

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

California Department of Housing and Community Development  
2020 W. El Camino Avenue, #402  
Sacramento, CA 95833

Wednesday, February 8, 2017 beginning at 9:00 a.m. and continuing on  
Thursday, February 9, 2017 beginning at 9:00 a.m., if necessary

<b>Board Members Present:</b>	Coby King, President; Mohammad Qureshi, Vice President; Fel Amistad; Kathy Jones Irish; Betsy Mathieson; Karen Roberts; Jerry Silva; Robert Stockton; and Steve Wilson
<b>Board Members Absent:</b>	Natalie Alavi; Chelsea Esquibias; Eric Johnson; and Asha Lang
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Kara Williams (Legislative and Budget Analyst); Jeff Alameida (Administrative Manager); Larry Kereszt (Examination Manager); Laurie Racca (Registrar); Michael Donelson (Registrar); and Gary Duke (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, John Konnan reported that in October 2016 he discovered his civil license had expired in 2007. He contacted the Board's Licensing Unit and was instructed to apply for a reinstatement as soon as possible as the law was going to change January 2017. The instructions included a final filing date of November 7, 2016. He received a call in January from the Civil Engineering Registrar stating she received his application approximately two months after the Licensing Unit had received it and was unable to process it. Mr. Konnan expressed his frustration to the Board and asked if there was anything that could be done to reinstate his license. Mr. Duke noted that the law now states that if the license is five or more years delinquent, the license could not be renewed, and the person would need to go through the application process to acquire a new license. The provisions in the law allowing for reinstatement have been removed, and there is no recourse.

Lawrence Rabellino stated that he is requesting a reinstatement of his mechanical engineer license which expired in 1989. He inquired about a reinstatement in October 2016, and he was provided requirements that included a statement that the Board may or may not require that he take the examination.

He questioned why the option to be reinstated without taking the examination is no longer available. He suggested the Board should reassess the new law and should provide for exceptions. He also indicated that he moved in 1988 and did not receive a renewal notification and was unaware that the Board provides them as a courtesy and is not required to mail them. The criteria for taking the examination was not in the instructions he had initially received. He is requesting the Board reinstate his license based on the requirements he was provided, or provide the criteria necessary to qualify for reinstatement without taking the examination, or update the law to allow separate evaluations by request on a case-by-case basis. He requested information to support the benefit of retaking the examination. President King thanked him for his comments and asked that staff research and respond.

### III. Consideration of Rulemaking Proposals

#### A. Requirements for Licensure - Geologists and Geophysicists, Title 16, California Code of Regulations sections 3031, et. seq. (Possible Action)

Ms. Racca reported that staff has been working on the geologist education requirements for licensure since 2012. She has conducted extensive research since 2015 when she first started working for the Board. She presented the proposal and asked that it be considered. She has received input from various universities. In general, the biggest issue that has been identified in the proposal is that many universities on quarter systems have concerns that the proposed language is biased towards a semester system. She met with colleagues at UC Davis, and they discussed their concerns. She invited them to attend the meeting to present their concerns and recommendations to the Board.

Nicolas Pinter and Michael Oskin, representing UC Davis, reviewed the proposed changes and offered their recommendations.

<b>MOTION:</b>	Ms. Mathieson and Dr. Qureshi moved to proceed with rulemaking as amended with changes to semester and quarter units.
<b>VOTE:</b>	9-0 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				

<b>MOTION:</b>	Mr. Wilson and Dr. Qureshi moved to amend with wording changes to reference knowledge in lieu of skills.
<b>VOTE:</b>	9-0, 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				

#### IV. Legislation

##### A. Legislative Calendar

Ms. Williams reviewed the legislative calendar and noted that the last day for bills to be introduced will be February 17, and the last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house will be April 28.

##### B. Discussion of Legislation for 2017: Budget Act of 2017

Ms. Williams explained the budget process. She noted that June 15 is the last day for the Legislature to act on the budget bills and submit them to the Governor. Mr. Stockton noted that the budget bill amount reflects the return of the loan.

#### V. Administration

##### A. Fiscal Year 2016/17 Budget Summary

Ms. Williams reviewed the fund condition and noted the Board is scheduled to have a loan repayment of \$3.2 million by the end of the Fiscal Year.

Ms. Williams added that another item that differs from past fund conditions is the addition of administrative pro rata.

Ms. Jones Irish suggested additional information on how expenses are projected.

Ms. Williams provided an overview of the Financial Statement by highlighting the revenue collected and projected to be collected and the Board's expenses broken down by line item.

## **VI. Enforcement**

### **A. Enforcement Statistical Reports**

#### **1. Fiscal Year 2016/17 Update**

Mr. Stockton commented that there continues to be cases that are over 365 days old. Ms. Criswell reported that there is a group of related complaints that are with the Division of Investigation. She is optimistic that they will be coming to a conclusion soon. She reported that two Enforcement staff vacancies were recently filled and that the Attorney General's Office is dealing with a staff shortage contributing to the aging. She reported that there will be more hearings that will add to the timeframe from the time of referral to the final decisions, which will add to the aging numbers.

## **VII. Exams/Licensing**

### **A. Fall 2016 Examination Results**

Mr. Kereszt reported that overall more people are applying and taking examinations. However, he did note that in 2015 there were 92 Geotechnical candidates that took the test with a 25% pass rate and in 2016 the candidate population dropped to 58 with a 40% pass rate. He will continue to monitor the candidate population through 2017.

Mr. Kereszt reported the Fundamentals of Engineering and Fundamentals of Surveying populations have increased. The next examination going to Computer Based Testing is the Chemical Engineer examination, which will happen beginning January, 2018.

Mr. Stockton expressed his concern with the civil pass rate and what could be done to bring results closer to those of the National examination. Mr. Moore suggested he could work with Board members to compose a letter to the professional societies to encourage review courses.

### **B. Update on Spring 2017 Examinations**

Mr. Kereszt reported that there is a need to initiate the occupational analyses that are used to develop the state specific examinations. They are completed every 5-7 years and over the course of the next few years each one of the nine examinations will complete a new occupational analysis. The civil examinations will be the first. A survey was disseminated to approximately 20,000 licensed civil engineers via e-mail with the survey link and over 500 responses have already been received, which is more than last time.

## **VIII. Executive Officer's Report**

### **A. Legislation and Regulation Workgroup Summary**

- Ms. Eissler reviewed the regulation updates. She added the examination appeals repeal package and the qualifying experience for land surveyors package have both been sent from DCA to Agency for their review.
- B. Personnel  
Mr. Moore reported on the latest staff hires: Somone Highbaugh in Licensing, Reiana Mayorga in Enforcement, and Jennifer Mueller, who was formally the fingerprinting coordinator, is now an Enforcement Analyst.
- C. ABET  
No report given.
- D. ASBOG  
Mr. Moore reported that the request to attend the Out-of-State examination development workshop is awaiting approval.
- E. NCEES
1. Report from Board President's Assembly  
Mr. Moore and President King attended the Board President's Assembly meeting. This is the first opportunity to hear what charges the president has given the various committees and task forces. President King shared his experiences and expressed his concerns with the voting structure. Former Board Member Pat Tami's recommendation is to assemble a resolution to present at the Western Zone meeting.
  2. Joint Central Zone/Western Zone Interim Meeting  
Mr. Moore reported that he has to provide a list of the funded delegates within the next week. Those who expressed interest were Dr. Amistad, Mr. Wilson, Ms. Eissler, and Mr. Donelson. Dr. Qureshi reminded everyone that the Board had previously discussed the President and Vice President as having first right of refusal to attend NCEES meetings and that he would like to attend this meeting, particularly due to Mr. King not being able to. Ms. Eissler noted that both she and Mr. Donelson are Associate Members and therefore can be designated funded delegates. President King designated Dr. Qureshi, Dr. Amistad, and Mr. Donelson as funded delegates for this meeting.
- F. Outreach  
Mr. Phayer distributed a handout that outlined the responsibilities of the Outreach program and the efforts being taken. Examples included social media, printed materials, outreach events to professional societies and colleges and universities.
- Ms. Jones Irish would like to be advised of outreach events in the Los Angeles area.
- G. 2015-2018 Strategic Plan

Ms. Eissler reported that the items highlighted in yellow are the updates from the last Board meeting, two of which pertain to rulemaking, and the other relates to developing a technical expert program for the Enforcement Unit. Mr. Moore added that the Board will meet with SOLID at the April Board meeting to perform a short Strategic Plan update for the purposes of extending the plan for another 2-3 years.

H. Discussion on Little Hoover Commission Report #234, October 2016 “Jobs for Californians: Strategies to Ease Occupational Licensing Barriers”

Mr. Moore provided his thoughts and recommendations. Based on his review, he believes the report was geared more towards occupational licensing than professional licensing. He is aware that DCA is looking at the military-based recommendations to see what could be done to address those. He reached out to Senators Roth and Canella, as both were on the commission when the report was compiled. Through his staff, Senator Canella provided some initial thoughts and did recommend no action be taken that would dilute the requirements for practice. President King indicated that we must be careful about ensuring that as a government that regulation of professions and occupations is not a barrier and it is important for the safety of the public that they be fully qualified, licensed, and regulated. Ms. Mathieson expressed her gratitude to Mr. Moore for providing his thoughts and recommendations.

I. Update on Business Process Improvement Study

Mr. Moore reported that during Phase 1 of the study, forty processes were identified overall throughout the organization. Because of the funding of the contract, thirty of the processes were prioritized. The contractor, VIP, did an excellent job. Due to State contracting requirements, it was necessary to request new proposals to initiate a new contract to complete Phase 1. Currently, responses are being collected from various contractors.

J. Surveyors’ Coalition Letter Pertaining to Concerns of Unlicensed Practice

Mr. Moore reviewed and provided a status update. He attended a couple of meetings in person and had several phone calls with members of the Coalition, which in his opinion were productive, and he will continue to be available as needed.

**IX. Board and Technical Advisory Committees Operating Procedures (Possible Action)**

Ms. Eissler reviewed the recommended changes provided by Dr. Qureshi, Mr. Wilson, and Mr. Santiago. After the discussion, Ms. Eissler confirmed the changes include the removal of 2.10.3 and maintain 2.10.1 and 2.10.2 and change *shall* to *may* in 4.2.3 and 4.2.4. She will prepare a final draft for the Board to review and approve at the April meeting.

**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.

**XI. President's Report/Board Member Activities**

No report given.

**XII. Approval of Consent Items** (Possible Action)

(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 December 8, 2017, Board Meeting

<b>MOTION:</b>	Ms. Mathieson and Ms. Jones Irish moved to approve the December minutes.
<b>VOTE:</b>	8-0-1

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				

**XIII. Other Items Not Requiring Board Action**

Mr. Moore reported that mobility is an important issue with NCEES regarding multi-state licensure and trying to move to more states following the Model Law for licensure. There may be items in the future he may present to the Board for possible consideration and action

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

**XV. Open Session to Announce the Results of Closed Session**

During Closed Session the Board took action on three stipulations, one proposed decision, and discussed litigation as noticed.

**XVI. Adjourn**

The meeting adjourned at 4:55 p.m.

**PUBLIC PRESENT**

Larry Rabellino  
Nicholas Pinter, UC Davis  
Michael Oskin, UC Davis  
Steve Hao, Caltrans  
Don Schinske, SEAOC  
Thor Larsen, ASCE