

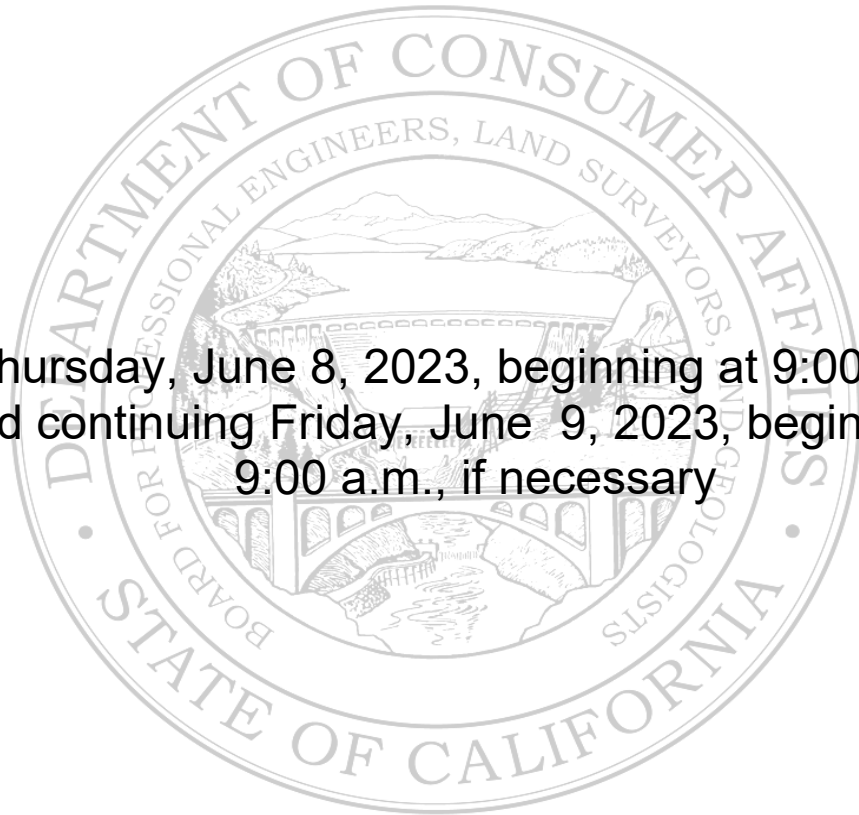


Gavin Newsom, Governor

Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, June 8, 2023, beginning at 9:00 a.m.,
and continuing Friday, June 9, 2023, beginning at
9:00 a.m., if necessary



Department of Consumer Affairs
1625 North Market Boulevard
Hearing Room, South #102
Sacramento, CA 95834

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

BOARD MEETING

JUNE 8-9, 2023

Department of Consumer Affairs
1625 North Market Boulevard
Hearing Room, South #102
Sacramento, CA 95834

BOARD MEMBERS

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

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I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

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IV. Legislation

- A. 2023 Legislative Calendar
- B. Discussion of Legislation for 2023
 - 1. Assembly Bill (AB) 883 - Business licenses: United States Department of Defense SkillBridge program.
 - 2. Senate Bill (SB) 372 - Department of Consumer Affairs: licensee and registrant records: name and gender changes.
 - 3. SB 544 - Bagley-Keene Open Meeting Act: teleconferencing.
 - 4. SB 802 - Licensing boards: disqualification from licensure: criminal conviction.
 - 5. SB 818 - Department of Consumer Affairs: terms of office: fingerprinting.

2023 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 11-4-22

DEADLINES

JANUARY							
	S	M	T	W	TH	F	S
	1	2	3	4	5	6	7
Wk. 1	8	9	10	11	12	13	14
Wk. 2	15	16	17	18	19	20	21
Wk. 3	22	23	24	25	26	27	28
Wk. 4	29	30	31				

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 4** Legislature reconvenes (J.R. 51(a)(1)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 16** Martin Luther King, Jr. Day.
- Jan. 20** Last day to submit **bill requests** to the Office of Legislative Counsel.

FEBRUARY							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28				

- Feb. 17** Last day for bills to be **introduced** (J.R. 61(a)(1), J.R. 54(a)).
- Feb. 20** Presidents' Day.

MARCH							
	S	M	T	W	TH	F	S
Wk. 4				1	2	3	4
Wk. 1	5	6	7	8	9	10	11
Wk. 2	12	13	14	15	16	17	18
Wk. 3	19	20	21	22	23	24	25
Wk. 4	26	27	28	29	30	31	

- Mar. 30** **Spring Recess** begins upon adjournment (J.R. 51(a)(2)).
- Mar. 31** Cesar Chavez Day observed.

APRIL							
	S	M	T	W	TH	F	S
Wk. 4							1
Spring Recess	2	3	4	5	6	7	8
Wk. 1	9	10	11	12	13	14	15
Wk. 2	16	17	18	19	20	21	22
Wk. 3	23	24	25	26	27	28	29
Wk. 4	30						

- Apr. 10** Legislature reconvenes from **Spring Recess** (J.R. 51(a)(2)).
- Apr. 28** Last day for **policy committees** to hear and report to fiscal committees **fiscal bills** introduced in their house (J.R. 61(a)(2)).

MAY							
	S	M	T	W	TH	F	S
Wk. 4		1	2	3	4	5	6
Wk. 1	7	8	9	10	11	12	13
Wk. 2	14	15	16	17	18	19	20
Wk. 3	21	22	23	24	25	26	27
No Hrgs.	28	29	30	31			

- May 5** Last day for **policy committees** to hear and report to the Floor **nonfiscal bills** introduced in their house (J.R. 61(a)(3)).
- May 12** Last day for **policy committees** to meet prior to June 5 (J.R. 61(a)(4)).
- May 19** Last day for **fiscal committees** to hear and report to the Floor bills introduced in their house (J.R. 61(a)(5)).
Last day for **fiscal committees** to meet prior to June 5 (J.R. 61(a)(6)).
- May 29** Memorial Day.
- May 30-June 2** **Floor session only.** No committee may meet for any purpose except Rules Committee, bills referred pursuant to A.R. 77.2, and Conference Committees (J.R. 61(a)(7)).

*Holiday schedule subject to final approval by Rules Committee.

2023 TENTATIVE LEGISLATIVE CALENDAR

COMPILED BY THE OFFICE OF THE ASSEMBLY CHIEF CLERK AND THE OFFICE OF THE SECRETARY OF THE SENATE
Revised 11-4-22

JUNE							
	S	M	T	W	TH	F	S
No Hrgs.					1	2	3
Wk. 4	4	5	6	7	8	9	10
Wk. 1	11	12	13	14	15	16	17
Wk. 2	18	19	20	21	22	23	24
Wk. 3	25	26	27	28	29	30	

- June 2** Last day for each house to pass bills introduced in that house (J.R. 61(a)(8)).
- June 5** Committee meetings may resume (J.R. 61(a)(9)).
- June 15** Budget Bill must be passed by midnight (Art. IV, Sec. 12(c)(3)).

JULY							
	S	M	T	W	TH	F	S
Wk. 3							1
Wk. 4	2	3	4	5	6	7	8
Wk. 1	9	10	11	12	13	14	15
Summer Recess	16	17	18	19	20	21	22
Summer Recess	23	24	25	26	27	28	29
Summer Recess	30	31					

- July 4** Independence Day.
- July 14** Last day for **policy committees** to meet and report bills (J.R. 61(a)(10)).
- Summer Recess** begins upon adjournment, provided Budget Bill has been passed (J.R. 51(a)(3)).

AUGUST							
	S	M	T	W	TH	F	S
Summer Recess			1	2	3	4	5
Summer Recess	6	7	8	9	10	11	12
Wk. 2	13	14	15	16	17	18	19
Wk. 3	20	21	22	23	24	25	26
Wk. 4	27	28	29	30	31		

- Aug. 14** Legislature reconvenes from Summer Recess (J.R. 51(a)(3)).

SEPTEMBER							
	S	M	T	W	TH	F	S
Wk. 4						1	2
No Hrgs.	3	4	5	6	7	8	9
No Hrgs.	10	11	12	13	14	15	16
Interim Recess	17	18	19	20	21	22	23
Interim Recess	24	25	26	27	28	29	30

- Sept. 1** Last day for **fiscal committees** to meet and report bills (J.R. 61(a)(11)).
- Sept. 4** Labor Day.
- Sept. 5-14** **Floor session only.** No committees may meet for any purpose, except Rules Committee, bills referred pursuant to Assembly Rule 77.2, and Conference Committees (J.R. 61(a)(12)).
- Sept. 8** Last day to **amend** on the Floor (J.R. 61(a)(13)).
- Sept. 14** Last day for each house to pass bills. (J.R. 61(a)(14)).
- Interim Recess** begins upon adjournment (J.R. 51(a)(4)).

IMPORTANT DATES OCCURRING DURING INTERIM RECESS

2023

Oct. 14 Last day for Governor to sign or veto bills passed by the Legislature on or before Sept. 14 and in the Governor's possession on or after Sept. 14 (Art. IV, Sec. 10(b)(1)).

2024

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

Jan. 3 Legislature reconvenes (J.R. 51(a)(4)).

*Holiday schedule subject to final approval by Rules Committee.

AB 883 (Mathis, R-Porterville)
(Coauthors: Assembly Members Alanis, Davies, Dixon, and Garcia)
(Coauthors: Senators Niello and Seyarto)
Business licenses: United States Department of Defense SkillBridge program.

Status/History: 5/22/2023 – Read second time; ordered to third reading.

Location: 5/22/2023 – Assembly Floor

Introduced: 2/14/2023

Last Amended: 5/18/2023

Board Position: Watch (as of 4/13/2023)

Board Staff Analysis: 5/24/2023

Bill Summary: Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions. This bill would additionally require a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

Affected Laws: An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

Staff Comment: This bill would expand the provisions of Business and Professions Code section to include active duty military who are enrolled in the U.S. Department of Defense SkillBridge program. It also clarifies that if the Board chooses to pursue regulations to administer these provisions, the regulations must be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

This bill was amended on May 18, 2023, to clarify that the provisions relating to the SkillBridge program will apply on and after July 1, 2024.

Board staff does not believe this expansion of applications to be expedited would have much impact on workload. We do not receive many applications from military members.

Staff Recommendation: Staff recommends the Board take a position of “Watch” on AB 883, as amended May 18, 2023.

AMENDED IN ASSEMBLY MAY 18, 2023

AMENDED IN ASSEMBLY MARCH 23, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 883

Introduced by Assembly Member Mathis

(Coauthors: Assembly Members Alanis, Davies, Dixon, and Garcia)

(Coauthors: Senators Niello and Seyarto)

February 14, 2023

An act to amend Section 115.4 of the Business and Professions Code, relating to business licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 883, as amended, Mathis. Business licenses: United States Department of Defense SkillBridge program.

Existing law establishes the Department of Consumer Affairs under the direction of the Director of Consumer Affairs and sets forth its powers and duties relating to the administration of the various boards under its jurisdiction that license and regulate various professions and vocations.

Existing law requires a board to expedite, and authorizes a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence to the board that the applicant has served as an active duty member of the Armed Forces of the United States and was honorably discharged. Existing law authorizes a board to adopt regulations necessary to administer those provisions.

This bill would additionally ~~require~~ *require, on and after July 1, 2024*, a board to expedite, and authorize a board to assist, in the initial licensure process for an applicant who supplies satisfactory evidence

to the board that the applicant is an active duty member of a regular component of the Armed Forces of the United States enrolled in the United States Department of Defense SkillBridge program, as specified, and would provide that regulations to administer those provisions be adopted in accordance with the rulemaking provisions of the Administrative Procedure Act.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115.4 of the Business and Professions
2 Code is amended to read:

3 115.4. (a) Notwithstanding any other law, on and after July 1,
4 2016, a board within the department shall expedite, and may assist,
5 the initial licensure process for an applicant who supplies
6 satisfactory evidence to the board that the applicant ~~is an active~~
7 ~~duty member of a regular component of the Armed Forces of the~~
8 ~~United States enrolled in the United States Department of Defense~~
9 ~~SkillBridge program as authorized under Section 1143(e) of Title~~
10 ~~10 of the United States Code~~ or has served as an active duty
11 member of the Armed Forces of the United States and was
12 honorably discharged.

13 (b) *Notwithstanding any other law, on and after July 1, 2024,*
14 *a board within the department shall expedite, and may assist, the*
15 *initial licensure process for an applicant who supplies satisfactory*
16 *evidence to the board that the applicant is an active duty member*
17 *of a regular component of the Armed Forces of the United States*
18 *enrolled in the United States Department of Defense SkillBridge*
19 *program as authorized under Section 1143(e) of Title 10 of the*
20 *United States Code.*

21 (b)

22 (c) A board may adopt regulations necessary to administer this
23 section in accordance with the provisions of Chapter 3.5
24 (commencing with Section 11340) of Part 1 of Division 3 of Title
25 2 of the Government Code.

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**SB 372 (Menjivar, D-San Fernando Valley/Burbank)
(Coauthors: Senators Cortese (D-San Jose) and Wiener (D-San Francisco))
(Coauthors: Assembly Members Lee (D-San Jose), Pellerin (D-Santa Cruz),
and Wallis (R-Palm Springs))**

**Department of Consumer Affairs: licensee and registrant records:
name and gender changes.**

Status/History: 5/23/2023 – In Assembly. Read first time. Held at desk.

Location: 5/23/2023 – Assembly Desk

Introduced: 2/9/2023

Last Amended: 4/20/2023

Board Position: Watch (as of 4/13/2023)

Board Staff Analysis: 5/24/2023

Bill Summary: This bill would require a board to update a licensee’s records, including records contained within an online verification system, to include the licensee’s updated legal name or gender if the board receives government-issued documentation, as described, from the licensee demonstrating that the licensee’s legal name or gender has been changed. The bill would also require the board to remove the licensee’s former name or gender from its online verification system and treat this information as confidential. The board would be required to establish a process to allow a person to request and obtain this information, as prescribed. Additionally, the bill would require the board, if requested, to reissue specified documents issued to the licensee with their updated legal name or gender.

Affected Laws: An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

Staff Comment: This bill is co-sponsored by the California Association of Marriage and Family Therapists, California State Association of Psychiatrists, California Association of Social Rehabilitation Agencies, California Council of Community Behavioral Health Agencies, California Psychological Association, California Association for Licensed Professional Clinical Counselors, National Association of Social Workers – CA Chapter, and Psychiatric Physicians Alliance of California. According to the Author, “Deadnaming occurs when someone intentionally or unintentionally refers to a trans or non-binary person by the name they previously used. This practice can both negatively impact the mental health as well as the physical safety of all licensees under DCA who are identified by their deadname online. When transgender or non-binary people transition or come out, they may choose a new name to affirm their identity. Research has shown that referring to someone using their chosen name can reduce depressive symptoms and even suicidal ideation and behavior for transgender people. It is imperative that the state take every step to uplift and protect trans and non-binary Californians. DCA can help protect its over 3.4 million licensed professionals by ensuring that trans and non-binary licensees who have legally changed their names have their identities reflected on their online system.”

At its April 13, 2023, meeting, the Board voted to take a position of “Watch” on the bill and also directed that a letter be sent to the author expressing the Board’s concerns that the final language strike an appropriate balance between the legitimate need to preserve the confidentiality of gender and name changes with the public’s legitimate need for access to disciplinary information under the former name and gender.

SB 372 was amended on April 20, 2023, to address concerns that had been raised regarding the use of the term “complaint” rather than “enforcement action.” Staff does not believe these amendments sufficiently address the Board’s concerns to warrant a change in the Board’s position.

Subsequent to the April 20 amendments, information has been received that indicates that the author is considering additional amendments intended to clarify how licensing boards would be able to provide information regarding prior enforcement actions that may have been taken under the licensee’s former name. If these amendments become available in print in bill form prior to the Board’s June 8-9, 2023, meeting, they will be provided to the Board for consideration.

Staff Recommendation: Staff recommends the Board take a position of “Watch” on SB 372, as amended April 20, 2023.

AMENDED IN SENATE APRIL 20, 2023

AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 372

Introduced by Senator Menjivar
(Coauthors: Senators Cortese and Wiener)
(Coauthors: Assembly Members Lee, Pellerin, and Wallis)

February 9, 2023

An act to add Section 27.5 to the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Menjivar. Department of Consumer Affairs: licensee and registrant records: name and gender changes.

Existing law establishes in the Business, Consumer Services, and Housing Agency the Department of Consumer Affairs. Existing law establishes various boards within the department for the licensure, regulation, and discipline of various professions and vocations. Existing law defines "board" for purposes of the Business and Professions Code to include bureau, commission, committee, department, division, examining committee, program, and agency, unless otherwise expressly provided.

This bill would require a board to update a licensee's or registrant's records, including records contained within an online license verification system, to include the licensee's or registrant's updated legal name or gender if the board receives government-issued documentation, as described, from the licensee or registrant demonstrating that the licensee or registrant's legal name or gender has been changed. The bill would require the board to remove the licensee's or registrant's former name or gender from its online license verification system and treat this

information as confidential. The board would be required to establish a process to allow a person to request and obtain ~~this information, a licensee’s or registrant’s current name or enforcement action record linked to a former name~~, as prescribed. The bill would require the board, if requested by a licensee or registrant, to reissue specified documents conferred upon, or issued to, the licensee or registrant with their updated legal name or gender. The bill would prohibit a board from charging a higher fee for reissuing a document with a corrected or updated legal name or gender than the fee it charges for reissuing a document with other corrected or updated information.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27.5 is added to the Business and
 2 Professions Code, to read:
 3 27.5. (a) (1) Notwithstanding any other law, if a board receives
 4 government-issued documentation, as described in subdivision
 5 (b), from a licensee or registrant demonstrating that the licensee’s
 6 or registrant’s legal name or gender has been changed, the board
 7 shall update their records, including any records contained within
 8 an online license verification system, to include the updated legal
 9 name or gender.
 10 (2) (A) If the board operates an online license verification
 11 system, it shall remove the licensee’s or registrant’s former name
 12 upon receipt of government-issued documentation, as described
 13 in subdivision (b). The licensee’s or registrant’s former name and
 14 gender shall be deemed confidential.
 15 (B) The board shall establish a process for providing a licensee’s
 16 or registrant’s ~~former name and gender upon receipt of a request~~
 17 ~~that is related to a complaint against the licensee or registrant.~~
 18 *current name or enforcement action record linked to a former*
 19 *name upon receipt of a request that is related to an enforcement*

1 *action against the licensee or registrant or a search of a licensee*
2 *by a previous name. The process shall ensure that the request is*
3 *completed within 10 business days. This subparagraph shall be*
4 *implemented in compliance with the California Public Records*
5 *Act (Division 10 (commencing with Section 7920.000) of Title 1*
6 *of the Government Code).*

7 (C) In establishing a process to provide a licensee’s or
8 registrant’s former name and gender, the board shall consider
9 respect for the licensee’s or registrant’s privacy and safety.

10 (3) If requested by the licensee or registrant, the board shall
11 reissue any documents conferred upon the licensee or registrant
12 with the licensee’s or registrant’s updated legal name or gender.
13 A board shall not charge a higher fee for reissuing a document
14 with a corrected or updated legal name or gender than the fee it
15 charges for reissuing a document with other corrected or updated
16 information.

17 (b) The documentation of a licensee or registrant sufficient to
18 demonstrate a legal name or gender change includes, but is not
19 limited to, any of the following:

- 20 (1) State-issued driver’s license or identification card.
- 21 (2) Birth certificate.
- 22 (3) Passport.
- 23 (4) Social security card.
- 24 (5) Court order indicating a name change or a gender change.

25 (c) This section does not require a board to modify records that
26 the licensee or registrant has not requested for modification or
27 reissuance.

28 SEC. 2. The Legislature finds and declares that Section 1 of
29 this act, which adds Section 27.5 to the Business and Professions
30 Code, imposes a limitation on the public’s right of access to the
31 meetings of public bodies or the writings of public officials and
32 agencies within the meaning of Section 3 of Article I of the
33 California Constitution. Pursuant to that constitutional provision,
34 the Legislature makes the following findings to demonstrate the
35 interest protected by this limitation and the need for protecting
36 that interest:

- 1 In order to protect the privacy rights and safety of individuals,
- 2 it is necessary that this act limit the public's right of access to that
- 3 information.

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SB 544 (Laird, D-Santa Cruz)

Bagley-Keene Open Meeting Act: teleconferencing.

Status/History: 5/15/2023 – In Assembly. Read first time. Held at desk.

Location: 5/15/2023 – Assembly Desk

Introduced: 2/15/2023

Last Amended: 4/27/2023

Board Position: Support (as of 4/13/2023)

Board Staff Analysis: 5/24/2023

Bill Summary: Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting. Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.

This bill, as amended March 20, 2023, would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting. This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

Affected Laws: An act to amend Section 11123 of the Government Code, relating to state government.

Staff Comment: This bill would allow the Board to conduct its meetings virtually (“via teleconference”) without identifying each location from which a Board Member is participating. It would require that if the Board chose to conduct a meeting virtually, it would have to provide a minimum of one physical location where the public could attend and participate in the meeting; a Board Member or a Board staff person would be required to be present at that location. The Board would still be able to conduct in-person meetings without providing a virtual option.

SB 544 was amended on April 27, 2023, to include requirements relating to the posting of notices of the meeting and what to do in the event the means of remote participate fails and cannot be restored; to provide a definition of “remote location”; and to require members who participate remotely to disclose whether there are any individuals over the age of 18 present in the room of the remote location.

Staff Recommendation: Staff recommends the Board take a position of “Support” on SB 544, as amended April 27, 2023.

AMENDED IN SENATE APRIL 27, 2023
AMENDED IN SENATE MARCH 20, 2023

SENATE BILL

No. 544

Introduced by Senator Laird

February 15, 2023

An act to amend Section 11123 of the Government Code, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Laird. Bagley-Keene Open Meeting Act: teleconferencing.

Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act authorizes meetings through teleconference subject to specified requirements, including, among others, that the state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, that each teleconference location be accessible to the public, that the agenda provide an opportunity for members of the public to address the state body directly at each teleconference location, and that at least one member of the state body be physically present at the location specified in the notice of the meeting.

Existing law, until July 1, 2023, authorizes, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and suspends certain requirements of the act, including the above-described teleconference requirements.

This bill would amend existing law that will remain operative after July 1, 2023, to remove indefinitely the teleconference requirements

that a state body post agendas at all teleconference locations, that each teleconference location be identified in the notice and agenda of the meeting or proceeding, and that each teleconference location be accessible to the public. The bill would require a state body to provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, or attend the meeting by providing on the posted agenda a teleconference telephone number, an internet website or other online platform, and a physical address for at least one site, including, if available, access equivalent to the access for a member of the state body participating remotely. The bill would require any notice required by the act to specify the applicable teleconference telephone number, internet website or other online platform, and physical address indicating how the public can access the meeting remotely and in person. The bill would revise existing law to no longer require that members of the public have the opportunity to address the state body directly at each teleconference location, but would continue to require that the agenda provide an opportunity for members of the public to address the state body directly. The bill would require a member or staff to be physically present at the location specified in the notice of the meeting.

This bill would provide that it does not affect prescribed existing notice and agenda requirements and would require the state body to post an agenda on its internet website and, on the day of the meeting, at any physical meeting location designated in the notice of the meeting. The bill would prohibit the notice and agenda from disclosing information regarding any remote location from which a member is participating and define “remote location” for this purpose. The bill would provide that members of the public shall be entitled to exercise their right to directly address the state body during the teleconferenced meeting without being required to submit public comments prior to the meeting or in writing.

This bill would require a state body, upon discovering that a means of remote participation required by the bill has failed during a meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.

This bill would require a state body that holds a meeting through teleconferencing pursuant to the bill and allows members of the public to observe and address the meeting telephonically or otherwise electronically to implement and advertise, as prescribed, a procedure

for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990.

This bill would require a member of a state body who attends a meeting by teleconference from a remote location to disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the member's relationship with any such individuals.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11123 of the Government Code is
2 amended to read:

3 11123. (a) All meetings of a state body shall be open and
4 public and all persons shall be permitted to attend any meeting of
5 a state body except as otherwise provided in this article.

6 (b) (1) This article does not prohibit a state body from holding
7 an open or closed meeting by teleconference for the benefit of the
8 public and state body. The meeting or proceeding held by
9 teleconference shall otherwise comply with all applicable
10 requirements or laws relating to a specific type of meeting or
11 proceeding, including the following:

12 (A) The teleconferencing meeting shall comply with all
13 requirements of this article applicable to other meetings.

14 (B) The portion of the teleconferenced meeting that is required
15 to be open to the public shall be audible to the public at the location
16 specified in the notice of the meeting.

17 (C) If the state body elects to conduct a meeting or proceeding
18 by teleconference, it shall conduct teleconference meetings in a
19 manner that protects the rights of any party or member of the public
20 appearing before the state body. The state body shall provide a
21 means by which the public may remotely hear audio of the meeting,

1 remotely observe the meeting, or attend the meeting by providing
2 on the posted agenda a teleconference telephone number, an
3 internet website or other online platform, and a physical address
4 for at least one site, including, if available, access equivalent to
5 the access for a member of the state body participating remotely.
6 The applicable teleconference telephone number, internet website
7 or other online platform, and physical address indicating how the
8 public can access the meeting remotely and in person shall be
9 specified in any notice required by this article.

10 (D) The agenda shall provide an opportunity for members of
11 the public to address the state body directly pursuant to Section
12 11125.7.

13 (E) All votes taken during a teleconferenced meeting shall be
14 by rollcall.

15 (F) The portion of the teleconferenced meeting that is closed to
16 the public may not include the consideration of any agenda item
17 being heard pursuant to Section 11125.5.

18 (G) At least one member or staff of the state body shall be
19 physically present at the location specified in the notice of the
20 meeting.

21 *(H) This section does not affect the requirement prescribed by*
22 *this article that the state body post an agenda of a meeting in*
23 *accordance with the applicable notice requirements of this article,*
24 *including Section 11125, requiring the state body to post an agenda*
25 *of a meeting at least 10 days in advance of the meeting, Section*
26 *11125.4, applicable to special meetings, and Sections 11125.5 and*
27 *11125.6, applicable to emergency meetings. The state body shall*
28 *post the agenda on its internet website and, on the day of the*
29 *meeting, at any physical meeting location designated in the notice*
30 *of the meeting. The notice and agenda shall not disclose*
31 *information regarding any remote location from which a member*
32 *is participating.*

33 *(I) Members of the public shall be entitled to exercise their right*
34 *to directly address the state body during the teleconferenced*
35 *meeting without being required to submit public comments prior*
36 *to the meeting or in writing.*

37 *(J) Upon discovering that a means of remote participation*
38 *required by this section has failed during a meeting and cannot*
39 *be restored, the state body shall end or adjourn the meeting in*
40 *accordance with Section 11128.5. In addition to any other*

1 *requirements that may apply, the state body shall provide notice*
2 *of the meeting's end or adjournment on the state body's internet*
3 *website and by email to any person who has requested notice of*
4 *meetings of the state body by email under this article. If the meeting*
5 *will be adjourned and reconvened on the same day, further notice*
6 *shall be provided by an automated message on a telephone line*
7 *posted on the state body's agenda, internet website, or by a similar*
8 *means, that will communicate when the state body intends to*
9 *reconvene the meeting and how a member of the public may hear*
10 *audio of the meeting or observe the meeting.*

11 (2) For the purposes of this subdivision, “teleconference” both
12 of the following definitions shall apply:

13 (A) “Teleconference” means a meeting of a state body, the
14 members of which are at different locations, connected by
15 electronic means, through either audio or both audio and video.
16 This section does not prohibit a state body from providing members
17 of the public with additional locations in which the public may
18 observe or address the state body by electronic means, through
19 either audio or both audio and video.

20 (B) “Remote location” means a location from which a member
21 of a state body participates in a meeting other than any physical
22 meeting location designated in the notice of the meeting. Remote
23 locations need not be accessible to the public.

24 (c) If a state body holds a meeting through teleconferencing
25 pursuant to this section and allows members of the public to
26 observe and address the meeting telephonically or otherwise
27 electronically, the state body shall also do both of the following:

28 (1) Implement a procedure for receiving and swiftly resolving
29 requests for reasonable modification or accommodation from
30 individuals with disabilities, consistent with the federal Americans
31 with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and
32 resolving any doubt whatsoever in favor of accessibility.

33 (2) Advertise that procedure each time notice is given of the
34 means by which members of the public may observe the meeting
35 and offer public comment.

36 (d) The state body shall publicly report any action taken and
37 the vote or abstention on that action of each member present for
38 the action.

39 (e) *If a member of a state body attends a meeting by*
40 *teleconference from a remote location, the member shall disclose*

1 *whether any other individuals 18 years of age or older are present*
2 *in the room at the remote location with the member, and the*
3 *general nature of the member’s relationship with any such*
4 *individuals.*

5 (e)

6 (f) For purposes of this section, “participate remotely” means
7 participation in a meeting at a location other than the physical
8 location designated in the agenda of the meeting.

9 SEC. 2. The Legislature finds and declares that Section 1 of
10 this act, which amends Section 11123 of the Government Code,
11 imposes a limitation on the public’s right of access to the meetings
12 of public bodies or the writings of public officials and agencies
13 within the meaning of Section 3 of Article I of the California
14 Constitution. Pursuant to that constitutional provision, the
15 Legislature makes the following findings to demonstrate the interest
16 protected by this limitation and the need for protecting that interest:

17 (a) By removing the requirement for agendas to be placed at
18 the location of each public official participating in a public meeting
19 remotely, including from the member’s private home or hotel
20 room, this act protects the personal, private information of public
21 officials and their families while preserving the public’s right to
22 access information concerning the conduct of the people’s business.

23 (b) During the COVID-19 public health emergency, audio and
24 video teleconference were widely used to conduct public meetings
25 in lieu of physical location meetings, and those public meetings
26 have been productive, increased public participation by all
27 members of the public regardless of their location and ability to
28 travel to physical meeting locations, increased the pool of people
29 who are able to serve on these bodies, protected the health and
30 safety of civil servants and the public, and have reduced travel
31 costs incurred by members of state bodies and reduced work hours
32 spent traveling to and from meetings.

33 (c) Conducting audio and video teleconference meetings
34 enhances public participation and the public’s right of access to
35 meetings of the public bodies by improving access for individuals
36 that often face barriers to physical attendance.

O

SB 802 (Roth, D-Riverside)

Licensing boards: disqualification from licensure: criminal conviction.

Status/History: 5/4/2023 – Referred to Assembly Committee on Business and Professions.

Location: 5/4/2023 – Assembly Committee on Business and Professions

Introduced: 2/17/2023

Board Position: Watch (as of 4/13/2023)

Board Staff Analysis: 5/24/2023

Bill Summary: Existing law authorizes a board to deny a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. Existing law requires a board to notify the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history.

If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, this bill would require a board to notify the applicant in writing within 30 days after a decision is made, as specified.

Affected Laws: An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

Staff Comment: The Author is the Sponsor of this bill. According to the Author, SB 802 makes clarifying changes to ensure timely communication with applicants for licensure to provide more certainty in their path toward employability and participating in the economic marketplace.

Board staff does not believe the provisions of this bill would impact the Board's workload or operations as we already notify applicants within 30 days if we are denying their application.

At its April 13, 2023, meeting, the Board took a position of "Watch" on SB 802.

Staff Recommendation: No action needed at this time.

Introduced by Senator Roth

February 17, 2023

An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

SB 802, as introduced, Roth. Licensing boards: disqualification from licensure: criminal conviction.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny a license on the grounds that the applicant or licensee has been subject to formal discipline, as specified, or convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, as specified. Existing law requires a board to notify the applicant in writing, as specified, if a board decides to deny an application for licensure based solely or in part on the applicant's conviction history.

If a board decides to deny an application for licensure based solely or in part on the applicant's conviction history, this bill would require a board to notify the applicant in writing within 30 days after a decision is made, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 480 of the Business and Professions Code
- 2 is amended to read:

1 480. (a) Notwithstanding any other provision of this code, a
2 board may deny a license regulated by this code on the grounds
3 that the applicant has been convicted of a crime or has been subject
4 to formal discipline only if either of the following conditions are
5 met:

6 (1) The applicant has been convicted of a crime within the
7 preceding seven years from the date of application that is
8 substantially related to the qualifications, functions, or duties of
9 the business or profession for which the application is made,
10 regardless of whether the applicant was incarcerated for that crime,
11 or the applicant has been convicted of a crime that is substantially
12 related to the qualifications, functions, or duties of the business or
13 profession for which the application is made and for which the
14 applicant is presently incarcerated or for which the applicant was
15 released from incarceration within the preceding seven years from
16 the date of application. However, the preceding seven-year
17 limitation shall not apply in either of the following situations:

18 (A) The applicant was convicted of a serious felony, as defined
19 in Section 1192.7 of the Penal Code or a crime for which
20 registration is required pursuant to paragraph (2) or (3) of
21 subdivision (d) of Section 290 of the Penal Code.

22 (B) The applicant was convicted of a financial crime currently
23 classified as a felony that is directly and adversely related to the
24 fiduciary qualifications, functions, or duties of the business or
25 profession for which the application is made, pursuant to
26 regulations adopted by the board, and for which the applicant is
27 seeking licensure under any of the following:

28 (i) Chapter 6 (commencing with Section 6500) of Division 3.

29 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

30 (iii) Chapter 11.3 (commencing with Section 7512) of Division
31 3.

32 (iv) Licensure as a funeral director or cemetery manager under
33 Chapter 12 (commencing with Section 7600) of Division 3.

34 (v) Division 4 (commencing with Section 10000).

35 (2) The applicant has been subjected to formal discipline by a
36 licensing board in or outside California within the preceding seven
37 years from the date of application based on professional misconduct
38 that would have been cause for discipline before the board for
39 which the present application is made and that is substantially
40 related to the qualifications, functions, or duties of the business or

1 profession for which the present application is made. However,
2 prior disciplinary action by a licensing board within the preceding
3 seven years shall not be the basis for denial of a license if the basis
4 for that disciplinary action was a conviction that has been dismissed
5 pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425
6 of the Penal Code or a comparable dismissal or expungement.
7 Formal discipline that occurred earlier than seven years preceding
8 the date of application may be grounds for denial of a license only
9 if the formal discipline was for conduct that, if committed in this
10 state by a physician and surgeon licensed pursuant to Chapter 5
11 (commencing with Section 2000) of Division 2, would have
12 constituted an act of sexual abuse, misconduct, or relations with
13 a patient pursuant to Section 726 or sexual exploitation as defined
14 in subdivision (a) of Section 729.

15 (b) Notwithstanding any other provision of this code, a person
16 shall not be denied a license on the basis that the person has been
17 convicted of a crime, or on the basis of acts underlying a conviction
18 for a crime, if that person has obtained a certificate of rehabilitation
19 under Chapter 3.5 (commencing with Section 4852.01) of Title 6
20 of Part 3 of the Penal Code, has been granted clemency or a pardon
21 by a state or federal executive, or has made a showing of
22 rehabilitation pursuant to Section 482.

23 (c) Notwithstanding any other provision of this code, a person
24 shall not be denied a license on the basis of any conviction, or on
25 the basis of the acts underlying the conviction, that has been
26 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42,
27 or 1203.425 of the Penal Code, or a comparable dismissal or
28 expungement. An applicant who has a conviction that has been
29 dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42
30 of the Penal Code shall provide proof of the dismissal if it is not
31 reflected on the report furnished by the Department of Justice.

32 (d) Notwithstanding any other provision of this code, a board
33 shall not deny a license on the basis of an arrest that resulted in a
34 disposition other than a conviction, including an arrest that resulted
35 in an infraction, citation, or a juvenile adjudication.

36 (e) A board may deny a license regulated by this code on the
37 ground that the applicant knowingly made a false statement of fact
38 that is required to be revealed in the application for the license. A
39 board shall not deny a license based solely on an applicant's failure

1 to disclose a fact that would not have been cause for denial of the
2 license had it been disclosed.

3 (f) A board shall follow the following procedures in requesting
4 or acting on an applicant's criminal history information:

5 (1) A board issuing a license pursuant to Chapter 3 (commencing
6 with Section 5500), Chapter 3.5 (commencing with Section 5615),
7 Chapter 10 (commencing with Section 7301), Chapter 20
8 (commencing with Section 9800), or Chapter 20.3 (commencing
9 with Section 9880), of Division 3, or Chapter 3 (commencing with
10 Section 19000) or Chapter 3.1 (commencing with Section 19225)
11 of Division 8 may require applicants for licensure under those
12 chapters to disclose criminal conviction history on an application
13 for licensure.

14 (2) Except as provided in paragraph (1), a board shall not require
15 an applicant for licensure to disclose any information or
16 documentation regarding the applicant's criminal history. However,
17 a board may request mitigating information from an applicant
18 regarding the applicant's criminal history for purposes of
19 determining substantial relation or demonstrating evidence of
20 rehabilitation, provided that the applicant is informed that
21 disclosure is voluntary and that the applicant's decision not to
22 disclose any information shall not be a factor in a board's decision
23 to grant or deny an application for licensure.

24 (3) If a board decides to deny an application for licensure based
25 solely or in part on the applicant's conviction history, the board
26 shall notify the applicant in ~~writing~~ *writing, within 30 days after*
27 *a decision is made*, of all of the following:

28 (A) The denial or disqualification of licensure.

29 (B) Any existing procedure the board has for the applicant to
30 challenge the decision or to request reconsideration.

31 (C) That the applicant has the right to appeal the board's
32 decision.

33 (D) The processes for the applicant to request a copy of the
34 applicant's complete conviction history and question the accuracy
35 or completeness of the record pursuant to Sections 11122 to 11127
36 of the Penal Code.

37 (g) (1) For a minimum of three years, each board under this
38 code shall retain application forms and other documents submitted
39 by an applicant, any notice provided to an applicant, all other

1 communications received from and provided to an applicant, and
2 criminal history reports of an applicant.

3 (2) Each board under this code shall retain the number of
4 applications received for each license and the number of
5 applications requiring inquiries regarding criminal history. In
6 addition, each licensing authority shall retain all of the following
7 information:

8 (A) The number of applicants with a criminal record who
9 received notice of denial or disqualification of licensure.

10 (B) The number of applicants with a criminal record who
11 provided evidence of mitigation or rehabilitation.

12 (C) The number of applicants with a criminal record who
13 appealed any denial or disqualification of licensure.

14 (D) The final disposition and demographic information,
15 consisting of voluntarily provided information on race or gender,
16 of any applicant described in subparagraph (A), (B), or (C).

17 (3) (A) Each board under this code shall annually make
18 available to the public through the board's internet website and
19 through a report submitted to the appropriate policy committees
20 of the Legislature deidentified information collected pursuant to
21 this subdivision. Each board shall ensure confidentiality of the
22 individual applicants.

23 (B) A report pursuant to subparagraph (A) shall be submitted
24 in compliance with Section 9795 of the Government Code.

25 (h) "Conviction" as used in this section shall have the same
26 meaning as defined in Section 7.5.

27 (i) This section does not in any way modify or otherwise affect
28 the existing authority of the following entities in regard to
29 licensure:

30 (1) The State Athletic Commission.

31 (2) The Bureau for Private Postsecondary Education.

32 (3) The California Horse Racing Board.

O

SB 818 (Roth, D-Riverside)

Department of Consumer Affairs: terms of office: fingerprinting.

Status/History: 5/4/2023 – Referred to Assembly Committee on Business and Professions.

Location: 5/4/2023 – Assembly Committee on Business and Professions

Introduced: 2/17/2023

Board Position: Watch (as of 4/13/2023)

Board Staff Analysis: 5/24/2023

Bill Summary: This bill makes non-substantive changes to Business and Professions Code sections 130 and 144 to update the names of various boards.

Affected Laws: An act to amend Sections 130 and 144 of the Business and Professions Code, relating to consumer affairs.

Staff Comment: Section 130 lists boards whose member terms end on June 1. This Board is included in this list under its previous name; this bill would update the name of the Board to its current name.

Business and Professions Code section 6712, which is part of the Professional Engineers Act, specifies that the terms of the members of this Board end on June 30. Section 6712 was amended in 2006 during the Sunset Review process. From information Board staff has been able to find, the intent at that time was to remove the Board from the list in Section 130 so that there would not be confusion regarding the end dates of Board Member terms. For some reason, this change was not made; it is believed that this section was overlooked. However, the appointing authorities (Governor, Assembly, and Senate) are aware that our Board Member terms end on June 30, rather than June 1, since it is specified in the Professional Engineers Act. Board staff has discussed this issue with the Author's staff and requested that the Board be removed from the list altogether. The Author's staff indicated they will consider this request.

At its April 13, 2023, meeting, the Board took a position of "Watch" on SB 818.

Staff Recommendation: No action needed at this time.

Introduced by Senator Roth

February 17, 2023

An act to amend Sections 130 and 144 of the Business and Professions Code, relating to consumer affairs.

LEGISLATIVE COUNSEL'S DIGEST

SB 818, as introduced, Roth. Department of Consumer Affairs: terms of office: fingerprinting.

Existing law establishes the Department of Consumer Affairs and sets forth the various boards and other entities under its jurisdiction.

Existing law changed the name of the Board for Professional Engineers and Land Surveyors to the Board of Professional Engineers, Land Surveyors, and Geologists. Existing law changed the name of the Naturopathic Medicine Committee to the California Board of Naturopathic Medicine.

This bill would make conforming changes related to these name changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 130 of the Business and Professions Code
2 is amended to read:
3 130. (a) Notwithstanding any other law, the term of office of
4 any member of an agency designated in subdivision (b) shall be
5 for a term of four years expiring on June 1.
6 (b) Subdivision (a) applies to the following boards or
7 committees:

- 1 (1) The Medical Board of California.
- 2 (2) The Podiatric Medical Board of California.
- 3 (3) The Physical Therapy Board of California.
- 4 (4) The Board of Registered Nursing, except as provided in
- 5 subdivision (c) of Section 2703.
- 6 (5) The Board of Vocational Nursing and Psychiatric
- 7 Technicians.
- 8 (6) The California State Board of Optometry.
- 9 (7) The California State Board of Pharmacy.
- 10 (8) The Veterinary Medical Board.
- 11 (9) The California Architects Board.
- 12 (10) The Landscape Architect Technical Committee.
- 13 (11) ~~The Board for Professional Engineers and Land Surveyors.~~
- 14 *Engineers, Land Surveyors, and Geologists.*
- 15 (12) The Contractors State License Board.
- 16 (13) The Board of Behavioral Sciences.
- 17 (14) The Court Reporters Board of California.
- 18 (15) The State Athletic Commission.
- 19 (16) The Osteopathic Medical Board of California.
- 20 (17) The Respiratory Care Board of California.
- 21 (18) The Acupuncture Board.
- 22 (19) The Board of Psychology.
- 23 (20) The Structural Pest Control Board.
- 24 SEC. 2. Section 144 of the Business and Professions Code is
- 25 amended to read:
- 26 144. (a) Notwithstanding any other law, an agency designated
- 27 in subdivision (b) shall require an applicant to furnish to the agency
- 28 a full set of fingerprints for purposes of conducting criminal history
- 29 record checks. Any agency designated in subdivision (b) may
- 30 obtain and receive, at its discretion, criminal history information
- 31 from the Department of Justice and the United States Federal
- 32 Bureau of Investigation.
- 33 (b) Subdivision (a) applies to the following:
- 34 (1) California Board of Accountancy.
- 35 (2) State Athletic Commission.
- 36 (3) Board of Behavioral Sciences.
- 37 (4) Court Reporters Board of California.
- 38 (5) Dental Board of California.
- 39 (6) California State Board of Pharmacy.
- 40 (7) Board of Registered Nursing.

- 1 (8) Veterinary Medical Board.
- 2 (9) Board of Vocational Nursing and Psychiatric Technicians
- 3 of the State of California.
- 4 (10) Respiratory Care Board of California.
- 5 (11) Physical Therapy Board of California.
- 6 (12) Physician Assistant Board.
- 7 (13) Speech-Language Pathology and Audiology and Hearing
- 8 Aid Dispensers Board.
- 9 (14) Medical Board of California.
- 10 (15) California State Board of Optometry.
- 11 (16) Acupuncture Board.
- 12 (17) Cemetery and Funeral Bureau.
- 13 (18) Bureau of Security and Investigative Services.
- 14 (19) Division of Investigation.
- 15 (20) Board of Psychology.
- 16 (21) California Board of Occupational Therapy.
- 17 (22) Structural Pest Control Board.
- 18 (23) Contractors State License Board.
- 19 (24) ~~Naturopathic Medicine Committee.~~ *California Board of*
- 20 *Naturopathic Medicine.*
- 21 (25) Professional Fiduciaries Bureau.
- 22 (26) Board for Professional Engineers, Land Surveyors, and
- 23 Geologists.
- 24 (27) Podiatric Medical Board of California.
- 25 (28) Osteopathic Medical Board of California.
- 26 (29) California Architects Board, beginning January 1, 2021.
- 27 (30) Landscape Architects Technical Committee, beginning
- 28 January 1, 2022.
- 29 (31) Bureau of Household Goods and Services with respect to
- 30 household movers as described in Chapter 3.1 (commencing with
- 31 Section 19225) of Division 8.
- 32 (c) For purposes of paragraph (26) of subdivision (b), the term
- 33 “applicant” shall be limited to an initial applicant who has never
- 34 been registered or licensed by the board or to an applicant for a
- 35 new licensure or registration category.

O

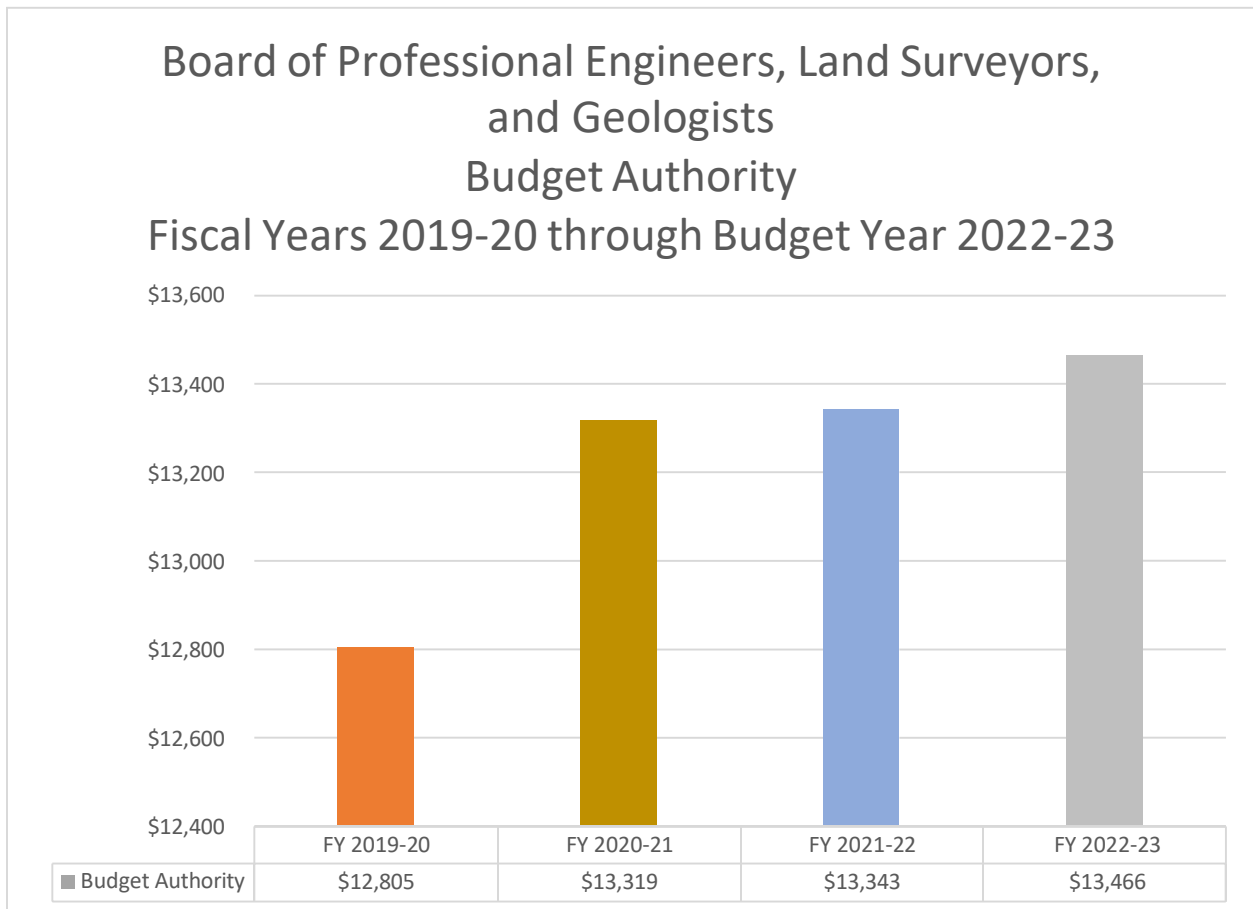
V. Administration

A. Fiscal Year 2022/23 Budget Report

FINANCIAL REPORT

BUDGET AUTHORITY

The Board's Budget Authority for fiscal year (FY) 2022-23 is \$13,466,000 (1% increase over FY 2021-22). Board actual expenditures for FY 2021-22 were 90% of Budget Authority.



GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

Current Year Projections
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

Revenue Category
Provides the name of the line item where our revenues occur.

Prior Year
Revenue collected up to FM 4 in October of 2020.

Arrows
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

Current Year
Revenue collected up to FM 4 in October of 2021.

Department of Consumer Affairs
Expenditure Projection Report

Fiscal Month: 4
Fiscal Year: 2021 - 2022
Run Date: 12/09/2021

Fiscal Month
Identifies the expenditures up to October 2021

Fiscal Year
Identifies the current year

Run Date
Identifies the date this report was pulled from QBIRT

CY 21-22 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Governor's Budget
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

Object Description
Provides the name of the line item where our expenditures occur.

PY 20-21 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Percent of Governor's Budget spent
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

Projections to Year End
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

Surplus/(Deficit)
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.

FINANCIAL REPORT

FISCAL YEAR 2022-23 FISCAL MONTH 10 FINANCIAL STATEMENT

Revenues

Fee increase effective January 1, 2021, and significant increase in initial application volume has had a positive impact on revenues. Total revenue down \$1,047,519 (-10%) over prior year. Current Fiscal Year 2022-23 is a low volume year for renewals.

Revenue Category	PRIOR YEAR FY 2021-22 FM 10	CURRENT YEAR FY 2022-23 FM 10	CURRENT YEAR FY 2022-23 PROJECTION
Delinquent Fees	\$125,960	\$143,048	\$150,440
Other Regulatory Fees	\$113,382	\$69,820	\$117,586
Other Regulatory Licenses & Permits	\$1,682,700	\$1,580,802	\$1,638,188
Other Revenue	\$27,385	\$109,652	\$16,156
Renewal Fees	\$9,932,850	\$8,931,438	\$9,081,441
Total	\$11,882,277	\$10,834,758	\$11,003,811

There was a significant increase in FY 2021-22 initial application volume and revenue over prior years. The increase in revenue is due to the fee increase effective January 2021, and the uptick in volume of initial applications received. The current year projections do not assume the increase in volume will continue to trend up and the projections are based on the average of applications received over a five-year lookback period.

Reimbursements totaled \$97,057 including \$52,577 for background checks and \$42,555 in cost recovery. Background check expenses are included in the General Expense category.

FY 2021-22 includes \$2,650,380 Revenue in advance. FY 2022-23 includes \$2,301,473 Revenue in advance.

**Department of Consumer Affairs
Expenditure Projection Report**

Fiscal Month: 10

Fiscal Year: 2022 - 2023

Run Date: 05/23/2023

PERSONAL SERVICES

Notes	Fiscal Code	PY 21-22 FM 10 YTD + Encumbrance	CY 22-23 FM 10 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$2,746,530	\$2,856,454	\$3,701,000	77%	\$3,636,775
	5100 TEMPORARY POSITIONS	\$109,706	\$112,096	\$232,000	48%	\$103,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$46,376	\$20,481	\$36,000	57%	\$41,605
	5150 STAFF BENEFITS	\$1,557,903	\$1,746,876	\$1,935,000	90%	\$2,094,274
	PERSONAL SERVICES	\$4,460,515	\$4,735,908	\$5,904,000	80%	\$5,875,654

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$64,639	\$66,779	\$32,000	209%	\$80,000
3	5302 PRINTING	\$88,633	\$99,920	\$26,000	384%	\$100,000
	5304 COMMUNICATIONS	\$12,701	\$11,814	\$15,000	79%	\$18,000
	5306 POSTAGE	\$26,462	\$2,343	\$36,000	7%	\$26,000
	5308 INSURANCE	\$0	\$65	\$0	0%	\$100
	53202-204 IN STATE TRAVEL	\$4,067	\$26,715	\$22,000	121%	\$36,500
	53206-208 OUT OF STATE TRAVEL	\$1,199	\$0	\$0	0%	\$2,500
	5322 TRAINING	\$2,000	\$0	\$15,000	0%	\$1,000
4	5324 FACILITIES*	\$465,166	\$491,378	\$377,000	130%	\$540,832
5	53402-53403 C/P SERVICES (INTERNAL)	\$496,531	\$539,506	\$871,000	62%	\$731,546
6	53404-53405 C/P SERVICES (EXTERNAL)	\$1,656,681	\$1,967,828	\$3,280,000	60%	\$1,993,080
7	5342 DEPARTMENT PRORATA	\$1,939,000	\$1,968,000	\$1,968,000	100%	\$1,968,000
8	5342 DEPARTMENTAL SERVICES	\$18,072	\$13,391	\$27,000	50%	\$26,000
	5344 CONSOLIDATED DATA CENTERS	\$11,350	\$900	\$22,000	4%	\$13,000
	5346 INFORMATION TECHNOLOGY	\$167,471	\$39,759	\$165,000	24%	\$66,065
	5362-5368 EQUIPMENT	\$53,080	\$99,833	\$0	0%	\$109,000
	5390 OTHER ITEMS OF EXPENSE	\$0	\$12	\$3,000	0%	\$50
	54 SPECIAL ITEMS OF EXPENSE	\$868	\$558	\$0	0%	\$4,100
	OPERATING EXPENSES & EQUIPMENT	\$5,007,919	\$5,328,801	\$6,859,000	78%	\$5,715,773
	TOTALS	\$9,468,434	\$10,064,709	\$12,763,000	79%	\$11,591,427
9	4840-4850 REIMBURSEMENTS					\$108,200
	OVERALL TOTALS & REIMBURSEMENTS					\$11,483,227

*Includes additional \$75k Architecture Revolving Fund Expenses

Expenditure Report Notes

- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board almost being fully staffed, additional merit salary adjustments, and new bargaining unit agreements.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 10 are at \$52,577.
- 3 Printing** - Contract with EDD expired June 30, 2020. Historically EDD billing for printing services was delayed up to 18 months.
- 4 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, security, COVID-19 sanitation, and tenant improvements with DGS in a support planning role from the ARF Deposit.
- 5 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 6 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This line also includes our executed agreements for our business modernization project (system developer, project management, oversight, and software license subscription services).
- 7 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 8 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 9 Reimbursements** - Includes Reimbursements-Private Sectors, Fingerprint Reports, US Cost Recovery, and US DOI Civil Case.

0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

Analysis of Fund Condition

Prepared 05/23/2023

(Dollars in Thousands)

PY 21-22 Actuals & CY 22-23 FM 10 Projections	Actual 2021-22	CY 2022-23	BY 2023-24	BY+1 2024-25
BEGINNING BALANCE	\$ 2,351	\$ 3,405	\$ 1,895	\$ 1,087
Prior Year Adjustment	\$ 654	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,005	\$ 3,405	\$ 1,895	\$ 1,087
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues:				
4121200 Delinquent fees	\$ 149	\$ 150	\$ 152	\$ 150
4127400 Renewal fees	\$ 10,142	\$ 9,081	\$ 9,886	\$ 9,081
4129200 Other regulatory fees	\$ 131	\$ 118	\$ 124	\$ 118
4129400 Other regulatory licenses and permits	\$ 2,064	\$ 1,638	\$ 1,600	\$ 1,638
4163000 Income from surplus money investments	\$ 26	\$ 27	\$ 32	\$ 0
4171400 Escheat of unclaimed checks and warrants	\$ 15	\$ 16	\$ 15	\$ 16
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 12,528	\$ 11,031	\$ 11,810	\$ 11,004
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -385	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 12,143	\$ 11,031	\$ 11,810	\$ 11,004
Totals, Revenues, Transfers and Other Adjustments	\$ 15,148	\$ 14,436	\$ 13,705	\$ 12,091
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 10,878	\$ 11,483	\$ 11,827	\$ 12,182
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ 209	\$ 209
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 656	\$ 849	\$ 582	\$ 582
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 11,743	\$ 12,541	\$ 12,618	\$ 12,973
FUND BALANCE				
Reserve for economic uncertainties	\$ 3,405	\$ 1,895	\$ 1,087	\$ -883
Months in Reserve	3.3	1.8	1.0	-0.8

NOTES:

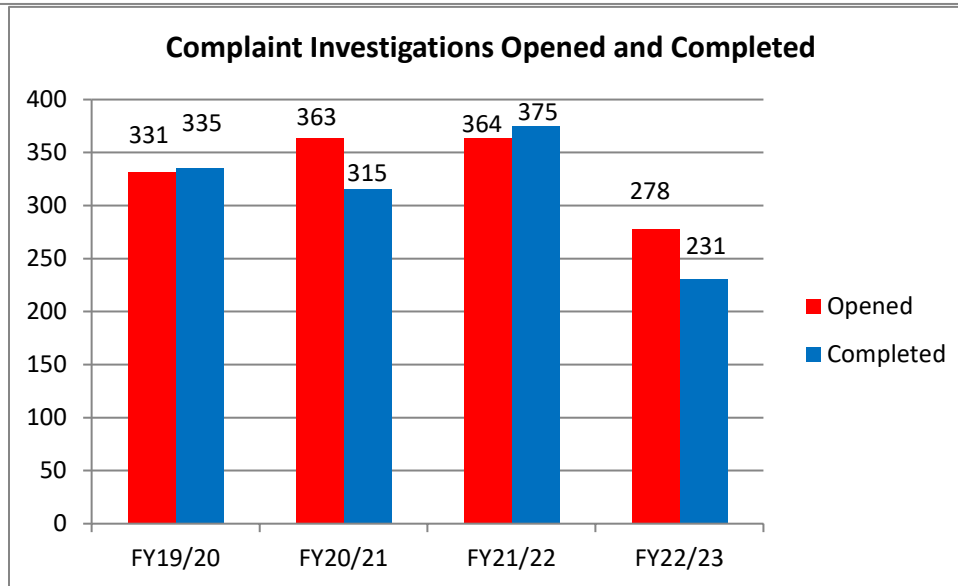
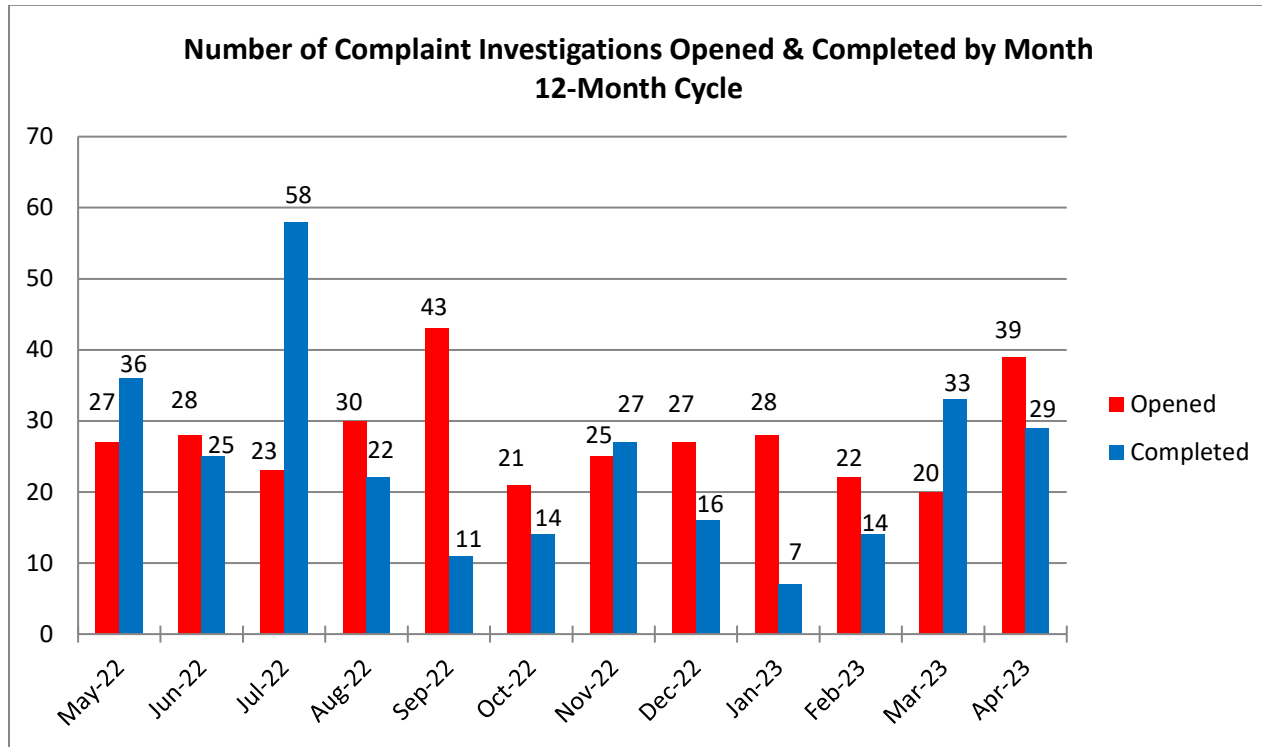
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY+1 AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY+1

VI. Enforcement

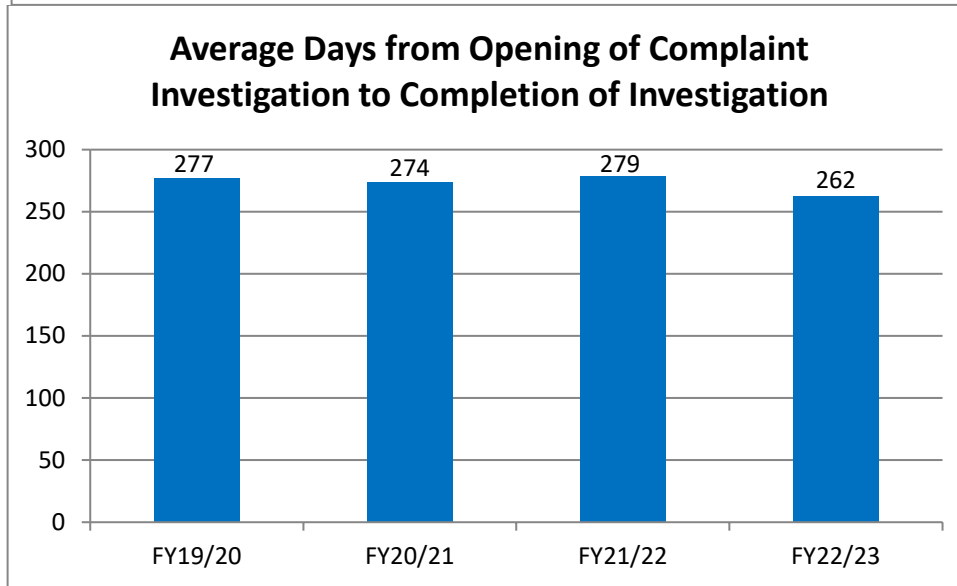
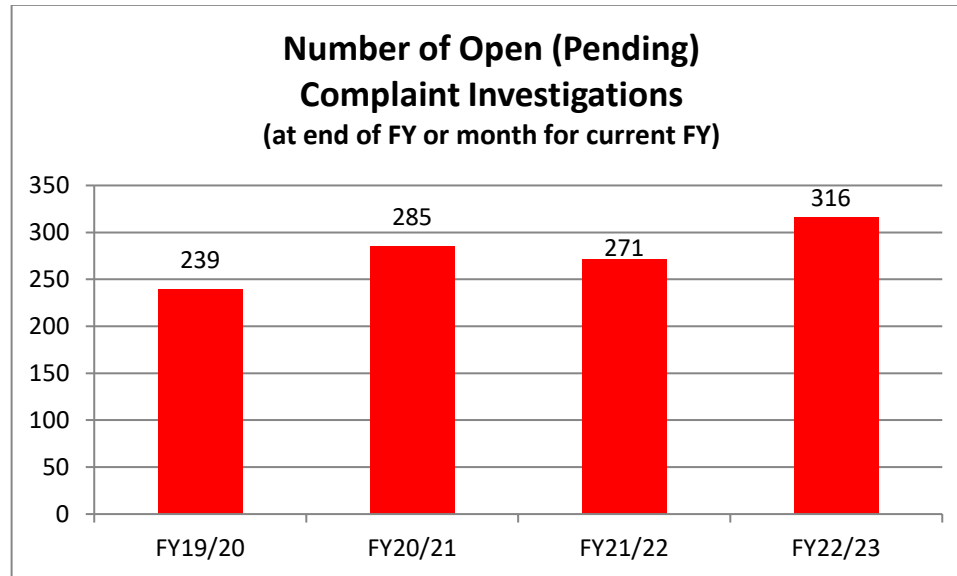
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2022/23 Update

Complaint Investigation Phase



NOTE: FY22/23 statistics are through April 30, 2023

Complaint Investigation Phase



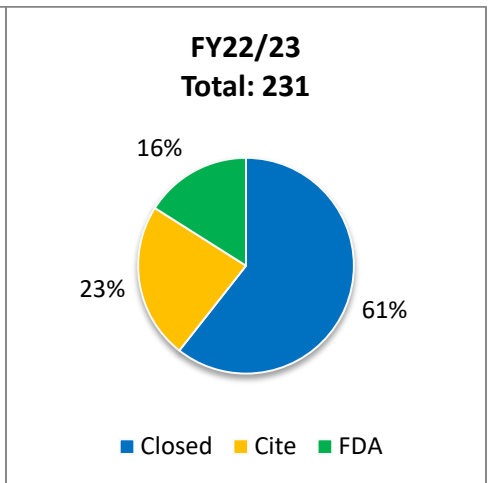
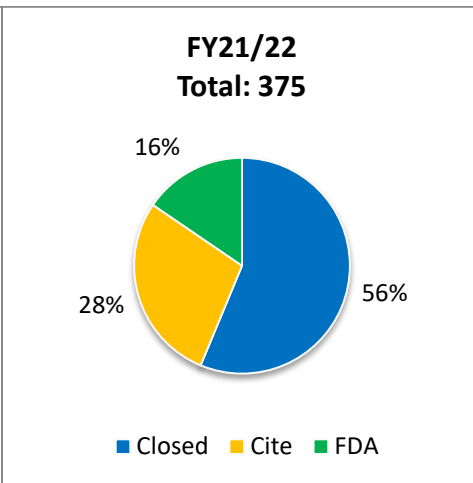
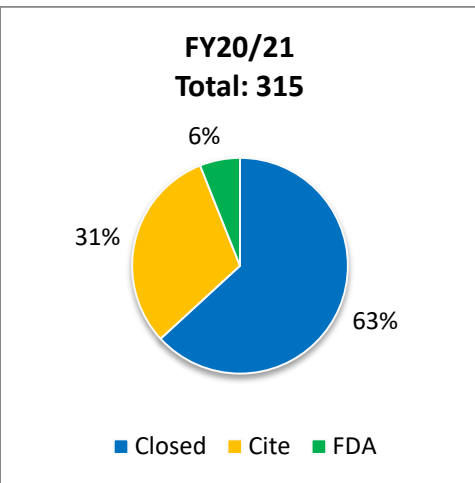
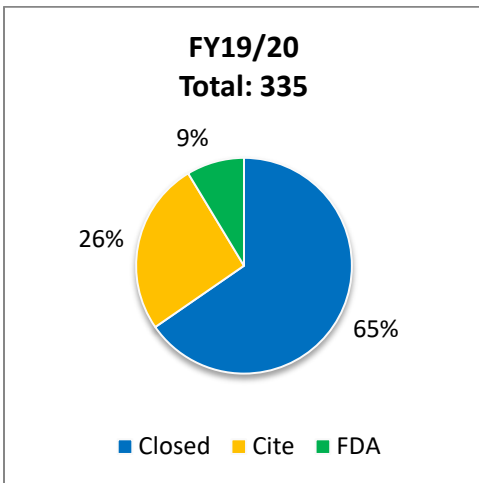
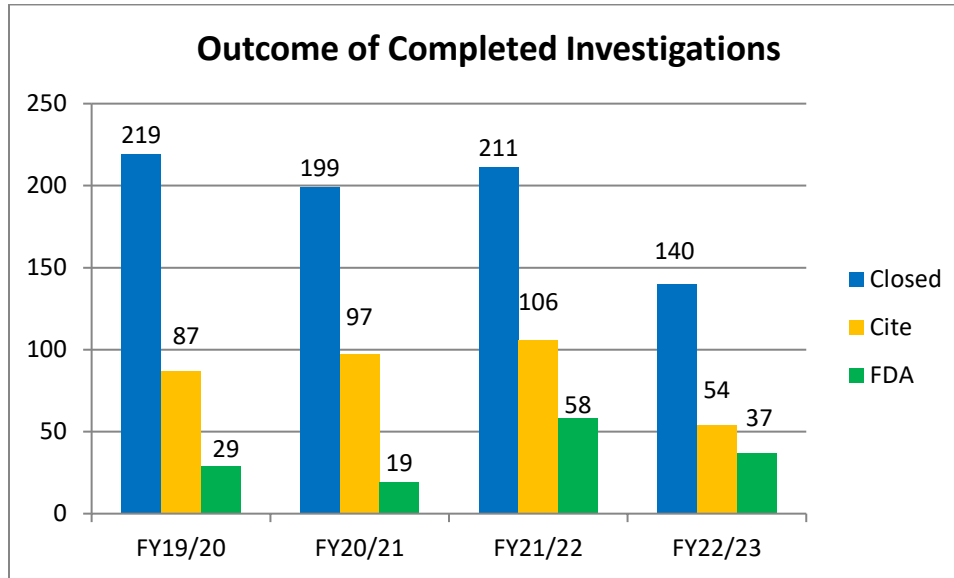
NOTE: FY22/23 statistics are through April 30, 2023

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



Complaint Investigation Phase Outcome of Completed Investigations



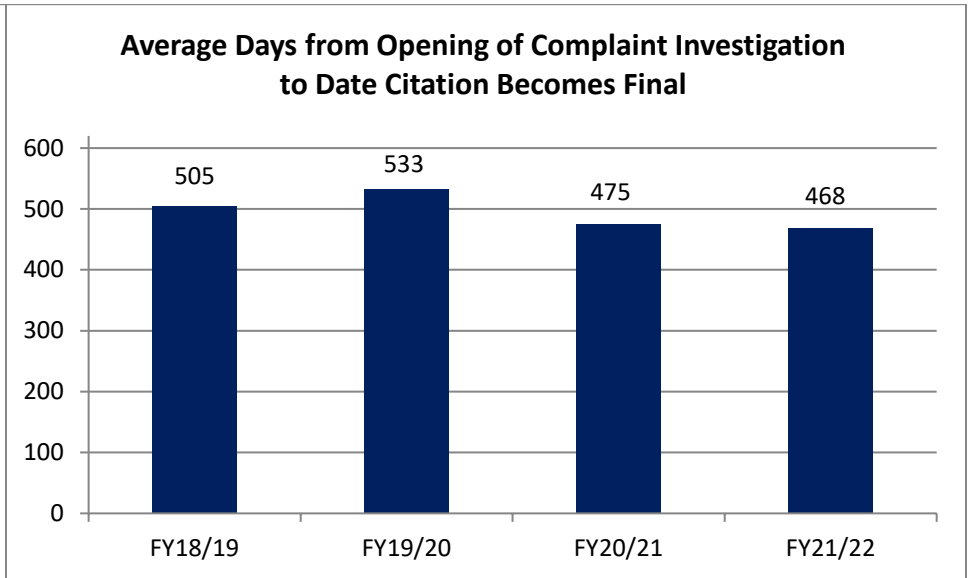
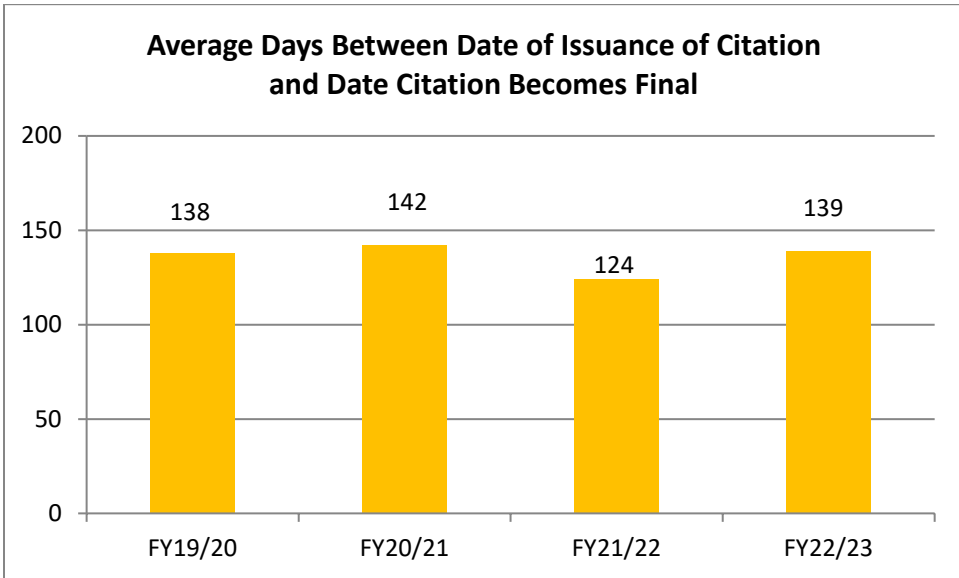
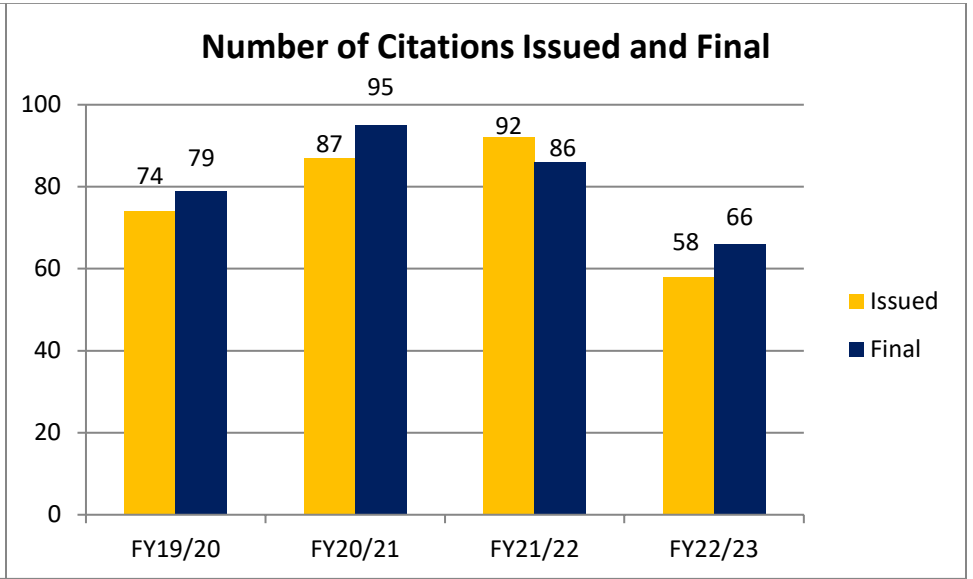
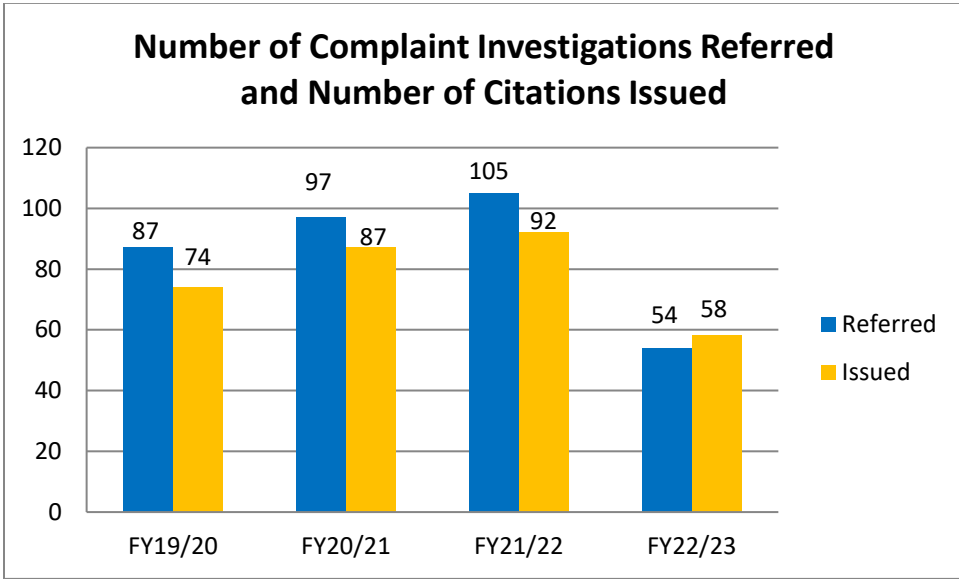
NOTE: FY22/23 statistics are through April 30, 2023

Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

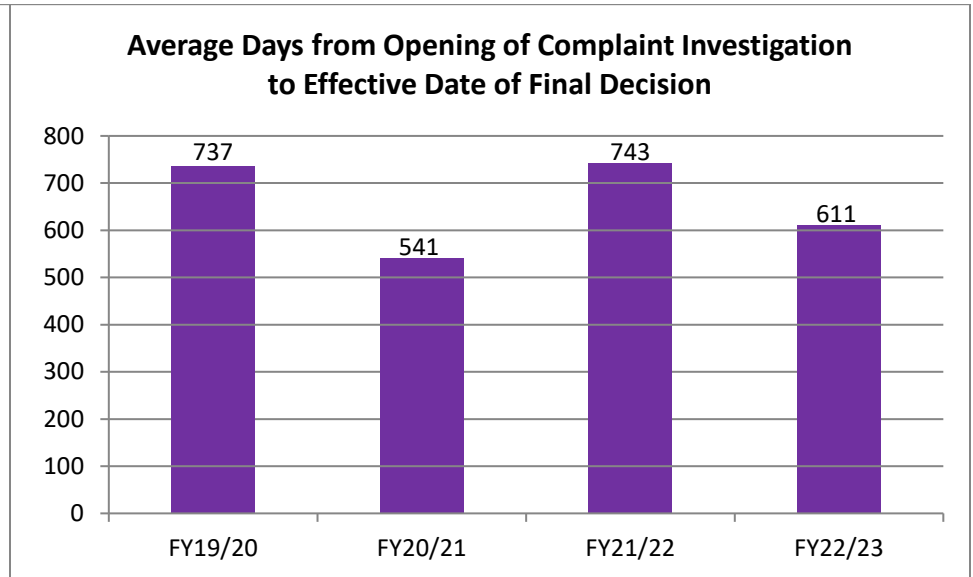
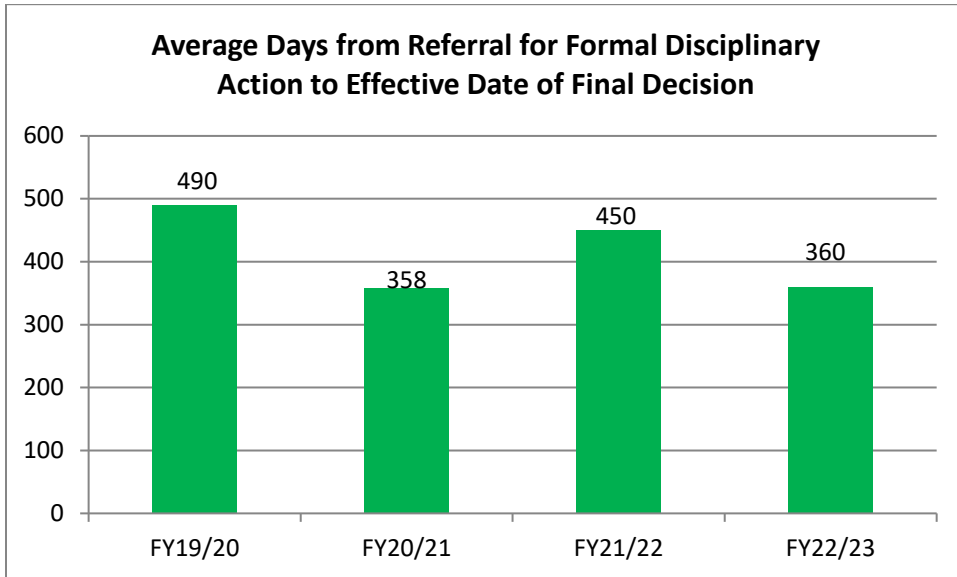
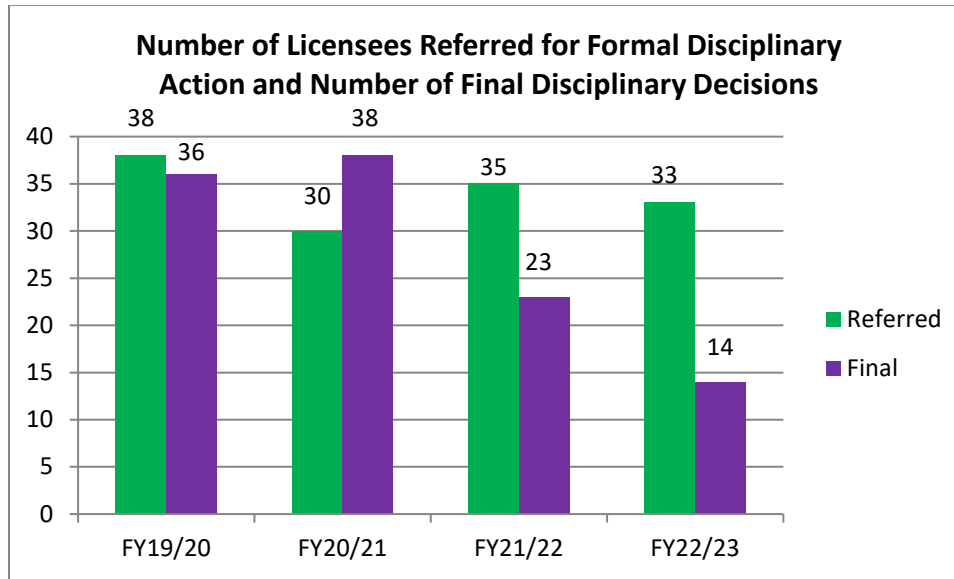
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY22/23 statistics are through April 30, 2023

Formal Disciplinary Actions Against Licensees



NOTE: FY22/23 statistics are through April 30, 2023

Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
May 2022	27	36
June 2022	28	25
July 2022	23	58
August 2022	30	22
September 2022	43	11
October 2022	21	14
November 2022	25	27
December 2022	27	16
January 2023	28	7
February 2023	22	14
March 2023	20	33
April 2023	39	29

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2019/20	331	335
2020/21	363	315
2021/22	336	350
2022/23	278	231

Current Fiscal Year through April 30, 2023

Number of Open (Pending) Complaint Investigations (at end of FY or month for current FY)

Fiscal Year	Number of Open (Pending) Complaint Investigations
2019/20	239
2020/21	285
2021/22	268
2022/23	316

Current Fiscal Year through April 30, 2023

Complaint Investigation Phase

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2019/20	277
2020/21	274
2021/22	278
2022/23	262

Current Fiscal Year through April 30, 2023

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2019/20	219	65%	87	29%	29	9%
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	140	61%	54	23%	37	16%

Current Fiscal Year through April 30, 2023

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases 12-Month Cycle

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
May 2022	27	32	17	40	34	39	44	34	1	0
June 2022	28	27	30	16	58	43	25	43	1	0
July 2022	22	25	26	25	31	37	35	31	3	0
August 2022	23	24	22	28	29	47	29	38	3	0
September 2022	42	23	24	22	46	44	36	35	3	0
October 2022	20	36	25	25	44	40	45	45	2	0
November 2022	24	18	30	23	42	49	43	49	2	0
December 2022	26	24	16	28	43	50	39	62	3	0
January 2023	27	26	13	26	48	57	39	73	3	0
February 2023	21	23	26	22	44	59	41	81	3	0
March 2023	19	19	21	26	27	67	48	77	3	0
April 2023	38	18	16	21	36	60	48	76	3	0

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2019/20	87	74
2020/21	97	87
2021/22	105	87
2022/23	54	58

Current Fiscal Year through April 30, 2023

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2019/20	74	79
2020/21	87	95
2021/22	87	85
2022/23	58	66

Current Fiscal Year through April 30, 2023

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Fiscal Year	Number of Days
2019/20	138
2020/21	142
2021/22	125
2022/23	139

Current Fiscal Year through April 30, 2023

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

Fiscal Year	Number of Days
2019/20	505
2020/21	533
2021/22	475
2022/23	468

Current Fiscal Year through April 30, 2023

Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2019/20	38	35
2020/21	30	38
2021/22	32	19
2022/23	33	14

Current Fiscal Year through April 30, 2023

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2019/20	490
2020/21	358
2021/22	419
2022/23	360

Current Fiscal Year through April 30, 2023

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2019/20	737
2020/21	541
2021/22	747
2022/23	611

Current Fiscal Year through April 30, 2023

VII. Exams/Licensing

A. Examination/Licensing Updates

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.
- 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.

VIII. Strategic Plan Discussion

During discussion of the following Strategic Plan objectives from the April 13, 2023 Board meeting, the Board requested to revisit and possibly revise the language of these objectives.

Goal 5: Outreach

The Board promotes the importance of licensure to educate applicants, licensees, the public, and other stakeholders about the practice and regulation of the professions.

Objectives:

- 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations.
- 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights with the Board to improve the public's awareness.

IX. 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
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 3. 2023 NCEES All Zone Meeting, April 27-29, 2023 – Report
 - 4. 2023 NCEES Annual Meeting, August 15-18, 2023, Boston, MA – Update
- G. Update on Outreach Efforts

Rulemaking Status Report

1. Examination Fees, Abandoned Applications, and Postponements (16 CCR sections 3005, 3024, 3024.5, 3026, and 3031)

- Rulemaking file was transmitted to Office of Administrative Law (OAL) for final review on May 17, 2023.
 - Agency Approved final rulemaking on May 15, 2023.
 - Board adopted final rulemaking proposal at the February 2-3, 2023, Board meeting.
 - The Office of Administrative Law has approved the notice of publication for a 45-day comment period that was posted on the Board website on November 10, 2022.
 - Board staff finalizing initial rulemaking documents for submittal to DCA and Agency for review prior to public notice in October 2022.
 - Initial rulemaking package submitted to DCA Legal for review on July 27, 2022.
 - Board approved revised text at the June 23-24, 2022, Board meeting.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.

2. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)

- Staff working with Legal to prepare language for Board review.
 - Staff working on final text for submittal to DCA Legal in September 2022.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.

3. Definition of Traffic Engineering (16 CCR 404)

- Board staff will work with DCA Legal to prepare documents for initial notice in 2023.
 - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
 - Board directed staff to pursue rulemaking proposal on March 8, 2018.

4. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)

- Board staff will work on the pre-notice documents in 2023.
 - Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: http://www.bpelsq.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 5/24/2023	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
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The Maintenance & Operations (M&O) phase of project began July 2022 and expected to continue through 2023. PI7/M&O3 was released April 18, 2023 and included additional application (GIT and Professional Geologist) types for the release.


PROJECT MILESTONE STATUS REVIEW


Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live - Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live - Product Increment 4 (PI4)	Complete	4/29/2022	No
Go Live – M&O Increment 1 (PI5/M&O1)	Complete	10/12/2022	No
Go Live – M&O Increment 2 (PI6/M&O2)	Complete	2/28/2023	No
Go Live – M&O Increment 3 (PI7/M&O3)	Complete	4/18/2023	No

Agile Team is currently working with staff on applications related the Structural, Geotechnical, and Traffic engineer license types.

QUARTERLY OUTREACH REPORT (Q3)

January, February, and March 2023

 TOP FACEBOOK POSTS	DATE	REACH
Division of Mine Reclamation SMARA Workshop “Thank You”	2/17	931
Civil 2 week exam extension	3/29	567
Engineer’s Week & “Introduce a Girl to Engineering Day”	2/24	527
Email Address Notification	1/13	507
Meeting Materials posted for Feb 2-3 Board Mtg	1/27	275

 TOP TWEETS	DATE	VIEWS
Engineer’s Week & “Introduce a Girl to Engineering Day”	2/24	370
Division of Mine Reclamation SMARA Workshop “Thank You”	2/17	181
NCEES Recruits Mechanicals for PAKS Study	2/15	82
DCA <i>Consumer Connection</i> Article on Land Surveying Published	3/17	71
Meeting Materials posted for Feb 2-3 Board Mtg	1/27	64

WEB PAGE VIEWS	VIEWS
License lookup	455,502
Board Home Page	186,670
Applicant Information	110,574
Licensee Renewal Information	85,473
PE Application	85,128

January February March Outreach Events

KEY:

- ACEC - American Council of Engineering Companies
- AEG - Association of Environmental & Engineering Geologists
- ASCE - American Society of Civil Engineers
- CLSA - CA Land Surveyors Association
- PEER - Pacific Earthquake Engineering Research Center, Berkeley, CA
- YMF - Young Members Forum

January February March Outreach Events
Jan 12 - San Diego - CLSA PLS exam review class. D. Sweeney, P.L.S.
Jan 17 - San Francisco - YMF PE Presentation. N. King, P.E.
Feb 7 - Cal Poly SLO - (4) Path to PE license Presentations to ME Senior Design class. M. Donelson, P.E.
Feb 7 - Cal Poly SLO - Path to PE license Presentation to EE Dept. members of Eta Kappa Nu. M. Donelson, P.E.
Feb 15 - PEER Student Committee FE/PE presentation. N. King, PE and Dr. M. Qureshi, PhD, P.E., T.E.
Feb 15 - Dept. of Conservation's Division of Mine Reclamation (DMR) inspection workshop (virtual). J. Goodwin, PG, CEG, N. King, P.E., & D. Sweeney, P.L.S.
Feb 15 - DMR Inspection Workshop. J. Goodwin, PG, CEG, N. King, P.E, and D. Sweeney, P.L.S.
Feb 16 - University of San Francisco Professional Licensure presentation. N. King, P.E.
Feb 21 - Arcadis Company Professional Licensure presentation. J. Goodwin, PG, CEG and N. King, P.E.
Feb 28 - San Francisco AEG presentation. J. Goodwin, PG, CEG
Mar 2 - CSU Sacramento ASCE Student Chapter FE/PE presentation. N. King, P.E.
Mar 7 - UC Irvine CEE 181B Licensure and NCEES exam presentation. N. King, P.E.
March 8 - UC Irvine PE Presentation. M. Donelson, P.E.
Mar 9 - Cal Poly Pomona CLSA Student Chapter Professional Licensure presentation (virtual). N. King, P.E., and D. Sweeney, P.L.S.
Mar 22 - Cal Poly Pomona "Role of a Professional in Society" presentation. N. King, P.E.

X. President's Report/Board Member Activities

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

XII. Approval of Meeting Minutes

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

DRAFT

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

Department of Consumer Affairs
HQ 2 North Market Hearing Room
1747 North Market Boulevard, Hearing Room #186
Sacramento, CA 95834

Thursday, April 13, 2023

Board Members Present:	President Rossana D’Antonio; Vice-President Michael Hartley; Fel Amistad; Alireza Asgari; Kathy Jones Irish; Coby King; Betsy Mathieson; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	Paul Novak
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Cheryl Guidi (Examinations Analyst); Joshua Goodwin (Senior Registrar for Geology and Geophysics); Christopher Pirrone (Legal Counsel); Tara Welch (Legal Counsel)

I. Roll Call to Establish a Quorum

President D’Antonio called the meeting to order at 9:09 a.m., and a quorum was established.

II. Pledge of Allegiance

Vice-President Michael Hartley 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 Wayne Low. Mr. Low is on the SEAOC Licensing Committee and is the Vice-President of the northern chapter.

IV. Legislation

A. 2023 Legislative Calendar

Ms. Eissler presented the Legislative calendar.

B. Discussion of Legislation for 2023

1. Assembly Bill (AB) 883 (Mathis, 2023) - Business licenses: United States Department of Defense SkillBridge program.

MOTION:	Mr. Ruffino and Ms. Mathieson move to take a position of “Watch” on AB 883, as amended March 23, 2023.
VOTE:	11-0, 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				
Betsy Mathieson	X				
Paul Novak				X	
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

2. Senate Bill (SB) 372 (Menjivar, 2023) - Department of Consumer Affairs: licensee and registrant records: name and gender changes.

MOTION:	Mr. King and Ms. Mathieson move to take a position of “Support” on SB 372, as amended March 20, 2023 and express the Board’s desire to work with the author to address the concerns regarding the public’s ability to discover former names in disciplinary matters.
VOTE:	4-7, Motion Failed

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				
Betsy Mathieson	X				
Paul Novak				X	
Mohammad Qureshi		X			
Frank Ruffino	X				
Wilfredo Sanchez		X			
Christina Wong	X				

MOTION:	Dr. Qureshi and Mr. Sanchez move to take a position of “Watch” on SB 372, as amended March 20, 2023 and to draft a letter to the author expressing the Board’s
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	concerns of how the Board will disclose to the public discipline taken against the licensee under the former name.
VOTE:	5-6, Motion Failed

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			
Betsy Mathieson		X			
Paul Novak				X	
Mohammad Qureshi	X				
Frank Ruffino		X			
Wilfredo Sanchez		X			
Christina Wong		X			

MOTION:	Mr. King and Ms. Mathieson moved to take a position of "watch" on SB 372, as amended March 20, 2023 and to draft a letter to the author expressing the Board's concerns that the final language strike an appropriate balance between a legitimate need to preserve confidentiality of gender and name changes with the public's legitimate need for access to disciplinary information under the former name and gender.
VOTE:	11-0, 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				
Betsy Mathieson	X				
Paul Novak				X	
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

3. SB 544 (Laird, 2023) - Bagley-Keene Open Meeting Act: teleconferencing.

MOTION:	Mr. Ruffino and Dr. Amistad moved to take a position of “Support” on SB 544, as amended March 20, 2023.
VOTE:	11-0, 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				
Betsy Mathieson	X				
Paul Novak				X	
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

4. SB 802 (Roth, 2023) - Licensing boards: disqualification from licensure: criminal conviction.

MOTION:	Ms. Mathieson and Dr. Amistad moved to take a position of “Watch” on SB 802.
VOTE:	11-0, 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				
Betsy Mathieson	X				
Paul Novak				X	
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

5. SB 818 (Roth, 2023) - Department of Consumer Affairs: terms of office: fingerprinting.

MOTION:	Ms. Wong and Mr. Sanchez move to take a position of “Watch” on SB 818.
VOTE:	11-0, 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				
Betsy Mathieson	X				
Paul Novak				X	
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

V. Administration

A. Fiscal Year 2022/23 Budget Report

Ms. Hall presented the financial report. She noted a correction on page 49 of the Board meeting materials. It states that the current year full year projections for delinquency fees is \$150,044 and it should reflect \$150,440.

Mr. Moore followed up on a request from the last meeting as there was a typo in reference to reimbursements. The reimbursement total should have been \$37,523.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Criswell presented the Enforcement statistics. Ms. Mathieson thanked Ms. Criswell for the definitions of categories. She also noted that on page 59, the vertical axis starts with zero on three of the four graphs and one graph starts with 115 which makes the variations from year to year appear more extreme.

VII. Exams/Licensing

A. Examination/Licensing Updates

Mr. Kereszt introduced Cheryl Guidi, Exam Analyst with the Board's Examination Unit. She works on the administration of the California Specific Examination for geology and the ASBOG exams. Mr. Kereszt reported that the spring cycle of the biannual examinations was completed yesterday with the state specific land surveyor examination. There were 153 candidates, which was a significant increase from the last few years. He reported that 2017 was the last time the Board saw numbers that high.

B. ASBOG Spring Examination Updates

The CSE exam took place last month which is the state geology component of the Professional Geologist exam. In March 2023, ASBOG administered their first CBT exams in their history. Ms. Guidi was pleased with the overall transition. There were 142 candidates for the Fundamentals of Geology exam, and the average is 135. There were 74 candidates for the Practice of Geology, and the average is about 80. The biggest difference was there were only 4 candidates who no-showed whereas with in-person paper-and-pencil exams there would be approximately 15-20 no-shows.

Mr. Moore noted a trend since the introduction of CBT for the civil exams. The exams are offered on a quarterly basis, and the pass rates are consistently lower than the prior month of each quarter. It has been a consistent trend since introducing CBT.

During public comment, Mr. Josephson reported that SEAOC has been tracking pass rates of the different NCEES structural exams administered over the years, and the pass rate is varied, especially when it was written and graded by California engineers. He is hopeful that the next administration of the NCEES structural exam in October will be the last pencil and paper exam. Currently, there are approximately 1,500 candidates to sit for the exam versus 1,200 from past exam administrations. He finds the increase interesting as this may be the last paper and pencil examination before CBT. Traditionally, there has been approximately a 10% no-show rate, and they anticipate a 5% no-show rate this time. Mr. Moore added that anytime there is a significant change in the administration of an exam, there is always an increase in the number of candidates for the last exam before the new format.

VIII. Strategic Plan Discussion

A. Objective 1.3 Continuing Education Committee Report

President D'Antonio expressed a sense of urgency to move ahead with continuing education. There are many obstacles that other boards may have already overcome as it relates to lessons learned and she looks forward to seeing what the Board comes up with. Ms. Wong looks forward to the research outcome and what other jurisdictions are doing. Mr. King inquired to how we will track the potential requirements for the license renewal assessment. Mr. Moore has been able to confirm the serving of the assessment and tracking through BPELSG Connect. He along with Ms. Eissler have been in contact with a vendor that will aid in creating the content for the board laws and rules assessment allowing the Connect system to serve as the learning management system to distribute and track as part of the renewal process. He anticipates working on content with the vendor through 2023 and will try to implement the renewal assessment in 2024.

During Public Comment, Mr. Low representing SEAOC reported that they have started their own discussion at the state level regarding continuing education and while there is a general support, it is not unanimous and continues to be

discussed. It will be on their agenda for the upcoming year.

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

Mr. Moore would like to have a better understanding of the Board's expectations of how to measure successful implementation of these objectives, how they were at the time of development to how they are now.

Mr. King reported there is a division between the public at large and those that we may want to reach to encourage to consider licensure. Unsure of what colleges and universities the Board is reaching out to but, perhaps ensuring those colleges and universities primarily serve underserved communities could be targeted a bit more. In terms of the general public, there are specific outreach programs and strategies to reach people to understand that if they have issues in dealing with members of our profession, that there is a method to provide feedback. He suggests looking at how to reach these communities.

Ms. Wong believes the trend is for high schoolers to go to community college and go through the general education process and proceed to their chosen major. If we want to encourage the underserved population perhaps have a path of transfer.

Ms. Mathieson suspects there may be an equivalent to a career fair for incoming community college students. The Board already engages in outreach to colleges. Also, perhaps there is something that DCA is already doing to combine efforts with other licensed professions to reach community college students.

Mr. Moore appreciates the suggestions but would like to know the Board's expectations on how they expect the efforts to be measured.

Ms. Irish would like to see a multi-tiered strategy. Clearly the Board has communicated with the colleges and universities and recommended establishing a relationship with municipal utilities.

President D'Antonio suggested developing a metric to measure outreach. She believes much more could be done through social media.

Mr. Moore explained that this is about implementing the Strategic Plan objectives and how to measure progress.

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.

Mr. Moore explained that the key to this objective is how to measure how we have improved the public's awareness.

Dr. Qureshi explained that the Board has spent much time on complainant

rights and improving the public's awareness. The action item of 5.6 is to collaborate with DCA to identify a strategy and to come up with a process. While he agrees it is to improve the public's awareness, there is no way to measure that.

- D. Objective 4.3.1 Contact DCA for department-wide opportunities for collection of unpaid fines

Ms. Criswell announced that DCA has entered into a contract with a collection agency to collect administrative fines on behalf of all the boards. While the Board will continue to use the traditional Franchise Tax Board (FTB) intercept program for those for whom the Board has access to Social Security numbers, this collection agency will allow collection if the fine is related to a business or if we do not have an individual's Social Security number. She is excited to see how effective it will be and will report on its success.

IX. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler provided an update on the examination fees, abandoned applications and postponements rulemaking. The rulemaking file is being finalized with minor changes at the request of the Director of DCA to clarify information. It will then go to Agency and ultimately to the Office of Administrative Law for final review and approval.

B. Update on Board's Business Modernization Project

Mr. Moore reported that the Board is in the maintenance and operations phase. There was an interruption in Connect service which occurred during testing for the next release. Internal testers discovered areas that could be vulnerabilities and began work on maintenance fixes. Because of this, Connect was offline for a little over a week, which was longer than expected. Not only was there a large volume of licensees who would be renewing their licenses but it occurred at the end of the quarter for when candidates could sign up for the following quarter exams. The cut off dates were extended for approved civil applicants to April 14, 2023. Currently anyone signing up for any of the two civil exams will have a choice to take it during Quarter 2 or Quarter 3.

Mr. Moore added that he was hoping to have the Professional Geologist and Geologist-in-Training applications live by now; however, it will most likely take place early next week. Mr. Goodwin and the Licensing Unit staff have been very thorough in their testing with the Agile Team.

C. Personnel

There are currently three vacancies, one in Licensing and two in the Administrative Unit. Since the introduction of Connect, staff continues to evaluate how to best utilize staff and will leave these vacancies open as a cost savings until the end of the Fiscal Year.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

1. 2023 Spring Council of Examiners (COE) Workshop, April 13-15, 2023 Greenville, SC – Update

Mr. Moore reported that this workshop was held today. Originally when this workshop was scheduled, it was being hosted in a state to which Board members and staff could travel. However, it was moved to South Carolina, which is a prohibited state.

2. 2023 Fall Annual Meeting, October 2023, Spokane, WA – Update

Mr. Moore reported that the Fall Annual Meeting will be held in Spokane, WA, and is included in the Board's blanket out-of-state travel request. He is optimistic that it will be approved. There will be an opportunity to send Ms. Mathieson and Mr. Goodwin to an ASBOG meeting.

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

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

Mr. Moore reported that the Board is not approved to travel to Texas. There was a State of the Council meeting via teleconference. NCEES provided an overview of what to expect at the All Zone meeting. Between the All Zone meeting and the Annual Meeting, there will be several State of the Council meetings and he encourages anyone who receives emails to register for those events.

2. 2023 NCEES Annual Meeting, August 15-18, 2023 Boston, MA – Selection of Board Delegates

Mr. Moore indicated that this meeting was included in the Out-of-State travel request for the next Fiscal Year. He may know more at the June meeting. Board member volunteers include Mr. Hartley, Mr. Ruffino, Ms. Wong, and as an alternate, Mr. King.

G. Update on Outreach Efforts

Mr. Moore presented the Outreach Report. He noted that the extension of the final filing date has moved to the number two spot in the top Facebook posts.

X. President's Report/Board Member Activities

President D'Antonio reminded the Board that her position as Board President is coming to an end and announced that she had appointed Ms. Mathieson and Dr. Asgari to serve as the Nominating Committee. She invited interested members to contact Ms. Mathieson or Dr. Asgari.

Ms. Mathieson reported that she and Dr. Amistad were reappointed.

XI. Approval of Meeting Minutes

A. Approval of February 2, 2023, Board Meeting Minutes

MOTION:	Mr. King and Dr. Amistad moved to approve the February 2, 2023, Board Meeting Minutes, as amended.
VOTE:	10-0-1, 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				
Betsy Mathieson	X				
Paul Novak				X	
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Christina Wong	X				

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

President D’Antonio suggested reviewing the language for Objectives 5.5 and 5.6 of the Strategic Plan.

Mr. Moore reminded the Board that members did not have to wait for a noticed agenda item to request agenda topics can always email him items that they would like to see on the agenda.

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. *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

XIV. Adjourn

Ms. Criswell reported that in Closed Session, the Board discussed litigation as noticed. The meeting was adjourned at 3:22 p.m.

PUBLIC PRESENT

Wayne Low, SEAOC

Ted Dracar, Deputy Attorney General, Department of Justice, Attorney General's Office

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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. 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

XIV. Adjourn
