

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

Department of Consumer Affairs
 HQ 2 North Market Hearing Room
 1747 North Market Boulevard, #186
 Sacramento, CA 95834

Thursday, February 21, 2019, beginning at 9:00 a.m.

February 21, 2019

Board Members Present:	Mohammad Qureshi, President; Fel Amistad, Vice President; Alireza Asgari; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Frank Ruffino; Jerry Silva; Robert Stockton; and Steve Wilson
Board Members Absent:	Natalie Alavi
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Jeff Alameida (Administration Manager); Larry Kereszt (Examinations Manager); Laurie Racca (Senior Registrar); Natalie King (Senior Registrar); 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 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

Mr. Ruffino led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

President Qureshi welcomed new Board member Duane Friel.

Rob McMillian, representing the California Land Surveyors Association, wished the Board a happy Engineer's Week.

IV. DCA Executive Update

Dean Grafilo, Director of the Department of Consumer Affairs, recapped Department events that took place in 2018. These events promoted an open dialogue among the boards and bureaus and promoted collaboration to further the Department's mission in protecting California's consumers. He encouraged everyone to review the Department's 2018 Annual Report. He has met with the

Governor’s transition team and added that the Department is looking forward to furthering the Governor’s mission. He asked that we continue the service the Board has provided and added that they are currently working with the Governor’s appointments office regarding vacancies and reappointments.

Director Grafilo advised that, on January 10, 2019, the Governor released his budget and fiscal priorities for FY 2019/2020. The Governor’s budget proposes to pay down debt and its obligations to build up reserves while making significant investments.

On February 25, Mr. Grafilo will host the first 2019 Director’s Quarterly meeting. At this meeting, DCA will provide an update on the Department’s Regulations unit, the Executive Officer salary study, and several Division updates.

He reminded everyone that they need to complete the Mandatory Sexual Harassment Prevention training this year.

He reported that the Board is one of ten programs going through Sunset Review and offered the Department’s support and assistance during the process.

V. Consideration of Rulemaking Proposals

- A. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations § 3022, 3022.1, 3022.2, 3031 (Professional Geologist License Qualification Requirements and Professional Geophysicist License Qualification Requirements.)

Ms. Jones Irish left the meeting at 9:18 a.m. and returned at 9:35 a.m.

MOTION:	Ms. Mathieson and Mr. Silva moved to adopt Title 16, California Code of Regulations sections 3022, 3022.1, and 3022.2, and to repeal and amend Title 16, California Code of Regulations section 3031 and direct staff to finalize the rulemaking file for submission to the Department of Consumer Affairs and the Office of Administrative Law.
VOTE:	13-0-1, 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:	Ms. Mathieson and Ms. Jones Irish moved to delegate authority to the Executive Officer to finalize the rulemaking file.
VOTE:	14-0, 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				

MOTION:	Ms. Mathieson and Ms. Lang moved to approve staff's responses to the comments received regarding the rulemaking proposal.
VOTE:	14-0, 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				

- B. Proposed Amendments to Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria) and sections 418 and 3061 (Criteria for Rehabilitation) to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018)

MOTION:	Mr. Ruffino and Dr. Amistad moved to approve the proposed amendments, to Title 16, California Code of Regulations sections 416, 418, 3060, and 3061 to conform the regulations to the statutory changes enacted by AB 2138 (Ch. 995, Stats. 2018) and direct staff to begin the rulemaking process so that the amendments will become effective on July 1, 2020, when the changes to the statutes become operative with the understanding that staff will make the changes discussed as well as any other grammatical or typographical changes. It will then go to the Department and Agency for the pre-notice review, and, if there are any substantive changes to the language, it will then be returned to the Board.
VOTE:	14-0, 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				

VI. Administration

A. Fiscal Year 2017/18 Budget Status

Mr. Alameida reviewed the Budget Status report and noted that, as reported in previous meeting materials, the Board received a letter from the Budget office in regards to the Fi\$Cal year-end financial reports stating that a fiscal year wrap-up report is expected to be completed by DCA and provided to the Board by the end of March 2019.

B. Fiscal Year 2018/19 Budget Report

Mr. Alameida reported that he provided a new format for the financial statement, similar to one included in the meeting materials previously, after recent discussions with DCA's Budget Office on how to display information based on Fi\$Cal's new reporting functions.

Karen Nelson, Assistant Deputy Director of Board and Bureau Services, acknowledged the work that the Board staff has done in creating the analysis and indicated that the DCA Budget Office was available to help present the fund condition as well as any statements to compliment Mr. Alameida's presentation. Mr. Alameida confirmed that the reports were developed in collaboration with the Board's DCA-assigned Budget Analyst.

Mr. Ruffino left the meeting at 10:50 a.m.

IX. Exams/Licensing

A. Examination Results for All 2018 Examinations

Mr. Kereszt presented the Board with a statistical report regarding the examinations administered during the second half of 2018.

B. Status of Occupational Analyses for all California State Examinations

After Mr. Kereszt provided a recap of recent test plans approved by the Board and introduced the two proposed plans for consideration, Ms. Mathieson offered to explain how an Occupation Analyses is developed and what it is used for. She explained that for the exams to remain relevant, periodically there is a survey of members of the profession to ask what they currently do in their occupation and how important these tasks are. The survey results are then compiled and used to develop new examination questions and the proportion of questions of different types so that the exams reflect what working engineers, land surveyors, and geologists actually do in their jobs.

C. Adoption of Test Plan Specifications

Julie Morby, representing Prometric, generally explained the development process towards preparing the proposed test plans for the Board.

1. Professional Geophysicist Examination (PGp)
2. California State Examination (CSE) – State Requirement for Professional Geologist License

MOTION:	Ms. Mathieson and Mr. Wilson moved to adopt both the proposed Test Plan to support the Professional Geophysicist Examination and the proposed Test Plan to support the California Specific Examination for the Professional Geologist Examination.
VOTE:	14-0, 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				

D. Presentation by Prometric, LLC

2. Surpass - Item Development and Maintenance Software for California Examination Items

Kathy Champagne, representing Prometric, provided a detailed presentation that explained that the Surpass item banking system is a solution for item authoring, test creation, test delivery, marking, and post exam services. One of the biggest advantages is examination and content security. All item authoring and test creation is done within a secure environment with controlled permissions.

The Board began using Surpass over the last two and a half years with positive results. Prometric is now providing assistance with training the examination staff on the item authoring process within Surpass.

She outlined the key features and benefits of the Surpass system. Prometric constantly works on product improvement and is always guided by client feedback.

1. Alternate Item Types for California State Examinations

Ms. Champagne explained that Surpass includes the ability for the Board to utilize alternate item development formats beyond just the traditional multiple choice – single response format, which can include item types starting with basic multiple choice – multiple response, hot spots, drag and drop, and tables. She demonstrated the various methods.

VII. Legislation

A. 2019 Legislative Calendar

Ms. Eissler reported that there are a few spot bills that have been introduced, but there are not yet any substantive bills that the Board needs to consider. She expects to have bills for the Board to consider at the next meeting.

VIII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

Ms. Criswell reviewed the Enforcement statistics.

She reported on the Expert Consultant training that was held the previous day. The Enforcement staff assembled a presentation for experts that covered various topics, such as report formatting, contract procedures, applying laws, and standard of care. The training was developed and conducted with support from Michael Franklin, Deputy Attorney General, who is very familiar with the Board's investigations. The intention is to host an annual presentation for newly contracted experts.

Mr. Ruffino returned at 1:33 p.m.

Mr. Stockton suggested development of a matrix to be used by the Enforcement staff to evaluate the Expert Consultant.

X. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reported that there are a few more rulemaking proposals the Board has already approved, but staff was waiting to begin the pre-notice review process for these proposals until the geology education regulations had gone through the process so that we would have a better understanding of how the new process works. She advised that staff will now begin submitting the other proposals for pre-review. A status report will be provided at the next Board meeting.

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

Mr. Moore provided some history of the BreEZe project for the recently appointed Board Members and indicated that the Board did not participate in the implementation of BreEZe. The Board on its own decided to study its own business processes and requirements in preparation for the development of a new system. The Department of Technology (CDT) implemented the Project

Approval Lifecycle (PAL) process, which is intended by CDT to ensure that any new system being implemented is successful.

The Board has delivered a report to satisfy the second stage of the PAL process, which was approved by DCA and Agency and is now with the Department of Technology. The Department of Technology has indicated agreement with the Board's plan and has requested some minor clarifications. DCA's Office of Information Services (OIS) has collaborated with the Board during this effort and is assisting in the response to CDT.

Mr. Moore noted that the Spring Finance Letter received preliminary approval from DCA and Agency and is currently at Department of Finance for consideration for the May Budget revise.

C. Personnel

Mr. Moore introduced Natalie King as the new Staff Senior Registrar, Civil Engineer, who joined the Board on November 30, 2018.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore provided an update pertaining to the Texas Board of Geosciences facing elimination through the Sunset process. After the hearing was conducted, the determination was made not to deregulate.

Through this process, it was discovered that the Sunset Committee in Texas was also considering deregulating the Texas Land Surveyors Board and transferring all of that Board's responsibilities to the Texas Board of Professional Engineers.

Mr. Moore reported that there is also a deregulation effort in Florida. The Governor's Office tasked all licensing boards to come forward with recommendations on how to lessen regulations.

1. Nomination for ASBOG Secretary

Mr. Moore reminded the Board that he forwarded an email from ASBOG requesting participants for the nomination committee for selection of the ASBOG secretary. The criteria required the candidate be a licensed Geologist sitting actively on a current board. While Ms. Mathieson is eligible, she indicated that she is not interested in running nor being on the nominations committee.

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

Mr. Moore reported there is a discussion related to how structural exams and licensing are referred to in the NCEES's Model laws and rules relative to licensure and comity. In some aspects, it is written as a mastery license, but in others, it appears to be grouped similar to a PE license. There is some confusion as there are different licensure philosophies amongst the member boards. This issue may be discussed at the upcoming Zone and Annual meetings. President Qureshi added that the State of New Jersey started the discussion as they do not recognize the Structural exam as a principles of engineering exam. The Board has responded to an inquiry from NCEES indicating that a structural license in California is considered an additional title authority by the Board's laws and would require the individual to first be licensed as a civil engineer.

Mr. Moore reported that Wyoming and Nevada had previously entered into a Memo of Understanding (MOU) agreement that essentially stated if you were licensed in one of those states, you can automatically become licensed in the other state. The Member Board Administrators (MBA) Committee at NCEES is currently discussing what they can do to possibly expand this on a nationwide basis. Mr. Moore noted that while the discussion is in its infancy, the MBA committee is looking to expand this thought process and develop a nationwide MOU to have all member boards' sign.

Additionally, Mr. Moore provided information on the situation that occurred in Massachusetts regarding a pipeline explosion and for which the NTSB investigated and sought input from NCEES along with other national organizations. Massachusetts is one of the states similar to California in that engineering work for certain types of organizations, such as utility companies, is exempt from licensure. This is commonly referred to as an industrial exemption. NTSB has recommended to the commonwealth of Massachusetts that they should remove the industrial exemption because they believe that proper design and oversight by licensed engineers could have avoided this explosion.

President Qureshi reported that a Western Zone Secretary/Treasurer nomination letter was prepared for Ric Moore, that Vice-President Amistad distributed to the member boards in accordance with the Board's motion and direction at the prior meeting. There is now a second candidate for this position from the State of Washington. President Qureshi indicated that the Board should discuss this at the next Board meeting and provide direction to its delegates on how they should vote at the upcoming Combined Southern and Western Zones Interim meeting.

The funded delegates for the upcoming Combined Southern and Western Zones Interim meeting in Boise are President Qureshi, Ms. Jones Irish, and Mr. Wilson.

President Qureshi reported that NCEES is part of the International Registry of Professional Engineers, which allows for licensed engineers to be considered a professional engineer in other foreign countries upon being qualified by the International Registry.

H. Sunset Review

Mr. Moore reported that the Board's Sunset hearing is scheduled for Tuesday, March 5, 2019, at 9:00 a.m. At the Assembly Business and Professions Committee staff's request, he and Ms. Eissler met with the Assembly Committee staff person and the Senate Business, Professions and Economic Development Committee staff person to discuss issues raised by the Board in its Sunset Review Report. President Qureshi will attend the hearing to provide an overview of the functions of the Board. Mr. Hamilton will attend and work with Mr. Moore and Ms. Eissler with drafting language and responses. President Qureshi and Mr. Hamilton will also review the Board's response to the Committees' Background Paper that will have to be submitted prior to the next Board meeting.

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach report. He added that recently the Board worked with ASBOG to participate in a webinar hosted by the American Geosciences Institute (AGI). Ms. Racca worked with ASBOG on the webinar that had 1,076 registered attendees.

XI. 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.

XII. President's Report/Board Member Activities

President Qureshi reported that he participated in the NCEES Committee for Examinations for Professional Engineers. Mr. Wilson reported that on January 26, he represented NCEES at the Future Cities competition in Antelope, California, and that he participated in the NCEES Committee on Examinations for Professional Surveyors. Mr. Stockton reported that the NCEES Finance Committee had a conference call to discuss some of the charges for the upcoming Annual Meeting. The next Finance Committee meeting will take place on March 7.

XIII. Approval of Meeting Minutes

A. Approval of the Minutes of the November 1, 2018, and December 13, 2018, Board Meetings

MOTION:	Mr. Wilson and Dr. Amistad moved to approve the November 2018 meeting minutes.
VOTE:	9-0-5, 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 requested that the wording in Item VI. Enforcement and Item VIII. H of the Executive Officer’s Report of the December 13, 2018, minutes be clarified. President Qureshi requested that the statement in Item VIII. H. regarding the determination of the Board relating to voting procedures be confirmed. Staff will review the recording of the meeting and re-present the December 13, 2018, minutes for consideration at the next meeting.

XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. Moore reminded the Board that several years ago, SEAOC was seeking to make changes in the Professional Engineers Act involving substantial structures. There is a national organization that has adopted a standard and Mr. Asghari has indicated an interest in a short presentation at a future Board meeting.

Mr. Johnson suggested discussing Continuing Education Units (CEU’s) now that there is a new Governor. Mr. Moore indicated that the Board could consider it as a topic of discussion as questions regarding the Board requiring it often come up during outreach presentations and he explains that it is not an active topic that is being discussed by the Board. President Qureshi clarified Mr. Johnson’s request by explaining that he is looking to see what is the Governor’s position is on the issue. Mr. Stockton suggested gathering statistics of other boards within DCA and report back.

Ms. Jones Irish inquired as to how the Board publicizes outreach or training events that Board representatives participate in. Mr. Moore explained that the majority of

the events where Board representatives are requested to speak are coordinated and sponsored by the requesting organizations and not by the Board. Mr. Silva suggested that the Board could market these outreach events on its website. Mr. Moore expressed concern that the doing so could give the appearance that the Board is promoting the professional associations, and their events, or even favoring some associations over others, since they are not Board-sponsored events. Ms. Jones Irish indicated she was interested in discussing how the Board can promote more training and outreach. It was agreed that Ms. Jones Irish and Mr. Moore would discuss this matter further so that it can be included on a future agenda for discussion by the Board.

Bob DeWitt, representing ACEC, reported that the Monterey Bay ACEC Chapter, along with CLSA, met with some members of the Board. He appreciates the interactions with the Board. Mr. McMillian, representing CLSA, agreed.

Meredith Beswick, representing the Association of Environmental Engineering Geologists (AEG), indicated that AEG, along with the Earthquake Research Institute (ERI) and the American Society of Civil Engineers (ASCE) Geo institute, is planning a GEO symposium in late March.

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

XVI. Open Session to Announce the Results of Closed Session

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

XVII. Adjourn

The Board meeting adjourned at 3:56 p.m.

PUBLIC PRESENT

Rob McMillan, CLSA
Bob DeWitt, ACEC - CA
Dean Grafilo, DCA