEES Treasurer. He added that he is impressed by the Board's support for Civil Engineers and the improvement of the examination process and offered the support of ACEC.

Chris Ehe, owner of Environmental Hightech Engineering, noted that this was his third time addressing the Board to ask that the Board reinstate his license and allow him to resume his land surveying career. His license was revoked August 10, 2014. Ms. Eissler explained that once the three years are up, the Board would provide him with the necessary information to submit his petition for reinstatement to the Board and then a hearing would be scheduled.

Hugh Robertson, Geologist, representing AEG, expressed his appreciation to the Board for coming to Southern California.

Rob McMillan, representing CLSA, welcomed the Board to Southern California and stated that he appreciates the interaction between Board Staff and CLSA Liaisons in helping to improve the profession.

Mr. Moore recognized Josh Tatman and Kim Holtz for being instrumental in helping the Board acquire the meeting facilities.

President Johnson recognized Roman Vasquez and his team from Southern California Edison for an engineering award received for aiding in the first North American 500,000-volt underground transmission line. The American Council of Engineering Companies (ACEC) has acknowledged the project for its technical accomplishments in both California and at national levels.

III. Legislation

A. Legislative Calendar

Ms. Williams reviewed important dates on the legislative calendar.

B. Discussion of Legislation for 2017:

SB 547 Professions and vocations: weights and measures (BreEZe annual report)

MOTION:	Dr. Qureshi and Mr. Wilson moved to take a watch position.
VOTE:	9-0, Motion Carried.

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

SB 715 Department of Consumer Affairs: regulatory boards: removal of board members

MOTION:	Dr. Amistad and Dr. Qureshi moved to take a support position.
VOTE:	8-0-1, Motion Carried.

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

AB 710 Department of Consumer Affairs: boards: meetings
Not moving forward at this time.

AB 1190 Department of Consumer Affairs: BreEZe system (annual report)

MOTION:	Dr. Qureshi and Ms. Alavi moved to take a watch position on AB 1190, as amended June 13, 2017.
VOTE:	9-0, Motion Carried.

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

SB 27 Professions and vocations: licenses: military service (fee waiver)
Currently a 2-year bill. No action taken.

AB 1005 Department of Consumer Affairs: fines: relief
Currently a 2-year bill. No action taken.

Mr. King requested that the geographic location of the authors be noted in the meeting materials.

IV. Administration

B. Fiscal Year 2017-2018 Introduction to New Budget

Ms. Williams reported that the new 2017-2018 budget was enacted. Mr. Moore noted that full projections will be available at the next Board meeting.

A. Fiscal Year 2016-2017 Budget Summary Review

Ms. Williams explained the fund condition. She reported that the Board's fund balance at the end of Fiscal Year 2016-2017 was \$9.4 million. For the current 2017-2018 Fiscal Year, it is anticipated that the fund balance will be \$11.5 million.

In budget year 2017-18 a budget of \$9.4 million is anticipated and in Fiscal Year 2018-2019 a balance of \$7.7 million is projected.

The Board is scheduled to receive \$3.2 million in the General Fund Loan repayment, and the remaining \$800,000 is scheduled for Fiscal Year 2018-2019.

Mr. Stockton expressed concern with the reduction in the fund balance. Ms. Williams explained that the Board is conducting a fee study to observe the trend and try to remain solvent. Ms. Eissler added that despite the projected reductions, the Board remains on the higher end of the recommended months in reserve for its overall fund balance.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2016/17 Update

Ms. Criswell presented the statistics to the Board and explained that due to the nature of the workload and a shift in staffing, there was a spike in the number of cases opened in March.

VI. Exams/Licensing

A. Spring 2017 Examination Results

Mr. Moore reviewed the updated national results for the spring examinations and for those exams that are offered on a continuous basis. The information on the national exams now reflect the structural exam results.

B. Adoption of Test Plan Specifications for the California Civil Engineering Surveying and Civil Seismic Principles Examinations

MOTION:	Mr. Stockton and Dr. Qureshi moved to approve both test plans.
VOTE:	9-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson				X	
Natalie Alavi	X				
Fel Amistad	X				
Kathy Jones Irish	X				
Coby King	X				

Asha Lang	X				
Mohammad Qureshi	X				
Karen Roberts				X	
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

1:15 p.m. Ms. Lang left the meeting.

VII. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that effective July 1, 2017, the Office of Administrative Law approved the Examinations Appeal Repeal in which any examinations, state or national, are no longer allowed to be appealed.

He reported that the Qualifying Experience for Land Surveyors, Section 425, is still at the Department of Finance and the Office of Administrative Law for final approval.

1. Department of Consumer Affairs' (DCA's) Rulemaking Review Process

Mr. Moore reviewed the new rulemaking review process developed by DCA.

B. Personnel

Mr. Moore reported that, effective August 1, Linda Liu will fill the vacant cashier position, and Chole Jimenes will be promoted.

C. ABET

Mr. Moore reported that we are awaiting notifications regarding observers for the Fall 2017 visits.

D. Association of State Boards of Geology (ASBOG)

Mr. Moore reported that we received approval for Out-of-State travel for Laurie Racca to attend the Annual Meeting.

Ms. Racca was appointed as Chair of the Examinations Committee for ASBOG.

E. National Council of Examiners for Engineering and Surveying (NCEES)

1. Annual Meeting Motions & Resolutions

a. Election of NCEES Treasurer

MOTION:	Mr. King and Dr. Qureshi moved to support Shelly Macy as Treasurer.
VOTE:	8-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson				X	
Natalie Alavi	X				
Fel Amistad	X				

Kathy Jones Irish	X				
Coby King	X				
Asha Lang				X	
Mohammad Qureshi	X				
Karen Roberts				X	
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

- b. Bylaws Motion 1: Amend Bylaws Section 4.04, Elections and Terms of Office, Relating to the Treasurer Position

Ms. Lang returned at 1:41 p.m.

MOTION:	Mr. King and Mr. Stockton moved to direct the Board's delegates to oppose one 2-year term and to support one 3-year term.
VOTE:	9-0, Motion Carried.

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

- c. Education Motion 1: Amend Position Statement (PS) 35, Future Education Requirements for Engineering Licensure, Regarding Alternative Educational Pathways to Licensure

The Board did not take a position.

- d. Advisory Committee on Council Activities (ACCA) Motion 1: Amend Bylaws Section 4.05, Qualifications, Regarding the Qualifications for Eligibility as President-Elect, Zone Vice President, and Treasurer

The Board did not take a position.

- e. ACCA Motion 2: Establishment of a Task Force to Develop the Qualifications to Serve as President, the Nomination Process, and a Transition Plan to Replace the Zone Rotational System

MOTION:	Mr. King and Dr. Qureshi moved to oppose.
VOTE:	9-0, Motion Carried.

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

- f. ACCA Motion 3: Amend AP 8, Motions, and FP 7, Examination Charges, Relating to the Process to Review and Change Examination Fees

MOTION:	Dr. Qureshi and Dr. Amistad moved to support.
VOTE:	9-0, Motion Carried.

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

- g. Member Board Administrators (MBA) Motion 1: Proposal to Hold a Combined Central, Northeast, Southern, and Western Zones Interim Meeting in 2020

MOTION:	Dr. Qureshi and Mr. King moved to oppose.
VOTE:	9-0, Motion Carried.

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

- h. Uniform Procedures and Legislative Guidelines (UPLG) Motion 9: Amend Model Rules 240.20, Seals, Regarding the Use of Digital Seals and Signatures on Engineering and Surveying Documents

MOTION:	Mr. Stockton and Ms. Alavi moved to support.
VOTE:	9-0, Motion Carried.

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

- i. UPLG Motion 11: Amend Model Law 130.10 B2, General Requirements for Licensure, Engineering, Licensure as a Professional Engineer, Relating to Educational and Experience Credit

The Board did not take a position.

- j. Western Zone Resolution: Amend Bylaws Section 6.02, Quorum and Voting, to Revise Voting Procedures

The Board is already in support of this Resolution since it was originally proposed as a California Motion prior to the Western Zone Interim Meeting.

- k. California Resolution: Development of a Public Lands Survey System (PLSS) Module as a Depth Portion of the NCEES Principles and Practice of Surveying Examination

Mr. Moore reported that other member boards are backing this motion and have provided letters of support. He is currently writing up the motion that will be presented on the floor at the Annual Meeting.

F. Adoption of Updated Strategic Plan

Mr. Moore and Ms. Eissler reviewed the amendments and reported on recommendations provided by SOLID and Board staff.

MOTION:	Dr. Qureshi and Ms. Lang moved to amend Goal 1 to read: "Licensing: The Board provides applicants and licensees with a method for providing services in California to protect consumers."
VOTE:	9-0, Motion Carried.

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

MOTION:	Mr. Stockton and Ms. Irish moved to add Objective 1.1.
VOTE:	9-0, Motion Carried.

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

MOTION:	Ms. Irish and Ms. Alavi moved to add Objective 1.2.
VOTE:	9-0, Motion Carried.

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

MOTION:	Dr. Qureshi and Ms. Alavi moved to adopt the updated Strategic Plan.
VOTE:	9-0, Motion Carried.

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

G. Outreach

Mr. Moore reported that the Board distributes certificates of recognition to licensed Professional Engineers with 50+ years of licensure, Geologists with 35+ years, and Land Surveyors with 40+ years. He reported that on August 1, 366 engineers, 36 geologists, and 64 land surveyors will be recognized for their years of service.

H. Update on Business Process Improvement Study

Mr. Moore reviewed the Project Approval Lifecycle that is now required for any State agency to implement a new IT system and reported that the Board has almost completed Stage 1 of 4.

VIII. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

MOTION:	Mr. Wilson and Mr. Stockton move to appoint David Ryan and Scott Tikalsky to the Land Surveying TAC.
VOTE:	9-0, Motion Carried.

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

C. Reports from the TACs

No report given.

IX. President’s Report/Board Member Activities

President Johnson reported that he attended a Director’s meeting in June and announced that the Board’s Legal Counsel was changing. Mr. Moore explained that board assignments within the legal office were changing and announced that Gary Duke would be returning to the Board as Legal Counsel.

X. Approval of Meeting Minutes

A. Approval of the Minutes of the June 1-2, 2017, Board Meeting

MOTION:	Mr. King and Mr. Stockton moved to approve the minutes as amended.
VOTE:	7-0-2, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson				X	
Natalie Alavi			X		
Fel Amistad	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang			X		
Mohammad Qureshi	X				

Karen Roberts				X	
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting
(September 21-22, 2017, San Diego)

CalTrans District 11
4050 Taylor Street, Gallegos Room #134
San Diego, CA 92110-2737

XII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 1. Executive Officer Performance Evaluation
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 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. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334

XIII. Open Session to Announce the Results of Closed Session

During Closed Session, the Board discussed litigation as noticed, took action on three stipulations, one default decision, and one proposed decision, and conducted the Executive Officer performance evaluation.

XIV. Adjourn

The Board adjourned at 4:40 p.m.

PUBLIC PRESENT

- John B. Rogers, CLE Engineers and ASCE
- Josh Tatman, Port of Long Beach
- Joan Davidson
- Kimberley Holtz, Long Beach Gas and Oil
- Carl Josephson, SEAOC
- Hugh Robertson, AEG
- Roman Vazquez III, Southern California Edison
- Chris Ehe, E.H.E.
- Rob McMillan, CLSA