

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

Judge Joseph Rattigan Building
50 D Street, Conference Room 410
Santa Rosa, CA 95404

April 21-22, 2016

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

I. Roll Call to Establish a Quorum

Vice President King called the meeting to order at 9:10 a.m., and a quorum established.

II. Public Comment

No Public Comment

III. Legislation

A. Discussion of Legislation for 2016:

Ms. Williams reviewed the legislative calendar and noted important deadlines.

SB 1155

Existing law requires the Board to inquire in every application if the individual applying for licensure is serving in, or has previously served in, the military. Existing law requires after July 1, 2016, the Board expedite the initial licensure process for an applicant who supplies satisfactory evidence that the applicant has served as an active duty member of and was honorably discharged from the Armed Forces of the United States and provides that the board may adopt regulations necessary to implement this requirement. This bill would require the Board to grant a fee waiver for the application fee of honorably discharged veteran who served as an active duty member of the California National Guard or the United State Armed Forces.

MOTION:	Dr. Qureshi and Mr. Johnson moved to take a watch position.
VOTE:	9-0, 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				

SB 1195

Existing law provides for different situations in which the director of the Department of Consumer Affairs can review decisions and action of the board and their members and employees. Existing law provides that decisions of the board with respect to setting standards, conducting examinations, passing candidates, and revoking licenses are not subject to review by the director except for allowing the director to initiate investigations of allegations of misconduct in the preparation, administration, or scoring of an examination or in the review of qualifications which are part of the licensing process and to intervene in any matter of the boards where an investigation discloses probable cause that the conduct or activity constitutes a criminal violation. The bill would remove the provision that states the decisions relating to setting standards, conducting examinations, passing candidates, and revoking licenses are not subject to review by the director; the provisions regarding initiating investigations and intervening would remain unchanged. This bill would add new provisions to the law to allow the director, upon his or her own initiative, and to require the director at the request of a consumer or licensee to review any board decision or other action to determine whether it unreasonable restrains trade, following procedures outlined in the law. The bill would specifically indicate that this type of review would not apply when an individual seeks review of disciplinary or other action pertaining solely to that individual

and that the section shall not be construed to affect, impede, or delay any disciplinary action of the board.

MOTION:	Mr. Tami and Ms. Alavi moved to take a watch position.
VOTE:	9-0, 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				

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.

The Board maintained an oppose position.

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. Non-significant technical amendments where made 8/19/15.

The Board maintained a watch position.

AB 507 AB 507 would, on or before March 1, 2016, 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.

The Board maintained a watch position.

SB 1099 This bill would expand the definitions of civil engineering and land surveying to include laying out through the use of mathematics or geometric measurements the alignment or elevation for specified items, determining the configuration or contour of the benthic surface below water bodies or the measuring for volumetric calculations of earthwork, as specified, and making specified determinations by applying the principles of remote sensing. The bill would also amend the definition of geodetic surveying. By expanding the scope of a crime, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

MOTION:	Ms. Jones Irish and Dr. Amistad moved to take a watch position on the 3/29/16 version.
VOTE:	8-1-0, 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		

SB 209 This bill would establish the Division of Mine Reclamation within the Department of Conservation under the direction of the Supervisor of Mine Reclamation. The bill also would

raise the maximum amount of the annual reporting fee to \$10,000 per mining operation, except as specified. The bill would raise the maximum amount of the total revenue generated from the reporting fee to \$8,000,000, as specified. This bill contains other related provisions and other existing laws. This bill was significantly amended since the last Board meeting and no longer makes reference to any of the Board’s licensed professions. Additionally, it has already been signed by the Governor.

SB 1085 Existing law makes the Board responsible for the certification, licensure, and regulation of the practice of professional engineers, the practice of professional geologists and geophysicists, and the practice of professional land surveyors. This bill would additionally require an applicant for renewal to complete a specified board-administered assessment. The bill would make the failure to complete the assessment a cause for disciplinary action.

MOTION:	Mr. Tami and Dr. Qureshi moved to take a support position as amended.
VOTE:	9-0, 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				

SB 1479 This bill would authorize the board to make arrangements with a public or private organization to conduct the examination. The bill would authorize the board to contract with such an organization the for materials or services related to the examination and would authorize the board to allow an organization specified by the board to receive,

directly from applicants, payments of the examination fees charged by that organization for materials and services.

MOTION:	Mr. Silva and Ms. Alavi moved to take a support position.
VOTE:	9-0, 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				

SB 1165 Currently, the laws allow professional geologists and geophysicists to either sign or seal their documents. This bill would require professional geologists and geophysicists to both sign and seal (or stamp) their final work product documents to indicate their responsibility for them and to require professional geologists and geophysicists to obtain a seal (or stamp). This bill would also extend the delinquent reinstatement rights to a licensee from 3-years to 5-years after expiration of their license. The bill would generally prohibit the renewal, restoration, reinstatement, or reissuance of these licensee after this time. The bill would also make other technical and conforming changes.

MOTION:	Mr. Tami and Ms. Jones Irish moved to take a support position.
VOTE:	9-0, 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				

B. **SB 1132** (Informational Only)

Mr. Moore briefed Board members. The American Institute of Architects introduced this bill and are attempting to enact an Architects in Training certificate similar to the Engineer-in-Training and Land Surveyor-in-Training certificates. The Architects Board does not see the benefit and currently does not have a fundamentals level examination.

IV. **Consideration of Rulemaking Proposals**

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

Ms. Racca reported that input from approximately 25 individuals was received. In general, there is much support and applicants would like the rules to be clear and a list of classes while others would like a long description of the classes including skills and competencies. She is revising the language with legal and will bring to the June board meeting for final approval.

C. Proposal to Amend Title 16, California Code of Regulations §425 (Land Surveyor Experience Requirements)

MOTION:	Mr. Tami and Ms. Alavi moved to approve and direct staff to begin the formal rulemaking process to amend Title 16, CCR section 425.
VOTE:	9-0, 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				

B. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations §464 (Corner Records)

MOTION:	Mr. Amistad and Mr. Silva moved to approve 15-day notice regarding the modified text for changes to Title 16, CCR Section 464.
VOTE:	9-0, 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

Ms. Criswell reported that there are only 8 cases that are over a year old, half of which are with the Division of Investigation. She added that through her communication with them, they have offered training for their investigators specifically geared to engineering and surveying as some may be intimidated by the technical aspects of the cases. They are also looking at other field offices that can manage the caseload as they are understaffed.

Ms. Eissler indicated that more investigations were completed in the first three-quarters of this year than all of last year.

Ms. Jones Irish commended staff for addressing these issues especially with the Division of Investigation. Vice-President King reiterated Ms. Jones Irish's sentiment and thanked staff for making the enforcement process improvement a priority.

Ms. Criswell added that the new law requiring licensees to respond has been successful.

Ms. Eissler followed up on an inquiry regarding fingerprinting that was requested at the last Board meeting and reported that 22% of candidates with a conviction failed to disclose their convictions and added that once all the information is received from all sources it takes staff about one week to review.

VI. Exams/Licensing

- A. Update on NCEES Exam Registration System as it Pertains to California Licensure Applicants
- B. Update on NCEES’s Exam Administration Progress and its Effect on California State Specific Examinations

Mr. Moore addressed these two items together.

He reported that NCEES is revamping their registration system to standardize databases to make the process better for examinees and boards. During the first release of this software, it was discovered that it was not advantageous for California candidates. Mr. Moore petitioned to NCEES to make changes as California is one of the few states that do not require a degree to qualify for licensure for engineers and surveyors. It would involve more time and workload on Board staff to be involved. Mr. Tami was also involved to help NCEES understand the Board’s position and NCEES is attempting to make it functional for California as well as other states that have alternate pathways to licensure.

Principles and Practice of Surveying (PS) exam moving to CBT - The national professional surveying examination registration will start June 2016 with the new version of the registration system and the first seats for the examination will start October 3, 2016 and will be continuous from this point on. Continuous testing for PE examinations will be phased in with 2-3 exams each year after that.

Mr. Moore reported that Mr. Kereszt, licensing manager, and his staff have been moving forward with improving the application review process by improving communication and establishing goals.

Mr. Tami thanked CLSA for providing lunches to the Fundamentals of Surveying and the Professional Surveying candidates over the years.

VII. Approval of Delinquent Reinstatements

MOTION:	Ms. Jones Irish and Mr. Tami moved to approve the delinquent reinstatement.
VOTE:	9-0, 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				

VIII. Administration

A. Budget Overview

1. Fiscal Year 2015-2016 Summary

Ms. Williams provided an overview on the Board's budget. The information she provided included projected expenditures and Governor approved expenditures and revenue.

The expenditure authority is broken down into two different categories, discretionary and non-discretionary.

She reviewed the PELS fund which outlined the projected program expenditures and revenue. The largest majority of expenditures are expended in personnel services at 43% and the majority of the revenue is generated from renewal fees at 68%.

48% of the GEO fund expenditures are expended in personnel services and 74% of its revenue is generated from renewal fees.

2. Fiscal Year 2016-2017 Introduction

The information provided was a direct reflection of the Governor's budget for both revenue and expenditures for 2016-2017. Ms. Williams reported that the projected program revenue would be approximately \$9 million dollars with most of the revenue generated by renewal fees at 68%, then applications fees at 30%, delinquency fees at 1%, and other fees, 1%. The projected program expenditures would be approximately \$12 million dollars.

IX. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reviewed the regulations that Board staff is currently working on.

B. Personnel

The Board is currently recruiting for the Senior Registrar Land Surveyor position. At this time it is only open to state employees but staff is working with human resources to develop the criteria to have it open to all applicants. Maria Avalos was recently hired as the Board's test validation specialist in the examination development unit to help ensure examination defensibility.

Mr. Moore reported that staff studied various scenarios in reference to the Expert Consultant Compensation rate. The current rate for an examination expert is \$32.00 per hour and will be increased to \$50.00 per hour. It has not changed since 2000. The current rate for enforcement experts is \$75.00 per hour and will be increased to \$90.00 per hour. This rate has not changed in over 25 years. If the experts need to attend a hearing or testify, they will be compensated \$110 per hour. This change will have a net effect of \$225,000 per year within the Board's current appropriation. Mr. Tami believes that compensation should be the going rate and Vice-President King disagrees and believes we do not have to match industry to receive quality experts. There needs to be a compromise to obtain quality experts that support the cases while not paying market rate. Ms. Roberts noted the billing rate for stamp and signature on a design will be higher than reviewing someone else's work. Vice-President King would like to give the proposed plan a chance and reassess it in a year to see if it addresses some of the issues. Mr. Tami fully supports increasing the current rate but believes there should be something in place so that this is no longer an issue such as an industry analysis for examination and enforcement experts.

C. BreEZe Update

Mr. Moore reported that Release 2 went live in January with minimal incident. There was a Release 2.1 in March and will be a Release 2.11 in June. They are addressing bringing Release 1 boards and bureaus up to the same functionality as Release 2 and other updates as needed.

D. Business Process Assessment Contract

The Board has a contract in place with VIP services. They will work with Board staff to document and help identify the Board's business processes to ultimately be able to identify a system that best suits the needs of the Board.

E. ABET

No report given.

F. ASBOG

Ms. Racca reported on the Spring Council of Examiners meeting that was held in Baton Rouge, Louisiana, where they discussed the last administration of the national examination, scored it, took the upcoming fall examination to help identify any questions that may be problematic.

G. NCEES

Mr. Moore reported that out of state travel for Anchorage, AK has not been approved yet but the request has made it through DCA and Agency and is now at the Governor's office for review. NCEES has allotted two funded delegates but they may not be approved to attend. If approval is not granted, the funded delegates will not be able to represent the state of California and provide input which will have a major impact. Ms. Jones Irish explained that you cannot function in an official capacity without authorization to do so.

The NCEES Annual Meeting will be hosted in Indianapolis, IN. They are encouraging any Boards members appointed after August 24, 2014 that have not attended an Annual Meeting to attend as a funded delegate.

H. Outreach

Ms. Racca reported that since January she has provided Geology-in-Training (GIT) presentations to CSU Bakersfield, UC Davis, Sonoma State, CSU Stanislaus, and CSU Fullerton. Additionally, she shared a booth with the National Association of State Boards of Geology (ASBOG) at Geological Society of America meeting in Ontario. It was a great experience and was able to reach over 250 students and spoke with various professors. As for professional societies, she was able to reach out to Association of Engineering Geologists (AEG) in San Francisco, Southern California, and Sacramento. She has received invitations from Loma Linda University, Caltech, and South Coast Geological Society. Ms. Jones Irish requested a schedule of her outreach events and offered to join Ms. Racca at her visit to Caltech.

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

Mr. Moore noted that several of the Board's TACs have members whose terms are about to expire. He has notified the appropriate Board members of these appointments and those will be brought to the June meeting.

B. Appointment of TAC Members

No report given.

C. Reports from the TACs

No report given.

XI. President’s Report/Board Member Activities

Mr. Moore introduced Mr. Steve Wilson. He is a long standing civil engineer and land surveyor from Monterey who has applied to become a Board member.

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 January 14, 2016, Board Meeting

MOTION:	Dr. Qureshi and Mr. Amistad moved to approve minutes.
VOTE:	9-0, 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				

B. Approval of the Minutes of the March 3-4, 2016, Board Meeting

MOTION:	Ms. Jones Irish and Mr. Silva moved to approve minutes as amended.
VOTE:	9-0, 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				

XIII. Other Items Not Requiring Board Action

A. Next Board Meeting: June 9-10, 2016, in Riverside
 Department of General Services
 3737 Main Street, Highgrove Room
 Riverside, CA 92501

XI. President’s Report/Board Member Activities (Cont.)

On President Stockton’s behalf, Mr. Moore explained that the President has selected Mr. Tami and Ms. Jones Irish as the nominating committee. Ms. Jones Irish requested that nominations be sent via e-mail to both her and Mr. Tami. Questions will be provided to all interested candidates to ensure the process is transparent and consistent. Dr. Qureshi inquired if the Board is continuing the Board’s tradition of alternating public and professional members. Ms. Jones Irish indicated that it will be taken into consideration. Mr. Moore explained that the nominating committee of past presidents has been consistent.

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 discussed pending litigation, two stipulations, one default decision, and two proposed decisions.

XVI. Adjourn at 5:30 p.m.

PUBLIC PRESENT:

Rob McMillan, CLSA
 Steve C. Wilson