

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

Department of Consumer Affairs
 HQ2 Hearing Room #186
 1747 North Market Boulevard
 Sacramento, CA 95834

Strategic Planning Session - Thursday, April 20, 2017, beginning at 9:00a.m.
 Board Meeting - Thursday, April 20, 2017, beginning at 1:30 p.m., and continuing on Friday, April 21, 2017, beginning at 9:00 a.m.

Thursday, April 20, 2017

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

Strategic Planning Session

I. Roll Call to Establish a Quorum

President King called the meeting to order at 9:05 a.m., and a quorum was established.

II. Strategic Planning Session

The Board engaged in a Strategic Planning Session.

III. Adjourn

The Strategic Planning Session adjourned at 11:32 a.m.

Board Meeting

I. Roll Call to Establish a Quorum

President King called the meeting to order at 1:30 p.m., and a quorum established.

II. Public Comment

Bob DeWitt, representing ACEC, reported that there will be a joint meeting with CLSA Monterey Bay Chapter, in a couple of weeks. He extended the invitation to Mr. Wilson, Dr. Qureshi, and Mr. Moore.

Rob McMillan, representing CLSA, thanked the Board members and staff for working with CLSA. They are looking forward to working with Board staff as they update the examination guide for land surveyors.

III. Legislation

A. Legislative Calendar

Ms. Williams reviewed the Legislative Calendar. She noted that April 28 is the last day for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.

May 12 is the last day for policy committees to hear and report non-fiscal bills introduced in their house to floor.

June 2 is the last day for bills to be passed out of the house of origin.

B. Discussion of Legislation for 2017 (Possible Action):

AB 703 – Professions and vocations: licenses: fee waivers (military spouses)

Ms. Williams reported that the Author’s office indicated the bill would not be moving forward this year.

AB 710 – Department of Consumer Affairs: boards: meetings

MOTION:	Dr. Qureshi and Mr. Johnson moved to take a watch position.
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				

AB 769 – Professions and vocations (amendments to Business and Professions Code section 6713)

Ms. Williams reported that the Author’s office indicated the bill would not be moving forward this year.

MOTION:	Dr. Qureshi and Ms. Mathieson moved to take a watch position.
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				

AB 1005 – Department of Consumer Affairs (Office of Professional Examination Services)

This bill has been completely amended.

AB 1190 – Department of Consumer Affairs: BreEZe system: annual report

MOTION:	Ms. Alavi and Mr. Johnson moved to take a watch position.
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				

SB 27 – Professions and vocations: licenses: military service (fee waiver)
The Board did not take a position.

IV. Administration

A. Budget Summary

Ms. Williams reported that at the end of the last fiscal year the Board acquired a fund balance of \$9.4 million. At the end of this year, she anticipates a fund balance of \$12 million, which equates to 13 months in reserve. In budget year 2017/18, she anticipates a fund balance of \$11 million and in fiscal year 2018/19, she anticipates a fund balance of \$9.8 million.

This fiscal year the Board is scheduled to receive \$3.2 million in our general fund loan repayment. The remaining \$800,000 in the general fund loan repayment is scheduled for fiscal year 2018/19.

In reference to the Financial Statement, Dr. Qureshi requested the items specifically in bold, to see the calculation of fiscal month column divided by the updated projections column. Staff indicated they will look into how to include this in an appropriate manner.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2016/17 Update

Ms. Criswell reviewed the enforcement statistics and reported that several more cases were closed in April, some of which were over a year old.

President King commended staff on reducing the amount of open cases.

Mr. McMillian, representing CLSA, noted that he finds the statistics helpful and informative and incorporates them into his reports to their Board of Directors.

VI. Exams/Licensing

A. Update on Spring 2017 Examinations

Mr. Kereszt reported that the spring examination administration is ending. He reviewed the various examinations that were conducted and reported that the Culver City CBT site had a plumbing issue that resulted in flooding. Some examinees had to relocate whereas others opted to postpone their examination. To the best of our knowledge, 49 candidates were affected.

VII. Executive Officer's Report

B. Personnel

Mr. Moore reported that Jen Mueller is now an Analyst with the Enforcement Unit and Arsha Qasmi will fill her vacancy as the new fingerprint coordinator. As of May 1, the Licensing and Examination Unit will be restructured so that Mr. Kereszt will be the Examination Unit manager and Ms. Candace Cummins will be the Licensing Unit manager.

A. Legislation and Regulation Workgroup Summary

Mr. Moore reported that the Exam Appeals Repeal package was submitted to Office of Administrative Law. It should become effective October 2017.

C. ABET

Mr. Moore reported that by the July Board meeting the Board will possibly be notified by ABET to participate in serving as observers.

D. Association of State Boards of Geology (ASBOG)

Ms. Racca attended the ASBOG meeting in Flagstaff, AZ. The primary purpose of the spring meeting is to grade the fall examinations and prepare for the following exam administration. A record number of Subject Matter Experts participated which enabled ASBOG to divide participants into groups to focus on item writing. California will host the Annual ASBOG meeting in November 2018, which coincides with the 50th anniversary of the geology licensing law in California. Examination results are anticipated to be released in mid-May.

E. National Council of Examiners for Engineering and Surveying (NCEES)

1. Nomination for Western Zone Secretary/Treasurer (Possible Action)

Ms. Eissler reported as part of the NCEES Western Zone structure, there is a Vice-President, Assistant Vice-President, and a Secretary/Treasurer. Mr. Moore is currently serving as Secretary/Treasurer of the Western Zone. This is the year that the position is up for election at the upcoming Western Zone meeting in Denver. Mr. Moore is willing to continue serving in that capacity. She is asking the Board to officially make the nomination.

MOTION:	Mr. Stockton and Ms. Mathieson moved to nominate Ric Moore as NCEES WZ Secretary/Treasurer
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				

2. Request for the Board to Support Inclusion of a Plumbing Engineer Option within the NCEES Mechanical Engineering Principles and Practice Examination (Possible Action)

Mr. Moore presented a letter requesting the Board's support to add an additional plumbing module within the Mechanical Engineering Principles and Practice examination administered by NCEES. After much discussion, Mr. Moore suggested the Board continue to watch and be open to considering any further information that might be presented before taking any formal action.

3. Proposed Resolution to Revise Voting Procedures (Possible Action)

Mr. Moore reviewed the proposed 2017 NCEES California Resolution and recommended that it be presented for consideration and discussion to all of the zones prior to the zone meetings.

MOTION:	President King and Mr. Wilson moved to adopt as California Board's draft and direct the Executive Officer to distribute to all four zones and direct representatives to present it to the joint Western and Central Zone meeting with the request that it be adopted as a joint resolution.
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				

5. Selection of Funded Delegates to Attend NCEES Annual Meeting – August 23-26, 2017

Mr. Moore requested direction to determine who would be the three funded delegates for the NCEES Annual Meeting assuming that the existing Out-of-state travel request will be approved. It was decided that Dr. Amistad would be funded as a first time attendee, and Dr. Qureshi, Mr. Wilson, and Mr. Stockton would attend as funded delegates. Ms. Jones Irish would be an alternate.

F. Outreach

Mr. Moore reviewed the Outreach report and reported on the top 12 colleges with eight or more ABET programs. He provided the Board's top Tweets and the top 10 webpages with the most views.

Mr. Sweeney reported on the Land Surveying outreach efforts specifically for monument preservation, which included San Joaquin County, Stanislaus County, and reported that he and Mr. Moore will be meeting with CalTrans District 10 and Merced County. He is also looking to extend this outreach to Long Beach and San Diego in conjunction with future Board meetings.

G. Update on Business Process Improvement Study

Mr. Moore reported that the contract with Visionary Integration Professionals (VIP) was completed. It was a very informative process, and it was reported that there were more business processes than were initially accounted for. Mr. Alameida is currently working on the next phase contract which would be to define system requirements and then to select a system based on those requirements. Mr. Alameida is working with OIS to ensure that the system will be in compliance with the California Department of Technology requirements. Mr. Moore will provide an update at the July meeting.

IX. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

Nothing to report

B. Appointment of TAC Members

Mr. Moore reported that several TAC members' terms are expiring at the end of June. There may be reappointments or appointments at the June meeting.

C. Reports from the TACs

Nothing to report

The Board recessed at 4:49 p.m.

Friday, April 21, 2017

Board Members Present:	Coby King, President; Mohammad Qureshi, Vice President; Natalie Alavi; Fel Amistad; Kathy Jones Irish; Eric Johnson; Betsy Mathieson; Karen Roberts; Robert Stockton; and Steve Wilson
Board Members Absent:	Chelsea Esquibias; Asha Lang; and Jerry Silva
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dallas Sweeney (Senior Registrar); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President King called the meeting to order at 9:01 a.m., and a quorum established.

VII. Executive Officer's Report (Cont.)

A. Legislation and Regulation Workgroup Summary

Mr. Moore followed up on the 425 regulation package which was submitted to the Office of Administrative Law (OAL) at the end of March. It should be approved by July 1, 2017.

E. National Council of Examiners for Engineering and Surveying (NCEES)

4. Proposed Resolution for NCEES to Develop a Public Lands Survey System Module as a Depth Portion of the NCEES Principles and Practice of Surveying Examination

Mr. Moore explained that ever since the Principles of Surveying examination went to computer-based-testing (CBT) many states have had concerns trying to figure out what to do with their state specific land surveyor exams. There has been a conversation about whether the PS examination needs to be more in depth in terms of modules for certain aspects. Mr. Moore recognized that many of the other states developed their exams and then provided it to NCEES to administer. Many states have offered to collaborate to share content and development but they have not expressed any interest. Individuals from representing surveyor board members or member board staff members have joined together in preparing a proposal to resolve these concerns and intend to provide a presentation at the Zone meetings for all boards to consider and discuss and possibly direct NCEES to take action.

MOTION:	President King and Ms. Alavi moved to support the proposal.
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				

VIII. Review and Adoption of Revised Board and Technical Advisory Committees Operating Procedures

Mr. Moore presented into public comment written correspondence that was submitted to President King. Ms. Eissler assembled the revised documents and referenced 3.1.2 in the TAC Operating Procedures. She provided some history that the Board changed the terms from two three-year terms to three two-year terms, but the Operating Procedures were not updated to reflect that change. She wanted confirmation that the Board wanted to change the language. President King confirmed. Dr. Qureshi suggested taking a more flexible approach and change the language from *shall* to *should*. Legal Counsel recommended removing 3.1.2 entirely or say *should be* without other language.

Ms. Mathieson asked for clarification regarding 3.3.1 in the Board Operating Procedures citing, “The Executive Officer shall ensure that the Minutes of each scheduled meeting are included in the agenda of the next scheduled meeting.” Ms. Eissler explained that the “meeting materials” were historically referred to as the “agenda”. President King suggested changing the language to, “... shall ensure that Approval of the Minutes....”

Ms. Mathieson suggested changing the language for 5.1.1 to add Board staff to read, “The Board President shall appoint representatives from the Board membership and Board staff to attend.”

Ms. Mathieson suggested changing the language for 5.1.1 in the TAC Operating Procedures from “Vice President” to “Vice Chair” and “TAC Chair”.

Dr. Qureshi asked if the Board can vote to overrule any of the guidelines by Board vote is included in the Board Operating Procedures. Ms. Eissler confirmed that it is located in 1.1 Suspension of an Operating Procedure and 1.2 Amendment to the

Board Operating Procedures. President King suggested it appear in the TAC procedures as well. Ms. Eissler noted that it appears in 2.1 Amendment to the TAC Operating Procedures. President King clarified the “Suspension” language should be added to the TAC Operating Procedures”.

President King asked to bring back updated copy purely for informational purposes.

MOTION:	President King and Mr. Stockton moved to approve with amendments.
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. President’s Report/Board Member Activities

Mr. Stockton and Ms. Jones Irish were appointed to serve as the Nominating Committee for the election of new officers at the next Board meeting.

Mr. Wilson reported that on March 23, 2017, he and Mr. Moore took part in a ceremony with the Senate to Approve the Resolution proclaiming National Surveyors Week. The proclamation was presented to the California Land Surveyors Association (CLSA) President.

XI. Approval of Consent Items

A. Approval of the Minutes of the February 8, 2017, Board Meeting

Ms. Mathieson suggested referring to “the loan” as the “General Fund loan”.

MOTION:	President King and Dr. Qureshi moved to approve the minutes as amended.
VOTE:	8-0-2; 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				

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting (June 1-2, 2017, Eureka)

The Board reviewed the 2017 Board meeting dates and locations.

XIII. Closed Session – The Board met in Closed Session to discuss, as needed: Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]; Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]; Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]; Pending Litigation [Pursuant to Government Code section 11126(e)]

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

XIV. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on seven stipulations, one default decision, five Proposed Decisions, and one decision after Rejection of Proposed Decision and discussed litigation as noticed.

XV. Adjourn

The meeting adjourned at 11:21 a.m.

PUBLIC PRESENT

Rob McMillan, CLSA
 Bob DeWitt, ACEC
 Steve Hao, CalTrans