

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

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Boardroom
Monterey, CA 93940

Thursday, November 1, 2018 at 9:00 a.m.

November 1, 2018

Board Members Present:	Mohammad Qureshi, President; Fel Amistad, Vice President; Natalie Alavi; Alireza Asgari; Andrew Hamilton; Coby King; Betsy Mathieson; Jerry Silva; and Steve Wilson
Board Members Absent:	Duane Friel; Kathy Jones Irish; Eric Johnson; Asha Lang; Frank Ruffino; and Robert Stockton
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 Reza Pejuhesh (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

Rob McMillan, representing CLSA, thanked the Board for coming to Monterey. Mr. Wilson introduced several members of the public.

V. Legislation

A. Legislative Calendar

Ms. Eissler reviewed important dates on the Legislative Calendar

B. Discussion of Legislation for 2018 :

AB 767 Master Business License Act.

Ms. Eissler reported that the Board had a watch position for this bill. This bill evolved over the course of the session and dealt with the GoBiz Information Technology office. The Governor vetoed the bill.

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

Ms. Eissler reported that the Board opposed this bill. The Governor signed the bill, and DCA is working with the Boards to determine what needs to be done to implement. She reported that there may

be regulation changes presented at the next meeting that the Board will be asked to approve.

III. Consideration of Rulemaking Proposals

B. Approval of Rulemaking Proposal to Adopt Title 16, California Code of Regulations sections 3022, 3022.1, and 3022.2 [Professional Geologist and Geophysicist Educational and Experience Requirements and Reference Requirements: Professional Geologist and Professional Geophysicist] and to Amend Title 16, California Code of Regulations 3031 [Examination Credit: Professional Geologist, Professional Geophysicist and Specialty Certification]

MOTION:	Mr. King and Ms. Mathieson moved to approve the revised text and direct staff to continue with the rulemaking process to adopt Title 16, California; Code of Regulations sections 3022, 3022.1, and 3022.2 and to amend 16 CCR 3031.
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				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				

VIII. Executive Officer's Report

F. Association of State Boards of Geology (ASBOG)
 Erik Weiland, President of ASBOG and past Chairman of the Arizona Board of Technical Registration, thanked the Board for its support to ASBOG.

Mr. Weiland discussed the upcoming transition to a new psychometrician because their current psychometrician is retiring in 2022. He reported that they are also working toward Computer Based Testing (CBT) and are pleased to have Laurie Racca as Chair of the Examinations Committee to aid in the transition to the new process.

He also advised Arizona has added the category of “Trained Geologist” that can practice geology but cannot sign off on any documents.

Mr. Weiland added that he appreciated the video the Board produced regarding licensure.

Ms. Mathieson reported that Senator Monning gave a welcome speech at the ASBOG annual business meeting.

Mr. Moore noted that Jerry Carter of NCEES also attended the ASBOG meeting. Mr. Weiland expressed his appreciation for the opportunity to collaborate with NCEES.

Mr. Weiland noted that a university in Michigan, which is not a licensure state, administered the Fundamentals of Geology examination to their graduating seniors. They developed an agreement with them to monitor the examination including the test facility. Some universities are using the exam as an exit exam to evaluate their own programs.

IV. Administration

A. Fiscal Year 2017/18 Budget Summary

Mr. Alameida reviewed DCA’s Fi\$Cal memo. The intent of the memo is to reiterate that we are currently utilizing the Fi\$Cal system. He noted that there have been reporting issues that have carried over into the current Fiscal Year. There is a limited amount of financial expense and revenue information collected from DCA however, the Board continues to maintain internal financial reports. The Board is waiting for Fiscal Month 13 reports from FY 2017/18 to be finalized.

B. Fiscal Year 2018/19 Budget Status

Mr. Alameida anticipated providing a summary Fi\$Cal report as discussed at the previous Board meeting however, certain details were missing. It was determined that the best idea was to provide the Board with a fund condition for Fiscal Year 2018-19 and then as Fi\$Cal reports are made available, report back to the Board a summary report of what a Fi\$Cal expenditure report would actually look like in the future.

III. Consideration of Rulemaking Proposals (Cont.)

A. Approval of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 [Fees]

Mr. Alameida explained that the Board has not had a regulatory fee change since April and May of 2012. The motivation is to normalize the regulations and make all fees equitable, as the services provided are generally the same.

MOTION:	<p>Mr. King and Mr. Wilson moved to approve the proposed language and direct staff to begin the rulemaking process to amend Title 16, California Code of Regulations sections 407 and 3005. <u>direct staff to begin the pre-notice review process to amend regulations relating to fees and duplicate (replacement) certificates. In adopting this motion, the Board understands that it is approving the specific fees listed in the proposal as well as the policies expressed in the proposal presented by Board staff. Furthermore, the Board understands that the specific language used in the Sections 407, 410, and 3005, and possibly new sections if needed, would be finalized by Board staff and DCA Legal Counsel to ensure consistency and standardization between the regulations for professional engineers and land surveyors and those for professional geologists and geophysicists, including addressing duplicate (replacement) certificates. Finally, in adopting this motion, the Board understands that the language will be presented to the Board for final approval once the pre-notice review process had been completed and prior to the commencement of the official rulemaking process.</u></p>
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				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				

VIII. Executive Officer's Report (cont.)

B. Update on Board's Business Modernization Report

Mr. Alameida reported that the Board is in Stage II of the Project Approval Lifecycle (PAL) process, which is the Alternatives Analysis. The report was reviewed by Ms. Irish and was submitted to DCA and approved by the Office

of Information Services (OIS) and is currently with the Budget Office. Once the Budget Office completes its review, it will be submitted to the California Department of Technology (CDT).

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

Ms. Criswell presented the Enforcement Statistics. Mr. King noted the increase in aging of citations. Ms. Criswell explained that it is still early in the Fiscal Year, and so there have been only a small number of cases; therefore, she is not yet concerned. Currently, there are a few pending citations appeal matters at the Attorney General's Office.

VII. Exams/Licensing

A. Update on 2018 Examinations

Mr. Moore reported that the national examinations were administered October 26-27, 2018, for engineers and surveyors. The geology examinations were administered October 9-10, 2018. Mr. Moore anticipates a more informative report at the December meeting regarding the results.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore noted that this item was already discussed during the Consideration of Rulemaking Process.

D. Personnel

Mr. Moore reported that the Staff Civil Engineer position has been filled by Natalie King. She will start November 30, 2018. Staff member Erin LaPerle accepted a position with the Board's Licensing Unit. Antoinette Parnell has been hired as an Evaluator to backfill Daniel Quanchi's vacancy, as he is now working in the Enforcement Unit.

E. ABET

Mr. Moore reported that visits are ongoing.

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

The Advisory Committee on Council Activities (ACCA) posed a question about proxy voting. Most member board administrators indicated they did not believe their boards would be in favor of it due to justification for travel to the meetings. The Board agreed that it would have similar concerns.

H. Update on Outreach Efforts

Mr. Moore reviewed the Board's outreach efforts.

C. Review and Approval of the 2018 Sunset Review Report

Ms. Eissler reviewed the comments made by Board Members and provided recommendations. President Qureshi noted that the Sunset Report will be due to the Legislature by December 1, 2018.

MOTION:	Mr. Wilson and Ms. Alavi move to approve with amendments to the Sunset Review Report as discussed and deliver the report to the Legislature. If there are substantial changes to the report, both Mr. Hamilton and Mr. Wilson will review it and approve the report on behalf of the Board.
VOTE:	9-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				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				

Ms. Mathieson suggested organizing a Geology and Geophysicist TAC meeting to get more input and discuss continued licensure for the Professional Geophysicist. Mr. Moore suggested it might be prudent to wait until we receive feedback from the Legislative Committees on the information contained in our Sunset Review Report before scheduling a meeting so that we would know what concerns would need to be addressed.

IX. 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.

X. President's Report/Board Member Activities

President Qureshi and Ms. Mathieson attended the ASBOG annual business meeting held earlier in the week in Monterey.

XI. Approval of Meeting Minutes

A. Approval of the Minutes of the September 6, 2018, and October 11, 2018, Board Meetings

MOTION:	Vice-President Amistad and Mr. Hamilton moved to approve the September minutes.
VOTE:	7-0-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel				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				

MOTION:	Vice-President Amistad and Mr. Wilson moved to approve the October minutes.
VOTE:	6-0-3, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Mohammad Qureshi	X				
Fel Amistad	X				
Natalie Alavi			X		
Alireza Asgari	X				
Duane Friel				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				

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

A. December 13-14, 2018, Board Meeting will be held in Riverside at the Department of General Services, 3737 Main Street, Magnolia Room, Riverside, CA 92501

B. 2019 Board Meeting Schedule

Upon review of the 2019 Board meeting calendar, the Board moved the February 14-15 dates to February 21-22 and the August 1-2 dates to August 8-9.

It was suggested that Chico and Calabasas would be possible meeting locations. It was also suggested that the June meeting be held in San Diego.

XIII. Other Items Not Requiring Board Action

No report given.

XIV. 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

4:08 p.m. Andrew Hamilton left the meeting.

XV. Open Session to Announce the Results of Closed Session

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

XVI. Adjourn

The meeting adjourned at 4:15 p.m.

PUBLIC PRESENT

Kathy Nitayangkul, Polaris Consulting

Lynn Kovach, Polaris Consulting

AMENDED MAY 13, 2019

Benjamin Wilson, Monterey Bay Engineers

Bob DeWitt, ACEC

Steve Hao, Caltrans

Rob McMillan, CLSA

Jim Foley

Brian Wilson, Monterey Bay Engineers