

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

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

Thursday, June 28, 2018, beginning at 9:00 a.m.

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Board Members Present:	Eric Johnson, President; Betsy Mathieson, Vice President; Fel Amistad; Alireza Asgari; Andrew Hamilton; Kathy Jones Irish; Coby King; Asha Lang; Mohammad Qureshi; Jerry Silva; Robert Stockton; and Steve Wilson
Board Members Absent:	Natalie Alavi and Frank Ruffino
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President Johnson called the meeting to order at 9:00 a.m., and a quorum was established.

II. Public Comment for Items Not on the Agenda

Tim Gubbins, Interim District Director with CalTrans District 11, welcomed the Board and expressed his appreciation. Lima Saft, District 11 employee, and Seana Urquhart shared their organization's mission and offered to collaborate with the Board to promote licensure.

III. Hearing on the Petition for Early Termination of Probation of Dilip Mulchand Khatri

IV. Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]

XVIII. 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. Mauricio Jose Lopez v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, San Bernardino County Superior Court Case No. CIVDS1718786

V. Open Session to Announce the Results of Closed Session

The Board met in Closed Session following the Hearing on the Petition for Early Termination to decide that matter.

XIX. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on one stipulation, two default decisions, a petition for reconsideration, and two proposed decisions. The Board also discussed pending litigation as noticed.

VI. Administration

A. Fiscal Year 2017/18 Budget Review

Mr. King and Mr. Stockton met with Mr. Moore, Ms. Eissler, Mr. Alameida, and the Board's DCA Budget Analyst Brian Skewis to gain a better understanding of the annual processes that take place to determine the upcoming budget and to discuss any changes that may take place.

Mr. Alameida provided a brief overview of the Board's Financial Statement to the new Board members and highlighted what line items they should focus on. He explained the Fund Condition and the revenue and expenses projected throughout the year. He noted that the Fund Balance and Months in Reserve are important components of the fund condition, which identifies the amount of money in reserve that could be used to continue operations.

Dr. Qureshi noted a sizeable increase in projections compared to the previous Fiscal Years; he recommended including an explanation in the Financial Statement notes and suggested highlighting the items the Board should focus on.

VII. Legislation

A. Legislative Calendar

Ms. Eissler reviewed important dates on the legislative calendar.

B. Discussion of Legislation for 2018 (Possible Action):

AB 2138 Licensing boards: denial of application: revocation or suspension of licensure: criminal conviction.

The Board voted to take an Oppose Unless Amended position on AB 2138, as amended on June 20, 2018. They are opposed unless AB 2138 is amended to strengthen the public protection aspects so that protection of the public is given the highest priority. For example, the boards should have the authority to consider all felonies that are

substantially related to the qualifications, functions, and duties of the profession even after the seven-year wash out period.

MOTION:	Mr. King and Mr. Stockton moved to oppose unless amended AB 2138, as amended on June 20, 2018.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi				X	
Fel Amistad	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

AB 2483 Indemnification of public officers and employees: antitrust awards.
No Action Taken.

SB 920 Engineering, land surveying, and architecture: limited liability partnerships.
No Action Taken.

SB 1098 Geologists and geophysicists: fees.
No Action Taken.

AB 767 Master Business License Act.

MOTION:	Mr. Stockton and Ms. Irish moved to take a watch position on AB 767, as amended June 18, 2018.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi				X	
Fel Amistad	X				
Alireza Asgari	X				
Andrew Hamilton	X				

Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

IX. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2017/18 Update

Ms. Criswell reported that there was a significant number of related complaints received in May. The complaints relate to allegations of not meeting requirements specified in the laws and, therefore, should not require a significant amount of investigation or expert review.

She also reported that the Board's Enforcement Unit had assisted the Los Angeles County Sheriff's Office and District Attorney's Office in the investigation of two unlicensed individuals who have now been apprehended and charged with 480 felony counts of identity theft and forgery.

X. Exams/Licensing

A. Update on 2018 - First and Second Quarter Examinations

Mr. Moore highlighted the change in the civil examinations and reviewed how the candidates scheduled and tested. An update for the quarter and pass rates will be provided at the next Board meeting.

XI. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that Title 16, California Code of Regulations §3031, Education Criteria for Geologists, remains with DCA's Deputy Director's office.

B. Update on Board's Business Modernization Report

Mr. Alameida updated the Board on the Business Modernization Report and explained that the Project Approval Lifecycle is a four-stage process that all departments must go through if they have IT projects of this nature. The Board's project request is to replace two existing legacy systems. The Board is currently going through Stage II, Alternatives Analysis stage. With the support of a consultant, the information was gathered for submission. Stages III and IV will include the analysis and approval of the Board's alternative and open procurement options to seek a vendor and evaluate those options to assemble a procurement package with the main goal of replacing our current systems.

C. Sunset Review (Possible Action)

Mr. Moore reported that assignments have been provided to staff. He will assemble a report for the November meeting for approval in order to present it to the Legislature by December 1, 2018. The Board has not received any specific concerns or questions from the legislative committees; therefore, staff is proceeding with what was provided in the template. This is an opportunity for the Board to present new issues. Ms. Eissler suggested the Board decide on what new issues they want to introduce at the September meeting. Mr. Moore suggested having two Board Members review the report and provide input to staff between the September and November meetings. It was decided that the Board members would be selected at the September meeting when the new issues are determined. The full Board will review the report in order to approve it at the November meeting.

D. Personnel

Mr. Moore reported that applications are being accepted through the end of July for the Senior Registrar Civil position. Stephanie Orozco has accepted a position with another agency and is leaving the Licensing Unit. The Licensing Unit is also accepting applications to fill three permanent positions and one limited term. Daniel Quanchi is leaving the Board's Licensing Unit to work for the Board's Enforcement Unit.

E. ABET

Dr. Qureshi was selected to become a program evaluator. He will be going to an out-of-state university to review their civil engineering program.

F. Association of State Boards of Geology (ASBOG)

September 15-23, 2018 is the International AEG meeting in San Francisco. Ms. Racca has been accepted to make a presentation on the 50th Anniversary of the licensing of geologists for the state. ASBOG's Annual Meeting will be held October 29 through November 3 in Monterey. ASBOG is seeking guidance on computer based testing and has coordinated a meeting with Jerry Carter and Davy McDowell with NCEES.

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

1. Annual Meeting Motions & Resolutions (Possible Action)

- a. Advisory Committee on Council Activities (ACCA) Motions 6 and 7 – Relating to Financial Policies 3B and 3C, Travel Expenses
Ms. Eissler reported that the proposal is to add an additional funded delegate position for the Annual meeting and for the Zone meeting that would be specific to the Member Board Administrator (MBA).

There were concerns raised at the Western Zone meeting that perhaps adding another funded delegate position may not sit well with Member Boards, and it may be better if they designated one of the already specified three funded delegate positions to be for any staff person.

MOTION:	Mr. King and Mr. Qureshi move to support additional delegates and broaden proposal to include staff for council activities.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi				X	
Fel Amistad	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

- b. ACCA Motion 8 – Relating to Bylaws 7.02, Advisory Committee on Council Activities
- e. Committee on Examinations for Professional Surveyors (EPS) Motion 1 – Relating to Bylaws 7.07, Committee on Examinations for Professional Surveyors.
- g. Committee on Member Board Administrators (MBA) Motion 1 – Relating to Bylaws 7.11, Committee on Member Board Administrators

Ms. Eissler reported that motions (b), (e), and (g) are all related to specifying the makeup of the committees and the Board of Directors is not endorsing those motions as they place restrictions on who the President Elect can choose to serve on the committees. When the Board of Directors does not endorse a motion, they will explain their reasoning in more detail at the Annual Meeting.

- c. Committee on Examination Policy and Procedures (EPP) Motion 1 – Relating to Bylaws 7.08, Committee on Examination Policy and Procedures
No Action Taken.

- d. Committee on Examinations for Professional Engineers (EPE) Motion 1 – Relating to Bylaws 7.06, Committee on Examinations for Professional Engineers

Ms. Eissler reported that this is related to the bylaws wording about the committee. The Board of Directors is not endorsing because they believe the proposed wording is confusing.

- f. Committee on Finances Motion 3 – Relating to Member Board Membership Fees

Ms. Eissler reported that the Board of Directors is endorsing this motion and has placed it on consent. It relates to the membership fees that each member board pays. There are three tiers, and it is based on the licensees the member board has. \$750 annually for 1-150 licensees, \$2,600 annually for 151-500 licensees, and \$6,500 annually for 500+ licensees. This proposal would raise the maximum number of licensees to qualify for the lowest level to 200 and consequently affect the second tier.

- h. Committee on Uniform Procedures and Legislative Guidelines (UPLG) Motion 6 – Relating to Model Law 120.20, Board Qualifications
No report given.

- i. UPLG Motion 20 – Relating to Model Laws and Model Rules Sections Pertaining to Structural Engineering Licensure

The Board of Directors is endorsing this motion but has not placed it on the consent agenda.

- j. Technology Task Force Motion 3 – Relating to Building Information Modeling (BIM) Guidelines

Originally, the Board of Directors had concerns with this motion and had not placed it on consent. The motion was revised, and now they are endorsing it and placing it on consent.

- k. Board of Directors Motion 1 – Relating to the Term of Office of NCEES Treasurer Timothy Rickborn, P.E.

This motion would change his term from a two-year term that could be followed by a consecutive 2-year term to just one three-year term.

- l. Northeast Zone Motion 1 – Relating to NCEES Examination Fees for the Fundamentals of Engineering and Fundamentals of Surveying Examinations

Ms. Eissler reported that the Northeast Zone has presented a motion to direct NCEES to investigate the possibility of reducing the exam fees for those who take them within one calendar year of graduation from an ABET accredited college program, culminating in awarding a bachelor of science degree or equivalent. The college program must require a prerequisite for graduation that students take the Fundamentals of Engineering examination or the Fundamentals of Surveying examination.

The Board discussed that the wording seemed to be contradictory.

Ms. Eissler announced that Ms. Criswell has been invited to be a guest speaker as part of the Law Enforcement Forum at the Annual Meeting for NCEES.

VIII. Update from the Department of Consumer Affairs (DCA)

Chris Castrillo, Deputy Director with Board and Bureau Services, thanked Board staff for participating in the licensing and enforcement workgroups. These workgroups take place on a bi-monthly basis where they identify challenges and discuss best practices.

Mr. Castrillo reported that the Department organized a Future Leadership Development Program, which is intended to identify up-and-coming future leaders of the Department. The Department is currently accepting applications for the next group of candidates.

He reminded newly appointed Board members that the Board Member Orientation Training is required within a year of appointment.

Mr. Castrillo noted that DCA did an Executive Officer salary study in 2011. They also implemented a new salary study in 2018 as part of the Strategic Plan. In doing so, they wanted to solicit input from Executive Officers that were in office in 2011 when the initial study was done. A key piece of feedback that was received was that it was recommended that they solicit additional vendors aside from the third party that conducted the initial study. They assembled a Request for Proposal (RFP) to ensure they are engaging as many third parties as they can. They hope to have a contract awarded by the end of July. They have stipulated for a six-month timeline for the study.

XI. Executive Officer's Report (Cont.)

H. Update on Outreach Efforts

Mr. Moore reported that the Senate will be presenting a Senate Resolution recognizing Professional Geologist and Professional Geophysicist Week. Ms. Racca and Ms. Mathieson will be in attendance to accept the resolution.

XII. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs (Possible Action) No report given.

B. Appointment of TAC Members (Possible Action)

MOTION:	Mr. Wilson and Mr. Stockton moved to re-appoint Greg Hopkins and Edward Reading and appoint Adam Rivera to the LS TAC.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi				X	
Fel Amistad	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

C. Reports from the TACs (Possible Action)
No report given.

XIII. President's Report/Board Member Activities

President Johnson participated in a conference call with DCA.

Mr. Wilson reported that he has researched salaries of Executive Officers for other states along with the number of licensees and staff. He has found that California does not fare well in comparison to other states. Mr. Castrillo reported they developed a scope of work in the RFP for comparable positions in other states.

President Johnson recognized both Karen Roberts and Jerry Silva and presented proclamations to them for their service with the Board.

XIV. Nomination and Election of President and Vice President for Fiscal Year 2018/19

The Nomination Committee, comprised of members Mr. King and Ms. Mathieson, provided a slate to the members for consideration.

Nominations for President and Vice-President were closed.

MOTION:	Mr. King and Mr. Silva recommended and moved to nominate and elect Dr. Qureshi as President and Dr. Amistad as Vice-President.
VOTE:	12-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi				X	
Fel Amistad	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

Ms. Irish took an opportunity to thank President Johnson for his leadership. President Johnson thanked everyone for their support.

XV. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the May 3, 2018, Board Meeting

MOTION:	Dr. Amistad and Ms. Lang moved to approve the minutes as amended.
VOTE:	9-0-3, Motion carried

Member Name	Yes	No	Abstain	Absent	Recusal
Eric Johnson	X				
Betsy Mathieson	X				
Natalie Alavi				X	
Fel Amistad	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish			X		
Coby King	X				
Asha Lang	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
William Silva			X		

Robert Stockton			X		
Steve Wilson	X				

XVI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

- A. September 6-7, 2018, Board Meeting will be held in Santa Rosa at the Judge Joseph Rattigan Building, 50 D Street, Conference Room 410 Santa Rosa, CA 95404

Mr. Moore stated he planned to report on the Strategic Plan topic discussion at the next meeting.

XVII. Other Items Not Requiring Board Action

Mr. Moore thanked President Johnson for his service as Board President and presented him with a gavel plaque.

XX. Adjourn

Meeting adjourned at 4:55 p.m.

PUBLIC PRESENT

Dilip Khatri
Lima Saft, CalTrans
Ray Mathe, County of San Diego
Rob McMillan, CLSA