

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

April 24-25, 2014
Beginning at 9:30 a.m.

Thursday, April 24, 2014

Board Members Present:	Erik Zinn, President; Kathy Jones Irish, Vice President; Natalie Alavi; Asha Brooks; Diane Hamwi; Mohammad Qureshi; Hong Beom Rhee; Karen Roberts; Ray Satorre; Robert Stockton; and Patrick Tami
Board Members Absent:	Eric Johnson; Coby King; Philip Quartararo; Jerry Silva;
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Budget Analyst); Larry Kereszt (Examinations Manager); and Gary Duke (Legal Counsel).

I. Roll Call to Establish a Quorum

The meeting was called to order by President Zinn at 9:31 a.m. Roll call was taken, and a quorum was established.

II. Public Comment

Mr. Craig Copelan, representing PEEG, spoke briefly about a concern raised by a member pertaining to online renewals, citing difficulty with the series of questions that are asked. He suggested doing away with the questions entirely. He believes the method may be a bit dated and encourages the Board to look at it again.

A gentleman who wished to remain anonymous relayed general concerns about the Board's complaint investigation process.

Dave Woolley commented on AB1855 and provided a written statement that included his qualifications and concerns.

III. Hearing on the Petition for Reduction/Modification of Penalty of Dennis William McCreary

The Board heard the Petition for Reduction/Modification of Penalty as presented by Mr. McCreary's attorney.

IV. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126 (e)(1), and 11126(e)(2)(B)(i)]

A. Civil Litigation

1. Dennis William McCreary vs. Board for Professional Engineers, Land Surveyors, and Geologists, Sierra County Superior Court Case No. 7361
2. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS
3. Ruvyn Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145675
4. Ruvyn Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145796
5. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185

12:30 p.m. Mr. Stockton left the meeting.

XIII. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that during Closed Session the Board directed the Administrative Law Judge to prepare a decision on the Petition for Reduction or Modification of Penalty of Dennis McCreary and that the Board also discussed civil litigation as noticed and took action on six stipulations, two default decisions, and two proposed decisions.

V. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2014

Mr. Alameida provided a handout that explained the definitions of legislative positions as used by DCA.

AB 186 This bill would authorize a board within DCA to issue a temporary license for 12 months to an applicant who meets certain requirements.

Ms. Arnold recommended the Board continue opposing the bill.

AB 1551 This bill would prohibit a person from using a licensed engineer's documents, without the written consent of the licensed engineer and prohibit a person from using a licensed land surveyor's maps, plats, reports, descriptions, or other documentary evidence without the written consent of the licensed land surveyor.

Mr. Alameida reported that ACEC is not going forward with this legislation at this time. Mr. DeWitt, representing ACEC, reiterated that they will not pursue this legislation because

they believe they can adequately address concerns directly with the Board under the current law.

AB 1702 This bill would provide that an individual who has satisfied the requirements needed to obtain a license while incarcerated, who upon release from incarceration, shall not be subject to a delay in processing the application or a denial of the license solely based on the prior incarceration, except when the incarceration was for a crime substantially related to the qualifications, functions, or duties of the business or profession.

MOTION: Mr. Tami and Dr. Qureshi moved to take a watch position.

VOTE: 10-0, Motion passed.

AB 1855 This bill would include in the definition of the practice of land surveying the determination and position of an easement and would require that a Record of Survey be filed when an easement is monumented or established. This bill contains other related provisions and other existing laws.

During public comment, Mr. Woolley expressed his concerns with the delay in the Board Members and public receiving the staff analysis and position recommendation on the bill and the overall manner in how the staff report was publicized. Mr. Woolley also reiterated the information from the written statement he had previously provided.

Mr. Copelan, representing PECG, indicated that queried members believed that the proposed language and requirement was not necessary and that the creation of this additional requirement would require additional time and money.

Mr. DeWitt, representing ACEC, indicated they are in support of the bill but are not taking an active position. Mr. DeWitt added that the scheduled committee hearing for this bill was canceled two days prior to this discussion at the request of the bill's author.

MOTION: Dr. Qureshi and Ms. Brooks moved to take a watch position.
VOTE: 4-6, Motion failed; President Zinn, Ms. Jones Irish, Ms. Alavi, Ms. Hamwi, Dr. Rhee, and Mr. Tami opposed.

MOTION: Mr. Tami and Ms. Hamwi moved to oppose.

VOTE: 5-4-1, Motion passed; Ms. Jones Irish, Ms. Brooks, Ms. Roberts, and Mr. Satorre opposed, and Dr. Qureshi abstained.

3:27 p.m. Mr. Satorre left the meeting.

AB 2165 This bill would add section to the Business & Professions Code that would require each board within DCA to complete the application review process and to issue, within 45 days, a license to an applicant who successfully satisfied all licensure requirements. It would also require each board to offer each examination the board provides for licensure a minimum of 6 times per year.

MOTION: Mr. Tami and Dr. Qureshi moved to take a watch position.

VOTE: 9-0, motion passed.

AB 2598 This bill would require DCA to make a claim to the Controller each month against any of the funds of a board for that board's pro rata share of the department's estimated monthly administrative expenses. This bill would prohibit the Controller from paying the department for a board's pro rata share of total administrative expenses in an aggregate amount over 20% of a board's budget.

MOTION: Dr. Qureshi and Mr. Tami moved to take a watch position.

VOTE: 9-0, Motion passed.

SB 1467 This bill is one of the Senate Business, Professions and Economic Development Committee's omnibus bills. Among other things, it removes the "eight-hour" term from Section 6759 regarding written examinations for comity applicants, as it is no longer a valid term due to changes in the methods of administering examinations. The bill also removes petroleum geology qualifications from the Geologist and Geophysicist Act as the Board does not have regulations to certify petroleum geologists.

MOTION: Dr. Rhee and Dr. Qureshi moved to support.

VOTE: 9-0, Motion passed.

VIII. Approval of Delinquent Reinstatements

MOTION: Ms. Jones Irish and Ms. Brooks moved to approve the applications for reinstatement.

VOTE: 9-0, Motion passed.

XI. Technical Advisory Committees (TACs)

A. Board Assignments to TACs
No Report Given.

B. Appointment of TAC Members

MOTION: Mr. Tami and Ms. Jones Irish moved to appoint Landon Blake, Greg Hopkins, and Edward Reading to serve as members on the Land Surveying TAC.

VOTE: 9-0, motion passed.

XV. Approval of Consent Items

A. Approval of the Minutes of the February 12-13, 2013, Board Meeting

MOTION: Ms. Hamwi and Ms. Brooks moved to approve with amendments.

VOTE: 7-0-2, Motion Passed, Ms. Roberts and Dr. Qureshi abstained.

V. Executive Officer's Report (Continued)

B. Strategic Plan

Mr. Phayer reported that planning efforts for the new Strategic Plan are moving along as scheduled. SOLID is assured that with the questions utilized and the amount of responses received, they will have a statistically valid response to the survey from the public. Mr. Moore was pleased with the input.

C. Sunset Report

Mr. Moore reported that the questions have been received from the Sunset Committee and the managers have met and will meet on a regular basis. He would like the Board to nominate two Board Members with whom the staff can communicate on a regular basis throughout the summer as staff prepares the report.

Mr. Duke briefly explained the purpose and the process of the Sunset Report and Review for the new Board Members.

It was determined that the selection of the two Board Members would take place at the June Board meeting.

VI. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler reviewed the two new charts that were added based on requests from Board Members at the previous board meeting.

Mr. Moore reviewed the aging cases charts and reported that there has been a reduction of the aging while still maintaining the quality of review and not allowing incoming cases to age.

VII. Exams/Licensing

A. Update on Spring 2014 Exams

Mr. Kereszt reported that the April 2014 exam cycle was just completed with a few minor CBT issues that were resolved quickly. He noted that there are no statistics available yet, but he will be able to provide them at the next Board meeting for the geology, engineering, and land surveying examinations.

B. Professional Geophysicist October 2013 Examination Results

Mr. Kereszt explained that due to difficulty in recruiting geophysicists to review and score the geophysicist examination that was administered in October 2013, there was a delay in releasing the results. He advised that a sufficient number of geophysicists finally volunteered and attended an exam scoring meeting, so the score was able to be established and the results released. He reported that five out of eight candidates passed. He is hoping for better participation of experts for the next exam administration in October 2014.

Mr. Moore detailed the examination development process.

The Board recessed at 5:03 p.m.

Friday, April 25, 2014

Board Members Present:	Erik Zinn, President; Kathy Jones Irish, Vice President; Natalie Alavi; Asha Brooks; Mohammad Qureshi; Hong Beom Rhee; Karen Roberts; and Patrick Tami
Board Members Absent:	Diane Hamwi; Eric Johnson; Coby King; Philip Quartararo; Ray Satorre; Jerry Silva; Robert Stockton
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Budget Analyst); Larry Kereszt (Examinations Manager); Erin LaPerle (Geology & Geophysics Program Analyst); and Gary Duke (Legal Counsel).

I. Roll Call to Establish a Quorum

The meeting was called to order by President Zinn at 9:34 a.m. Roll call was taken, and a quorum was not established.

Ms. Brooks arrived at 9:35 a.m., and a quorum established.

V. Executive Officer's Report (Continued)

D. Personnel

1. Staff Presentations

Presentations were made by the managers of the Administrative, Enforcement, and Licensing Units of the Board, explaining the roles and responsibilities of the staff of each unit.

Mr. Moore announced that Ms. Joanne Arnold, Assistant Executive Officer, will retire June 30, 2014. He expressed his gratitude and commended her on her resourcefulness.

Mr. Moore noted that the staff registrars will provide their presentations at the next Board meeting.

E. Administrative Task Force

No report given.

IX. Consideration of Rulemaking Proposals

A. Update on Proposals to Amend 16 CCR 416 and 3060 (Substantial Relationship Criteria); 16 CCR 426.10, 426.14, and 426.50 (Qualifying Experience); 16 CCR 3003(b) and (e) (Definitions of Engineering Geology and Professional Geophysical Work); and 16 CCR 3005 (Retired Status Fee for Professional Geologists and Geophysicists)

Ms. LaPerle advised that the Board approved the proposals for Title 16, California Code of Regulations section 416 and 3060, (Substantial Relationship Criteria) and Sections 426.10, 426.14, and 426.50 (Qualifying

Experience) at a previous meeting, and staff is working on the preparing the proposals for public notice.

Ms. LaPerle advised that the rulemaking packages for the amendments to Title 16, California Code of Regulations sections 3003 (b) and (e), (Definitions of Engineering Geology and Professional Geophysical Work) and Section 3005 (Retired Status Fee for Professional Geologists and Geophysicists), which were adopted by the Board at a previous meeting, are being reviewed by DCA. Once DCA approves them, they will be submitted to the Office of Administrative Law for final review and approval.

X. Administration

A. FY 2013/14 Budget Overview

Mr. Alameida reviewed the Budget and compared last Fiscal Year's funds to the current Fiscal Year. The PELS fund provided was as of February 28, 2014. Expenditures have increased versus the last Fiscal Year from increased contract costs with Prometric. He added the Board is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year.

For the Geologists & Geophysicists account, expenditures will increase versus last Fiscal Year as a result of increased pro-rata costs and Prometric exam administration contracts costs. Applications are up and renewals are down which is cyclical. Overall, revenue at year-end should remain consistent with historical averages.

B. Out-of-state Travel Update

President Zinn reported that the Board received approval to attend the Task Analysis Survey meeting for ASBOG.

Mr. Duke addressed the out-of-state travel prohibition, which has greatly impacted the Board's vulnerability with regards to participation given the fact that the Board is more dependent on National examinations. California has had no representation with NCEES and ASBOG.

Mr. Alameida reported that a travel blanket request was submitted for the coming fiscal year. It is a one page document that identifies who is attending, location, funding needed, if any, and a brief description of the need.

11:29 a.m. Karen Roberts left the meeting

XI. Technical Advisory Committees (TACs) (Cont.)

- C.** President Zinn reported on the Joint TAC meeting. The Building Standards Commission was in attendance and provided an overview relating to their role with the California Building Code and how it may integrate with some

of the Board's activities. Mr. Moore indicated there may be more collaboration in the future.

Mr. Mathe reported on the Land Surveying TAC meeting that took place on March 20. They discussed proposed bills and inquiries pertaining to contractors brokering surveying services.

XII. Liaison Reports

A. ASBOG

President Zinn attended and represented the State of California at an out-of-state ASBOG exam development meeting. He indicated that we need to make a point to attend. He would like to address a letter to DCA and the Governor's Office to express his gratitude and the positive impact it has on the profession.

B. ABET

No report given.

C. NCEES

Mr. Moore reported the joint Western/Central Zone meeting will be held May 15-17, 2014, in Lincoln, NE. The Annual meeting will take place August 20-23, 2014 in Seattle, WA.

Mr. Tami reminded everyone the NCEES Fundamentals Examinations are being offered year-round.

Mr. Tami added if the Board receives approval for out-of-state travel, NCEES allows for two members from each state to attend within 24 months of initial appointment who have never attended a national meeting. He pointed out that any member may attend if they pay the fees, however NCEES will fund two members. Mr. Moore encouraged Board members to communicate with both President Zinn and Ms. Jones Irish their interest in attending.

Mr. Moore shared a report provided by past Board Member, Mike Modugno, Emeritus Member of NCEES. They discussed prerequisites and pathways to licensure.

D. Technical and Professional Societies

Mr. Mathe and Mr. Moore made a presentation in San Diego to hundreds of land surveyors from California and Nevada regarding the Professional Land Surveyors' Act. Ms. Criswell and Ms. Eissler provided outreach information regarding enforcement and licensing to those in attendance.

Mr. Mathe presented the Board with a copy of the application for the very first Land Surveyor license issued, not only in California, but in the country.

Mr. Mathe also indicated that he and Mr. Moore attended an outreach meeting with the Napa Engineer's Society and discussed computer based testing and licensure issues.

President Zinn reported the Board is attempting to coordinate a booth with ASBOG at the American Geophysical Union in December which is a collection of earth science researchers in the nation. He added he has seen an increase in outreach and believes it is one of the most important duties as a Board.

Mr. Moore explained there are in-state travel restrictions as well. DCA works with the boards to determine if it is appropriate to attend certain functions. He added that the Board is using the privilege to attend such functions effectively and efficiently.

Ms. Jones Irish suggested staff assemble a calendar that outlines Board outreach participation. She indicated that she is available for outreach in Southern California.

12:28 Natalie Alavi left the meeting.

XIV. President's Report/Board Member Activities

President Zinn indicated his term as President is almost up and appointed Mr. Tami and Mr. Silva to serve as the Nomination Committee to nominate the President and Vice President to serve beginning July 1.

XV. Other Items Not Requiring Board Action

No report given

XVII. Adjourn

The meeting adjourned at 1:45 p.m.

PUBLIC PRESENT (On one or both days)

Phillip Arthur
Craig Copelan
Bob DeWitt
Steve Hao