

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

**Caltrans Building
1657 Riverside Drive
Redding, CA 96001**

September 10, 2015

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

I. Roll Call to Establish a Quorum

President Stockton called the meeting to order at 9:06 a.m., and a quorum was not established.

II. Public Comment

No Public Comment

V. Enforcement

A. Enforcement Statistical Report

Ms. Criswell presented the Enforcement statistics through June 30, 2015.

Ms. Criswell reported that over time they are showing a significant decrease in the average days cases are open. She also noted that there are no geologist/geophysicist related cases over one year old.

III. Legislation

A. Discussion of Legislation for 2015:

Ms. Williams reported on the following bills:

AB 320 This bill would add the title environmental engineer to statute which would then have to be defined in regulation. Adding a title act of environmental engineer to our regulation would be problematic due to overlap with civil engineering and geology which are both protected practices. Currently, AB 320 is held under submission in the Senate Appropriations Committee. This

bill was last amended July 8, 2015, and was voted on during the July meeting, and, therefore, it was not necessary for the Board to vote on it.

AB 85 This bill would further specify the definition of state body as indicated in the Bagley-Keene open meeting Act. Currently this bill is on the assembly floor ordered to enrollment which means it is at the next phase for the Governor to sign. The bill was last amended April 15, 2015, and a position was taken at the previous Board meeting; therefore, there was no need to vote on it.

Mr. Silva arrived at 9:36 a.m., and a quorum was established.

AB 12 This bill would require the Board to review and revise regulations and eliminate inconsistencies or outdated provisions by January 1, 2018. The Board would have to submit a report to the Governor and Legislature affirming the Board's compliance with these provisions. The bill is currently in Senate Appropriations Committee and is expected to be a two-year bill. Non-significant technical amendments were made August 19, 2015. Currently the Board has a watch position, and staff recommended the Board take a watch position on the bill as amended August 19, 2015.

MOTION:	Dr. Qureshi and Ms. Mathieson moved to take a watch position on AB 12 as amended August 19, 2015.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts				X	
William Silva	X				
Patrick Tami	X				

AB 507 This bill would require DCA to submit an annual report to the Legislature and the Department of Finance on or before March 1,

2016 that includes the Department's plan for implementing the BreEZe system for phase III Boards and Bureaus. Currently, the bill is held in the Senate Business Professions Economic Development Committee. No significant technical amendments were made in the July 9, 2015 amendments. Staff recommends the Board take a watch position on the bill as amended July 9, 2015.

MOTION:	Vice-President King and Ms. Jones Irish moved to take a watch position on AB 507 as amended on July 9, 2015
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts				X	
William Silva	X				
Patrick Tami	X				

SB 209 This bill would require the Department of Conservation to offer continuing educational opportunities for lead agency employees to become certified by the Board. Additionally, this bill would revise the financial assurance to be submitted with the Annual Reports. The Board has taken a watch position as amended July 7, 2015. Board staff recommends taking a support position as amended September 2, 2015. Ms. Williams noted the amendments with the Board's name and the manner in which the licensees are identified were made as requested by the Board.

It was noted that the bill had been substantially amended on September 4, 2015. This item was continued until the afternoon to review the bill to determine if there are any changes that would affect the Board's position.

AB 177 This bill is the Board's Sunset bill that will extend the Board's Sunset date to January 1, 2020. It would also merge the Professional Engineers and Land Surveyors fund with the

Geology and Geophysicist fund. AB 177 would authorize disciplinary action against licensees or certificate holders who fail or refuse to respond to requests from the Board to cooperate in investigations against themselves. This bill was amended September 8, 2015. The amendments were non-substantive language clean-up, and it has passed the Senate floor and has gone back to the Assembly to reconfirm the amendments.

MOTION:	Dr. Qureshi and Mr. Johnson moved to support AB 177 as amended on September 4, 2015.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts				X	
William Silva	X				
Patrick Tami	X				

SB 284 This bill would extend the limited liability partnership provision in our statute to January 1, 2019. The laws have authorized engineers and land surveyors to operate a business as a limited liability partnership since 2010. This bill was signed by the Governor and chaptered on August 10, 2015

AB 181 (formerly SB 799)

This bill is now the omnibus bill in that it contains the language that was originally in SB 799 from the Senate Business, Professions, and Economic Development Committee. No language amendments were made. Ms. Williams anticipates it passing this year. Ms. Eissler indicated that Sections 6735 and 7818 are the exact language that appeared in SB 799. It was last amended September 4, 2015.

MOTION:	Vice-President King and Dr. Qureshi moved to Support AB 181 as amended September 4, 2015.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts				X	
William Silva	X				
Patrick Tami	X				

B. Legislative Proposals for 2016

Mr. Tami suggested monitoring legislation on drones since it could affect some of the Board's regulated professions.

IV. Consideration of Rulemaking Proposals

Ms. Eissler reported that the Legislative and Regulatory Workgroup is working on regulatory proposals as listed in the agenda. The Board adopted the final language for Board Rule 438 at a previous meeting, and the final rulemaking file is being submitted to DCA and the Office of Administrative Law for approval. The workgroup is also preparing others for notice. Currently, there is nothing for the Board to act on. A more detailed update will be provided at the next meeting.

V. Exams/Licensing

A. Fall 2015 Examination Update

Mr. Moore reported that registration for NCEES exams closed as of September 3, 2015 for the fall administration. Staff has until September 17 to finalize approvals. Most approvals have been completed.

He added that there may be requests for action on how to move forward with examinations at the November meeting. The national surveying examination will be given on a continuous basis similar to that of the Fundamentals examinations beginning in the fall of 2016.

Oregon recently made legislative changes that went into effect July 1, 2015. They allow candidates to sit for the national exams before applying with their board. Once the candidate is successful with the national examination, they can apply for the state examination and licensure.

Mr. Moore noted that the state specific civil examinations will go year round starting in 2017.

B. Delinquent Reinstatement Requirements

Ms. Eissler noted that staff is currently reviewing the requirements and potential changes to the law and will provide a report at the November meeting.

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

Staff is currently collecting data to be presented at the November meeting.

VI. Approval of Delinquent Reinstatements

MOTION:	Vice-President King and Mr. Silva moved to approve the delinquent reinstatement applicants listed in the meeting materials agenda packet.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts				X	
William Silva	X				
Patrick Tami	X				

VII. Administration

A. FY 2014/15 Budget Summary

Ms. Williams explained non-discretionary spending, which includes salaries, staff benefits, and pro-rata versus discretionary spending, which is general operating expenses, travel, training, and enforcement.

She noted the general fund loan repayment is currently at approximately \$4 million. With the proposed payment, the Board will have \$2.2 million still outstanding by year 2017-2018.

Ms. Williams reported on the PELS expenditures noting that much of the expenditures are with personnel services. She noted that with examination expenditures, there was more spent in Fiscal Year 2013-14 than in Fiscal Year 2014-15. Mr. Moore further explained that with the expertise they have

gained, the examination staff is doing more development and calling on OPES and Prometric less often for their expertise.

65% of the PELS revenue is generated through renewals. Mr. Tami inquired if the Board collects licensee's ages. Mr. Moore indicated that as of late, the Board started collecting this information. Ms. Eissler explained that initially applicants were not required to provide their birthdate information; it slowly evolved to collecting just the month and day but no year. However, since the computer database system required entry of a full birthdate, the system defaulted to dates such as 11/11/11 if there was no entry in the old system or to the year of 1900 if there was no year. Currently, the month, day, and year is collected. Ms. Eissler added that many licensees retire from practice but maintain their license. As such, it is not possible to obtain accurate statistical data regarding aging of licensees in relationship to renewals.

As for the Geology Fund, Ms. Williams reported that during Fiscal Year 2013-2014 there was a definite increase in examination expenditures due to four occupational analyses that took place during that time. Similar to the PELS fund, 73% of the Geology revenue is generated through renewals.

B. FY 2015/16 Budget Introduction

Ms. Williams introduced the Governor's budget and projected expenditures.

VIII. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that the workgroup is currently working on rulemaking that the Board has authorized.

B. Personnel

Christopher Swift was hired as a permanent intermittent employee as the Board's receptionist. Mr. Moore advised that staff had just learned that former employee Lisa Chavez passed away unexpectedly. The Board members offered their condolences.

C. BreEZe Update

The focus is currently on Release II that should debut in early 2016. The Board has submitted a contract request and received a proposal to conduct a needs assessment which includes a business analysis. Staff is currently reviewing the proposal and contract with DCA.

D. ABET

Mr. Moore advised the Board that staff is currently recruiting for observers to attend the upcoming visits in October and November.

E. ASBOG

Laurie Racca and Betsy Mathieson will be attending the ASBOG Annual Meeting via teleconference.

F. NCEES

Several Board members and staff attended the NCEES Annual Meeting. Ms. Mathieson reported that it was an educational experience, and she has gained a better understanding of an organization that is so heavily relied upon by the Board.

Mr. Stockton proposed the Board submit a letter related to the experience and educational requirements for land surveying in the model law to be reviewed at the committee level.

Mr. Tami added there will be a Western Zone meeting in Anchorage, Alaska, in May 2016 and asked for support for his run for NCEES President-Elect.

G. Outreach

Ms. Racca reported on her outreach and recruitment efforts. She sent out recruitment letters to every geophysicist who resides in California to aide in the geophysicist exam development efforts. Ten expressed interest and eight are currently under contract. She added that there was one out of state geophysicist who expressed interest, and she will be consulting with the Board's legal counsel to determine if this could be a possibility on the condition this person facilitated their own travel. She is also receiving correspondence from geophysicists expressing both support and opposition for continuing licensure.

She continued that she had a successful outreach with the geology department at CSU Chico. While in Redding, she facilitated a brown bag presentation and met with three geologists. She has another presentation in conjunction with the November Board meeting at the Inland Empire Geological Society. She is also attempting to organize two additional student presentations during this time to maximize travel. She added that in January she will conduct a presentation with the Local Groundwater Resources Association meeting in Sacramento.

XII. Approval of Consent Items

(These items are before the Board for consent and will be approved with a single motion. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)

A. Approval of the Minutes of the July 16, 2015, Board Meeting

MOTION:	Mr. Tami and Mr. Silva move to approve the July 16, 2015, minutes.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi				X	
Asha Brooks				X	
Chelsea Esquibias				X	
Eric Johnson	X				
Kathy Jones Irish	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Hong Beom Rhee				X	
Karen Roberts				X	
William Silva	X				
Patrick Tami	X				

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

No report given.

C. Reports from the TACs

President Stockton reported on the Joint Civil and Structural TAC meeting and indicated that it was very successful in that SEAOC received clear input from the joint TAC relating to significant structures. Mr. Moore anticipates that by the end of the calendar year there will be a more clear idea where SEAOC is heading with their proposal, and SEAOC will be searching for an author for their legislative proposal.

Dr. Qureshi announced the Traffic TAC is scheduled to meet in late October at the Board office.

IX. President's Report/Board Member Activities

Ms. Jones Irish reported that she attended a session in Irvine September 2, 2015 with Staff Registrar Susan Christ where Ms. Christ provided an extensive presentation on the application process and the experience required for licensure.

Mr. Stockton met with Senator Roth regarding the Board's opposition to SB 320.

Mr. King attended a Senate Appropriations Committee hearing and met with Assembly Business and Professions Committee staff to express the Board's support of AB 177.

II. Public Comment (Cont.)

Mr. DeWitt, representing ACEC, announced there will be a joint chapter meeting in Monterey on October 20, 2015, with CLSA.

X. Other Items Not Requiring Board Action

No report given.

XI. 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)

XII. Open Session to Announce the Results of Closed Session

During Closed session the Board took action on two stipulations, a default decision, and a decision after rejection of a proposed decision and discussed civil litigation as noticed.

III. Legislation (Continued)

Discussion of Legislation for 2015:

SB 209

Ms. Eissler advised that since the latest revisions appear to be extensive, more time is needed to thoroughly review them. The bill is now a two-year bill, so it is not necessary for the Board to take a position on the most current version at this time. Mr. McMillan, representing CLSA, indicated that in section 2772 (c) (5) (F) the statement, *appropriately licensed* is included and in 2774 (b) 1 (c) land surveyors are not mentioned in the list of licensed professionals that would provide documents.

XIII. Adjourn

Meeting adjourned at 4:08 p.m.

PUBLIC PRESENT

Peter Thams

Jeff Steffan, CLSA

Frank Lehmann

Bob DeWitt, ACEC

Oscar Serrano, ASCE

Rob McMillan, CLSA