

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

California State University, Fresno
Lyles College of Engineering, IT160
2320 E. San Ramon
Fresno, CA 93740

Thursday, March 8, 2018, beginning at 9:00 a.m., and continuing on
Friday, March 9, 2018, beginning at 9:00 a.m., if necessary

Board Members Present:	Eric Johnson, President; Betsy Mathieson, Vice-President; Fel Amistad; Kathy Jones Irish; Coby King; Mohammad Qureshi; Karen Roberts; Robert Stockton; and Steve Wilson
Board Members Absent:	Natalie Alavi; 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); Brooke Phayer (Outreach Coordinator); Michael Donelson; and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Johnson called the meeting to order at 9:13 a.m., and a quorum was established.

II. Public Comment for Items Not on the Agenda

During public comment, Brooke Phayer, Outreach Coordinator for the Board introduced and thanked Dr. Riadh Munjy, Department Chair for the Civil and Geomatics Program with Fresno State. Mr. Phayer discussed the Board’s outreach efforts that took place the night before. Dr. Munjy welcomed the Board to California State University of Fresno and reported that the University takes licensing seriously and noted it is a requirement for tenure and promotion with the University.

Christopher Pluhar, Professor with the Earth and Environmental Science Department with Fresno State, provided a PowerPoint presentation, “Preparing the Next Generation of Professionals.”

III. Administration

A. Fiscal Year 2017/18 Budget Review

Mr. Moore reported that DCA has provided the first month’s Fi\$Cal tracking report and that Fiscal Months 2 and 3 should be released by late April. He met with DCA Budgets and reviewed the upcoming Governor’s budget and Fiscal Year 2017/18 year-end projections. The Board is projecting \$10.7 million in expenditures, \$8.4 million in revenue, with a deficit of \$2.3 million. The Board’s fund balance will be sufficient for this Fiscal Year’s projected deficit. Given the

fund balance and months in reserve, the Department is satisfied with the projections.

Revenue from applications is down due to examination cycles and revenue from renewal applications is up. Total revenue compared to last year is close to a \$400,000 increase over this time last year. Mr. Moore noted that the Board is looking at a higher fund balance of 8.4 months in reserve.

Ms. Irish arrived at 9:31 a.m.

II. Legislation

A. Legislative Calendar

Ms. Eissler noted important dates on the Legislative Calendar.

B. Discussion of Legislation for 2018 :

AB 767: Master Business License Act

MOTION:	Mr. Stockton and Ms. Irish moved to watch this legislation as amended May 3, 2017.
VOTE:	9-0, Motion Carried

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				

AB 2483: Department of Consumer Affairs: Office of Supervision of Occupational Boards

MOTION:	Mr. Wilson and Mr. Stockton moved to oppose this legislation.
VOTE:	9-0, Motion Carried

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				

AB 3126: Board for Professional Engineers, Land Surveyors, and Geologists

Ms. Eissler indicated that staff will monitor this bill and provide updates as appropriate. A vote was not necessary.

AB 3134: Professional Engineers

Ms. Eissler reported that currently it does not appear that this bill would have an impact on the operations of the Board. Staff will monitor this bill and provide updates as appropriate. A vote was not necessary.

SB 920: Engineering, land surveying, and architecture: limited liability partnerships

MOTION:	Mr. Wilson and Dr. Amistad moved to support this legislation.
VOTE:	9-0, Motion Carried

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				

SB 1098: Geologists and geophysicists: fees

MOTION:	Mr. Wilson and Dr. Amistad moved to support this legislation.
VOTE:	9-0, Motion Carried

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				

III. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2017/18 Update

Ms. Criswell presented the enforcement statistics. The Board was pleased with the efficiency of the Enforcement staff. Ms. Criswell is confident that staff is capable of managing an increase in cases if it arises.

IV. Exams/Licensing

A. Update on Spring 2018 Examinations

Mr. Moore reported that there is a 10% increase in number of candidates scheduled for NCEES national exams in California compared to last October 2017 and 16% higher than last April 2017, not counting structural engineering exam candidates.

Mr. Moore reviewed the Spring 2018 examination dates and noted that as of February 23, 2018, there are 1,190 Seismic candidates and 1,098 for Engineering Surveying. The Spring 2017 examinations saw 1,969 Seismic candidates and 1,911 for Engineering Surveying. Staff continues to fine tune changes with DCA's Office of Information Services staff and the legacy system.

B. Update on Licenses Issued

Mr. Moore indicated that an update on issued licenses will be provided on a quarterly basis. Traditionally, there were many licenses issued in the December/January timeframe due to the October exams and then the May/June timeframe due to the April exams. He is hoping to illustrate the trends in licenses issued on a monthly basis. There were 1,437 licenses issued from December 2017 – February 2018.

C. Update on Application Numbers

Cashiering staff has been monitoring applications and, through their observations, have been able to track trends since the change in the application process. Mr. Moore reported that currently the Board is averaging approximately 200 initial Professional Engineer and Professional Land Surveyor applications on a monthly basis. He noted that Geology statistics were not available prior to September 2017, as initial applications and refile examinations were not separately tracked.

V. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reported that there are two regulations that are referred to as Section 100 regulations. There is a provision in the regulations process that allows an easier method without public notices if the changes are nonsubstantive such as correcting typographical errors or statutory reference changes.

The regulation that defines the Geology Education requirements is still going through the preliminary process. It is currently at the executive level to be signed by the Deputy Director of the Legal Office, the Legislative and Regulatory Review Unit, and Budgets. DCA is anticipating that it will go to Agency by the end of March. Agency indicated that they need approximately 30 days to review. Once it has gone through this preliminary review process, the Board will then be able to notice it for public comment.

B. SB 2 (2017 Ch. 364) Effect on Filing a Record of Survey

Mr. Moore reported that when SB 2 became law, it included a new recording fee of \$75. In the Board's opinion, it was vague as to how it would affect the licensees in relating to filing a Record of Survey. In discussing it with legislators, a legislator understood the concerns and offered to seek an official Attorney General Opinion.

C. Update on Board's Business Modernization Report.

Mr. Moore reported that a contract was initiated with Business Advantage Consulting, and the consultant, Craig Osborn, has been working directly with staff. The services include developing use cases, assisting in identifying and design system requirements for the next stage, helping with the submittal of requirements for Stage 2 Project Approval Lifecycle (PAL) process and market research to help determine what is needed based on the system requirements.

D. Personnel

Angelica Munoz, the Board's receptionist, accepted a promotion with the State Treasurer's Office.

E. ABET

No report given.

F. Association of State Boards of Geology (ASBOG)

No report given.

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

1. Western Zone Interim Meeting – Nominations for Zone Vice-President

Mr. Moore reported that two candidates have expressed interest for NCEES Western Zone Vice-President: Karen Purcell, PE, Member of the Nevada Board, and Brian G. Robertson, PE, Member of the Colorado Board. Dr. Qureshi added that Scott Bishop, Land Surveyor and member of the Utah Board, is running unopposed for the Assistant Vice-President position.

NCEES will be discontinuing the Software Engineering PE examination after the April 2018 administration. There have been approximately 81 candidates in the 3-4 years it has been in effect. Mr. Moore reported that policy dictates that once an examination has less than 50 candidates for two consecutive administrations, it is subject to be discontinued.

H. Update on Outreach Efforts

Mr. Phayer provided the Board members and staff with the materials that are disseminated during the Board's outreach presentations and provided an overview of the topics discussed. Ms. Irish requested that he send out email alerts with information on dates and locations so that Board members could attend in their geographic area. She also suggested more cultural diversity be represented on the handouts.

VI. 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

1. Report from the Traffic Engineering TAC: Recommendation to Amend Title 16, California Code of Regulations section 404(qq) [Definition of Traffic Engineering]

The Traffic TAC met and based on their discussion recommend the Board modify the definition of traffic engineering as it is in regulation.

MOTION:	Dr. Qureshi and Mr. Stockton moved to begin the rulemaking process to amend Title 16, California Code of Regulations section 404(qq) - definition of traffic engineering.
VOTE:	9-0, Motion Carried

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				

D. Approval of Work Plans

1. Civil Engineering TAC
2. Geology and Geophysics TAC
3. Land Surveying TAC
4. Structural Engineering TAC

MOTION:	Dr. Qureshi and Dr. Amistad moved to approve all work plans.
VOTE:	9-0, Motion Carried

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				

VII. President's Report/Board Member Activities

President Johnson reported that he attended the quarterly meeting with DCA. One of the topics of discussion was the Executive Officer salary. He would like to add the discussion to a future agenda. Mr. Moore recommended that President Johnson work with the Board's legal counsel.

Another topic of discussion was armed personnel at board meetings. Ms. Eissler explained that DCA is currently renewing the contract with CHP and they would be available on an on-call basis. If at any time the Board felt security was needed, the contract would be in place.

Dr. Qureshi announced that he is now the Director of Public Works for the County of Glenn.

Mr. Wilson was a judge for the Future City competition with NCEES, which consisted of 6th, 7th, and 8th graders.

Mr. Stockton attended the NCEES Finance Committee meeting. There was a significant increase in exam retakes and new applications. He is also visiting Santiago Canyon College in Southern California representing NCEES and the California Board in presenting the NCEES 2017 Surveying Education award.

VIII. Approval of Meeting Minutes

A. Approval of the Minutes of the January 8, 2018, Board Meeting

MOTION:	Mr. King and Mr. Stockton moved to approve minutes as amended.
VOTE:	8-0-1, Motion Carried

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				

IX. Discussion Regarding Proposed Agenda Items for Next Board Meeting

A. May 3-4, 2018, Board Meeting will be held in Sacramento at DCA’s HQ2 Hearing Room.

Mr. Moore suggested that at the May meeting, President Johnson should consider appointing two Board Members to present nominations for Board President and Vice President for the next year.

II. Public Comment (Cont.)

Mike Hartley, representing Bedrock Engineering, noted that there is no enforcement of Qualifications Based Selection (QBS). One of the items discussed within the QBS Committee in ACEC is to introduce a provision within the acts or Board rules that makes it a violation for licensees to respond with a price to any solicitations based on price. He is requesting to possibly look at data of the type of enforcement issues that arise and whether they are based on low-bid projects or QBS.

X. Other Items Not Requiring Board Action

No report given.

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

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
- B. Examination Procedures and Results [Pursuant to Government Code section 11126(c)(1)]
- C. Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]
- D. Pending Litigation [Pursuant to Government Code section 11126(e)]
 - 1. Thomas Lutge v. Richard B. Moore, in his capacity as the Executive Officer of the Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, U.S. District Court, Eastern District, Case No. 2:17-CV-02290-KJM-EFB (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

XII. Open Session to Announce the Results of Closed Session

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

XIII. Adjourn

The meeting adjourned at 3:53 p.m.

PUBLIC PRESENT

Rob McMillan, CLSA

Emily Morrow

Bob DeWitt, ACEC

Mike Hartley, ACEC

Christopher Pluhar, Earth and Environmental Science Department, Fresno State