

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

CalTrans District 11
4050 Taylor Street, Gallegos Room #134
San Diego, CA 92110

September 26, 2019

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

I. Roll Call to Establish a Quorum

President Amistad called the meeting to order at 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

Ms. Lang led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

Libi Uremovic, accounting auditor, expressed her frustration with engineers taking government positions, forging documents, and embezzling public funds in the City of Beaumont. The engineer along with the city attorney, finance director, and public works director were indicted. Ms. Uremovic claims she submitted a complaint with the Board and is disappointed in the Board's refusal to do anything about it. She will turn in all the documents in again.

A Professional Land Surveyor reported that he discovered that in 2009-2012, several people had received citations for not filing a record of survey when the local county surveyor was satisfied with the corner record document that was submitted and did not see anything that would require a record of survey. Because of this, a complaint was filed, and they received a citation. During the hearings they asked if the county surveyor was contacted and the answer was no. He questioned whether there was a rule in place or guideline to address what should be done when a local county surveyor feels there is no need for a record of survey, and

then a citation is issued because one was not filed. President Amistad advised the speaker to put his questions in writing to Mr. Moore.

IV. Request from Professional Engineers in California Government (PECG) that the Board Remove its Opposition to the Creation of Title Act Licenses

Ted Toppin, representing PECG, asked the Board to remove its opposition to the creation of new Title Act licenses and support the creation of a new Title Act license for environmental engineers. There are approximately nine universities in the state of California that provide environmental engineering degrees. The discipline is to apply environmental engineering principles to remediating and removing toxins from the air, water, and soil. Environmental engineering is key to addressing intense weather events and is vital to solving these problems. Regulating it would provide an important component to achieving the Board's mission. PECG's position is that a Title Act license is better than no regulation at all. A Title Act license would allow the Board to assess educational backgrounds, work done in the environmental engineering field, and provide an exam. By taking those steps, consumers would have a good baseline of understanding of the skills for people planning on becoming environmental engineers. There is currently no benchmark for establishing environmental engineering credentials. He further reported that a Title Act license would protect consumers and give students a path to environmental engineering. He is asking the Board to reconsider and give consumers of environmental engineering more protection.

Ms. Alavi noted that many aspects of environmental engineering fall under other disciplines.

Mr. Ruffino inquired as to why the Board would not want to regulate the practice and provide some oversight. He suggested establishing standards. The Board has other Title Act disciplines already. He questioned whether the Board was saying they do not mean anything. Consumers are aware that Title Act engineers have demonstrated a certain level of education and competency. He believes the Board should explore the concept further.

Mr. Stockton stated that, in the state of California, environmental engineering is a subset of other disciplines, and he does not see a need to create a separate Title Act license for environmental engineering as it is covered extensively by the Practice Act disciplines. The Board has the ability to regulate that aspect of the profession.

Mr. Toppin noted that all Title Act disciplines have some crossover with Practice Act disciplines.

Ryan Michael Atencio works for the California Air Resources Board. He holds a degree in environmental engineering and provided his personal testimony. He

requested that the Board consider a pathway for licensure for environmental engineers and remove the opposition.

Dr. Asgari inquired about how restricting the use of the title would change the way people currently practice since an environmental engineering license is not currently needed to do so.

Mr. Atencio indicated that college graduates do not know that there is not a pathway to obtain licensure.

Mr. Toppin added that if there was an environment engineer Title Act license, consumers could verify if a licensee had an environmental engineering degree, experience in the field, and if they passed the NCEES environmental engineering examination. It would protect the consumer.

Dr. Qureshi asked why licensure is so important if the field in which one practices does not require licensure. Mr. Atencio explained that people are coming into the profession and they are going to other states for work. Dr. Qureshi clarified and asked why licensure is important to Mr. Atencio.

Mr. Atencio indicated that up and coming engineers may be the problem solvers. There are many mechanical and chemical engineers at the Air Resources Board. When the recruits come up with their mechanical and chemical degrees, they are still able to choose their pathway, and he cannot provide them with a good answer as to why they should pursue an environmental pathway.

Mr. Stockton inquired if there is a difference in pay scale once an individual is licensed. Mr. Toppin explained that, in state service, it is subject to collective bargaining. There is a provision that provides additional compensation for licensed engineers in state service. If and when there was a license for environmental engineers, it would be subject to negotiation. He clarified that this is not about pay scale but fulfilling a need.

Mr. Ruffino believes that the time has arrived to engage in conversation rather than remain opposed. He recommended that the staff should do more research about the issue of licensure for environmental engineers.

Mr. Moore reported that there are multiple engineering examinations developed and administered by NCEES. There is a PE environmental examination that began in 1993. At one time, under the PE Civil exam, there existed a water resources module and a separate environmental module. In 2008, NCEES combined the water resources and environmental modules and continues to offer it as one of the modules that candidates may choose under the PE Civil exam. The Board reviewed the test plan specifications and determined that there is a very narrow area on the PE environmental examination that was not covered in the Board's

definitions of the professional practices of civil and mechanical engineering and geology.

Ms. Eissler explained that PECG sponsored legislation to create a Title Act license for environmental engineers several years ago and the Board reviewed it and took a position at that time to oppose the legislation. In voting to oppose that legislation, the Board had confirmed its opposition to the creation of new disciplines of licensure that only regulated the use of the title without regulating the associated practice. The legislation did not pass out of both houses. Currently, there is no pending legislation on which the Board could take a position. While the Board and its staff does not usually work with other organizations until legislation is pending, in this instance PECG has asked the Board to change its general policy position of opposing the creation of new Title Act licenses. With this request, it was deemed necessary to bring it to the Board to see if the Board wanted to change the position.

She explained that the reason the Board still issues Title Act licenses even though the position of the Board is that they do not protect the public is because the law dictates that the Board must still issue licenses in those disciplines. In the past, when the Board has tried to change the law to make some of the Title Act disciplines into Practice Acts, to eliminate some, or to change to a more generic form of licensure, the Board's legislation has been opposed by many professional groups including PECG. Over the years, the Board has tried to do something about the Title Acts as it has been the Board's position that they do not provide sufficient public protection.

Sutipa Bergquist is a PECG member and employed by the State Water Resource Control Board, Division of Drinking Water. She is part of CalEPA that engages in the field of infrastructure engineering including environmental. She is in support of the creation of a Title Act license.

PECG member Alan Escarda, Civil Engineer, acquired an environmental degree 30 years ago but ended up not using it due to the change in politics. He encourages the Board to support the environmental engineering Title Act license and is looking forward to building a relationship with the Board. He suggested that the Board could hold off on taking a vote on this issue and work with PECG. He felt devalued after graduation because there was not an environmental engineering path.

Mr. Johnson asked if there is a plan to introduce legislation. Mr. Toppin indicated that the PECG Board of Directors has not directed that be done at this time .

Roy Flores is a Civil Engineer who works for Caltrans and is a former president of PECG. When the concept of environmental engineering licensure was first proposed, there was strong opposition because they felt that environmental engineers would take work away from civil engineers. He believes it is time to include them and not oppose the creation of a Title Act license for environmental engineers as it will be beneficial for the public and state.

Carl Josephson reported that the last comprehensive study that was made of the title acts was completed in 2002/2003 by the Institute of Social Research. They came to the conclusion that Title Act licenses were not protecting the public and they made the recommendation to do away with Title Act licenses. Due to political reasons, it could not be done. Quality, safety, and corrosion were the only Title Act licenses that were done away with because they were specific to California. This issue has been a thorn in the side of the Board for many years and is a bigger problem that needs to be resolved.

Dr. Qureshi indicated that nothing said today has changed why he is opposed. He understands that while he holds a Title Act license, he is aware of what value it does not have and he did not hear a convincing argument from PECG. He acquired his Traffic Engineer license first but was unable to do all the job duties because many of them were civil engineering. While he could say he was a Professional Engineer and Traffic Engineer prior to obtaining his license as a Civil Engineer, there is not much value in his Traffic Engineer license. What he has discovered since he has been on the Board and with how the two fields overlap, much of what he did he could not do as a traffic engineer because it overlapped with civil engineering. As far as public protection, people can still do the work even if the Board revokes the Title Act license for incompetence. He would ask from PECG that if they are coming before the Board expressing the need for licensure, they need to tell the Board why. The arguments he has heard do not explain why a Title Act license for environmental engineers is needed. He understands licensure is a requirement for certain positions and it affects a person's career path. If that is the motivating factor, PECG should be honest about it. The argument for licensure needs to be more convincing as to why it is needed. If the issue is how the performance of the work is regulated, then it should be a Practice Act license. Since the practice would not be regulated, he does not see value in it. He doubts a homeowner would be hiring an environmental engineer; it would most likely be agencies and firms. The presentation of the argument as to why licensure is needed should be stronger.

Mr. Stockton does not think it is an appropriate time to have staff study and research given the workload.

Ms. Alavi noted that she only hears that it is better than nothing. There is no discussion on regulation or public protection, so she questions the motivation.

Ms. Lang would like to know if PECG has considered proposing a Practice Act license, rather than a Title Act license.

Mr. Ruffino respectfully disagrees with Dr. Qureshi. While not hearing compelling and convincing arguments, he has heard enough that he believes that having something is better than nothing. It would be worthwhile for the Board to entertain the idea and seek input from the profession to better justify why.

Mr. Toppin thanked the Board for engaging in the conversation as it is worthy. Remediating toxins in the air, soil, and water with engineering principles is a distinct field. PECG is not being disingenuous in the letter. The reference in the letter is to the people at the Water Board, Air Resources Board, and the Department of Water Resources who are engaging in and remediating toxins in air, land, and soil for the purposes of protecting the public. They are not practicing engineering but are using engineering principles. He is asking for consideration in providing them a path for licensure. Their work experience does not qualify them to take the civil, mechanical, or electrical engineering examinations, and they do not want to be pigeonholed into one of the Practice Act disciplines.

Dr. Asgari asked Mr. Pejuhesh if it would be considered a conflict for him to vote on any motions since he works for the State of California in an engineering position that is covered by the PECG bargaining unit agreement. Mr. Pejuhesh advised that there would likely not be a conflict if the request from PECG would not affect Dr. Asgari personally. Dr. Asgari indicated that it would not.

MOTION:	Mr. Stockton and Ms. Mathieson moved to reconfirm the Board's opposition to the creation of new license categories in which only the use of the title is restricted and the associated practice is not regulated.
VOTE:	7-3-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad			X		
Steve Wilson	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				
Mohammad Qureshi			X		
Frank Ruffino		X			
Robert Stockton	X				

V. Administration

- A. Fiscal Year 2017/18 Budget Status
- B. Fiscal Year 2018/19 Budget Report
- C. Fiscal Year 2019/20 Budget Report

Mr. Alameida, Administrative Services Manager, reported on the above topics. He received additional information from DCA for 2017/18 and 2018/19 and updated

projections for 2018/19 as a result from the updated information. DCA continues to deal with constraints with the FI\$Cal system. Mr. Moore, Ms. Eissler, and Mr. Alameida met with the Budget office to capture any updated information to provide to the Board and also an update in terms of where the Board is going to close out 2017/18 and 2018/19 and then current statements for 2019/20. The Budget office has indicated that they are attempting with FI\$Cal to close out 2017/18 by October or November. They would like to close out 2018/19 in December and would like to be current for 2019/20 financial reports by February of 2020.

Mr. Alameida reviewed the Financial Statement. He noted that the table he presented in the meeting materials is broken out by specific line items and based on the budget allocation for Fiscal Month 1 Projections going forward to the end of the year. He is moving towards a simpler display that would still provide all the information that the Board has come to expect in terms of where the impact levels are within the budget and their associated line items.

VI. Legislation

A. 2019 Legislative Calendar

Ms. Eissler reported that the legislative session ended September 13, and the Governor has until October 13 to act on bills.

B. Discussion of Legislation for 2019

AB 1522 Board for Professional Engineers, Land Surveyors, and Geologists
This bill passed unanimously through both the Senate and the Assembly. It was presented to the Governor on September 25, and a letter of support from the Board has been sent to the Governor's office.

SB 53 Open meetings
This bill would have amended the Bagley-Keene Open Meeting Act regarding what constitutes a state body. The Board, along with other DCA boards and DCA itself, opposed it because they felt the wording was confusing and it would create additional costs for the boards. The estimate from DCA and its constituent boards was that there would be an \$850,000 annual cost. The bill was held in the Assembly Appropriations Committee by the deadline. Because this was the first year in a two-year legislative session, the bill could be brought up again in January.

II. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2018/19 Update

David Hausfeld, the Board's Liaison Deputy Attorney General, announced his retirement from state service. Ms. Criswell introduced Amie Flynn who will be his replacement.

Ms. Criswell reviewed the Enforcement stats. Mr. Stockton noted a jump in aging of completed cases through 2019/20. Ms. Criswell explained that it is early in the fiscal year and she expects that it will change as there are only two months reflected in the statistics.

III. Exams/Licensing

No report given.

IV. Caltrans Director Presentation – update on Caltrans projects

Mario Orso, Corridor Director of District 11, provided a presentation on the Otay Mesa East Port of Entry (POE) project.

V. Executive Officer's Report

A. Rulemaking Status Report

Mr. Alameida reported that the Office of Administrative Law (OAL) approved the Geology Education rulemaking file on July 11, 2019, and the regulatory action will become effective October 1, 2019.

The Fees and Certificates rulemaking package is now at Agency as of September 19, 2019 and is still in the pre-notice review process prior to the Board being able to notice it for the 45-day comment period.

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

Mr. Moore reported that the solicitations are out, and DCA is hopeful they will have proposals from various vendors. He suspects most of October will spent reviewing the proposals and negotiating by November.

C. Personnel

Mr. Moore reported that Jen Mueller, Enforcement Analyst, has left employment with the Board; Kara Williams, Budget Analyst, accepted a position at another DCA entity; and Nina Natha was hired as the new Board's receptionist.

D. ABET

Natalie King, Senior Civil Engineer Registrar with the Board, reported that she attended an ABET visit for the first time. She discovered it was much more than curriculum and courses, but more about the institution and the support of the different programs and what the students do with the information once they leave. She found it very interesting and looks forward to doing it again.

E. Association of State Boards of Geology (ASBOG)

1. Fall 2019 Meeting

Mr. Moore announced the ASBOG Annual Meeting will take place November 5-9, 2019, in Minneapolis, MN. He is planning on attending the Board Administrators meeting on November 5. Ms. Mathieson and Laurie Racca, the Board's Senior Geologist Registrar, will also be in attendance

for the Annual Meeting. There will be discussion on computer based testing (CBT). David Cox, NCEES CEO ,will be doing a presentation on CBT. Mr. Moore will provide a report at the November meeting.

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

1. Report on the 2019 Annual Meeting

Mr. Moore reported that at the August Annual Meeting, Christopher Knotts, who was the Southern Zone Vice President, was elected as 2019-2020 NCEES President-Elect.

Mr. Moore reported that the Advisory Committee on Council Activities (ACCA) Motion 2 which would have prohibited proxy voting, passed. The Board was in support of this motion.

Mr. Moore also reported on Education Committee Motion 1 related to requiring an additional layer of evaluation in addition to ABET accreditation for engineering technology degrees. The Board's position was for its to vote consistently with California laws which did not require any additional evaluation above and beyond ABET accreditation. There was much discussion on the issue, with various alternative and amended motions proposed. Ultimately, the motion failed because it was a 50/50 vote.

Mr. Moore advised that Surveying Module Task Force Motion 1 related to restructuring of the Professional Surveying examination passed. The Board had supported this motion.

Mr. Moore advised that the Alabama Board presented a floor motion that proposed changes to various examination fees. Following the discussion, they withdrew the motion because NCEES already has a plan in place to review and revise the fees once all of the examinations have converted to CBT.

Mr. Moore indicated that that South Carolina Board presented a floor motion proposing changes to the bylaws related to NCEES education standards that would require any changes to that standard to be approved by a vote of the Council at the Annual Meeting. The motion to refer the matter to the Bylaws Committee passed.

Dr. Asgari announced he was appointed to serve as a member of the NCEES Outreach Task Force. Mr. Stockton indicated he is on the NCEES Finance Committee. Dr. Qureshi advised he is on the Examinations for Professional Engineers (EPE) Committee.

Mr. Moore stated that he is a consultant to the Examinations for Professional Surveyors (EPS) Committee.

G. Update on Outreach Efforts

Mr. Moore reported that the Board's outreach coordinator is researching how the Board can join LinkedIn.

H. Request from Staff for Direction from the Board Regarding Unlicensed Activity Enforcement Discussion Item

Mr. Moore provided background information regarding this item. During discussion at the June 2019 meeting, the Board tasked staff to begin research on certificate or registration requirements for businesses related to all the Board regulated professions, including how similar boards in other states are handling the issue of certifying businesses and unlicensed activities. Ms. Eissler recommended that an item be placed on a future meeting agenda so the Board would be able to fully discuss what information the Board would like staff to research. At the August Board meeting, the Board expressed its concerns related to business certification being a remedy to unlicensed activity.

Mr. Moore indicated that staff needs clear guidance from the Board on what exactly the Board would like staff to research.

Mr. Stockton indicated that he would like information on whether or not other states require Certificates of Authorization and if it is effective in terms of dealing with unlicensed activity.

Ms. Mathieson reported that a surveyor who spoke during public comment at the last meeting indicated that he was aware of rampant unlicensed practice among contractors, and, although he did not want to disclose any names at the time, he would provide a summary letter and database regarding his own research. She asked if the information had been received. Mr. Moore advised that no information had been received yet.

Mr. Wilson is interested to know if the Board cites someone for unlicensed activity and they are licensed by another board, if there a method to compel the other board to hold that person's renewal until the fine is paid or to take other action. He believes there should be a method in place for the boards to work together in this manner but acknowledged that legislation may be needed to accomplish it.

Mr. Johnson agrees with Mr. Wilson and would like to discuss the possibility of working with other boards.

Mr. Wilson questioned if the laws regarding Organization Records should be strengthened. Mr. Moore reported that the Enforcement Unit receives Organization Records inquiries daily. If there is an Organization Record available, it is sent to them. If not, the company is then contacted and asked to provide one or provide an explanation as to why they believe they do not need to file one. If they do not respond or comply, then a complaint investigation case

is opened. Ms. Criswell indicated that many unlicensed activity citations start this way.

Mr. Stockton asked if it would be possible to provide statistical data regarding citations issued for unlicensed activity. Ms. Eissler advised that some data is tracked relating to unlicensed activity cases and citations. Statistical information will be provided at the next meeting.

VI. 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.

VII. President’s Report/Board Member Activities

President Amistad reported that he attended the meeting DCA held regarding the Executive Officer compensation study. He also attended the NCEES Annual Meeting in Washington DC. For those who have not been to an NCEES meeting, he strongly encourages everyone to attend a meeting. He will also be attending an ABET visit and a few college outreach events as well.

Ms. Mathieson is planning on making a presentation to the UC Davis American Institute of American Geologists, geology club. They have a series of presentations by professionals, to discuss their careers and current projects.

VIII. Approval of Meeting Minutes

- A. Approval of the Minutes of the August 8, 2019, Board Meeting

MOTION:	Mr. Wilson and Mr. Johnson moved to approve the minutes as amended.
VOTE:	10-0-4, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	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				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton			X		

IX. Discussion Regarding Proposed Agenda Items for Next Board Meeting

A. November 21-22, 2019, Board Meeting will be held in Oakland, CA at the Elihu M. Harris Building, 1515 Clay Street, Oakland, CA.

X. 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)]

XI. Open Session to Announce the Results of Closed Session

During Closed Session the Board took action on two stipulations and discussed personnel matters as noticed.

XII. Adjourn

The meeting adjourned at 4:18 p.m.

PUBLIC PRESENT

Libi Uremovic, Beaumontgate.org
 Ted Toppin, PEEG
 Ryan Atencio
 Sutipa Bergquist, PEEG
 Alan Escarda, PEEG
 Robert Lumahan, PEEG