

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

Division of the State Architect
Department of General Services
10920 Via Frontera, Suite 300, Conference Room A
San Diego, CA 92127

June 11, 2015

Thursday, June 11, 2015

Board Members Present:	Robert Stockton, Vice President; Natalie Alavi; Asha Brooks; Eric Johnson; Betsy Mathieson; Mohammad Qureshi; Karen Roberts; Ray Satorre; and Patrick Tami
Board Members Absent:	Kathy Jones Irish, President; Coby King; Philip Quartararo; Hong Beom Rhee; and Jerry Silva;
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer; Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Ray Mathe (Registrar); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

Vice President Stockton called the meeting to order at 9:02 a.m. Roll call was taken, and a quorum was established.

II. Public Comment

During public comment, Abbas Rastandeh with the City of San Diego indicated that he and his colleagues are having difficulty passing the PE examination because of their age. He explained that he is 55 and the ability to complete the examination in a timely manner is nearly impossible. They would like the Board to consider their age. He believes that placing older candidates in the same pool as younger test takers is unfair and proposed that the Board consider different methods.

Carl Josephson, SE, shared an issue involving civil litigation involving a California licensed Civil Engineer. This engineer lost their license in another state and subsequently had their license revoked then reinstated with strict probation terms. He asked how California responds when a license is revoked in another state. He referenced Business and Professions Code 141, that if there is an action taken against your license in another state that it can be used as a basis for action against a license in California. Many states require disclosure on renewal forms to indicate whether action has been taken against the license, and he suggested California consider this addition to the renewal notices.

III. Legislation

A. Discussion of Legislation for 2015

Mr. Alameida reviewed the Legislation calendar.

AB 320 - This bill would prohibit a person from using the title “Environmental Engineer” unless the person is licensed as an engineer. The bill would permit a licensed civil, electrical, or mechanical engineer to use the title “Environmental Engineer” without obtaining additional qualifications.

The bill was amended on April 23, 2015, which was after the Board took an oppose position. Board staff recommends that the Board vote to oppose the new version of the bill.

During Public Comment, Mehrdad Nabizadeh, representing PECG, proposed that the Board wait to take a position until the Sunrise questionnaire has been completed.

Mr. Moore indicated that a letter would be sent to the author conveying the Board’s position.

MOTION:	Dr. Qureshi and Ms. Alavi moved to oppose AB 320 as amended April 23, 2015.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi	X				
Asha Brooks	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 12 – Mr. Alameida reported that this bill relates to administrative regulations that Board staff routinely reviews and revises regulations to eliminate inconsistent overlapping or outdated provisions and mirror them to statute.

AB 85 – Mr. Alameida reported that this bill pertains to the Bagley-Keene Open Meeting Act in establishing or defining a state body to include groups of two or more individuals. The Board took a watch position at the last Board meeting. He reviewed the staff analysis and mentioned that the Board of Accountancy

is currently opposed. Mr. Santiago added that the Board of Registered Nursing is also opposed.

Mr. Moore indicated that a letter would be sent to the author conveying the Board's position.

MOTION:	Mr. Tami and Mr. Satorre moved to oppose AB 85 as amended on April 15, 2015, as it is unclear from the proposed wording if meetings of two or less would be permitted.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi	X				
Asha Brooks	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 to submit a report to the Legislature and the Department of Finance each year that details its plan for implementing BreEZe for the 19 boards and bureaus, of which this Board is one, that have not yet transitions into the new system.

The Board will maintain a watch position.

AB 1060 – Mr. Alameida reported this bill would require a board, upon suspension or revocation of a license, to provide the ex-licensee with information pertaining to rehabilitation, reinstatement, or penalty reduction through first-class mail and by email.

The Board will maintain a watch position.

AB 177 – The Professional Engineers Act provides for the licensure and regulation of engineers by the Board for Professional Engineers, Land Surveyors, and Geologists, in the Department of Consumer Affairs. This bill would extend the operation of these provisions until January 1, 2020. Mr. Alameida reported that AB 177 would merge the Geology and Geophysics

Account of the Professional Engineer's and Land Surveyor's Fund into one fund which would be renamed the Professional Engineer's, Land Surveyor's, and Geologist's Fund and added that there is enforcement information regarding disciplinary action taken by the Board if a licensee or certificate holder fails or refuses to respond to a written request from a representative of the Board to cooperate in the investigation of complaint against that licensee or certificate holder.

Ms. Eissler noted that the bill had been amended since the Board originally took its support position. She explained that the amendments were those selected by the Assembly Business and Professions Committee to address issues raised during the Sunset Review, and Board staff worked with the Committee staff on the language.

Board staff recommends the Board take a position of support on the current version of the bill as amended on April 23, 2015.

Mr. DeWitt representing ACEC, Mr. McMillan representing CLSA, Mr. Nabizadeh representing PECG, and Mr. Josephson representing SEAOC, indicated that their organizations support the bill as amended.

Mr. Moore indicated that a letter would be sent to the author conveying the Board's position.

MOTION:	Dr. Qureshi and Mr. Johnson moved to support AB 177 as amended on April 23, 2015.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi	X				
Asha Brooks	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 – Mr. Alameida reported that this bill will continue the authorization for engineers and land surveyors to operate within their scope of licensure while

conducting business as a limited liability partnership similar to that of certified public accountants and attorneys and to be designated as a registered limited liability partnership or foreign limited liability partnership, something that they have been authorized to do since 2010.

He added that ACEC is the sponsor of this bill and that the current amendments extend the operation of legislation to January 1, 2019.

Mr. Moore indicated that a letter would be sent to the author conveying the Board's position.

MOTION:	Mr. Tami and Ms. Brooks moved to support SB 284 as amended May 5, 2015.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi	X				
Asha Brooks	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 – Mr. Alameida reported that this bill was amended April 20, 2015, and would remove language that was added to Section 6735 last year at the request of SEAOC for clarity. Concerns have been expressed by several parties over the new wording of Section 6735 and the potential misinterpretation that could result because of this new wording. It was decided that the best course of action would be to remove that language and return Section 6735 to its prior state and allow SEAOC to develop cleaner language that could be included with its "Significant Structures" proposal in the future.

Ms. Eissler noted that the amendments made on April 20, 2015, do not affect the Board's laws, and the Board has already voted to support the bill.

Mr. Josephson reported that SEAOC understands the confusion that arose from the language that was introduced and hopes to propose clearer language through its "Significant Structures" proposal.

IV. Consideration of Rulemaking Proposals

A. Proposal to Amend Title 16, California Code of Regulations section 464 (Corner Record)

Mr. Mathe reported that an LS TAC meeting took place the day prior. The wording in Board Rule 464 did not apply to the statutes properly and only referred to one statute, Section 8773, which was the original Corner Record legislation; however, there are other sections in the Professional Land Surveyors' Act that reference Corner Records that should also be referenced in Board Rule 464. The Board had previously approved amendments to the language, but it has since been reworded based on comments from the TAC and the land surveying community. Therefore, staff is recommending that the Board approve the language to begin the rulemaking process.

MOTION:	Mr. Satorre and Ms. Alavi moved to approve the proposed amendments to Board Rule 464, as shown in the meeting materials agenda packet, to direct staff to begin the formal rulemaking process to adopt the regulations, and to delegate authority to the Executive Officer to make non-substantive and technical changes before notice, if necessary.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi	X				
Asha Brooks	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				

V. Enforcement

A. Enforcement Statistical Report

Ms. Eissler reported that cases are progressing and that staff is working collaboratively with the Division of Investigation and the Office of the Attorney General to address concerns with the processing of cases.

VI. Exams/Licensing

A. Spring 2015 Examination Results

Mr. Moore reviewed the examination statistics. Vice-President Stockton inquired about comparisons to the National average. Mr. Moore indicated that currently first time vs. repeat test taker information is the only data collected. Staff is working on acquiring consistent data to provide for future meetings.

During public comment, Mr. McMillan requested an overall breakdown of results by test plan area to better assist review course providers and candidates with examination preparation. Mr. Moore indicated that he will consult with the vendor to see if this can be done.

Ms. Mathieson indicated that she would like to see historical data over time. Mr. Moore noted that Larry Kereszt, the Licensing Program Manager, was working to provide additional statistics, and the requested statistics will be included.

VII. Approval of Delinquent Reinstatements

Mr. Johnson noted that there is no cap on the length of time that can pass for a person to apply for reinstatement of a delinquent license. Ms. Eissler indicated that statute would need to be changed. It is within the Board's Strategic Plan for the Board to discuss what process should be done for the PE and PLS delinquent reinstatements. Geologists and geophysicists must renew their license in five years or go through the application and examination process to obtain a new license; however, the statutes provide professional engineers and land surveyors a way to reinstate a delinquent license at any time after it has expired. Mr. Stockton directed staff to begin research on delinquent reinstatements, inactive status, volume over the last five years, and comparisons between PELS and G&G.

MOTION:	Mr. Johnson and Ms. Brooks moved to approve the delinquent reinstatements listed in the meeting materials agenda package.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi	X				
Asha Brooks	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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VIII. Administration

A. FY 2014/15 Budget Summary

Mr. Alameida reviewed the Board's PELS fund. He indicated that the expenditures have decreased in operating equipment and expenses as a result of examination contracts and general expenses. Personal services increased about \$80,000, but the reduction for the operating equipment and expenses was approximately \$280,000. Revenue has decreased by \$700,000 due to the cyclical nature. Applications are at 8,546 for Fiscal Year 2014/15 versus 8,726 of Fiscal Year 2013/14.

Mr. Alameida added that the budget allotment is at \$9.86 million, projection to Year-End is at \$7.83 million, Surplus/Deficit is \$2.03 million, and the Revenue to year-end \$7.96 million.

The Geology and Geophysicists fund is looking positive. Fiscal Year 2014/15 expenditures are at \$813,000 versus \$905,000 for Fiscal Year 2013/14. Revenue is at \$871,000 versus \$797,000 for Fiscal Year 2014/14 with an increase in applications. The budget allotment is \$1.42 million with projection to Year-End is at \$1.21 million which creates a \$207,000 surplus which is needed to maintain its health for the following year.

Mr. Moore reported that a compromised decision was reached by the Legislative Budget Conference Committee regarding DCA's request for BreEZe budget funding. A report at the next meeting will be provided once the effect of the compromise on the Board's budget is known.

IX. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that the workgroup is continuing to work on regulations. Ms. Mathieson requested additional information on the regulations listed to be included on future reports.

B. Personnel

Mr. Moore introduced Laurie Racca as the new staff geologist. He added that Carmen Jimenez, who has worked with the Board for many years as a proctor and a permanent intermittent employee, has been hired as a full-time permanent employee to serve as a receptionist. The Board currently has two vacancies.

C. BreEZe Update

Mr. Moore reported that he met with DCA, and they agreed to assist the Board in beginning to develop a needs assessment that will benefit the Board for the design and implementation of either BreEZe or another replacement system.

DCA also agreed to support the Board in contracting with an outside firm to assist with the needs assessment.

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

Mr. Moore explained that they are currently trying to assemble a Joint Civil and Structural TAC meeting to discuss SEAOC's Significant Structures proposed language. In addition, staff is currently recruiting volunteers to serve on the Traffic TAC.

B. Appointment of TAC Members

MOTION:	Ms. Roberts and Dr. Qureshi moved to reappoint Structural TAC members: Ryan Huxley, Williston Warren, Alireza Asgari, Gregg Brandow, and Doug Hohbach to a second term and to stagger the expiration dates of the terms.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi	X				
Asha Brooks	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				

MOTION:	Mr. Tami and Ms. Alavi moved to reappoint Land Surveyor TAC member Michael S. Butcher to a second term expiring June 30, 2017.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton	X				
Natalie Alavi	X				
Asha Brooks	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

Mr. Mathe reported that the Land Surveyor TAC met the day before and reported that it was Paul Enneking's last meeting. His term will expire June 30, 2015.

A work plan for Board approval will be available at the next meeting.

During the TAC meeting, they discussed California Code of Regulations Section 464. Mr. Mathe foresees comments coming in during the 45-day comment period during the rulemaking process.

In addition, they reviewed a proposal from the International Union of Operating Engineers, Local 3 and the California & Nevada Civil Engineers and Land Surveyors Association, Inc. to amend the definition of land surveying in Section 8726 of the Professional Land Surveyors' Act.

There was good discussions on licensure and corner records. The LS TAC requested to meet more frequently.

Mr. Tami would like to present a certificate to Mr. Enneking for his service to the Board.

XI. Liaison Reports

A. ASBOG

Mr. Moore reported that there is a new Interim Executive Director. She notified the Board of a new schedule of examinations that will be included in the next agenda.

B. ABET

Mr. Moore indicated that there are currently no requests to attend ABET visits; however, we expect to receive them soon.

C. NCEES

Mr. Johnson attended the Western Zone meeting and reported the huge impact California has on NCEES. Mr. Moore was re-nominated and elected as Western Zone Secretary/Treasurer. There is a huge opportunity for California, and Mr. Johnson believes it is imperative for California to continue to participate in NCEES zone meetings.

Ms. Eissler added that the meeting was combined with the Southern Zone. The various committees and task forces provided presentations of what had been accomplished throughout the year and presented information about the motions that will be presented at the Annual Meeting, one of which relates to the Structural Engineer license. She believes some of those motions will be presented at the July Board meeting so that the Board can direct its representatives to the Annual Meeting on the Board's position.

Mr. Moore reported that Ms. Eissler is currently on the Law Enforcement Committee for NCEES and helped facilitate a law enforcement forum for the Western and Southern Zones. She was also selected to be on the Law Enforcement Committee for the next year by the President-Elect.

Mr. Tami reported that there are two candidates running for NCEES Treasurer; Gary Thompson, LS emeritus member of the North Carolina Board, and Shelley Macy, PE of the Wyoming Board.

Mr. Tami added there is an emerging engineers and surveyors group that will require mentors from California.

D. Technical and Professional Societies

Mr. Moore provided an update on the Board's outreach efforts. Both Brooke Phayer, Outreach Coordinator, and Mike Donelson, Staff Electrical Engineer, met with professors at the California State University, Northridge during the Engineering Design Showcase. Mr. Phayer attended the UC San Diego Women in Science and Tech Conference. Mr. Moore and Mr. Alameida attended the ACSE, APWA luncheon May 20, 2015, in Bakersfield where they provided information on legislation and licensure. Susan Christ, Staff Civil Engineer, attended the Engineering Project Showcase at CalPoly San Luis Obispo and met with the Deans. Dr. Qureshi provided his feedback from his attendance at the CalPoly Pomona Engineering showcase. Dr. Qureshi suggested career fairs as they would be more beneficial. Mr. Moore added that he gave a presentation at the AEG Risk Analysis seminar on May 30, 2015, and, several Board staff attended the UCD Engineering Design Showcase.

During public comment, Mr. Josephson, representing SEAOC, stated that SEAOC is looking forward to working with the TACs on Significant Structures. Mr. Nabizadeh, representing PECG, agreed with Mr. Josephson. Mr. McMillan expressed his appreciation of the Board and TAC members' efforts and added

that the CLSA Board is considering candidates to recommend to fill Land Surveyor member position on the Board and vacancy on the LS TAC.

XII. President's Report/Board Member Activities

Mr. Moore announced that Diane Hamwi resigned from the Board.

2:04 p.m. Ms. Brooks left the meeting.

XIII. Nomination and Election of President and Vice President for Fiscal Year 2015/16

Assisting Ms. Jones Irish as the Nomination Committee, Mr. Tami nominated Robert Stockton as President and Coby King as Vice-President.

MOTION:	Mr. Johnson and Ms. Roberts moved to accept the nominations as recommended by the nominating committee and close nominations and to elect Mr. Stockton as President and Mr. King as Vice-President for FY2015/16.	
VOTE:	All Aye; Motion Carried	Abstentions: Vice President Robert Stockton

Member Name	Yes	No	Abstain	Absent	Recusal
Kathy Jones Irish				X	
Robert Stockton			X		
Natalie Alavi	X				
Asha Brooks				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				

XIV. Approval of Consent Items

A. Approval of the Minutes of the April 15-16, 2015, Board Meeting

Ms. Satorre and Mr. Tami moved to approve the minutes. However the motion was withdrawn when Ms. Mathieson requested clarification of time period Mr. King specified during the discussion of continued licensure for geophysicists. The minutes will be returned at the next meeting for adoption.

XV. Other Items Not Requiring Board Action

Ms. Eissler reminded the Board that the next Board meeting will be held July 16-17, 2015 in Sacramento. The September Board meeting will be held in Redding, and the November Board meeting will be held San Bernardino.

Mr. Tami asked to discuss listing the names of delinquents in the Board Bulletin at a future meeting.

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. 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)
2. Sassan Salehipour v. Board for Professional Engineers, Land Surveyors, and Geologists, Los Angeles County Superior Court Case No. BS146185

Ms. Brooks returned at 2:31 p.m.

XVII. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that during Closed Session, the Board took action on a stipulation, a matter remanded back by the Superior Court, four proposed decisions, and a petition for reconsideration.

II. Public Comment

During Public Comment, Mr. Woolley expressed his opposition to the language in AB 177 that would add Section 8780.2.

XVIII. Adjourn

Meeting adjourned at 3:49 p.m.

PUBLIC PRESENT

Mehrdad Nabizadeh, PECG
Curt Burfield, Caltrans Office of Land Surveys
Rob McMillan, CLSA
Abbas Rastandeh, City of San Diego
Bob DeWitt, ACEC