

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

Thursday, June 8, 2023, beginning at 9:00 a.m.

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Board Members Present:	President Rossana D’Antonio; Vice-President Michael Hartley; Fel Amistad; Alireza Asgari; Kathy Jones Irish; Coby King; Guillermo Martinez; Betsy Mathieson; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Dawn Hall (Administrative Manager); Celina Calderone (Board Liaison); Dallas Sweeney (Senior Registrar Land Surveyor); Joshua Goodwin (Senior Registrar Geologist); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President D’Antonio called the meeting to order at 9:02 a.m., and a quorum was established.

II. Pledge of Allegiance

Dr. Qureshi led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Carl Josephson, representing SEAOC, introduced Krista Looza, the current SEAOC president who currently serves on the licensing committee. Ms. Looza announced that SEAOC is very excited and passionate about licensure and is here to engage, participate, and support in discussions regarding licensure. She added that SEAOC is interested in supporting the Board in the pursuit of mandatory continuing education and explained that SEAOC has members on both sides of the issue who are passionate about the topic.

President D’Antonio announced the reappointment of Board Member Wilfredo Sanchez and welcomed newly appointed Board member Guillermo Martinez.

IV. Legislation

A. 2023 Legislative Calendar

Ms. Eissler reviewed the 2023 Legislative calendar. In June, they will be busy with the budget as it needs to be passed by June 15, and the summer recess will begin on July 14.

B. Discussion of Legislation for 2023

1. Assembly Bill (AB) 883 - Business licenses: United States Department of Defense SkillBridge program.

MOTION:	Dr. Qureshi and Ms. Wong moved to take a position of “Watch” on AB 883, as amended May 18, 2023.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

2. Senate Bill (SB) 372 - Department of Consumer Affairs: licensee and registrant records: name and gender changes.

MOTION:	Dr. Qureshi and Dr. Amistad moved to take a position of “Watch” on SB 372, as amended April 20, 2023.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

3. SB 544 - Bagley-Keene Open Meeting Act: teleconferencing.

During Public Comment, Alan Escarda representing PECG said he appreciates the support of this bill which allows the public to access the Board meetings remotely.

MOTION:	Mr. Sanchez and Ms. Mathieson moved take a position of "Support" on SB 544, as amended April 27, 2023.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D'Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

4. SB 802 - Licensing boards: disqualification from licensure: criminal conviction.
No action needed at this time.
5. SB 818 - Department of Consumer Affairs: terms of office: fingerprinting.
No action needed at this time.

Ms. Eissler was recently made aware of SB 447 after the agenda was noticed; as such, the Board cannot discuss it at this meeting. However, she did want to bring it to the Board's attention. It relates to the Governor's Office of Business and Economic Development which is referred to as GO-Biz. It would establish media campaigns on a national scale or targets in other states regarding how to avoid discrimination based on sexual orientation, gender identity, gender expression. Furthermore, importantly for the Board's operations, it would repeal the section of the law that bans travel to certain states. This bill will be on the July agenda.

III. Public Comment for Items Not on the Agenda (Cont.)

During Public Comment, an individual by the name of Steven Potter said that he had submitted his application for review and was wondering about the timeframe to review an application. Mr. Moore reported that currently, the timeframe to have applications reviewed is currently around the 3–4 month range due to the volume. The volume is starting to slightly decline and the incoming applications are starting

to level off.

V. Administration

A. Fiscal Year 2022/23 Budget Report

Ms. Hall reported on the revenue. At the end of May, the Board was at 98% of projected total year revenue. The renewal revenue is largely deferred to the next Fiscal Year and is expected to meet the revenue target.

Mr. King noted that the Board is currently in a down year in terms of revenue and confirmed that the Board currently has a \$480,000 deficit for the year. He inquired whether the Board will have a significant surplus that will make up for the deficit. Ms. Hall is carefully monitoring expenses and revenue. She added that it has been very difficult over the last few years as the Board has experienced a number of changes with the online portal that has greatly affected the behavior of license renewals. In addition, there was a significant variation in the volume of applications during the pandemic; she remains hopeful in anticipating an uptick that should help level out the fund condition and match the deficit for next year.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Criswell presented and reviewed the Enforcement statistics. Mr. King noted that open and pending investigations are elevated. Ms. Criswell noted that the ability to submit a complaint is more accessible than ever given the new Connect system.

During Public Comment, Carl Josephson inquired whether the Enforcement unit is actively seeking Subject Matter Experts. He is aware of SEAOC requesting licensees to volunteer. Ms. Criswell encourages independent consultant participation in all areas of practice, especially in land surveying, electrical engineering, mechanical engineering, and all geology professions.

VII. Exams/Licensing

A. Examination/Licensing Updates

Mr. Moore reported there are no updates at this time but there may be an update at the July meeting.

VIII. Strategic Plan Discussion

A. Objective 1.3 Continuing Education Committee Report

Mr. Moore reported that staff is currently working on questionnaires to distribute to other licensing boards and bureaus across the nation and within DCA to have the committee to review.

B. Review of Objective 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations.

Mr. Moore recalled that at the April 2023 Board meeting, there was a discussion regarding expectations for objectives 5.5 and 5.6 and the Board requested to revisit and possibly revise the language of these objectives.

Mr. King raised the issue that he raised last time in that there seems to be a disconnect between the Board's outreach which tends to be to four-year colleges, while underserved students especially freshmen and sophomores tend to have fewer students that come from those underserved communities that perhaps we want to spend more time targeting this demographic. It appears that many of those students who may be interested in the professions that the Board regulates, in order to design their curriculum, we need to reach them when they are attending what they often attend which is community college. He does not believe we do a good job of outreach to community colleges and wondered whether we want to include it in the Strategic Plan, by calling out community colleges specifically, or just be clearer that we will do outreach where students from underserved communities are attending. If the goal of the Board is to increase diversity in the regulated professions, we need to go to where the students are and they tend to be at the community colleges.

Ms. Mathieson recalled that at the April meeting, this discussion started with a request from staff on how to measure achievements and discussed whether "underserved populations" meant potential licensees or potential users of services provided by licensees. We need to clarify wording in that regard. Underserved populations of potential licensees or consumers and she believes there was a good selection of suggestions in how to reach potential licensees. If we still need to provide a method to measure success, that should be included in the discussion today.

Ms. Wong indicated that the Board needs to understand who our licensees are and possibly review data and identify the gaps.

Dr. Qureshi recommended focusing on the wording of this objective. We are going to ensure accessibility of information. From a measurement standpoint, he does not know how that would be measured. For the Strategic Plan objective, we can build in parts of this discussion by enhancing what we mean by underserved populations.

Mr. Sanchez suggested thinking about the Board's long-term intention, increasing diversity in the population of professionals that the Board regulates. He prefers the word underrepresented over underserved as there are metrics that exist at the state level that defines what that term means. The objective is outreach to more communities where they are underrepresented with the hopes that by reaching out to them, that over time we will see an improvement in the numbers.

Mr. King agrees that ensured accessibility on licensure is narrow and there is no obstacle to changing the language. He believes it is important for a variety of

reasons to extend our scope in how these things can be properly measured.

Ms. Wong suggests changing the word from ensure to expand.

Dr. Qureshi suggested to change the objective to read, “disseminate information on licensure to the public to improve inclusion of the underrepresented population.” Mr. Moore explained that the Board currently provides outreach to community colleges. We are identifying community colleges that have engineering, surveying, and geology programs and are planning to extend communication about licensure to include them in addition to the bachelor programs. The feedback received from those who conduct the outreach is that the individuals in the bachelor programs are starting to focus on licensure versus those conducted at the community college level. It is still worthwhile, especially in community colleges where there is a transfer program.

Mr. Sanchez recommended coming back to the next meeting with language to consider. Ms. Irish recommended establishing a working group consisting of two members to come up with language. President D’Antonio recommended that Mr. Sanchez and Ms. Wong work together on coming up with language to present at the next Board meeting.

- C. Review of Objective 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants’ rights to improve the public’s awareness.

Vice-President Hartley believes the objective could be reworded. Ms. Eissler reported on the concerns regarding different phrasing and recalled that legal counsel cautioned when referring to complainants’ rights, it can become problematic. Also, one of the things that came up during the Strategic Planning discussion was that some of the boards require their licensees to provide affirmative notice on how their clients can file a complaint. President D’Antonio recommended combining both objectives (5.5 and 5.6) together for the working group to address.

During Public Comment, Alan Escarda, representing PECG, mentioned that while reading the Board Bulletin regarding the various complaint issues and processes, there were many terms he was unfamiliar with. He recommends a flow chart. As for outreach in underrepresented areas, he worked on projects where a communication plan was developed that identifies the stakeholders, how to communicate, methods, and frequency. Once established, it is easily updated. Encourages staff to do a formal communication plan to aid in outreach to underrepresented communities.

IX. Executive Officer's Report

- A. Rulemaking Status Report

Ms. Eissler reported on the various rulemaking packages. Regarding the

examination fees for the ASBOG exam, applicants now pay them directly to ASBOG. The rulemaking package was submitted to the Office of Administrative Law for final review on May 17, 2023. They have 30 working days to complete review, which will be at the end of June 2023. They may provide feedback to report whether it has been approved or they may ask for additional information prior to the deadline. Mr. King congratulated Ms. Eissler for accomplishing the task.

B. Update on Board's Business Modernization Project

Mr. Moore reported that as planned, the Geologist-in-Training (GIT) and the Professional Geologist (PG) applications are now online in Connect, and the team is currently working on the structural, geotechnical, and traffic engineering applications.

C. Personnel

Mr. Moore noted that there continue to be three vacancies with board staff that will not be filled for the remainder of the Fiscal Year as we are still evaluating operational needs in the future. Existing staff member Francesca LaFleur has accepted a position in the Enforcement Unit.

D. ABET

If Mr. Moore receives communication from ABET, he will present it at the next meeting.

E. Association of State Boards of Geology (ASBOG)

1. 2023 Fall Annual Meeting, October 2023, Spokane, WA – Update

Mr. Moore reported that the ASBOG Annual Meeting is scheduled in October 2023 in Spokane, Washington, and staff is currently working on the Out-of-State travel request.

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

1. 2023 NCEES All Zone Meeting, April 27-29, 2023 – Report

Dr. Qureshi reported that there was a large group of attendees largely dominated by the Southern Zone. All the committees that had motions made presentations. The State of the Council report took place June 7, 2023, where the proposed motions were reviewed. A draft document of those motions is available on the NCEES website and the final version will be available next month. Mr. Moore will bring those motions to the next meeting. The most discussed and debated topic is how the Professional Surveyors exam will be developed and administered. This was the first time that all four Zones assembled together in one combined meeting.

Andrew Zoutewelle was nominated by Southern Zone for NCEES president elect. He is currently the Southern Zone Vice-President. Dave Peden from Washington was elected by Western Zone as Secretary-Treasurer.

In addition, the Southern Zone and Northeast Zone elected both Vice-

President and Assistant Vice-President. The Central Zone elected a Secretary-Treasurer.

2. 2023 NCEES Annual Meeting, August 15-18, 2023, Boston, MA – Update
Mr. Moore reported on the state of the council virtual sessions by NCEES where they briefly reviewed motions to be discussed at the Annual meeting. Some motions were not yet complete but will be in the packet that will be distributed by the end of June. Any motions that the Board should discuss will be included in the July agenda.

G. Update on Outreach Efforts

Mr. Moore presented the Outreach report. Ms. Mathieson inquired about the recruitment of Subject Matter Experts and whether it will be noticed on any of the social media platforms. Mr. Moore reported that anything that would be posted to the Board’s homepage would be shared to the Board’s social media accounts as well. Ms. Jones Irish suggested recontacting Los Angeles Department of Water and Power because many of the employees belong to professional associations that have community contacts with underrepresented people and may be a resource for outreach efforts.

X. President’s Report/Board Member Activities

President D’Antonio took a moment to honor Board members Kathy Jones Irish and Dr. Mohammad Qureshi and noted that they have fulfilled their terms. She expressed her appreciation for their support, guidance, and mentorship.

Ms. Irish thanked Governor Jerry Brown and Governor Gavin Newsom for allowing her to continue to serve, noting it has been a pleasure and is grateful for her fellow Board members and their dedication. It has been a delight, and she is grateful for this opportunity.

Dr. Qureshi expressed what an honor and a privilege it has been to serve on the Board, and it is with a degree of sadness that he is leaving at the end of his term. Hopefully, in his role with NCEES, he will be able to see everyone now and then.

Dr. Asgari reported that the Structural exam was graded and due to the exam going CBT (Computer Based Testing) next year, there was a large population of candidates who were taking it. There is one more paper and pencil examination this year before the CBT conversion.

Mr. King explained that collectively, he, Ms. Irish, and Dr. Qureshi, have been on the Board for a long time. There has been a lot of back and forth between him and Dr. Qureshi over the years but he has always maintained a respect for his perspective and he has added so much to the Board and congratulates him on his current position with NCEES. He also knew Ms. Irish before he was appointed to the Board. When he was appointed to the Board, he expressed his delight and relief to see her on the roster. She is a great act to follow and has enjoyed working with her.

Ms. Wong reflected joining the Board during the pandemic, so she had not experienced the privilege of getting together. The culture of inclusion by the Board is amazing.

Mr. Moore presented both Dr. Qureshi and Ms. Irish with Proclamations recognizing their efforts and milestones that took place during their appointments.

Mr. Moore presented President D’Antonio with a gavel plaque recognizing her time as Board President.

XI. Nomination and Election of President and Vice President for Fiscal Year 2023/24

The nominating committee, consisting of past presidents Dr. Asgari and Ms. Mathieson, presented the following slate of candidates: Michael Hartley for President and Christina Wong for Vice President. Nominations were invited from the floor.

MOTION:	Dr. Qureshi and Dr. Amistad moved to close nominations.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

MOTION:	Mr. King and Mr. Amistad moved to elect Mike Hartley as Board President and Christina Wong as Vice-President for Fiscal Year 2023/24.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				

Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

XII. Approval of Meeting Minutes

A. Approval of April 13, 2023, Board Meeting Minutes

MOTION:	Dr. Qureshi and Ms. Wong moved to approve the April meeting minutes.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	X				
Kathy Jones Irish	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

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

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3)
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
 - 1. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553
 - 2. Patrick Frederick Christensen vs. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs of the State of California, San Diego County Superior Court Case No. 37-2022-00000484-CU-WM-CTL

3. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
4. Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al., Sacramento County Superior Court. Case

No. 34-2022-00328379

Ms. Criswell reported that in Closed Session, the Board took action on two stipulations, two default decisions, and two proposed decisions, and discussed litigation as noticed.

XIV. Adjourn

The meeting was adjourned at 2:38 p.m.

PUBLIC PRESENT

Krista Looza, SEAOC

Carl Josephson, SEAOC

Rob McMillan

Alan Escarda, PECG