

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 999-3600 – Toll Free: 1-866-780-5370

www.bpelsg.ca.gov

**OFFICIAL NOTICE AND AGENDA****MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS**

Tuesday, October 3, 2023, beginning at 9:00 a.m.

The Board for Professional Engineers, Land Surveyors, and Geologists (Board) will hold a public meeting in-person, at the following location, and with participation available via a teleconference platform:

Department of Consumer Affairs
1625 North Market Blvd.
Hearing Room #102
Sacramento, CA 95834

For questions or concerns, please contact the Board at the telephone number provided at the top of the page.

INSTRUCTIONS FOR PARTICIPATION VIA TELECONFERENCE PLATFORM: For all those who wish to participate or observe the meeting via teleconference platform on Tuesday, October 3, 2023, please log on to this website: <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=mba7668953d530d2c83b0e565c9f18aeb> Members of the public can also appear in person in addition to online.

Please see the [instructions](https://www.bpelsg.ca.gov/about_us/meetings/webex_event_instructions.pdf) located at https://www.bpelsg.ca.gov/about_us/meetings/webex_event_instructions.pdf for how to observe and participate in the meeting using the WebEx platform.”

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to 5 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

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Department of Consumer Affairs
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Hearing Room #102
Sacramento, CA 95834

Tuesday, October 3, 2023, beginning at 9:00 a.m.

Electronic copies of this Notice and Agenda are available at <http://www.bpelsg.ca.gov>. The time and order of agenda items are subject to change at the discretion of the Board President and may be taken out of order. Items scheduled for a particular day may be moved to an earlier or later day to facilitate the effective transaction of business. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The meeting will not be webcast.

This meeting is being held in-person with teleconference public participation in accordance with Government Code section 11133.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)).

The meeting location is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting may make a request by contacting Celina Calderone at (916) 999-3600 or celina.calderone@dca.ca.gov or by sending a written request to Ms. Calderone at the Board for Professional Engineers, Land Surveyors, and Geologists, 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations.

For further information regarding this meeting, please contact Celina Calderone at (916) 999-3600. California Relay Service for Hearing Impaired: Dial 711

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

Tuesday, October 3, 2023

Board Members: President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas

I. Roll Call to Establish a Quorum**II. Pledge of Allegiance****III. Public Comment for Items Not on the Agenda**

NOTE: The Board cannot discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. (Government Code sections 11125, 11125.7(a).) The Board will also allow for public comment during the discussion of each item on the agenda and will allow time for public comment for items not on the agenda at the beginning of both days of the meeting. Please see the last page of this Official Notice and Agenda for additional information regarding public comment.

IV. Legislation

A. 2023 Legislative Calendar

B. Discussion of Legislation for 2023 (**Possible Action**)

1. Assembly Bill (AB) 883 – Business licenses: United States Department of Defense SkillBridge program.
2. Senate Bill (SB) 143 – State Government. (Ch. 196, Stats.2023)
3. SB 372 – Department of Consumer Affairs: licensee and registrant records: name and gender changes.
4. SB 447 – GO-Biz: Building and Reinforcing Inclusive, Diverse, Gender-Supportive Equity Project. (Ch. 199, Stats.2023)
5. SB 544 – Bagley-Keene Open Meeting Act: teleconferencing.

V. Administration

A. Fiscal Year 2022/23 Budget Report

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

VII. Exams/Licensing

- A. 2023 Examination Update – First and Second Quarter Examination Results

VIII. Strategic Plan Discussion

- A. Objective 1.3 Continuing Education Committee Report
- B. Review of Objective 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations. **(Possible Action)**
- 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. **(Possible Action)**

IX. Discussion regarding the Draft 2023-24 Sunset Review Report of the Board

- A. Progress Update and Timeline
- B. Section 11 – New Issues
 - 1. Continuing Education (Strategic Plan Objective 1.3) **(Possible Action)**
 - 2. Experience In Lieu of Education Pathway to Certification/Licensure for Geologists-in-Training, Professional Geologists, and Professional Geophysicists **(Possible Action)**

X. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
 - 1. 2023 Fall Annual Meeting, October 2023, Spokane, WA – Update **(Possible Action)**
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. 2023 NCEES Annual Meeting, August 15-18, 2023 – Report
 - 2. Nomination for President-Elect **(Possible Action)**
- G. Update on Outreach Efforts

XI. President's Report/Board Member Activities

XII. Approval of Meeting Minutes (Possible Action)

- A. Approval of July 27, 2023, Board Meeting Minutes

XIII. Closed Session – The Board will meet 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. 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
 - 3. 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

XIV. Adjourn

PUBLIC COMMENT

Time is allotted during the meeting to provide members of the public with an opportunity to address the Board.



Public comments will be limited to 5 minutes per person unless, in the discretion of the Board, circumstances require a shorter period.



It is requested that the speakers stand or come forward as they are recognized to speak. It is also requested, but not required, that the speakers give their names and any organizations they represent.



The public may speak on items on the agenda during the Public Comment item or when the specific item comes up for discussion by the Board. If the Board does not notice a person's request to speak during discussion of an item, it is not a deliberate attempt to limit comment. It is sometimes difficult to notice a raised hand in a meeting room. If the Board does not notice you at first, please stand so that you may be recognized to speak.



The public may speak on items not on the agenda; however, the Board may not discuss or take action on such items at this meeting. Board members cannot engage in dialogue, other than to request clarification from the speaker, regarding items not on the agenda due to constraints imposed by law. The Board may direct staff to follow up on the item with the speaker or may direct that the item be placed on the agenda of a future meeting for discussion.



The Board asks that you not discuss a pending application or a disciplinary complaint matter because the Board members will be the "judges" who ultimately decide the matter, and, by law, they are not permitted to receive information that is not part of the official administrative record in the matter. Any issues relating to such matters should be addressed in writing to the Board's Executive Officer. If a person attempts to speak on such a matter, the person will be instructed to refrain from making further comments.



If a person becomes disruptive, the person will be requested to cease the disruptive behavior. If the person fails to do so, the Board is allowed by law to request that the person leave the meeting and may even have the person removed if he or she fails to leave.