

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

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

January 14, 2016
Thursday, January 14, beginning at 9:00 a.m.

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

I. Roll Call to Establish a Quorum

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

II. Public Comment

During public comment, Alex Calder, land surveyor, representing BKF Engineering of Redwood City, expressed his concerns with general contractors performing surveying. He stated that it is becoming a major issue and creating a lot of problems. He plans to meet with CSLB and discuss the issue with the OE3 union. President Stockton recommended that he file formal complaints to address specific individuals and have the Land Surveying TAC discuss the general issue.

III. Legislation

A. Discussion of Legislation for 2016

Ms. Williams reviewed the Legislative calendar and pointed out important dates.

AB 320

This bill would add the title "environmental engineer" to the Board's title acts. The Board is opposed to adding new titles acts to the statutes because titles acts do not regulate the practice, they only regulate the use of the title itself.

Additionally, adding the title “environmental engineer” would be difficult to define in regulation due to the need to prevent overlap with regulated practices such as civil engineering and geology.

This bill is currently in the Senate Appropriations Committee, and the Board took an oppose position on the most current amended version of this bill.

AB 12 This bill would require every state agency, department, board, or bureau to review and revise regulations to eliminate inconsistencies, such as overlapping, duplicative, and outdated regulation.

This bill is currently in the Senate Appropriations Committee, and the Board took a watch position on the most current version of this bill.

AB 507 This bill would require the Department of Consumer Affairs to submit an annual report to the legislature and the Department of Finance for the 3rd phase BreEZe implementation.

This bill is currently in the Senate Business, Professions and Economic Development Committee. The Board took a watch position to the most current version of this bill.

SB 209 This bill would allow for Department of Conservation lead agency employees to become certified to inspect surface mining operations and have opportunities for continuing education for doing the inspections. Additionally, this bill would require the inspection of surface mining operations to be performed by appropriately licensed California licensed professionals or qualified lead agency employees.

This bill is currently on the Assembly Floor. The Board agreed to a support position at the November 5, 2016, meeting.

B. Legislative Proposal to Amend Business and Professions Code §7841.2 (GIT Criteria)

Ms. Racca presented a proposal to the Board in which it was recommended that the Board pursue legislation to amend §7841.2 to allow a person to obtain their Geologist-in-Training (GIT) certificate prior to being awarded a degree. She explained that currently the law requires a person to have a degree prior to obtaining their GIT certificate. This

differs from the EIT and LSIT certificates, where a person may obtain the certificate prior to being awarded a degree. Mr. Tami clarified that the GIT certificate is not a license to practice, just a first step.

MOTION:	Mr. King and Ms. Mathieson moved to direct Board staff to proceed with a legislative proposal to amend §7841.2 of the Business and Professions Code as described.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	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				

IV. Consideration of Rulemaking Proposals

A. Proposal to Amend Title 16, California Code of Regulations §3031 (Geologist Education)

Ms. Racca reviewed and researched undergraduate geological sciences degree requirements at California colleges and universities. Through her outreach with universities and colleges and collaborating with staff, she recommended outreach or a webinar. She requested that the Board direct staff to host public workshops with both industry and academia to look at the research that has been done and the proposed minimum curriculum for licensure and get input and suggestions as to what minimum academic training should be required for licensure as a professional geologist. Once the feedback has been gathered, she would like to have a draft regulation and the Board's authorization to move forward. Ms. Jones Irish recommended sending participants a letter thanking them for their participation and providing information of what has come from their contribution.

MOTION:	Mr. King and Ms. Alavi moved to adopt proposal.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	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				

V. Enforcement

A. Enforcement Statistical Report

Mr. Tami and President Stockton commended the Enforcement Unit on the amount of cases closed. Mr. King noted that the exception was the Geology and Geophysics program. Ms. Criswell explained that they had to reinvestigate the geology and geophysics cases when the Boards merged. President Stockton noted this aids in meeting some of the Strategic Plan goals.

VI. Exams/Licensing

A. Fall 2015 Examination Results

Mr. Kereszt advised that the Geotechnical Engineer examination is now offered on a continuous basis. Once the candidate is qualified, they can schedule the examination when it is most convenient for them. It is the first state examination administered in this manner. Mr. Kereszt provided an amendment to the Geotechnical results through December. The original data presented reflected 60 candidates through November 30. In December, an additional 33 took the examination, for a total of 93 for the calendar year of 2015. Of the 93 candidates, 23 passed, for a pass rate of 25%. The pass rate is expected to go back up once the candidates become accustomed to the new process.

Mr. Tami would like data for first time takers vs. repeat candidates.

Ms. Alavi inquired as to why the Fall pass rate is lower than the Spring for the land surveyor examination. Mr. Moore explained that, historically, the examination was only offered in the Spring so the surveying community is still focused on that time period. During Public Comment, Mr. McMillan

added that most of the CLSA chapters that provide land surveyor review classes are focused on starting in December and January for the Spring exams. They are now trying to conduct these course in the fall as well.

Mr. Kereszt also reported that the geology and traffic examinations for Fall 2015 were the last examinations that were created in conjunction with OPES (Office of Professional Examination Services). The Board will now produce the examinations in house and no longer utilize OPES. Mr. Tami added that the NCEES Spring 2016 professional surveying exam will be the last pencil and paper exam and will then be computer based beginning in the fall.

B. Fingerprint Program Update

Mr. Kereszt reported that the process continues to develop since its implementation July 1, 2015. Candidates must be fingerprinted to receive their certificate. When the results were released in October, of the 1,190 examinees who were eligible for licensure, 659 were licensed; however, over 400 could not be as they had yet to complete the fingerprint requirement.

C. Delinquent Reinstatement Requirements

Ms. Eissler followed up on a request from the November 2015 Board meeting in which the Board requested additional information prior to making a decision on how to proceed. She explained that if an engineer or land surveyor's license has been expired for more than three years, they can have that same license reinstated if certain requirements are met. Whereas, with geologists and geophysicists if their license has been expired for five years they cannot get that same license back. They must apply for a new license and meet all the requirements in effect at the time including education requirements and taking and passing the examination. During the November meeting there was discussion and there was indication the Board seemed inclined to think that engineers and land surveyors should have the same requirements as geologists and geophysicists. Ms. Eissler provided some statistical data and identified ten individuals who had been issued a new geologist license after allowing the first one to expire beyond five years. On average, these individuals maintained their initial license for a little more than seven years and had let their license lapse for a little more than seven years before applying for a new license.

A professional engineer or land surveyor licensed in another state could apply via the comity process where they would have to show they have the required experience similar to the reinstatement process. It would then be determined if the comity applicant has taken and passed an equivalent exam(s) as would be required of a non-comity applicant, and the Board could waive whichever examination(s) was considered to be equivalent.

Ms. Eissler indicated that it would require legislation to change the statute. Mr. King's opinion is that all professions should be aligned.

Mr. Tami expressed his concern with having to retake the examination. He stated that a licensee would probably pay more attention to maintaining their license if they knew they would have to retake the examination. It would be a major deterrent.

MOTION:	Mr. Tami and Ms. Mathieson moved to direct staff to pursue a legislative proposal for Professional Engineers and Land Surveyors to mirror the Geologist and Geophysicist language.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	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. Approval of Delinquent Reinstatements

No report given.

VIII. Administration

A. Budget Summary

During the discussion, it was reported that the PELS and the GEO funds will be merged effective July 1, 2016.

Ms. Williams distributed a Pro rata information booklet from DCA.

President Stockton inquired as to the status of the loan repayment in the Governor's budget. Ms. Williams will look into it since the budget summary was compiled before the Governor's report.

IX. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Ms. Mathieson would like a summary included for each regulation, possibly with links to the public documents.

B. Personnel

Mr. Moore reported that the Board added Angelica Guzman as a full time Office Assistant for the front desk. Carmen Jimenez is now an Office Technician with the Examination Unit, Ray Mathe has retired from State service and has gone on to be the San Diego County Surveyor. Mr. Tami commended Mr. Mathe for his outreach efforts. Mr. Silva suggested sending past Board member Mr. Ray Satorre a certificate as well.

C. BreEZe Update

Mr. Moore reported that Release II will go live Tuesday morning. The Board's Request for Offer was submitted January 4, 2016, as a Non-IT CMAS contract focusing on business process improvement.

D. ABET

Mr. Moore distributed a portfolio of the materials the Board distributes to students, licensees, etc., regarding the licensure process. Dr. Qureshi announced that he applied to become an ABET evaluator and was accepted.

E. ASBOG

Ms. Racca and Ms. Mathieson provided a report on the Fall 2015 ASBOG meeting. Ms. Mathieson indicated there was concern about the size of the item bank being an impediment to the implementation of computer based testing (CBT). Ms. Racca added that ASBOG's impression of CBT is that individual states would contract with computer based testing facilities in order to implement. She believes that may be the main objection. ASBOG suggested California go CBT while the other states would go paper and pencil. ASBOG has requested that the Board's exam staff participate in an administrative workshop to share their experiences.

Ms. Racca reported on the new EPA requirements. The Federal Register issued what is known as the Coal Combustion Residuals Rule. Ms. Racca explained that it deals with waste from coal powered plants that gets buried in a landfill. The EPA Coal Combustion Residuals Rule appears to exclude the geology profession by allowing only professional engineers to certify compliance with certain regulatory requirements for coal combustion residuals. There is no accreditation organization for the geology program. The EPA does not believe the boards that license geologists hold geologists to the same standards as engineers and land surveyors. Ms. Mathieson feels it is a detriment to public and environmental protection when the right professionals are not allowed to do their jobs investigating underground conditions at sites where wastes from coal powered plants have been buried.

Mr. Moore inquired if professional societies are involved. Mr. Racca noted that there is the American Geosciences Institute (AGI) which is a national organization that represents a number of geology professional societies. She believes ASBOG is attempting to partner with AGI to protest. Mr. Moore recommended staff monitor as it applies to licensure, not necessarily the practice.

President Stockton suggested sending correspondence to the EPA regarding the licensure process for geologists in California.

Mr. Moore reported that the ASBOG committee voted to increase the fee for the GIT from \$150.00 to \$200.00 per exam beginning in 2018.

F. NCEES

Out of State Travel (OST) requests have been made for the NCEES Member Board Administrators meeting. A letter in support of Patrick Tami as NCEES President Elect will be distributed to all Western Zone Boards. The Annual Meeting will take place in August.

G. Outreach

Ms. Racca continues to visit colleges and universities, approximately twice per month. She will be teaming up with ASBOG and attending the Geological Society of America meeting in Ontario, CA.

Mr. Donelson reported that he and Ms. Christ visited CalPoly, San Luis Obispo where they provided outreach. They were well received by the professors and students.

Mr. Phayer will be providing outreach for Fresno State's surveying program in late January.

H. Strategic Plan Year Two Goals

Mr. Moore reviewed the Year Two Objectives for 2016. Mr. Alameida, Mr. Kereszt, and Ms. Criswell reported that internal collaboration is based on communication among all staff which includes job shadowing within each unit and cross-unit training.

Ms. Jones Irish complimented staff on their responsiveness to Board requests.

MOTION:	Mr. King and Ms. Alavi moved to adopt the updates to the Strategic Plan indicated on page 131.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	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
No report given.
- D. Approval of Land Surveying TAC Work Plan

MOTION:	Mr. King and Dr. Qureshi moved to adopt proposed LS TAC work plan as presented including a revised #9 and amended to include #10 to discuss the unlicensed practice of land surveying by general contractors and to make recommendations to the Board, as appropriate.
VOTE:	All Aye; Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad	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				

XI. President's Report/Board Member Activities

President Stockton welcomed Dr. Fel Amistad to the Board.

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 November 5, 2015, and December 4, 2015, Board Meetings

MOTION:	Mr. King and Dr. Qureshi moved to approve the November 2015 minutes as amended.
VOTE:	Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi	X				
Fel Amistad			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				

MOTION:	Mr. King and Dr. Qureshi moved to approve the December 2015 minutes as amended.
VOTE:	Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Robert Stockton	X				
Coby King	X				
Natalie Alavi			X		
Fel Amistad	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				

Mr. Tami suggested including a list of directives to aid in the follow-up of items.

XIII. Other Items Not Requiring Board Action

A. Updated 2016 Board Meeting Calendar

Ms. Calderone reported on the two date changes shown on the 2016 Board Meeting Calendar.

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)
2. Joseph Elfelt v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2015-80002130

XV. Open Session to Announce the Results of Closed Session

During Closed Session the Board took action on four stipulations and a petition for reconsideration and discussed litigation as noticed.

XVI. Adjourn

The meeting adjourned at 4:15 p.m.

PUBLIC PRESENT

Robert DeWitt, ACEC

Rob McMillan, CLSA

Steve Hao, CalTrans