

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

Office of the Attorney General
600 West Broadway, Suite 1800
San Diego, California, 92101

Thursday, December 8, beginning at 9:00 a.m.

Board Members Present:	Coby King, President; Natalie Alavi; Fel Amistad; Chelsea Esquibias; Eric Johnson; Kathy Jones Irish; Betsy Mathieson; Karen Roberts; Robert Stockton; and Steve Wilson
Board Members Absent:	Mohammad Qureshi, Vice President; Asha Lang; Jerry Silva
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Celina Calderone (Board Liaison); Kara Williams (Legislative and Budget Analyst); Jeff Alameida (Administrative Manager); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President King called the meeting to order at 9:07 a.m., and a quorum was established.

II. Public Comment

During public comment, Bob DeWitt with ACEC reported on SB 1099, which was withdrawn last year, led to discussion among surveying groups regarding potential legislation, which led to a request for more information from the Executive Officer to better understand, specifically in the area of enforcement, drones and technical expert consultant process.

III. NCEES Board of Directors Report

Jerry Carter, CEO of NCEES, and Brian Hanson, PE, Western Zone Vice-President of NCEES, provided some history and how they are organized while sharing their mission to advance licensure throughout the country. Mr. Carter added that there are 76 full-time employees at NCEES which range from public affairs, exam administration, and exam development. There are about 1,000 professional licensees who contribute their time to aid in exam development. Their outreach efforts include working with the MBA's to implement policies that the boards develop, YouTube videos, and speaker's kits.

President King noted that former Board member Pat Tami was elected President Elect for NCEES and is pleased that California has a significant leadership role.

He thanked both Mr. Carter and Mr. Hanson for coming to San Diego to meet with the Board.

IV. Consideration of Rulemaking Proposals

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

Ms. Eissler reported that staff is continuing to work with legal counsel on developing the language and it is expected to be resolved for the February 2017 Board meeting.

B. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations §425 (Land Surveyor Experience Requirements)

Ms. Eissler reported that they have been able to work out the concerns that the Board's legal counsel had, and no action is needed.

V. Legislation

A. Legislative Calendar

Ms. Williams presented the legislative calendar and outlined important dates. In October, the Little Hoover Commission released a report highlighting the strategies to ease occupational licensing barriers. The report has a number of recommendations aimed at reducing barriers among licensing boards particularly within the Department of Consumer Affairs. The Board requested that this report be placed on the agenda of a future meeting for discussion.

VI. Administration

A. Fiscal Year 2016/17 Budget Summary

Ms. Williams outlined the Board's budget. She reported that the Board is generating less revenue than allocated expenses and is projected to have a deficit at the end of the year. However, the Board's fund remains in a surplus.

President King and Mr. Stockton requested that the report contain the Governor's budget vs. the first of the year budget projection and how the projections change throughout the year. President King added that the method used to report the line items in the projected budget should be the same method used to report the adjustments.

VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2016/17 Update

Ms. Eissler reported that through November, 39 new investigations cases were opened and 31 investigations were completed, with 229 pending. Currently, there are 7% of the pending cases that are over a year old.

VIII. Exams/Licensing

A. Fall 2016 Update

Mr. Moore reported that he received an e-mail from NCEES that all state exams for the fall 2016 were administered with minor issues. Results are beginning to come in from Prometric for the state exams. Currently, the numbers are looking positive, and we are looking at releasing results in the next couple of weeks. NCEES results should be released soon, as the registration period for the spring exams opens up December 12, 2016. The final filing date for all previously-approved professional engineers and land surveyor candidates that intend to sit for state exams is January 9, 2017.

IX. Approval of Delinquent Reinstatements

MOTION:	Dr. Amistad and Mr. Johnson moved to approve all delinquent reinstatements.
VOTE:	10-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi				X	
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish	X				
Asha Lang				X	
Betsy Mathieson	X				
Karen Roberts	X				
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

X. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that 16 CCR 464 pertaining to Corner Record is currently at OAL and is expected to be approved before the end of the calendar year and made effective April 1, 2017.

B. Personnel

Mr. Moore announced two staff additions. Stephanie Orozco has accepted the AGPA position in the licensing unit. Mr. Moore introduced Dallas Sweeney, the Board's new Land Surveyor Registrar. Donna Vaum from the Enforcement Unit and Sarah Colcleasure from the Licensing Unit will both retire at the end of the year.

C. ABET

No report given.

D. ASBOG

Ms. Mathieson reported that at the ASBOG annual meeting, she found it very helpful to have submitted in advance written record of the Board's concerns regarding unlicensed Subject Matter Experts participating in exam development and the Board's decision to disapprove unless amended a proposed bylaws change that defines Subject Matter Experts for exam development. She explained that Subject Matter Experts in California must be licensed, and it is vital for exam development to have people who have demonstrated they have the minimum standards while maintaining exam security. Unlicensed people are not subject to the same ethics and standards and could possibly take the exam in the future. The issue was tabled to allow ASBOG staff and committees to attempt to work out this issue.

E. NCEES

Mr. Moore reported that the Board President's Assembly will be held February 3-4, 2017 in Atlanta. Both President King and Mr. Moore will attend. One of the benefits of attending this meeting is that it provides a first glimpse to see what the committees are working on and the motions for the Annual Meeting. Mr. Stockton would like to propose an agenda item for the February meeting to discuss the idea of voting by representation with a possible recommendation to the Western Zone meeting. Mr. Moore suggested a discussion with Jerry Carter with NCEES first.

Mr. Moore reported that the E3 exam registration system includes applicant council records and a method for licensees to track their continuing education.

F. Outreach

Mr. Moore reported that Ms. Racca met with UC Davis professors that are working with AIPG (American Institute of Professional Geologists) to assist students with the cost of taking the Fundamentals of Geology exam and encouraging students to get their Geologist-in-Training before they graduate. The program is being called Pathway to Professional Geology.

Mr. Moore will be attending a CLSA Chapter meeting to discuss licensure for land surveyors. He also met with the CLSA Desert Chapter in Palm Desert to discuss enforcement. He and Mr. Phayer will attend the Fresno State Geomatics land surveyor conference in late January. Mr. Phayer and Mr. Alameida are working on outreach presentation materials and equipment.

G. 2015-2018 Strategic Plan – Mid Plan Review

Ms. Eissler reported on the Strategic Plan progress report which reflected the changes brought up at the last Board meeting. Mr. Stockton commended staff on the progress that has been made. Some of that items are indeed ongoing and will remain in progress. It will be included in every agenda and clearly identify progress.

XI. Board and Technical Advisory Committees Operating Procedures

Ms. Eissler asked the Board to provide any comments or suggestions by January 15, 2017, and she will include them in the next agenda packet. President King suggested composing language regarding standing committees.

XII. 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

Mr. Moore reported that there has been no interest in the LS TAC and Mr. Wilson suggested turning to the professional societies for possible recruitment opportunities.

XIII. President’s Report/Board Member Activities

Ms. Mathieson provided a report that she toured two limestone mines during an offsite meeting while in Kansas City that was hosted by ASBOG.

President King reported that he will be attending the NCEES Board Presidents Assembly meeting.

XIV. 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 October 13-14, Board Meeting

MOTION:	Ms. Mathieson and Dr. Amistad moved to approve the October minutes with minor changes.
VOTE:	9-0-1, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi				X	
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Eric Johnson	X				
Kathy Jones Irish			X		
Asha Lang				X	
Betsy Mathieson	X				
Karen Roberts	X				
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

XV. Other Items Not Requiring Board Action

A. 2017 Board Meeting Schedule

The Board reviewed the 2017 Board meeting schedule and changed the February meeting to February 8-9 and the April meeting to April 20-21.

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. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334

XVII. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on 9 stipulations and 3 proposed decisions and discussed litigation as noticed.

XVIII. Adjourn

The meeting adjourned at 3:30 p.m.

PUBLIC PRESENT

Bob DeWitt, ACEC

Jerry Carter, NCEES

Brian Hanson, NCEES

Gered Beeby, P.E.