

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

2535 Capitol Oaks Drive
Third Floor Conference Room
Sacramento, CA 95833

Thursday, January 11, 2024, beginning at 9:00 a.m.

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Board Members Present:	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Cristina Garcia; Guillermo Martinez; Betsy Mathieson; Wilfredo Sanchez; and Fermin Villegas
Board Members Absent:	Coby King and Frank Ruffino
Board Staff Present:	Ric Moore (Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Joshua Goodwin (Senior Registrar Geologist); Dallas Sweeney (Senior Registrar Land Surveyor); and Christopher Pirrone (Legal Counsel).

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

Mr. Martinez led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Jeanne Marie Tokunaga, Executive Director of the National Society of Professional Engineers (NSPE) -- California, introduced herself and noted that NSPE is happy to assist the Board in sharing the various surveys that the Board posts to its website.

IV. Legislation

A. 2024 Legislative Calendar

Mr. Moore reviewed the legislative calendar and reported that the Legislature is in the second year of the two-year cycle. Currently, there are no bills that affect the Board, but staff anticipates items for the March meeting.

V. Administration

A. Fiscal Year 2023/24 Budget Report

Mr. Moore reported that the renewal fee revenue is positive in comparison to last year. Applications are being processed at a more efficient rate, and he anticipates an increase in the amount of state exam fees collected. Ms. Mathieson inquired why the renewal revenue is not reflected in the fund condition if it is moving in a positive direction. Mr. Moore explained that there have been some staff expenses that arose in addition to an increase in pro-rata statewide which has had a trickle-down effect. He reminded the Board that this is the total encumbered amount and explained that much of the Board's expenses are expended at the earlier part of the Fiscal Year versus the latter.

During Public Comment, Rob McMillan representing the California Land Surveyors Association (CLSA), asked Mr. Moore if he anticipates an exam fee increase. Mr. Moore indicated that there is no discussion of an increase at this time.

Bob DeWitt, representing the American Council of Engineering Companies, California (ACEC-CA), recalled that there was a deficit in the state budget at one time which resulted in loans from Board funds. Mr. Moore reported that as a result of the release of the Governor's budget, a meeting with DCA boards and bureaus took place, and we were advised that there is to be no unnecessary spending, expenditures must be considered mission critical, and justifications for any travel, including to Board meetings, must be submitted. Despite the Board not being funded by the General Fund, it is expected that spending is restricted. Mr. Moore added that at this time, he is not anticipating a general fund loan from the Board's fund.

President Hartley inquired if virtual meetings as a cost savings were discussed. Mr. Moore explained that there was some discussion; however, boards were advised to follow the Bagley-Keene Act and current guidelines, and there was no discussions at higher levels about returning to the all-virtual meeting option that was available prior to January 1, 2024.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2023/24 Update

Ms. Criswell reviewed the Enforcement Statistics. Vice-President Wong inquired about the average days from opening of complaint investigation to completion of investigation is 337, which is the highest the average over the last four years. Ms. Criswell said that while it is concerning, the Enforcement Unit has been working with reduced staff. As of Monday, the Enforcement Unit is now fully staffed with its newest member still in training. She reported that they are still dealing with a new business process with Connect, which affects not only the volume but the quality of the intake of cases. They are taking about a month and a half longer to process; however, she is optimistic that the numbers will improve by the end of the Fiscal Year. While it appears to be consistent over the last few years, she noted that they are pre-Connect cases. Any time you make accessibility easier, you tend to lose quality and

integrity in the documentation initially submitted. Ms. Garcia suggested a job aid that walks consumers through the process to help address deficiencies. Mr. Moore suggested bringing Ms. Garcia in to discuss remedies. Ms. Criswell noted there were over 500 cases in 2023. Mr. Moore reported that normally there were approximately 350-375 cases prior to Connect.

9:18 a.m. Mr. Villegas arrived.

VII. Exams/Licensing

Mr. Moore provided a brief report and noted that Mr. Kereszt will provide more information at the March meeting about the examination results for the latter part of the year and is anticipated to have at least one new test plan specification to approve based on the occupational analysis.

VIII. 2023-2024 Sunset Review Report of the Board (Possible Action)

Mr. Moore reported that the Sunset Review report was submitted January 3, 2024. The hearing will take place late February or early March. A Board member, most likely the Board President, and the Vice-President as an alternate, will be in attendance to testify. Mr. Moore explained the hearing process. Questions will be received prior to the hearing, and the Board will be given approximately 30 days after the hearing to submit written responses.

IX. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reviewed the report and explained that there is final cleanup of Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032) that staff is working on.

Staff continues to work on the Definition of Traffic Engineering (16 CCR 404). Ms. Eissler is working with DCA Legal on the proposal.

In reference to the Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1), staff is working to standardize the language between the regulations for geologists and geophysicists and those for professional engineers and land surveyors.

B. Update on Board's Business Modernization Project

Mr. Moore reported that, currently, the Board is in the maintenance and operations phase. He was hoping to have the Structural Engineer application released with the latest cycle, but that did not happen. However, there were a long list of improvements within the cycle that took place overnight to aid applicants and complainants. The next release will take place in February which will include the Structural, Traffic, and Geotechnical Engineer applications. The testing for Structural Engineer application may happen as soon as late January.

Staff is currently testing the Traffic Engineer application and will develop the Geotechnical Engineer application by the third week in February.

In addition, Mr. Moore confirmed that anything currently identified for BMC I and BMC II has already been approved and, therefore, is not impacted by the budget deficit and will continue to move forward.

C. Personnel

Mr. Moore reported that the Board currently has three vacancies. Michael Donelson, Senior Registrar Mechanical, retired at the end of 2023. Staff is processing the necessary paperwork in preparation to advertise to fill his vacancy.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore reported that there is a Council of Examiners meeting that the Board was approved to attend. However, due to the budget discussion Mr. Moore had with DCA, it may be necessary to submit documentation to have it reapproved.

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

1. May 16-18, 2024 Western Zone Interim Meeting, Bozeman, MT – Funded Delegates (Possible Action)

Mr. Moore requested three funded delegates to attend the 2024 Western Zone meeting, which is at no cost to the Board. However, there is a possibility that travel to the meeting will not be approved despite it being fully funded. There are a few elections that will impact the Board along with discussions regarding the Mutual Recognition Agreement (MRA). The three delegates chosen by the Board are Christina Wong, Frank Ruffino, and one staff member.

2. Update on Elections at Western Zone Interim Meeting

Mr. Moore announced that Elizabeth Johnston, PE, FPE, is a candidate for NCEES President-Elect. The Board previously nominated former Board member Dr. Mohammad Qureshi for the position and will maintain their nomination.

3. Engineering Council of UK – Update on Mutual Recognition Agreement (MRA)

Mr. Moore reported that the Board travel, funded by Engineering Council of the UK, was approved. He is aware that Texas, Ohio, Florida, Nevada, and Virginia are also involved and agreed to evaluate and pursue this type of reciprocity. He expects a meeting to discuss topics such as exams, experience, and education. Board member Rossana D'Antonio and he should have a follow up report at the March meeting.

X. President’s Report/Board Member Activities

Ms. Mathieson reported that she completed the Sexual Harassment Prevention Training (SHPT) as required by DCA.

XI. Approval of Meeting Minutes (Possible Action)

- A. Approval of November 16-17, 2023, Board Meeting Minutes
- B. Approval of December 14, 2023, Board Meeting Minutes

MOTION:	Dr. Amistad and Ms. Mathieson moved to approve the November and December 2023 Board meeting minutes.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio	X				
Cristina Garcia	X				
Coby King				X	
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				
Fermin Villegas	X				

XII. 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. 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

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

During Public Comment, Alan Escarda, representing the Professional Engineers in California Government (PECG), presented and reviewed PECG’s mission, vision, and goals.

XIII. Adjourn

The meeting adjourned at 11:23 a.m.

PUBLIC PRESENT

Carl Josephson, SEAOC

Jeanne Marie Tokunaga NSPE – CA

Mark Sheahan, Caltrans

Rob McMillan, CLSA

Bob DeWitt, ACEC – CA

Judie Bucciarelli, DCA, Executive Office BBR

Alan Escarda, PECG