

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

CalTrans District 11
4050 Taylor Street, Gallegos Room #134
San Diego, CA 92110-2737

Thursday, September 21, 2017, beginning at 9:00 a.m.

Board Members Present:	Eric Johnson, President; Natalie Alavi; Fel Amistad; Kathy Jones Irish; Coby King; Mohammad Qureshi; Karen Roberts; Robert Stockton; and Steve Wilson
Board Members Absent:	Asha Lang; Betsy Mathieson; and Jerry Silva
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Larry Kereszt (Examination Manager); Celina Calderone (Board Liaison); Laurie Racca (Senior Registrar); Kara Williams (Legislative and Budget Analyst); Vicki Kereszt (Business Services and Renewal Analyst); Gary Duke (Legal Counsel); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Johnson called the meeting to order at 9:04 a.m., and a quorum was established. He thanked Rob McMillan and Carmen Irene who helped facilitate the meeting space with the Department of Transportation and also introduced Dean Grafilo, Director of the Department of Consumer Affairs.

II. Public Comment for Items Not on the Agenda

No public comment.

III. Legislation

A. Legislative Calendar

Ms. Williams reviewed the legislative calendar.

B. Discussion of Legislation for 2017 :

SB 715 Department of Consumer Affairs: regulatory boards: removal of board members
The author's office has indicated that they do not plan on moving forward with this bill at this time. No vote needed.

AB 1190 Department of Consumer Affairs: BreEZe system (annual report)
The Board's current Watch position stands. No vote needed.

SB 547 Professions and vocations: weights and measures (BreEZe annual report)

MOTION:	Mr. Stockton and Mr. King moved to take a Watch position on SB 547, as amended August 21, 2017.
VOTE:	9-0

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

IV. Administration

A. Fiscal Year 2016-2017 Budget Review

Ms. Williams reviewed the budget. Mr. Moore reported that the Board has been actively promoting licensure and as a result, new applications appear to be rising and helping the Board move toward a model where applicants pass the required national NCEES exams while gaining experience prior to submitting an application to the Board for licensure. He is hopeful that this new foundation will aid in the estimations for the fee study.

Mr. Moore reported on the fund condition received from the DCA Budget office. He indicated that the predictions relating to the Governor's Budget are so far in the future that they cannot be relied upon as accurate. He noted that the Board has yet to receive reports relating to the current year's revenue and expenditures, as they are not available yet. Ms. Williams indicated that the estimations are 2-years out. There is a lengthy span of time from when the Board provides the Budget Office the data that is provided to the Governor's Office. She thought it was important to show Board members the actual report received from the Budget Office.

B. Update on Agencies Transition to Fi\$Cal

Mr. Moore reported on the backlog in payments due to the transition to Fi\$Cal, which is the State's new invoice payment system. The Department of Consumer Affairs is one of the pilot agencies to use the new system and has been instrumental in the implementation and is working with the State Controller's Office and the Department of Finance to streamline the process. Payments are slowly being disbursed. Expert consultants have recently been paid for work completed in May, the annual membership to ASBOG check was manually processed for July, and the rent for the Board Office was finally paid for the past three months. Mr. Moore has been in contact with the Director of DCA and is hoping for a resolution by November.

II. Public Comment for Items Not on the Agenda (cont.)

During Public Comment, Mr. Laith Al Any, Electrical Engineer and Professor at the National University School of Engineering, discussed the engineering newcomers to San Diego who have migrated and sought refuge in the United States. He assists them to achieve their goals in acquiring their EIT certification and PE license. Over 2,000 engineers mostly from Iraq have relocated to San Diego with a lot of engineering experience. Once they arrived in the US, there were language and cultural barriers in addition to the ability to evaluate their degrees, diplomas, and experience. With assistance through the Association of International Graduates, many have achieved their goals and are currently employed by the City and State agencies and have expanded nationally. He thanked the Board for supporting the efforts of his organization over the years.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2016/17 Update

Ms. Criswell reviewed the enforcement statistics. The Board complimented the Enforcement Unit on the reduction in aging of cases.

Mr. McMillan appreciates the statistical graphs assembled in the report.

VI. Exams/Licensing

A. Update on Fall 2017 Examinations

Mr. Kereszt reported that staff is moving forward and finalizing the preparations for the administration of the Fall 2017 examinations which will start October 6 and run through November 9.

Prometric will now administer the examinations utilizing the new Surpass System beginning with the geology, land surveyor, and traffic examinations. Candidates should notice improved navigation and cleaner graphics while staff should notice more efficiency in examination development.

Mr. Kereszt reported that current natural disasters in Texas and Florida have presented dilemmas to candidates who cannot access test centers or candidates who have been affected by these disasters. Prometric is monitoring sites and candidates in the affected areas and will notify the Board of candidates scheduled in those test centers. Staff has been reaching out to them to advise them of their options to either take the examination at another location if they feel they are ready or to postpone until the next cycle. These options will not add extra fees. Staff will move everything forward where and when the candidates are ready.

Mr. Kereszt indicated that candidates are being encouraged to take the required NCEES examination before applying for licensure with California. In October 2016, there were 2,803 who were scheduled to take the PE NCEES examinations. The numbers increased to 3,736 in April of 2017 and again to 4,008 for the October 2017 examination administration. He also noted that due to the tremendous amount of outreach, the geology candidate pool also increased. There were 130 Geology-in-Training (GIT) candidates. It is a smaller scale but a big improvement overall. Because of the increase in candidates, a new venue for the administration of the ASBOG exams must be secured to accommodate them.

B. Update on Conversion of California State Civil Engineering Exams to Continuous Testing in 2018

Mr. Kereszt reported that beginning in April 2018 examination, the Board will offer the State-Specific Civil Engineer exams (Engineering Surveying and Seismic Principles) on a quarterly basis. An applicant can sit for each examination once per quarter up to four times per year. When the candidate applies for the examination and is approved to sit, they can schedule their examination the following quarter. It is planned that candidates will receive their results during the month following when they sat. If they are not successful, they may retake the exam the following quarter.

VII. Executive Officer's Report

B. Legislation and Regulation Workgroup Summary

Mr. Moore reviewed the regulation packages and noted that staff is actively researching other regulation packages that are needed.

The amendments to Board Rule 425 relating to Qualifying Experience for Land Surveyors were approved and will become effective October 1, 2017.

The proposed amendments to 16 CCR 3031 relating to Geology Education is the first rulemaking package that is going through the new regulation process. It has been approved by DCA and has moved on to Agency. These approvals must be received before it can be noticed for public comment.

C. Personnel

Mr. Moore reported that a new evaluator was hired in the Licensing Unit. Arsha Quasmi has accepted a position with another department and will leave the Board. Somone Highbaugh has accepted a permanent position in another department. He also announced that DCA Deputy Director for Board and Bureau Relations Christine Lally has accepted a position with the Medical Board.

D. ABET

Mr. Moore reported that we have yet to hear anything from ABET concerning the observation visits.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore announced that starting January 1, 2018, Laurie Racca will be Chair of the Examination Committee for ASBOG. Ms. Racca reported that the Annual Meeting will take place in Portland in late October and early November.

An Out-of-State Travel request is in progress to send a second person to the Annual Meeting. Ms. Racca added that as Chair of the Examination Committee, her travel will be funded by ASBOG starting January 2018.

1. Fall Meeting Motions

- a. Approve BPELSG Representative for Voting

MOTION:	Mr. King and Mr. Amistad moved to designate Betsy Mathieson as voting delegate and Laurie Racca as proxy if Ms. Mathieson is not available to vote on behalf of the Board at the 2017 ASBOG Annual Meeting.
VOTE:	9-0

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

b. Briefing on ASBOG Annual Meeting Agenda (Informational Only)

Ms. Racca reported that the 2018 Annual Meeting will take place in California which coincides with the 50th anniversary of the Geologist and Geophysicist Act.

G. Outreach

Ms. Racca reported that there is a new board for the Safe Dig Act known as the California Underground Facilities Safe Excavation Board. It was created by the Legislature and is under the umbrella of the California State Fire Marshall's Office. She and Ric met with the Executive Officer and he was receptive to the educational outreach that the Board provides.

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

1. Report from Annual Meeting

Mr. Stockton reported that the California motion that became the Western Zone motion to equalize voting across the country did not pass. He commended Dr. Qureshi for all his work in assembling a comprehensive argument for it.

Dr. Amistad reported that former Board member Patrick Tami was inaugurated as NCEES President.

Carl Josephson conducted a structural engineering presentation where he discussed licensure and significant structures.

Ms. Eissler reported that the motion to hold a single combined zone meeting which would take place in 2020 passed. The Zone Vice-Presidents would work with NCEES staff to select the location.

Mr. Moore reported that the California motion to create a separate component of the professional surveyor exam relating to the Public Lands Survey System passed.

H. Update on Business Process Improvement Study

Mr. Moore reported that staff completed the stakeholder requirements for all processes. The first document was submitted for the Project Approval Lifecycle (PAL) Stage 1 process, and the Request for Qualifications (RFQ) to develop the system requirements was released.

VIII. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

1. Appointment of New Member to the Geology and Geophysics TAC

MOTION:	Mr. Stockton and Ms. Irish moved to appoint Elizabeth “Liz” Elliott to the Geologist and Geophysicist TAC.
VOTE:	9-0

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

C. Reports from the TACs

A Certificate of Appreciation was presented to former Land Surveyor TAC member and Chair, Mike Butcher.

VII. Executive Officer's Report (Cont.)

A. Board Designation as a Transportation Partner with Department of Transportation – Update from District Engineers on Local Engineering Project

Allan Kosup, the I-5 Corridor Director with CalTrans, provided a presentation to the Board.

XII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- B. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- C. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 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

XIII. Open Session to Announce the Results of Closed Session

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

IX. President's Report/Board Member Activities

- A. Discussion of Salary Structure Increase and Exempt Status of the Executive Officer Position.

President Johnson discussed the Executive Officer pay range and asked Dr. Qureshi and Mr. Wilson to work with the Board's Legal Counsel to prepare a package for consideration to the Department of Consumer Affairs.

X. Approval of Meeting Minutes

A. Approval of the Minutes of the July 27, 2017, Board Meeting

MOTION:	Ms. Irish and Mr. Wilson moved to approve minutes as amended.
VOTE:	8-0-1

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

XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. Moore reported that Senate Bill 2 is currently on the Governor’s desk for signature. This bill imposes an additional fee for items recorded with the County Recorder’s Office. The issue is that it impacts deeds and maps. It may be inconsistently applied across the state as to the interpretations of maps. Mr. Moore believes the Governor will sign the bill and that the Board should prepare to proactively work with Counties to ensure a consistent interpretation and application. He will work with the Board’s Legal Counsel to prepare a presentation for a future meeting.

The next Board meeting will take place November 6-7, 2017 in Ontario
Department of General Services
3737 Main Street, #207 Alvarado Room
Riverside, CA 92501

Ms. Criswell announced that there would be a reinstatement hearing Monday, November 6, 2017. Mr. King will only be available to attend the meeting on Monday, November 6, 2017.

XIV. Adjourn

The meeting adjourned at 2:20 p.m.

PUBLIC PRESENT

Steve Hao, CalTrans

Rob McMillan, CLSA

Carl Josephson, SEAOC

Mike Butcher, SB & O