

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

Department of General Services
3737 Main Street, Magnolia Room
Riverside, CA 92501

Thursday, December 13, 2018 beginning at 9:00 a.m.

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

Eric Nelson, CE, is employed by a major airport in southern California but represented himself. He believes it is important to create a specialized licensure category specific to airport engineering. He feels strongly about this issue and is willing to take the lead on this effort and understands that the request is complicated and will require legislation.

VIII. Executive Officer's Report

G. Update on Outreach Efforts

Dallas Sweeney, Senior Registrar Land Surveyor with the Board, reviewed prior Board action regarding Record of Survey requirements. From this action, the Board conducted its first workshop December 12. They discussed the PLS Act and the technical requirements of a Record of Survey and also covered the reviewing aspect. There were approximately 35 individuals from the surveying community who attended. The plan is to have six outreach sessions throughout California. Future possible locations include Burbank, Madera, San Jose, Santa Rosa, and Sacramento.

Mr. Moore added that another outreach session with the Los Angeles Department of Water and Power will be held January 16, 2019, from 10:00 a.m. – noon. Both Michael Donelson, Senior Registrar, and Natalie King, Senior Registrar, will be in attendance to discuss engineering licensure topics.

Coby King arrived at 9:17 a.m.

III. Consideration of Rulemaking Proposals

A. Proposed Amendments to Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria) to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018) (Possible Action)

Over the past several months, the Board has discussed legislation that the Governor signed that makes changes to what the Board can consider related to criminal convictions to help determine whether or not to deny issuing a license. Based on the changes in statute that will go into effect July 1, 2020, the Board needs to make changes to some of the regulations. Section 416 applies to engineers and land surveyors, and Section 3060 applies to geologists and geophysicists. These regulations define the criteria that the Board must consider in determining whether the crime the person has been convicted of is substantially related to the qualifications, functions, and duties of the profession in which the person is seeking licensure.

Currently, the statute allows the Board to consider crimes or acts. The statute will be changing to indicate that the Board can consider crimes or acts underlying the conviction for that crime. Another provision requires the Board to deem whether a crime is substantially related by considering the nature and gravity of the offense, the number of years elapsed since the date of the offense, and the nature and duties of the profession.

Legal Counsel Michael Santiago explained that the Legal Affairs Division is currently working on a memo that is going to be released to all the boards, bureaus, and programs detailing the recommendations for model language pertaining to not only the substantial relationship criteria regulations but also the criteria for rehabilitation regulations. He suggested that it may help in drafting the notice and the Initial Statement of Reasons (ISR) so that it can be standardized.

Mr. King inquired whether the Board should wait until the model language is released to move forward. Mr. Santiago recommended waiting until the release of the model language.

President Qureshi concurred with Mr. King and Mr. Santiago. He added that the last sentence in 416 (a) needs to be clarified and modify the word “acts” with “underlying acts” or “acts underlying” to mirror the earlier language.

IV. Administration

A. Fiscal Year 2017/18 Budget Review

Mr. Moore reported that the Board did not receive any additional information from the DCA Budget Office to include in the Board materials. He is anticipating that a report will be available for the next Board meeting.

B. Fiscal Year 2018/19 Budget Status

President Qureshi requested an analysis to outline historical trends. Mr. Moore will work with Mr. Alameida to develop one for the next meeting.

V. Legislation

A. 2019 Legislative Calendar

Ms. Eissler reviewed the legislative calendar. She reported that the legislature started a new session last week and introduced bills that do not affect the Board.

She also reported that she, Mr. Moore, and Dr. Qureshi attended a meeting with DCA Executive staff and individuals from agency regarding the Board’s Sunset report. She does not foresee the need for any bills separate from the Sunset legislation and does not anticipate that the Board would need to try to find authors for any bills at this time.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

Ms. Criswell presented the Enforcement Statistics. While she is seeing longer timeframes with the Attorney General’s Office and the Office of Administrative Hearings, she is also encouraged as cases are being assigned to new Deputy Attorneys General.

VII. Exams/Licensing

A. Update on 2018 Examinations

Mr. Moore reported that the NCEES results for the Fall 2018 paper-based PE examinations were released November 26. The structural engineering results were released earlier in the week. ASBOG has notified the Board that the national Fundamentals of Geology and the Professional Geologists results are ready to be delivered. The results for the Land Surveyor examination, Geotechnical Engineer examination, both State Civil Engineer examinations, Certified Engineering Geologist examination, Certified Hydrogeologist examination, and Professional Geophysicist examination were recently released. The California Specific Examination for Geologists and the traffic

engineer examination results are expected to be released next week. Mr. Kereszt is expected to provide a full report at the next meeting.

VIII. Executive Officer's Report (Cont.)

A. Rulemaking Status Report

Ms. Eissler reported that the geology education regulations have been officially noticed for public comment. The 45-day public comment period ends January 14, 2019, followed by a public hearing to provide oral testimony as well as written comments. She anticipates that the summary of comments and recommendations will be presented at the February meeting.

B. Update on Board's Business Modernization/PAL Process

Mr. Moore reported that Stage II Project Approval Lifecycle (PAL) document was delivered to DCA and has progressed to Agency. It is anticipated that it will proceed to the California Department of Technology. Several other boards and bureaus are close to completing their Stage II documents and have indicated interest in a similar software platform.

C. Personnel

Staff Civil Engineering Registrar Natalie King started working for the Board this month. Ms. Irish suggested meeting Board staff at a future Board meeting.

D. ABET

Mr. Stockton visited a school he had visited approximately six years ago. He added that upon reviewing transcripts, there was an anomaly between transfer students from junior colleges and how their courses were being reviewed and accepted.

Dr. Asgari also visited another university where they emphasized preparing their students for real world problems.

Mr. Ruffino reported on his visit and noted that he enjoyed his experience and felt very good about it. He went on to encourage others to attend.

E. Association of State Boards of Geology (ASBOG)

Ms. Mathieson attended the ASBOG examination development session in Monterey.

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

Humberto Gallegos representing East Los Angeles College reported that they received a generous grant from the National Science Foundation (NSF) for their land surveying program and requested the Board's assistance in achieving their goals. Their objectives include to offer a career pathway to land surveying, host land surveying computer aid design events at the high school level, enhance the geospatial program at East LA College by developing manuals for software

technology, and help candidates prepare and pass the Fundamentals of Surveying and Professional Land Surveying examinations.

Mr. Moore reported that he and Mr. Sweeney are prepared to discuss the matter with Mr. Gallegos to see what the Board can do to help.

VIII. Executive Officer's Report (Cont.)

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

Mr. Moore received notification from NCEES requesting whom the Board will designate as funded delegates for the NCEES Western Zone meeting, May 16-18 in Boise, ID. He sent an email to all Board Members in an effort to see who is interested. There are three funded delegate positions for Board Members and Staff. He advised those who are interested to please let him know within the next couple of weeks. He indicated that he has heard from Ms. Eissler, Mr. Alireza, and Ms. Irish. President Qureshi has requested to go as he is seeking to run for office for the Western Zone. Ms. Irish and Mr. Wilson indicated that they would step back in an effort to allow a new member the opportunity to attend as they have attended NCEES functions in the past.

Mr. Moore reported that NCEES provided member boards with a statement pertaining to a pipeline disaster that occurred in Massachusetts and a subsequent oversight report recommending that Massachusetts remove the industrial exemption for licensing individuals employed by large public utilities. He expects this to be a topic of discussion at the NCEES meetings. He will forward any more information he receives.

1. Nomination for Western Zone Secretary/Treasurer (Possible Action)

MOTION:	Mr. Stockton and Ms. Lang moved to nominate Mr. Moore as NCEES Western Zone Secretary/Treasurer.
VOTE:	12-0, 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				

Member Name	Yes	No	Abstain	Absent	Recusal
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

Vice-President Amistad will sign the letter on behalf of the Board.

H. Review of Procedures for Voting at Board and Committee Meetings

Mr. Moore advised that, at the last meeting, Mr. King inquired if it was permissible for the Board to forgo voting by roll call in situations where the members unanimously voted the same. Mr. Moore believes the voting requirements for open meetings are primarily intended to assist the public with clearly ascertaining how each member voted and explained that voting by roll call is the clearest way to indicate who voted and how. While it may appear clear to those present, it may be problematic to those individuals that regularly request audio recordings of the Board meetings. Mr. Moore indicated that by continuing with the current process, it not only ensures consistency but also that each member has indicated actual participation in the subject. Mr. Pejuhesh explained that the legal requirement is that you have to report publicly how each member voted. Mr. Santiago indicated that there are indeed multiple methods of voting; however, the clearest method is to vote by roll call.

Mr. Stockton and Mr. Wilson both indicated that they believed it would be best to continue with the Board's current method of voting by roll call.

Mr. King clarified his request by explaining that his concern was on a series of routine votes where it was clearly unanimous. He indicated that he wondered if the Board President would start by asking for abstentions or objections; if there were abstentions or objections, then a roll call would be required; however, if there were none, all those in favor would say, "aye".

Mr. Santiago clarified that there is a difference between approving an action by consensus versus through and motion and vote. He emphasized that approving an action by consensus is not a motion, and the Legal Office recommends that all actions taken by the board be done through a motion, which requires a vote.

After much discussion, it was determined that the Board would continue to follow its current process of taking action by making motions and voting by roll call with the Board Liaison or another staff member calling each Board Member by name and recording the vote.

IX. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs (Possible Action)

No report given.

B. Appointment of TAC Members (Possible Action)
No report given.

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

X. President's Report/Board Member Activities

President Qureshi reported on the meeting with Agency and DCA regarding the Board's Sunset review.

Mr. Ruffino reported he attended the inauguration activities for the Governor-elect. He also reported that there will be a reception for Governor appointees next week.

XI. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the November 1, 2018, Board Meeting

There was a need for clarification on Items III. A and IV. B. Therefore, the November minutes will need to be brought back for approval at the February meeting.

XII. 2019 Board Meeting Schedule (Possible Action)

The June 6-7 meeting was moved to June 13-14.

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

No report given.

XIV. Discussion Regarding Recitation of the Pledge of Allegiance at Board Meetings (Possible Action)

Mr. Ruffino indicated that he feels strongly about reciting the Pledge of Allegiance at each Board meeting. Mr. Wilson and Mr. Stockton would support it if a flag were present. Mr. Ruffino suggested requesting a flag. Ms. Irish inquired whether the Board is required to recite the Pledge of Allegiance and if the Oath of Office serves as a testament of allegiance to the State and US Constitutions. Mr. Santiago explained that there is no requirement and the Oath of Office includes the laws of the constitution and the laws of the Board. In that respect, it is separate from the issue of reciting the Pledge. He only knows of a couple of boards that recite the Pledge and when circumstances dictate there is no flag you can logistically say the Pledge of Allegiance. It would need to be noticed on the Official Notice and Agenda.

Ms. Irish expressed that in respect to each member's vote, she would like to ensure that it does not create any divisiveness among Board members.

MOTION:	Mr. Ruffino and Vice-President Amistad move to begin all Board meetings with recital of Pledge of Allegiance.
VOTE:	8-0-4, 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				

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

Mariam Madjlessi, PE, representing CALBO (California Building Officials), presented the Board with a letter from Jeff Janes, President of CALBO, in which they offered their services and an opportunity to collaborate with the Board.

XV. Closed Session – The Board will meet 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

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

Senator Roth stopped by the Board meeting and offered his support.

XVI. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on two stipulations, one Default Decision, and two Proposed Decisions, and discussed litigation as noticed.

XVII. Adjourn

The Board adjourned at 2:11 p.m.

PUBLIC PRESENT

Rob McMillan, CLSA
Eric Nelson
Bob DeWitt, ACEC-CA