

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

Judge Joseph Rattigan Building
50 D Street, Conference Room 410
Santa Rosa, CA 95404

September 6, 2018

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Board Members Present:	Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Frank Ruffino; 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); Celina Calderone (Board Liaison); Jeff Alameida (Administrative Manager); Larry Kereszt (Examinations Manager); Laurie Racca (Senior Registrar); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

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

II. Public Comment for Items Not on the Agenda

No public comment.

III. Consideration of Rulemaking Proposals

A. Proposal to Amend Title 16, California Code of Regulations Sections 3003 & 3003.1 (Negligence, Incompetence and Responsible Charge-Practice of Geology and Geophysics)

MOTION:	Mr. Ruffino and Mr. Wilson moved to direct staff to begin the rulemaking process to amend Section 3003 and to add Section 3003.1 of Title 16, California Code of Regulations as described and shown in the proposed language.
VOTE:	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				

Natalie Alavi	X				
Alireza Asgari	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson				X	
Frank Ruffino	X				
William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

IV. Administration

A. Fiscal Year 2017/18 Budget Review

Mr. Alameida reviewed DCA's Fi\$Cal Implementation Status letter. The letter provides a general sense of what the Board is experiencing as it closes out the prior Fiscal Year and moves into the new Fiscal Year. The year-end reports for Fiscal Year 2017/2018 may not be available until March of 2019. The financial statement will be revised to better match Fi\$Cal.

B. Fiscal Year 2018/19 Budget Status

Mr. Alameida reviewed the fund condition statement and explained that it is used as a baseline for reporting and proposing the next budget appropriation authority and aids in looking back historically of revenue generated and expenses.

V. Legislation

A. Legislative Calendar

Ms. Eissler reviewed the legislative calendar.

B. Discussion of Legislation for 2018 :

AB 767 Master Business License Act.

Ms. Eissler reported that the bill passed and will be presented to the Governor.

No vote needed.

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

Ms. Eissler reported that the Board had taken a position of oppose unless amended. The Board felt that amendments should be made to the bill to strengthen the public protection aspects of the proposal especially regarding crimes that may be considered after the seven year washout period specified in the bill. The language that was included indicated that these licensing entities could adopt

regulations to list financial crimes that would be directly and adversely related to the fiduciary responsibilities of the professions. She does not believe the Board's concerns were addressed. It did pass out of the legislature and will be presented to the Governor.

MOTION:	Mr. Stockton and Ms. Alavi moved to take an oppose position and direct staff to send a letter to the Governor expressing the Board's concerns and opposition to AB 2138.
VOTE:	10-1-0, Motion Carried

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

AB 2483 Indemnification of public officers and employees: antitrust awards.
No vote needed.

SB 920 Engineering, land surveying, and architecture: limited liability partnerships.
The Governor signed the bill, and it will become effective January 1, 2019.
No vote needed.

SB 1098 Geologists and geophysicists: fees.
The Governor signed the bill, and it will become effective January 1, 2019.
No vote needed.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19

Ms. Criswell reviewed the enforcement statistics. Mr. Wilson suggested providing a continuous 12-month cycle graph in lieu of the fiscal year graph for the graphs that show monthly statistics.

Ms. Criswell noted that aging time of citations and formal disciplinary actions is increasing due to vacancies at the Attorney General's Office.

VII. Exams/Licensing

A. Update on 2018 Examinations - First and Second Quarter Examination Results

Mr. Kereszt reviewed the 2018 NCEES results. He noted that the pencil and paper examinations are being phased out as examinations transition to computer based testing (CBT). The chemical engineer examination is new to CBT and the nuclear engineer examination will transition to CBT next month.

The ASBOG examinations are conducted twice per year. The upcoming October examinations will be administered at California State University, Long Beach.

The state-specific civil engineer examinations that consist of the seismic principles exam and the engineering surveying exam are now offered twice as often. Candidates now have the ability of taking it four times per year, once per quarter. The feedback received has been largely positive. If the candidate is not successful, they receive performance diagnostics for each test plan area. The goal is to make the process user friendly and outline the test plan areas candidates need to focus on. Staff continues to work closely with Prometric and their psychometricians to ensure successful examinations.

Mr. Moore reviewed the licensing statistics.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that the regulatory proposal addressing the requirements for licensure for geologists and geophysicists has been submitted to Agency for review prior to beginning the official rulemaking process. Michael Santiago, the Board's Legal Counsel, provided pertinent feedback.

B. Update on Board's Business Modernization Report

Mr. Alameida explained that the Board is currently involved in a business modernization project replacing two legacy licensing systems that are currently being used. The Project Approval Lifecycle (PAL) consists of four stages. The Board has already completed the Stage 1 business analysis and is currently in Stage 2 alternatives analysis. Stage 3 will be the identification of the alternative, and Stage 4 will be the selection of vendor, execution of contract, and implementation of solution.

C. Strategic Plan Discussion

Mr. Moore reviewed the various objectives and noted that some objectives within the Strategic Plan will always be ongoing.

Objective 1.1 Develop and implement an integrated licensing and enforcement case management system.

This objective involves the Business Modernization Process study that will integrate the licensing and enforcement computer systems.

Objective 2.1 Monitor and report annually whether national exams continue to meet California's licensing requirements.

The Board monitors exam results and trends and is actively involved with NCEES and ASBOG committees. President Qureshi announced that he was involved in the cut score for the civil engineer examination and is the Vice-Chair of the professional engineering exam committee. Mr. Moore serves on the NCEES Survey Exam Module Task Force while also assisting with item development. Additionally, Laurie Racca, the Board's Staff Geologist, currently serves as the ASBOG Examination Chair for the national geologist exams. Mr. Moore continues to encourage and maintain involvement with NCEES and ASBOG.

Objective 3.2 Proactively monitor and clarify as needed laws and regulations. Continuously seeking what needs to be standardized.

Objective 4.1 Maintain complaint investigation cycle times under 180 calendar days.

Objective 4.2 Reduce formal disciplinary action process cycle times to the DCA-established time period of 540 calendar days.

Objective 5.3 Report annually to the Board the steps taken to educate university administrators and students about the importance of licensure.

Mr. Moore noted that these are the most important objectives to the Board and stakeholders.

D. Sunset Review

1. Suggestions for New Issues to Address in Sunset Report

Ms. Eissler reported that Board staff continuously reviews the laws for any clean-up legislation that needs to be completed. She noted there are laws in all three acts that allow retired license status which includes a provision that the person has to have been licensed anywhere for a minimum of 20 years anywhere and in California for 5 years. There are often those who, while they meet the minimum 5-year requirement for California, do not meet

the 20-year requirement. At the next Board meeting, the Board will be reviewing and approving the final Sunset Report. However, the issue of the retired license and time periods is something that the Board needs to consider discussing in depth as a separate issue.

Ms. Criswell explained that the Board has an Administrative Citation Program that is more than a warning for licensees but it is not significant enough to affect their license. For unlicensed individuals, we want to provide some public notice as the citations are noticed publically. The District Attorney's Offices are not necessarily willing to accept criminal cases unless there is clear evidence of egregious unlicensed activity. The Board utilizes the administrative citation process not as punitive action but as a deterrent. The assessment of the fines reflect that the Board is not attempting to be punitive and collect funds but to provide public notice and serve as a deterrent. The current process for collecting funds for unlicensed individuals is to refer them to the Franchise Tax Board. If the Board has access to their Social Security number or a unique identifier, the Franchise Tax Board can collect state tax refunds, lottery winnings, and gambling earnings. There is currently \$250,000 in outstanding fines for both unlicensed and licensed individuals. There are disciplinary measures for licensees with unpaid fines, which include not allowing them to renew their license or taking disciplinary action against them. Ms. Eissler explained there is a system in place that would allow the Board to go to civil court and be represented by the Attorney General's Office to get a judgment to enforce the fine, but this can be an expensive process. The Board agreed this issue should be addressed in the Sunset Report.

Andrew Hamilton and Steve Wilson volunteered to work with staff between now and the November Board meeting to review the information that will be included in the Sunset Report.

Ms. Eissler noted the report will be due to the legislature by December 1, 2018. Prior to the hearing in the spring, the Board will receive a report of issues the legislature wants the Board to address. They will also identify which of those issues they want addressed at the hearing. The Board's written response will be submitted after the hearing.

E. Personnel

Mr. Moore advised that staff is currently recruiting for an evaluator position for the Licensing Unit and scheduling interviews for Senior Registrar position.

F. ABET

1. Status of Board Observer Assignments for Fall 2018

Laurie Racca, Bob Stockton, and Frank Ruffino have been approved to attend ABET visits as Board observers. Mr. Moore advised that he is currently waiting for Ms. Lang's and Mr. Asgari's approvals.

G. Association of State Boards of Geology (ASBOG)

1. Update on Annual Meeting – Monterey Fall 2018

a. Designate Voting Delegate

MOTION:	Mr. King and Mr. Stockton moved to designate Ms. Mathieson as a voting delegate and Dr. Qureshi as an alternate.
VOTE:	11-0, Motion Carried

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

b. Annual Meeting Motions

MOTION:	Mr. King and Ms. Irish moved to accept staff recommendations on how the Board's delegate should vote on the motions.
VOTE:	10-0-1, Motion Carried

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

William Silva				X	
Robert Stockton	X				
Steve Wilson	X				

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

1. Annual Meeting Report

Mr. Moore reported that Jerry Carter is retiring from his position at the end of September. David Cox will replace Mr. Carter and assume the duties as CEO October 1, 2018.

Jim Purcell, PE, of the New Jersey Board assumed the role as 2018-19 NCEES President.

The council elected Dean Ringle of Ohio as 2018-19 President-Elect.

Mr. Wilson served as a panel member involving a discussion on new technology within the surveying profession, and Ms. Criswell provided a presentation regarding some California cases at the Law Enforcement Forum.

The 2019 Western Zone meeting will take place May 16-19 in Boise, ID. It will have funded delegate positions available allowing an opportunity for those Board members who have not attended an NCEES Zone meeting to attend. It will be a combined meeting with the Southern Zone. The Annual meeting will take place in Washington, DC, August 14-17, 2019.

I. Update on Outreach Efforts

Mr. Moore reviewed the outreach report and events that took place.

IX. Review of Professional Land Surveyors' Act and Board Rules related to the Preparation and Submittal of Record of Survey and Corner Record Requirements

Mr. Moore reported there are issues with inconsistencies with the application of the preparation and submittal of Records of Surveys from both private surveyors and County Surveyors. He proposed that the Board direct staff to begin outreach efforts to gather information about clarifying the requirements. The proposal is to collaborate with the Surveyor Policy Committee within the County Engineers Association of California and CLSA to provide workshops facilitated by Mr. Moore and Dallas Sweeney, the Board's Staff Land Surveyor, to identify where the issues are and gain perspective. Mr. Moore anticipates providing recommendations at a future meeting depending on the proposed workshop schedule..

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

Ms. Mathieson attended the Senate floor vote on Geology Resolution for the 50th anniversary of licensing geologists.

XII. Approval of Meeting Minutes

A. Approval of the Minutes of the June 28, 2018, Board Meeting

MOTION:	President Qureshi and Mr. Johnson moved to approve the meeting minutes as amended.
VOTE:	9-0-2, Motion Carried

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

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

A. November 1-2, 2018, Board Meeting will be held in Monterey at the Monterey-Salinas Transit, 19 Upper Ragsdale Drive, Boardroom, Monterey, CA 93940

XIV. Other Items Not Requiring Board Action

XV. 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

XVI. Open Session to Announce the Results of Closed Session

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

XVII. Adjourn

The meeting adjourned at 4:17 p.m.

PUBLIC PRESENT

Bob DeWitt, ACEC

Rob McMillan, CLSA