

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

Cal Poly Pomona, Bronco Student Center
3801 W. Temple Avenue, Pomona, CA 91768

Thursday, June 13, 2019, beginning at 9:00 a.m.

June 13, 2019

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

I. Roll Call to Establish a Quorum

President Qureshi called the meeting to order at 9:02 a.m., and a quorum was established.

II. Pledge of Allegiance

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

III. Public Comment for Items Not on the Agenda

No Public Comment

VII. Administration

A. Fiscal Year 2017/18 Budget Status

Mr. Moore reported that DCA is working with Fi\$Cal and expects Fiscal Year 2017/18 year-end reports by August and Fiscal Year 2018/19 year-end reports in September.

B. Fiscal Year 2018/19 Budget Report

Mr. Moore reported that during the week of May 6, the budget sub-committees for both houses of the Legislature conducted hearings on Budget Change Proposals through Spring Finance Letters. There are four DCA programs, including our Board, that are collectively taking part in the Business Modernization effort with a

combined Spring Finance Letter. The Spring Finance Letter was approved by Agency, the Department of Finance, and both budget committees and was incorporated into the Governor’s revised budget.

Mr. Moore noted that Plan for Financial Adjustment item for Fiscal Year 2018/19 represents Fi\$Cal items that have not been categorized.

X. Exams/Licensing

Mr. Moore expects that an examination results report will be available at the August Board meeting. He provided an update on the licenses issued and initial applications and noted a steady increase in applications this year compared to last.

XII. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

MOTION:	Mr. Stockton and Mr. Wilson moved to appoint Mr. Brandow, Mr. Hohbach, Mr. Huxley, and Mr. Josephson to the Structural Engineering TAC.
VOTE:	13-0, 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				

C. Reports from the TACs

No report given.

XI. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reported the Geology Education regulation rulemaking package has been submitted to the Office of Administrative Law for final review. The estimated deadline for that review is July 21, 2019.

The Fees and Certificates regulation is in the pre-notice review phase at DCA. They are very aware of the need to expedite it so the official rulemaking process with public notice can begin.

Staff is currently working on other regulations, as listed; however, the regulations relating to AB 2138 are of highest priority as they must go into effect by July 1, 2020.

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

Mr. Moore reported that the Board is currently in Stage III and is collaborating with three other DCA programs. He anticipates a request for proposal to be issued in July or August. The Board is working closely with DCA and the California Department of Technology (CDT).

C. Personnel

The Board’s receptionist, Janice Fowlkes, has been promoted to the position of Fingerprint Coordinator in the Licensing Unit.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

1. Nomination for 2020 ASBOG Secretary – New York Nomination

The New York Board expressed that they have been impressed by the manner in which Laurie Racca, our staff geologist, has been representing the interests of boards at ASBOG meetings and contacted Mr. Moore to see if she would be interested in being nominated as ASBOG Secretary. Ms. Racca agreed, and the New York Board submitted her name for nomination to ASBOG.

MOTION:	Ms. Mathieson and Mr. Ruffino moved to support Laurie Racca’s nomination for ASBOG Secretary and to send a letter of support.
VOTE:	13-0, 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				

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

1. Report from Southern Zone/Western Zone Interim Meeting

Mr. Moore reported on the Southern Zone/Western Zone meeting that took place in May in Boise, Idaho.

The Advisory Committee on Council Activities (ACCA) proposed a motion that one board cannot vote for another board that is not physically present at the time of the vote.

The Education Committee's motion is in reference to engineering technology degrees. There was discussion on how that should be considered in terms of criteria for licensure. Similar to California, there are some boards that accept it with certain number of years of experience. Mr. Moore expects more discussion on this topic at the Annual Meeting with different points of view. The NCEES Board of Directors did not approve it for consent and were not able to agree on whether or not to support the motion.

The Surveying Task Force motion was very well received and the NCEES Board of Directors approved it for consent. It may be pulled for discussion at the Annual Meeting.

Mr. Moore will provide a more detailed analysis and send out the motions ahead of the August Board meeting. He reminded the Board that Mr. Stockton, Dr. Amistad, and Mr. Wilson are funded delegates for the Annual Meeting. Additional first-time delegates are Mr. Ruffino, Dr. Asgari and Mr. Hamilton. Mr. Friel expressed interest in attending, but he will wait until next year.

Out-of-state approval has not been received, but Mr. Moore suggested that the funded delegates begin the registration process.

Mr. Wilson reported that Mr. Moore was reelected as Western Zone Secretary/Treasurer.

IV. Hearing on the Petition for Reinstatement of the Revoked License of Paul Christopher Ehe

This hearing was held on Thursday, June 13, 2019.

V. Closed Session – The Board met in Closed Session to discuss, as needed:

A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]

1. Executive Officer Performance Evaluation

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

VI. Open Session to Announce the Results of Closed Session

During Closed Session, the Board directed the Administrative Law Judge to prepare its written decision on the petition hearing; took action on seven stipulations, a default decision, and two proposed decisions; and discussed litigation as noticed.

IX. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

Ms. Criswell reviewed the Enforcement statistics.

XI. Executive Officer's Report (Cont.)

Mr. Moore attended the quarterly DCA Director's meeting that took place June 3, 2019. They discussed several items that included the upcoming Executive Officer salary study, the Department's new Regulations Unit and their continuing effort to improve the Rulemaking process which may include additional positions, and website ADA accessibility compliance.

VIII. Legislation

A. 2019 Legislative Calendar

No report given.

B. Discussion of Legislation for 2019

SB 556

Professional land surveyors and engineers.

Ms. Eissler advised that the bill was amended on May 21, 2019, to remove everything except the provision that adds a new section to the Business and Professions Code that would require businesses offering land surveying services to obtain a certificate from the Board. There would be certain conditions they would have to meet to obtain a certificate. Ms. Eissler addressed staff's concerns with the policy concept of requiring the businesses to obtain a certificate. The laws currently outline the requirements that must be met for licensees to

offer land surveying services through a business entity and require an Organization of Record form to be filed with the Board without the licensees having to pay additional fees. She does not believe there has been a sufficient study done to show that requiring licensees to pay an additional fee and be given a certificate for the business would provide any better consumer protection than current law. It is a policy concern separate from concerns with the actual language in the bill that the Board needs to decide how it wants to approach it.

John Rector, representing Operating Engineers Local 3, and Ralph Guida, a land surveyor who owns his own business, presented information in support of SB 556. They requested that the Board support the bill, even if the position was “support if amended.”

Mr. McMillan, representing CLSA, indicated that CLSA’s Board of Directors has not met to take a position on the bill since it was amended.

Mr. DeWitt, representing ACEC-CA, indicated that they are continuing to review the bill but do not have a formal position at this time.

During the discussion, the Board questioned how this new requirement would provide for better public protection than current law. The Board was not persuaded by the comments from the public to support the policy concept.

Ms. Eissler added that SB 556 has been referred to the Assembly Business and Professions Committee but has not been scheduled for a hearing.

After the motion was made, but prior to the vote, Mr. Ruffino asked if the motion should be “oppose unless amended” to address concerns with the actual language of the bill. Mr. King indicated that was not the motion he was making.

MOTION:	Mr. King and Ms. Mathieson moved to oppose SB 556, as amended May 21, 2019.
VOTE:	12-1-0, 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				

As part of the discussion, the Board directed staff to begin researching implementing a certificate or registration requirement for engineering, land surveying, geology, and geophysics businesses. Ms. Eissler recommended that an item be placed on a future meeting agenda, so the Board would be able to fully discuss, with public participation, what information it would like staff to research.

- AB 544** Professions and vocations: inactive license fees and accrued and unpaid renewal fees.
No vote needed.
- AB 613** Professions and vocations: regulatory fees.
No vote needed.
- AB 1522** Board for Professional Engineers, Land Surveyors, and Geologists.
No vote needed.
- SB 53** Open meetings.
No vote needed.
- SB 339** Land surveyors.
Ms. Eissler provided the Board with an updated version of the bill and the Assembly Business and Professions Committee analysis. During the May 2019 Board meeting, the Board voted to support the bill as amended for the April 29 version and directed Board staff to ask the author and sponsor to consider putting the same language in the Board's other two licensing acts. The author and sponsor agreed to do this; however, the language that was included in the June 4, 2019, version of the bill contains drafting errors. It was heard by the Assembly Committee on Business and Professions on June 11, 2019, and the Committee recommended amendments to correct the drafting errors, and the author accepted those amendments, and the bill passed out of Committee. The amendments that will be made are shown in the Committee analysis and are responsive to the Board's request.

MOTION:	Mr. King and Mr. Ruffino moved to support SB 339, as amended in the Assembly Committee on Business and Professions on June 11, 2019.
VOTE:	13-0, 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				

XIII. President's Report/Board Member Activities

President Qureshi provided a presentation on behalf of the Board at the ASCE chapter meeting in Shasta.

Mr. Moore presented President Qureshi with a gavel plaque in recognition of his time as Board President.

XIV. Nomination and Election of President and Vice President for Fiscal Year 2019/20

The Nomination Committee comprised of Mr. King and Mr. Johnson recommended Dr. Amistad as Board President and Mr. Wilson as Board Vice President.

MOTION:	Mr. Silva and Mr. Stockton moved to elect Felino Amistad as Board President and Steve Wilson as Board Vice President.
VOTE:	13-0, 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				

xv. Approval of Meeting Minutes

A. Approval of the Minutes of the April 11, 2019 and May 13, 2019 Board Meetings.

MOTION:	Mr. King and Ms. Mathieson moved to approve the April 11, 2019, Board meeting minutes, as amended.
VOTE:	9-0-4, 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				

MOTION:	Dr. Amistad and Mr. Stockton moved to approve the May 13, 2019, Board meeting minutes.
VOTE:	10-0-3, 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				

xvi. Discussion Regarding Proposed Agenda Items for Next Board Meeting

A. August 8-9, 2019, 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 recalled a request made by Mr. Johnson about continuing education and what other boards within DCA are doing. He is continuing to research this issue and is hopeful to have information available at the next meeting.

President Qureshi requested some research on how other states are handling the issue of certifying businesses and handling unlicensed activity. Mr. Moore suggested discussing what the Board wants to pursue and prepare a summary of how the Board handles unlicensed activity in addition to research what other state boards do about both unlicensed activity and business certificates.

xvii. Adjourn

The meeting adjourned at 4:08 p.m.

PUBLIC PRESENT

Patrick Haedtler
 Tim Cremins
 Chris Ehe
 John Rector
 Rob McMillan, CLSA
 Bob DeWitt, ACEC
 Ralph Guida IV, Guida Surveying Inc.