

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

**2535 Capitol Oaks Drive, Third Floor Conference Room
Sacramento, CA 95833**

Thursday, July 16, beginning at 9:00 a.m.

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

I. Roll Call to Establish a Quorum

President Stockton called the meeting to order at 9:00, and a quorum was established.

II. Public Comment

During Public Comment, Mr. Josephson thanked the Board for allowing SEAOC to participate in the Joint Civil and Structural TAC meeting.

III. Legislation

A. Discussion of Legislation for 2015:

SB 209 – This bill would require the Department of Conservation, no later than January 1, 2018, and on an ongoing basis thereafter, to offer continuing educational opportunities for lead agency employees to become certified, as appropriate, by the department to inspect surface mining operations. The bill would prohibit a lead agency that operates a surface mining operation from having an inspection performed by a lead agency employee, as specified, unless that employee has become certified as a surface mining operation inspector within the previous 2 years. It would revise the proof of financial assurances to be submitted with the annual report and would define “financial assurances” to be the combination of an approved current financial assurance cost estimate and a financial assurance mechanism, as specified. The bill would require the inspections be conducted by a state licensed geologist, state licensed civil engineer, or state licensed geophysicist, as specified.

Mr. Testa representing the State Mining and Geology Board explained that the bill has been characterized as a Surface Mining and Reclamation Reform Bill. It addresses specific problem areas within SMARA. He provided some history and

added that the adequacy of the inspections with the SMARA program has been problematic. Mr. Testa reported that SB 209 is attempting to clean up language in statute and regulation. Currently, it reads that the State Mining and Geology Board along with the Department of Conservation would work with the Board (BPELSG) on language and return to legislature to amend the language to determine which license must complete the inspections. The inspections determine compliance with the approved reclamation plans and permit conditions. They inspect the lateral dimensions of the mine, depth, slope angles, geologic hazards, encroachment, and reclamation standards.

Ms. Williams noted that there are minor amendments and that the author's office has been willing to work with the Board to make these changes.

Mr. Satorre arrived at 9:06 a.m.

MOTION:	Dr. Qureshi and Ms. Mathieson moved to take a watch position on SB 209.
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

AB 1060 - Ms. Williams reported that this bill was amended and no longer impacts the Board.

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. . Additionally, on April 24, 2015 amendments were made that permits a licensed civil, electrical, or mechanical engineer to use the title "environmental engineer" without obtaining additional qualifications.

Ms. Williams reported the bill had been amended again in July 2015 to remove the

language that had been added in April. Because of these amendments, she recommended the Board reconfirm their opposition.

MOTION:	Mr. Tami and Ms. Mathieson moved to oppose AB 320 as amended July 2015 and work with staff to convey that to legislators.
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

AB 85 - This bill would, under the Bagley-Keene Open Meeting Act, 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 that consists of 3 or more individuals, as prescribed, except a board, commission, committee, or similar multimember body on which a member of a body serves in his or her official capacity as a representative of that state body and that is supported, in whole or in part, by funds provided by the state body, whether the multimember body is organized and operated by the state body or by a private corporation. This bill contains other related provisions.

There have not been amendments since the last Board meeting.

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.

There have not been amendments since the last Board meeting.

AB 507 – Commencing October 1, 2015, this bill would require the Department of Consumer Affairs to submit an annual report to the Legislature and the Department of Finance that includes, among other things, the department's plans for

implementing the BreEZe system at specified regulatory entities included in the departments' 3rd phase of the BreEZe implementation project, including, but not limited to, a timeline for the implementation. This bill contains other related provisions.

Mr. Alameida reported that there was an amendment July 9, 2015 that extended the date to submit the annual report to the legislature to March 2016. In addition, it was identified that DCA shall post all clients that are on the BreEZe system.

MOTION:	Mr. Johnson and Ms. Alavi moved to take a watch position on AB 507 as amended July 9, 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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

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 and would merge the Geology and Geophysics Account of the Professional Engineer's and Land Surveyor's fund into the fund that would be renamed the Professional Engineer's, Land Surveyor's, and Geologist's Fund. Additionally, AB 177 would add a much needed cause for disciplinary action 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 a complaint against that licensee or certificate holder.

Ms. Williams reported that the bill was amended on June 30, 2015, to change the effective date of the fund merger to July 1, 2016, as the Board had suggested be done at its last meeting.

MOTION:	Mr. King and Ms. Jones Irish move to support AB 177 as amended June 30, 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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

SB 284 – Current law, until January 1, 2016, also provides that engineers or land surveyors are not prohibited from practicing or offering to practice, within the scope of their licensure, as a limited liability partnership if specified requirements are met, including, among others, that any offer, promotion, or advertisement by the business that contains the name of any individual in the business must clearly and specifically designate the license or registration discipline of the individual named. Current law repeals these provisions on January 1, 2016. This bill would extend the operation of these provisions until January 1, 2019. This bill contains other existing laws.

Mr. DeWitt, representing ACEC, pointed out that the bill originally eliminated the sunset date altogether. However, there were concerns with eliminating the sunset provision at this time, so it was amended to coincide with the date in the Architects Practice Act. ACEC plans to work with the architects' association to convince the Legislature to eliminate the sunset date altogether in a future legislative session.

10:19 a.m. Mr. Silva left the meeting.

SB 799 – This is the Senate Committee on Business, Professions and Economic Development omnibus bill. This bill would remove language that was added to Section 6735 last year at request of SEAOC. Concerns have been expressed by several parties over the new wording of Section 6735 and the potential misinterpretation that could result for 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. The June 25, 2015, version of the bill adds a proposed amendment to Section 7818 to correct a typographical error in the reference to a Government Code section; this change is being made at the request of the Board.

MOTION:	Mr. Tami and Mr. Satorre moved to support SB 799 as amended June 25, 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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva				X	
Patrick Tami	X				

10:25 a.m. Dr. Qureshi left the meeting.

B. Legislative Proposals for 2016

Ms. Eissler reported that based on timing of the legislative session, it would be more appropriate to present the proposals at the September Board meeting.

IV. Consideration of Rulemaking Proposals

A. Adoption of Proposed Amendments to Section 438 of Article 3 in Division 5 of Title 16 of the California Code of Regulations (Waiver of Fundamentals Examination)

MOTION:	Mr. Johnson and Ms. Mathieson moved to adopt the amendment to Board Rule 438.
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				
Mohammad Qureshi				X	
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				

William Silva				X	
Patrick Tami	X				

MOTION:	Mr. King and Mr. Tami moved to delegate authority to the Executive Officer to complete the rulemaking file.
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				
Mohammad Qureshi				X	
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva				X	
Patrick Tami	X				

10:50 a.m. Mr. Silva returned.

V. Enforcement

A. Enforcement Statistical Report

Ms. Eissler presented the enforcement statistics through the end of Fiscal Year 14/15.

B. Report on Initiation of Use of Notice of Department Designation (NODD) Form
 Ms. Eissler introduced the new Notice of Department Designation (NODD) form and explained there are provisions in the Professional Engineers Act and the Professional Land Surveyors' Act that require state and local government agencies to designate licensees who are in responsible charge of the civil, electrical, and mechanical engineering, and land surveying work being performed at those agencies. The NODD form was created to help facilitate these agencies in notifying the Board so the Board can confirm they are in compliance with those laws. It was promoted in both the Board Bulletin and the Board's website.

11:06 a.m. Dr. Qureshi returned

VI. Exams/Licensing

A. Spring 2015 Examination Results

Mr. Kereszt reported on the examination statistics including those of the Structural Engineer examination.

B. Examination Statistical Report

Mr. Kereszt presented various graphs that represented the examination trends among the National versus the State specific examinations.

C. Delinquent Reinstatement Requirements

Ms. Eissler reported that staff is working on gathering data and statistics for delinquent reinstatement requirements between the three acts that was requested at the last meeting. These items will be presented at a future board meeting.

D. Credit for Overlapping Experience When Applying for Licensure or Certification

Ms. Eissler asked for clarification on a request made during Closed Session at the June Board meeting regarding overlapping experience. The Board advised that it had concerns regarding when overlapping experience is or should be allowed. Ms. Eissler indicated that copies of the applicable statutory and regulatory sections could be provided at the next meeting for the Board to review.

VII. Approval of Delinquent Reinstatements

No Report Given.

VIII. Administration

A. FY 2014/15 Budget Summary

Ms. Williams reported on the two Board funds and compared Fiscal Years 2014/15 versus 2013/14.

It was determined that the Board is generating more revenue than allocated expenses and is projected to have a surplus at the end of the year. Ms. Williams also reported on the fund condition including the BreEZe expenditures. Mr. Moore reported that the DCA will have spent upwards of \$100 million dollars by the time Release II is executed. Ms. Jones Irish expressed that the state of the BreEZe implementation is scandalous. She explained that sometimes the vendor does not have a clear understanding of the scope of work and possibly not an appropriate vendor for the challenge.

B. Consideration of Budget Change Proposals

Ms. Williams advised that there is a Budget Change Proposal for a Psychometrician position in the Board's Licensing Unit. It is currently being reviewed at the Department's Budget office.

IX. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that the workgroup is monitoring the legislative bills that were presented. Mr. King and Mr. Stockton will be calling in biweekly to participate in the workgroup.

B. Personnel
No report given.

C. BreEZe Update
Mr. Moore indicated that DCA is working on the Release II launch date set for late 2015 or early 2016.

D. ABET
There are opportunities for Board member participation coming up in the fall for ABET visits. Brooke Phayer, the Board's Outreach Coordinator, will notify Board members of the dates and locations once they are received.

E. ASBOG
Mr. Moore presented the Board with a proposed meeting calendar for 2015-2018 from ASBOG. These dates are for their various committee meetings, examinations, and annual meetings.

F. NCEES
Mr. Moore introduced Barton Ching and Alice Rystov from the NCEES Emerging Leaders Committee. Of 600 applicants in the country, there were 12 individuals selected; and of those 12, 2 were from California.

1. Annual Meeting Action Items

Mr. Tami reviewed the motions that will be presented at the 2015 NCEES Annual Meeting.

ADVISORY COMMITTEE ON COUNCIL ACTIVITIES (ACCA)

ACCA 1 – This approach protects the S.E. title but also regulates the practice of structural engineering, and better safeguards public safety relative to structures with an elevated level of threat.

ACCA 8 – Encouraging candidates to acquire a master's degree prior to sitting for their engineering examination.

COMMITTEE ON EDUCATION

EDUCATION MOTION 1 – Continuing Professional Competency.

EXAMINATION POLICY AND PROCEDURES

EPP 2 – The Professional Surveyor examination will go to Computer Based Testing as of October 2016.

EPP3 - This proposed amendment would update the examination dates annually by NCEES staff and affirmed by the board of directors. The examination date should avoid conflicts with public and religious holidays.

COMMITTEE ON FINANCES

FINANCE MOTION 4 – Would change the cost of the Professional Surveyors examination. It would increase from \$250 to \$300 but is actually a reduction of \$50 because the \$100 fee administrative fee will be removed.

COMMITTEE ON UNIFORM PROCEDURES AND LEGISLATIVE GUIDELINES

UPLG Motion 6 – The language was modified to clarify that a bachelor’s degree is required, which is one of the things the NCEES Records program looks for when determining whether someone qualifies for this designation. In addition, the three ABET-accredited programs were separated into different paragraphs to make it easier to read.

UPLG Motion 7 – Mr. Stockton expressed concern with the definition of surveying; B. 6. A substantial portion of the experience must be spent in charge of work related to property conveyance and/or boundary line determination.

MOTION:	Mr. Tami and Dr. Qureshi support all motions with the exception of UPLG Motions 6 and/or 7 and to authorize the Board’s delegates to vote consistent with Board policy should any issues arise at the Annual Meeting.
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

Mr. Moore reported that both Ms. Shelley R. Macy, P.E., and Mr. Gary W. Thompson, PLS, are running for NCEES Treasurer. Mr. Tami provided some background on both individuals.

MOTION:	Dr. Qureshi and Ms. Mathieson moved to support Shelley Macy for NCEES Treasurer
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre			X		
William Silva			X		
Patrick Tami			X		

G. Outreach

Mr. Moore reported on the Board's outreach efforts. Ms. Jones Irish offered her assistance.

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No Report Given

B. Appointment of TAC Members

MOTION:	Ms. Mathieson and Mr. King moved to reappoint William Owen and Mark Riches to the Geology and Geophysicist TAC.
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

MOTION:	Dr. Qureshi and Mr. Tami moved to appoint Mahmoud Khodr, Maurice Palumbo, Walter Okitsu, Jason Pack, and Troy Arseneau as new members to the Traffic TAC.
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

4:25 p.m. Ms. Jones Irish left the meeting

C. Reports from the TACs

1. Approval of LSTAC Work Plan for FY2015/16

MOTION:	Mr. Tami and Mr. King moved to approve the Land Surveyor TAC Workplan				
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

4:30 p.m. Ms. Jones Irish returned.

2. Approval of the Traffic TAC Workplan for FY2015/16

MOTION:	Dr. Qureshi and Mr. Johnson moved to approve the Traffic TAC Workplan.
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

Ms. Christ reported on the Joint TAC meeting that took place the day before. They reviewed the Significant Structures proposal by SEAOC. The decision was for the TAC members to comment on each individual item that is included in the proposal and have those comments returned to Ms. Christ and bring them back to the next meeting. She added that Dr. Brandow suggested to SEAOC that they remove items from the proposal that were contentious.

XII. Approval of Consent Items

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

MOTION:	Mr. King and Ms. Mathieson moved to approve the April minutes.
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva	X				
Patrick Tami	X				

B. Approval of the Minutes of the June 11, 2015, Board Meeting

MOTION:	Ms. Mathieson and Mr. Johnson moved to approve the June minutes.
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				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts	X				
Ray Satorre	X				
William Silva			X		
Patrick Tami	X				

XI. President's Report/Board Member Activities

President Stockton presented a gavel plaque to Ms. Jones Irish for her service as Board President for 2014-15.

In addition, President Stockton presented a Certificate of Appreciation to Mr. Gary Duke for his legal counsel to the Board. Mr. Duke thanked everyone for their support.

President Stockton thanked everyone for their support on his appointment.

XIV. 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)

XV. Open Session to Announce the Results of Closed Session

Ms. Eissler reported that during closed session the Board took action on three stipulations, a default decision, and a proposed decision and discussed pending litigation as noticed.

XIII. Other Items Not Requiring Board Action

President Stockton requested that an item be included on a future agenda to address clarification relating to survey work that is done by unlicensed individuals who work for utility companies, specifically, Section 8730(c) that pertains to legal descriptions and other surveying work.

XVI. Adjourn

Meeting adjourned at 4:53 p.m.

PUBLIC PRESENT

Stephen Testa, State Mining and Geology Board

Carl Josephson, SEAOC

Steve Hai, CalTrans

Bob DeWitt, ACEC

Barton Ching, NCEES

Alice Rystov, NCEES

Rob McMillan, CLSA