

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

Department of Consumer Affairs,
HQ2 1747 N. Market Blvd., Emerald Room
Sacramento, CA 95834

June 5-6, 2014
Beginning at 9:00 a.m.

Thursday, June 5, 2014

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

I. Roll Call to Establish a Quorum

The meeting was called to order by President Zinn at 9:03 a.m. Roll call was taken, and a quorum was established.

Mr. King arrived at 9:10 a.m.

II. Public Comment

No Public Comment.

III. Strategic Planning Session

The Board engaged in a Strategic Planning session.

The Board recessed at 5:45 p.m.

Friday, June 6, 2014

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

I. Roll Call to Establish a Quorum

The meeting was called to order by President Zinn at 9:02 a.m. Roll call was taken, and a quorum was established.

II. Public Comment

No Public Comment.

V. Executive Officer's Report

A. Legislation

1. Discussion of Legislation for 2014:

AB 186 Maienschein. Professions and vocations: military spouses: temporary licenses. 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 reported that the author's office accepted the Board's amendments, and the bill was amended on May 29, 2014. She recommended the Board change their position to a Watch position.

MOTION: Mr. King and Dr. Qureshi moved to change the Board's position on AB 186 to Watch.

VOTE: 12-0, Motion passed.

AB 1551 Holden. Professional engineers and land surveyors: documents. 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 the bill failed to pass by the deadlines and is dead.

AB 1702 Maienschein. Professions and vocations: incarceration. This bill would provide 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.

Mr. Alameida reported there will be a hearing on June 16, 2014. The concern of Board staff is the applicant would not necessarily receive qualifying experience while incarcerated and could not work under the responsible charge of a licensee while incarcerated. He has yet to see any opposition from other boards or bureaus.

Ms. Eissler further explained that it is part of the rehabilitative effort that prisoners go through these training programs to acquire the skills needed to obtain the licenses. However, during the application process, some of the boards may not consider the experience earned while incarcerated. She noted that the point of the rehabilitative training program is to get the training necessary to go into a profession upon their release. However, she does not believe it will impact this Board. Mr. Duke confirmed that it is irrelevant to the Board. The Board will maintain a watch position.

AB 1855 Melendez. Land surveying: field survey record. This bill would additionally include in the practice of land surveying principles the determination and position of an easement. This bill contains other related provisions and other existing laws.

Mr. Alameida reported that the bill failed to pass by the deadlines and is dead.

AB 2165 Patterson. Professions and vocations: licenses. Add section to general 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 that any examination the board provides for licensure be given a minimum of 6 times per year.

Mr. Alameida reported that the bill failed to pass by the deadlines and is dead.

AB 2396 Bonta. Convictions: Expungement: licenses. This bill would prohibit boards within the Department of Consumer Affairs (DCA) from

denying a professional license based solely on a criminal conviction that has been withdrawn, set aside, or dismissed by the court.

Mr. Alameida reported the intent of the bill is to prohibit the boards within DCA from denying professional licenses based solely on a criminal conviction that has been withdrawn, set aside, or dismissed. There has been opposition from other boards within DCA. Mr. Alameida recommends the Board take an Oppose position.

MOTION: Dr. Qureshi and Mr. Stockton moved to oppose AB 2396.

VOTE: 12-0, Motion passed.

AB 2598 Hagman. Department of Consumer Affairs: Administrative Expenses. Would require the 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.

Mr. Alameida reported that the bill failed to pass by the deadlines and is dead.

SB 1467 Committee on Business, Professions, and Economic Development. Professions and vocations. This is one of the Committee's omnibus bills. Among other things it removes the "eight-hour" term from written examinations for comity applicants as it is no longer valid due to the change in our method of administering examinations. Also, it removes the description of the qualifications to obtain certification as a petroleum geologist since the Board does not have regulations to certify petroleum geologists. The Board will maintain a support position.

SB 1159 Lara. Mr. Alameida reported that this bill is doing general clean up to Business and Professions Code section 30 to clarify that a licensee must have either a Federal Identification Number or Social Security Number. The Board already accepts either, so this bill would have no effect on the Board's current operations. There is no need for the Board to take a position on the bill.

B. Strategic Plan

Mr. Moore reported that the Board participated in a Strategic Planning session on June 5, 2014. There will be a draft plan presented at the next Board meeting for discussion and adoption. Several Board members were concerned if they can view an advanced copy of the draft prior to the next Board meeting. Mr. Moore recommended that because of the collaborative

nature of the plan, the Board should wait to get the copy in the Board packet.

C. Sunset Report

Mr. Moore indicated that staff is working on the report and will be meeting with G.V. Ayers, Consultant to Senate Business, Professions, and Economic Development Committee to discuss issues facing the Board. Staff will present a list of these items at the next meeting. The report is due to the Legislature by November 1, 2014.

D. Personnel

1. Staff Presentations

G.V. Ayers read into the record a Senate Resolution presented to Joanne Arnold for her over 30 years of service to the Board and the State of California.

Bob DeWitt representing ACEC commended Ms. Arnold for her service.

President Zinn also thanked Ms. Arnold for her assistance.

Mr. Donelson, Ms. Christ, and Mr. Mathe provided a presentation on their roles and responsibilities as Senior Registrars with the Board.

E. Administrative Task Force
No Report Given

IV. Enforcement

A. Enforcement Statistical Reports

Ms. Eissler reported that the entire fiscal year of statistics will be provided at the next meeting.

VII. Exams/Licensing

A. Update on Spring 2014 Exams

Mr. Kereszt provided a handout that outlined the Spring 2014 Professional Engineer and Land Surveyors examination statistics.

He also reported that in addition to mailing the results for the engineering and land surveying examinations, they were also sent out via e-mail to candidates who had provided the Board with an e-mail address, which proved to be a success. He explained that candidates were sent two e-mails. One to notify them that their results would be e-mailed and password protected, and the second e-mail contained the information to access their results.

He also reported that Geology results would be sent out the following week.

- B. Professional Geophysicist October 2013 Examination Results
Mr. Kereszt summarized the October 2013 examination results.

President Zinn briefly explained the difference between Geologists and Geophysicists. Geologists deal with the physical earth by looking at direct evidence. The predominate work in California consists of hazards and risks with contaminated ground water, hazards such as fault rupture, landslides, sink holes, and flooding. Geophysicists must have a geology and physics background. They do remote sensing and physics calculations. They must have an understanding of geology in order to apply the models they are constructing. They interpret earth from remote sensing, using instruments to interpret a signal - electrical, magnetic, etc.

- C. Approval of Professional Geophysicist examination test plan
MOTION: Mr. Stockton and Mr. Silva moved to approve the test plan.
VOTE: 12-0, Motion passed.

- D. Discussion on the Use of NCEES's Credentials Evaluations Service
Mr. Moore indicated that the Staff Registrars had advised that they receive transcripts from foreign universities that are difficult to evaluate and had asked that the Board to consider the credential evaluation service from NCEES to review foreign transcripts. After discussion, it was determined that it is not an issue of the magnitude that it first appeared since there are very few applicants who might make use of this service. Therefore, it is not necessary to pursue this issue further at this time.

VIII. Approval of Delinquent Reinstatements

Mr. Donelson presented the reinstatement.

MOTION: Mr. King and Ms. Alavi moved to approve.

VOTE: 12-0, Motion passed.

IX. Administration

- A. FY 2013/14 Budget Overview

Mr. Alameida reviewed the Board's budget. He reported that the Engineers fund has increased. It is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year. As for the Geology fund, revenue at year-end should remain consistent with historical averages.

President Zinn would like to discuss the merger of both funds more in depth at the next meeting.

- B. Outreach

Mr. Alameida reviewed the outreach calendar of events and requested input from the Board Members.

X. Technical Advisory Committees (TACs)

A. Board Assignments to TACs

No Report Given

C. Appointment of TAC Members

No report given

D. Reports from the TACs

President Zinn reported on the Geology TAC meeting in which they discussed comity with the Washington Board.

1. Proposed LS TAC Workplan

MOTION: Mr. Stockton and Dr. Qureshi moved to approve the LS TAC Workplan

VOTE: 12-0, Motion passed.

Ms. Alavi left the Board meeting at 12:05 p.m.

XI. Liaison Reports

A. ASBOG

No report given.

B. ABET

No report given.

C. NCEES

Mr. Moore announced that Mr. Tami was elected as NCEES Western Zone Vice-President.

He also reported that they are waiting on the final action items from the Western Zone meeting to be considered at the Annual Meeting that will be presented at next Board meeting.

Mr. Moore was selected for the Surveyors Examination Committee, and Ms. Eissler was selected to continue on the Law Enforcement Committee.

D. Technical and Professional Societies

Mr. Hanlin, representing CLSA, commended the staff for their outreach efforts.

Mr. DeWitt thanked President Zinn, Mr. Moore, and Mr. Mathe for participating in the joint chapter meeting in the Monterey Bay area.

XII. President's Report/Board Member Activities

President Zinn reported that this is his last Board meeting as Board President. Mr. Moore presented President Zinn with a gavel plaque. Ms. Jones Irish thanked President Zinn for his leadership.

Mr. Stockton reported that he attended CalPoly Pomona's Project Showcase where he assisted with award presentations. He was very impressed with the level of quality of the presentations.

XIII. Approval of Consent Items

A. Approval of the Minutes of the April 24-25, 2014, Board Meeting

MOTION: Mr. Silva and Ms. Brooks moved to approve.

VOTE: 11-0-1, Motion passed, Mr. King abstained.

XIV. Nomination and Election of President and Vice President for Fiscal Year 2014-2015

Mr. Silva, representing the Nomination Committee, recommend the Board elect Ms. Jones Irish as President and Mr. Stockton as Vice-President.

President Zinn inquired if there were any other nominations. Since there were none, the voting continued.

MOTION: Mr. Qureshi and Mr. Satorre moved to close nominations.

VOTE: 11-0, Motion passed.

MOTION: Mr. King and Mr. Johnson moved to elect Ms. Jones Irish as Board President and Mr. Stockton as Vice-President.

VOTE: 11-0, Motion passed.

XV. Other Items Not Requiring Board Action

President Zinn requested clarification at the next Board meeting from staff or legal counsel regarding local jurisdictions precluding Practice Act licensees from practicing what their license allows and the Board's authority to address the issue. Mr. Duke indicated that he had previously researched this issue and would provide a report on the matter.

III. 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, Court of Appeal,

Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)

3. Rubin Grutman v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles Superior Court Case No. BS145675
4. Rubin 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

V. Open Session to Announce the Results of Closed Session

Ms. Eissler announced that, during Closed Session, the Board discussed the civil litigation as noticed and took action on five stipulations, a default decision, a petition for reconsideration, and a proposed decision.

XVI. Adjourn

The meeting adjourned at 2:31 p.m.

PUBLIC PRESENT:

Craig Copelan, PECG

Bob DeWitt, ACEC

Roger Hanlin, CLSA