

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

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

April 15-16, 2015

**Wednesday, April 15, 2015**

|                               |   |
|-------------------------------|---|
| <b>Board Members Present:</b> | Robert Stockton, Vice President; Asha Brooks; Eric Johnson; Coby King; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Ray Satorre; Jerry Silva; and Patrick Tami   |
| <b>Board Members Absent:</b>  | Kathy Jones Irish, President; Natalie Alavi; Diane Hamwi; Philip Quartararo; Hong Beom Rhee   |
| <b>Board Staff Present:</b>   | Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Larry Kereszt (Examinations Manager); Susan Christ (Registrar); Gary Duke (Legal Counsel); and Michael Santiago (Legal Counsel) |

**I. Roll Call to Establish a Quorum**

Vice President Stockton called the meeting to order at 9:04 a.m. Roll call was taken and a quorum established.

**II. Public Comment**

During Public Comment, Eugenie Thompson asked the Board to consider the amendments in the Streets and Highways Code that became effective January 2015. She asked the Board to review the code to aid in outreach.

Ryan Kersting, president of SEAOC, reported they are continuing to work on the significant structures proposal and make changes based on the feedback received. Once revised, they would like to resubmit it to the Structural and Civil TACs for review.

Jeremy Herbert came before the Board to explain that colleagues from the Air Resources Board were routinely denied application to sit for the civil engineering exam. The Civil TAC reviewed the work requirements at the Air Resources Board and determined that it does not fall within the civil engineering definition. He is discouraged that staff is recommending an oppose position to AB 320. He hopes the Board will take a neutral or support position.

Rob McMillan, CLSA Board Liaison, thanked the Board for the support in the Sacramento CLSA Chapter's efforts to provide lunches for the Land Surveyor candidates at Cal Expo this week.

### III. Legislation

#### A. Legislative Process

Ms. Williams presented the Board with a Life Cycle of Legislation flow chart and explained the legislative process.

#### B. Discussion of Legislation for 2015:

Ms. Williams provided an overview of the FYI Legislation for budget bills SB 69 and AB 103. She explained that at the beginning of each year, the budget bills are presented to both houses and are identical, which is why they are presented as a Senate Bill and an Assembly Bill. No action was needed.

#### AB 12

This bill would require every state agency, department, board, bureau, or other entity to review and revise regulations to eliminate inconsistent, overlapping, duplicative, and outdated provisions and adopt the revisions as emergency regulations by January 1, 2018. Additionally, this bill would require the Business, Consumer Services, and Housing Agency to submit a report to the Governor and Legislature affirming compliance with these provisions.

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| <b>MOTION:</b> | Mr. King and Mr. Tami moved to take a watch position. |
| <b>VOTE:</b>   | Motion passed   |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |
| William Silva     | X   |    |         |        |         |
| Patrick Tami      | X   |    |         |        |         |

#### AB 85

The Bagley-Keene Open Meeting Act requires that all meetings of a state body be open and public and that all persons be permitted to attend and

participate in a meeting of a state body. This bill would specify that the definition of "state body" includes an advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body of a state body.

Ms. Williams noted that the Board is already in compliance with the Bagley-Keene Open Meeting Act. This bill will further define a state body to include groups of two or more.

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| <b>MOTION:</b> | Mr. Tami and Ms. Brooks moved to take a watch position |
| <b>VOTE:</b>   | Motion passed  |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |
| William Silva     | X   |    |         |        |         |
| Patrick Tami      | X   |    |         |        |         |

**AB 320** This bill would prohibit a person from using the title "Environmental Engineer" unless the person is licensed as an "Environmental Engineer". This bill would set forth the intent of the Legislature that the Board be responsible for defining environmental engineering through rulemaking and that the Board adopt standardized examination materials applicable to environmental engineering, as specified.

Mr. Toppin, representing PECG, asked the Board to take a support position.

Mr. Withycombe, with the Air Resources Board, asked the Board to put aside the staff's recommendation and adopt a support position or at least a neutral position.

Mr. Milkey believes a Title Act is an achievable goal and urges the Board to support AB 320.

Ms. Eissler explained the difference between practice acts and title acts.

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| <b>MOTION:</b> | Mr. King and Mr. Silva moved to oppose the bill for the reason that the Board continues to believe that there is not sufficient public protection through the creation of an additional Title Act and that the Board understands that a need may exist to provide a licensing path for individuals whose education and experience is in environmental engineering and is willing to continue the discussion of this issue with affected parties. |
| <b>VOTE:</b>   | Motion Passed.   |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |
| William Silva     | X   |    |         |        |         |
| Patrick Tami      | X   |    |         |        |         |

**AB 507**

This bill would require the Department of Consumer Affairs (DCA) to submit a report to the Legislature and the Department of Finance (DOF) in January 2016 that details its plan for implementing BreEZe for the 19 boards and bureaus, of which this Board is one, that have not yet transitioned into the new system.

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| <b>MOTION:</b> | Mr. King and Dr. Qureshi moved to take a watch position. |
| <b>VOTE:</b>   | Motion Passed.   |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |

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|-------------------|---|--|--|---|--|
| Philip Quartararo |   |  |  | X |  |
| Mohammad Qureshi  | X |  |  |   |  |
| Hong Beom Rhee    |   |  |  | X |  |
| Karen Roberts     | X |  |  |   |  |
| Ray Satorre       | X |  |  |   |  |
| William Silva     | X |  |  |   |  |
| Patrick Tami      | X |  |  |   |  |

**AB 1060**

This bill would require a board, upon suspension or revocation of a license, to provide the ex-licensee with certain information pertaining to rehabilitation, reinstatement, or penalty reduction through first-class mail and by email.

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| <b>MOTION:</b> | Mr. King and Mr. Johnson moved to take a watch position. |
| <b>VOTE:</b>   | Motion Passed.   |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |
| William Silva     | X   |    |         |        |         |
| Patrick Tami      | X   |    |         |        |         |

**SB 284**

This bill indefinitely extends provisions that authorize persons licensed to engage in the practice of engineering or land surveying to form registered limited liability partnerships and foreign limited liability partnerships and requires those partnerships to provide security of no less than \$2,000,000 for claims arising out of the partnership's professional practice.

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| <b>MOTION:</b> | Mr. King and Ms. Brooks moved to take a support position. |
| <b>VOTE:</b>   | Motion Passed.  |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |

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|-------------------|---|--|--|---|--|
| Natalie Alavi     |   |  |  | X |  |
| Asha Brooks       | X |  |  |   |  |
| Diane Hamwi       |   |  |  | X |  |
| Eric Johnson      | X |  |  |   |  |
| Coby King         | X |  |  |   |  |
| Betsy Mathieson   | X |  |  |   |  |
| Philip Quartararo |   |  |  | X |  |
| Mohammad Qureshi  | X |  |  |   |  |
| Hong Beom Rhee    |   |  |  | X |  |
| Karen Roberts     | X |  |  |   |  |
| Ray Satorre       | X |  |  |   |  |
| William Silva     | X |  |  |   |  |
| Patrick Tami      | X |  |  |   |  |

**SB 799**

Existing law requires all civil engineering plans, calculations, specifications, and reports for the construction of all public school structures, hospitals and other medical facilities be prepared by, or under the responsible charge of, a licensed civil engineer who is also licensed as a structural engineer. This bill would repeal the requirements that all civil engineering plans and other specified documents for construction of public school structures be prepared by, or under the responsible charge of, a licensed architect or a licensed civil engineer who is also licensed as a structural engineer, thus reverting the language back to that which was in effect prior to the amendments made in 2014.

Ms. Eissler explained that language had been added late in the legislative cycle last year, which meant that interested parties had little time to review it. Concerns have now arisen that the language is not sufficiently clear. Since this language relates to SEAOC’s significant structures proposal, the Senate decided it would be best to remove the language for now and allow SEAOC and all interested parties to develop new, clearer language as part of SEAOC’s significant structures proposal.

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| <b>MOTION:</b> | Mr. King and Dr. Qureshi move to take a support position. |
| <b>VOTE:</b>   | Motion Passed.  |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |

|                   |   |  |  |   |  |
|-------------------|---|--|--|---|--|
| Philip Quartararo |   |  |  | X |  |
| Mohammad Qureshi  | X |  |  |   |  |
| Hong Beom Rhee    |   |  |  | X |  |
| Karen Roberts     | X |  |  |   |  |
| Ray Satorre       | X |  |  |   |  |
| William Silva     | X |  |  |   |  |
| Patrick Tami      | X |  |  |   |  |

**AB 177** This bill extends the sunset dates of the Board for Professional Engineers, Land Surveyors, and Geologists; the California Architects Board; and the Landscape Architects Technical Committee to January 1, 2020. This extension of the sunset dates will allow each program to continue licensing and enforcement operations for an additional four years.

Ms. Eissler added that it is scheduled to be heard in the Assembly Business and Professions Committee on April 28, 2015. She explained that since the Board already has a Support position on the bill, no additional action is required at this time.

Vice President Stockton welcomed Betsy Mathieson and recognized Erik Zinn for all his efforts.

**VII. Executive Officer's Report**

**D. Sunset Review and Response**

*Issue #6: The need for continued licensure of Geophysicists in the State of California.*

Mr. Moore reported that the topic is considered a carryover issue from the Board's 2010-11 Sunset report, where the legislature discussed the elimination of the geophysicist license. He indicated that money is not an issue, and the main concern is the lack of participation in exam development. Based on the information contained in the background paper, the Assembly and Senate Committees felt that there was enough justification to discontinue regulating the geophysicist license. He explained that the Board would maintain the existing licenses and cease issuing any more. Ms. Eissler stated that while what geophysicists do is important to the public, it does not require the same level of State-regulated public protection as other professions.

During public comment, various interested parties presented information in support of continuing the geophysicist license.

Mr. King's observations included possibly changing legislation to administer exams less than every year, making changes to the testing and grading

schedule to better accommodate potential participants, exploring the possibility of participation for license renewal, and eliminating the ability of geologists to practice geophysics. It is apparent that the current system is not sustainable and is leaning toward trying some of the remedies.

Ms. Eissler provided some history from when the Board went through Sunset four years ago. The direction from the Committees at that time was to review geophysicist licensure and make a recommendation to the legislature a year later. Town hall meetings were held, and it was determined to continue monitoring the licensure until the next Sunset. While there was great input from the geophysicist community during the town hall meetings, the lack of participation with exam development continues.

Mr. King suggested making no changes at this time but continuing to monitor it and work with the interested parties, and if there is no change by the next Sunset Review, then there will be clear evidence that all suggestions from the community did not work.

Mr. Silva questioned whether it would be better to monitor it for a shorter period of time, rather than waiting four years for the next Sunset Review. After further discussion, the following motion was made.

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| <b>MOTION:</b> | <p>Mr. King and Mr. Silva moved the following:<br/>                 After consideration of testimony from the geophysicist and geologist community, the Board recommends to the Committees that no changes be made at this time on the issue of the Professional Geophysicist license but that the Board recognizes that the current situation is not sustainable. The Board heard suggestions from the licensing community related to reforms that could include, but may not be limited to:</p> <ul style="list-style-type: none"> <li>• Reduction for the frequency of exam administration (i.e., every other year)</li> <li>• Eliminating the authorization for Professional Geologists to practice Geophysics</li> <li>• Realign all examination development processes to reflect private practitioner workload</li> <li>• Implement mandatory participation requiring licensees to assist with exam development</li> </ul> <p>The Board agreed to provide a report to the Committees within one year.</p> |
| <b>VOTE:</b>   | Motion Passed   |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |



|                   |   |   |  |   |  |
|-------------------|---|---|--|---|--|
| Robert Stockton   | X |   |  |   |  |
| Natalie Alavi     |   |   |  | X |  |
| Asha Brooks       | X |   |  |   |  |
| Diane Hamwi       |   |   |  | X |  |
| Eric Johnson      | X |   |  |   |  |
| Coby King         | X |   |  |   |  |
| Betsy Mathieson   | X |   |  |   |  |
| Philip Quartararo |   |   |  | X |  |
| Mohammad Qureshi  |   | X |  |   |  |
| Hong Beom Rhee    |   |   |  | X |  |
| Karen Roberts     | X |   |  |   |  |
| Ray Satorre       | X |   |  |   |  |
| William Silva     | X |   |  |   |  |
| Patrick Tami      | X |   |  |   |  |

*Issue #9: Examination of California Laws and Regulations.*

Ms. Eissler explained that this issue combines two different issues the Board presented in the 2014 Sunset Report. The first issue is that there is no requirement for applicants for licensure as professional geologists and geophysicists to pass an examination on the laws and regulations as there currently is for professional engineer and land surveyor applicants. The second issue is the recommendation that licensees should be required to take and pass a laws and regulations examination at the time of renewal to ensure that they are keeping current on the laws that affect their practice and license.

She reported that although the Committees seem receptive to the idea that the licensees do need to maintain knowledge and compliance with the laws and regulations, they offered some alternatives.

Mr. Moore explained one of the alternatives is that the Board should consider a check-box on the renewal notice that the licensee would attest that they reviewed the current laws and regulations. He noted that the licensees already attest to that and are still not aware as evidenced by enforcement actions. He believes the best method is to provide an on-line exam that licensees must take at the time of renewal or be subject to enforcement action if they fail or refuse to take the exam.

Ms. Eissler indicated that either option would require legislative changes.

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| <b>MOTION:</b> | Mr. King and Dr. Qureshi moved that the Board support a response to the Committees recommending expansion of the Board's current authority to require passage of a laws and regulations examination for those applying for licensure under the Geologist and Geophysicist Act. |
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| <b>VOTE:</b> | Motion Passed |
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| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |
| William Silva     | X   |    |         |        |         |
| Patrick Tami      | X   |    |         |        |         |

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| <b>MOTION:</b> | Mr. Tami and Mr. King moved that the Board support a response to the Committees recommending expansion of the Board's current authority to require that licensee take a laws and regulations examination at the time of renewal or be subject to enforcement action if they fail or refuse to take the exam. |
| <b>VOTE:</b>   | Motion Passed.   |

*Issue #16: Webcasting. Should the Board be required to webcast its meetings?*

Ms. Eissler explained the reason the Board does not webcast its meetings is that the Board believes that webcasting, which is simply a static video feed, does not provide public access or the ability for public to participate in the Board's meetings, unlike videoconferencing or teleconferencing does. As such, staff recommends that the Board respond to the Committees as shown in the meeting materials agenda packet.

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| <b>MOTION:</b> | Mr. King and Mr. Johnson moved to support the recommended response. |
| <b>VOTE:</b>   | Motion Passed.  |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |

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|-------------------|---|--|--|---|--|
| Asha Brooks       | X |  |  |   |  |
| Diane Hamwi       |   |  |  | X |  |
| Eric Johnson      | X |  |  |   |  |
| Coby King         | X |  |  |   |  |
| Betsy Mathieson   | X |  |  |   |  |
| Philip Quartararo |   |  |  | X |  |
| Mohammad Qureshi  | X |  |  |   |  |
| Hong Beom Rhee    |   |  |  | X |  |
| Karen Roberts     | X |  |  |   |  |
| Ray Satorre       | X |  |  |   |  |
| William Silva     | X |  |  |   |  |
| Patrick Tami      | X |  |  |   |  |

**VII. Executive Officer's Report (cont.)**

**A. Legislation and Regulation Workgroup Summary**

Mr. Moore reported that the Workgroup has been working on the legislation that was presented in the Board meeting materials.

**B. Personnel**

Mr. Kereszt reported that Brandon Smith and Gina Cruz were added to the Licensing Unit, Chole Jimenes has been hired to oversee the EIT and LSIT applications, and Patty Smith was recently made Lead Analyst within the Licensing Unit.

Mr. Moore reported that Raymond Mathe will return to the Board as the Senior Registrar Land Surveyor and added that applications for the Senior Registrar Geologist position have been received.

**C. BreEZe Update**

Mr. Moore noted that the Director reported that negotiations would take place to implement Release 2 and start a new contract for the remaining boards and bureaus. The contracts are expected to be finalized within the next week or two.

Mr. Alameida reported that the total budget including the proposed expenditures for the PELS Fund is \$1.98 million and \$139,000 for the Geology and Geophysics Account. As of the last Fiscal Year, the Board has spent \$580,000 from the PELS Fund and \$37,000 from the Geology and Geophysics Account.

The Board expressed concerns with the continued delays and the impact they have on the Board's operations and ability to function effectively and

efficiently. Mr. Moore indicated that he would discuss the Board's concerns with the Director.

**IV. Consideration of Rulemaking Proposals**

**A. Proposed Amendments to Title 16, California Code of Regulations Sections 416 and 3060 (Substantial Relationship Criteria)**

Ms. Eissler reported that at the February meeting the text was presented for final approval, but there were concerns, and the Board decided to split the regulation so that there would be one paragraph that addressed applicants for licensure and the other for licensees. During the course of that meeting, language was drafted, and the Board approved it so it could be noticed for the 15-day comment period. However, when staff was ensuring the language was formatted properly to show the changes, there was a concern that it was not correctly expressing the Board's stated intent from the inception of this proposal. The language that the Board approved at the last meeting only included additional items in the paragraph that would address denial of a license and did not include those items in the paragraph that would address revocation or suspension of a license.

After much discussion, it was determined that the regulations should not be amended at this time since there was not a consensus regarding what changes should be made to the existing regulations. It was decided that individual Board members could provide input to staff regarding their concerns and suggestions, and staff would compile that input for discussion at a future meeting if anything was received.

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| <b>MOTION:</b> | Mr. Tami and Dr. Qureshi moved to withdraw existing rulemaking proposal. |
| <b>VOTE:</b>   | Motion Passed  |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |

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| William Silva | X |  |  |  |  |
| Patrick Tami  | X |  |  |  |  |

Jerry Silva left at 3:43 p.m.

### VIII. Exams/Licensing

#### A. Spring 2015 Examination Update

Mr. Kereszt updated the Board on the Spring 2015 examination administration. He noted that both national and state-specific exams for geologists had taken place, and there were no reportable incidents, and he expected to have information regarding the results at the next Board meeting. The national engineers and land surveyors examination administration will be taking place on April 17-18. The state-specific exam for land surveyors will be taking place on April 20. The Seismic Principles and Engineering Surveying exam are currently taking place.

Prometric test centers have acquired new 23-inch monitors and the Exam Development staff is looking forward to feedback from test takers.

NCEES will convert their Principles and Practices of Surveying examination to a computer based format beginning with the Fall 2016 administration.

#### B. Approval of Oregon State Specific Engineering Geology and Hydrogeology Examinations for Comity Licensure

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| <b>MOTION:</b> | Dr. Qureshi and Mr. King moved to accept the Oregon State-Specific Engineering Geology examination as equivalent to the California examination for the purpose of licensure by comity as a Certified Engineering Geologist. |
| <b>VOTE:</b>   | Motion Passed   |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |

|               |   |  |  |   |  |
|---------------|---|--|--|---|--|
| William Silva |   |  |  | X |  |
| Patrick Tami  | X |  |  |   |  |

**IX. Discussion of California Department of Water Resources Urban Water Management Plan Preparation as It Relates to Civil Engineering and Geology**

Mr. Moore reported that the Department of Water Resources (DWR) is updating the Urban Water Management Plan. Members of the Civil and Geology TAC worked with Susan Christ to review the content. It was determined that preparing a report under these guidelines is not considered engineering. There was discussion between staff and DWR to insert a note into the guidebook as a precaution.

|                |  |
|----------------|--|
| <b>MOTION:</b> | Mr. King and Ms. Brooks moved to submit a formal request to the Department of Water Resources that the 2015 UWMP Guidebook include the recommended language regarding appropriately-licensed individuals performing work as required under the Professional Engineers Act. |
| <b>VOTE:</b>   | Motion Passed  |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |
| William Silva     |     |    |         | X      |         |
| Patrick Tami      | X   |    |         |        |         |

**X. Approval of Delinquent Reinstatements**

|                |   |
|----------------|---|
| <b>MOTION:</b> | Mr. King and Dr. Qureshi moved to approve the delinquent reinstatement applicants listing in the meeting materials agenda packet. |
| <b>VOTE:</b>   | Motion Passed   |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------|-----|----|---------|--------|---------|
|-------------|-----|----|---------|--------|---------|

|                   |   |  |  |   |  |
|-------------------|---|--|--|---|--|
| Kathy Jones Irish |   |  |  | X |  |
| Robert Stockton   | X |  |  |   |  |
| Natalie Alavi     |   |  |  | X |  |
| Asha Brooks       | X |  |  |   |  |
| Diane Hamwi       |   |  |  | X |  |
| Eric Johnson      | X |  |  |   |  |
| Coby King         | X |  |  |   |  |
| Betsy Mathieson   | X |  |  |   |  |
| Philip Quartararo |   |  |  | X |  |
| Mohammad Qureshi  | X |  |  |   |  |
| Hong Beom Rhee    |   |  |  | X |  |
| Karen Roberts     | X |  |  |   |  |
| Ray Satorre       | X |  |  |   |  |
| William Silva     |   |  |  | X |  |
| Patrick Tami      | X |  |  |   |  |

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

**A. Board Assignments to TACs**

Mr. Moore noted that SEAOC asked if the Civil and Structural TACs could review the matter relating to significant structures and have an open forum. The Board directed staff to coordinate the meeting.

Mr. Moore indicated he will try and schedule a joint Civil and Geology TAC meeting to discuss environmental engineering.

**B. Appointment of TAC Members**

|                |   |
|----------------|---|
| <b>MOTION:</b> | Ms. Mathieson and Mr. Satorre moved to appoint June Oberdorfer to the Geology and Geophysics TAC. |
| <b>VOTE:</b>   | Motion Passed   |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   | X   |    |         |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |

|               |   |  |  |   |  |
|---------------|---|--|--|---|--|
| William Silva |   |  |  | X |  |
| Patrick Tami  | X |  |  |   |  |

C. Reports from the TACs

The next Land Surveyor TAC meeting will take place May 27, 2015.

Dr. Qureshi reminded everyone that a committee was to be formed for the Traffic/Civil overlap issue.

XIV. **Approval of Consent Items**

A. Approval of the Minutes of the February 9-10, 2015, Board Meeting

|                |  |
|----------------|--|
| <b>MOTION:</b> | Dr. Qureshi and Ms. Brooks moved to approve. |
| <b>VOTE:</b>   | Motion Passed                                |

| Member Name       | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Kathy Jones Irish |     |    |         | X      |         |
| Robert Stockton   | X   |    |         |        |         |
| Natalie Alavi     |     |    |         | X      |         |
| Asha Brooks       | X   |    |         |        |         |
| Diane Hamwi       |     |    |         | X      |         |
| Eric Johnson      | X   |    |         |        |         |
| Coby King         | X   |    |         |        |         |
| Betsy Mathieson   |     |    | X       |        |         |
| Philip Quartararo |     |    |         | X      |         |
| Mohammad Qureshi  | X   |    |         |        |         |
| Hong Beom Rhee    |     |    |         | X      |         |
| Karen Roberts     | X   |    |         |        |         |
| Ray Satorre       | X   |    |         |        |         |
| William Silva     |     |    |         | X      |         |
| Patrick Tami      | X   |    |         |        |         |

VI. **Enforcement**

C. Possible Misuse of the Complaint/Investigation Process by Licensees

Mr. Tami reported that he has been approached by several licensees complaining of abuses of the enforcement program. Specifically, restraining trade and turning in others without legitimacy. Mr. Santiago pointed out that without a specific situation it is difficult to address. Mr. Duke added that each complaint is taken on a case by case basis. Mr. King said there is potential for abuse. Ms. Eissler indicated the Enforcement Unit is sensitive to these types of complaints; however, complaints that fall within the Board's jurisdiction must be investigated no matter what motivated the person to file the complaint since it is the Board's legislatively-mandated duty to protect the public through the investigation of complaints. Mr. Santiago and Mr. Duke noted that if there was clear evidence that the person filing the complaint knew he or she was making false statements in the complaint,



then there might be grounds for action against that person; however, that would be extremely hard to prove.

**V. Administration**

A. FY 2014/15 Budget Summary

Mr. Alameida reported that there are zero months in reserve for the Geology fund and explained that the Governor's program expenditures must be identified for Fiscal Year 2015/16 and 2016/17.

**VI. Enforcement (Cont.)**

A. Enforcement Statistical Report

Ms. Criswell reported that staff is working hard, and at this point only 5% of the cases are over a year old, and a large portion of those are not within the control of the Board. She is looking to have Division of Investigation (DOI) Deputy Chief David Chriss attend a future Board meeting. Mr. Chriss met with both Mr. Moore and Ms. Criswell and discussed some of the successes and challenges with their investigations and how it affects the boards and bureaus. While it is really encouraging to be able to reduce the numbers, there are some hurdles that are beyond the Board's control.

Mr. King would like to see data that would indicate how long a case is with DOI separate from the overall time the case is under investigation. Ms. Criswell and Ms. Eissler indicated that they would work on developing these statistics.

B. Policy on Disclosure of Complaints and Enforcement Actions  
No Report Given.

**XII. Liaison Reports**

A. ASBOG

Mr. Moore reported that an Out-of-State travel request was submitted and approved to attend the ASBOG meeting; however, Mr. Zinn's term expired, and Ms. Mathieson had prior commitments and was unable to attend. Another Out-of-State travel request will be submitted for the fall examination development meeting.

B. ABET

There will be opportunities in the fall for Board Members and staff to serve as observers. Dates will be provided at a future Board meeting.

C. NCEES

Mr. Moore reported that Ms. Eissler and Mr. Johnson have received approval for Out-of-State travel and will be attending the Western Zone meeting in Scottsdale, AZ.

Mr. Moore asked if there is anyone interested in attending the Annual Meeting scheduled August 19-22, 2015 in Williamsburg, VA. Vice President Stockton and Mr. Johnson tentatively agreed to attend.

Mr. Tami noted that one of the topics of discussion will be the path to licensure for structural candidates.

D. Technical and Professional Societies  
No report given.

XIII. **President's Report/Board Member Activities**  
No report given.

XV. **Other Items Not Requiring Board Action**  
Mr. Moore reminded the Board that a Nominating Committee for the President and Vice President for the next fiscal year would need to be appointed. Ms. Eissler noted that in the past, there has been a two-person committee made up of individuals who are past presidents. President Jones Irish and Mr. Tami were selected to serve as the Nominating Committee.

**The Board recessed at 5:33 p.m.**

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

April 15-16, 2015 Wednesday, April 15, beginning at 9:00 a.m. and continuing on Thursday, April 16, beginning at 9:00 a.m., if necessary

**Thursday, April 16, 2015**

|                               |   |
|-------------------------------|---|
| <b>Board Members Present:</b> | Robert Stockton, Vice President; Eric Johnson; Coby King; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Ray Satorre; and Patrick Tami   |
| <b>Board Members Absent:</b>  | Kathy Jones Irish, President; Natalie Alavi; Asha Brooks; Diane Hamwi; Philip Quartararo; Hong Beom Rhee; Jerry Silva   |
| <b>Board Staff Present:</b>   | Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Gary Duke (Legal Counsel); and Michael Santiago (Legal Counsel) |

**I. Roll Call to Establish a Quorum**

Vice President Stockton called the meeting to order at 9:10 a.m. Roll call was taken, and a quorum established.

**II. Public Comment**

No Public Comment

**XVI. 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. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185
4. Paul Christopher Ehe v. Board for Professional Engineers, Land Surveyors, and Geologists (San Bernardino Superior Court, Case No. CIVDS1413253)

**XVII. Open Session to Announce the Results of Closed Session**

Ms. Eissler reported that during Closed Session, the Board discussed the lawsuits as noticed, took action on four stipulations, one default decision, and two proposed decisions.

**XV. Other Items Not Requiring Board Action (cont.)**

Vice-President Stockton directed staff to write an article to be placed in the Board newsletter in reference to unlicensed activity as it relates to offering and performing land surveying services.

**XVIII. Adjourn**

The Board adjourned at 10:08 a.m.

**PUBLIC PRESENT**

Paul Milkey  
Don Schinske, SEAOC  
Hans Van de Vrugt, Southwest Geophysics  
Brien Hecker, InDepth Corp.  
Keith Millard, California Dept. of Water Resources  
Talia Cortese, CPIL  
Bill Henrich, Norcal Geophysical Consultants, Inc.  
Ryan Kersting, SEAOC  
Jeremy Herbert  
Bob DeWitt, ACEC-CA  
Steve Hao, CalTrans