

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

Elihu M. Harris Building  
1515 Clay Street, Conference Room 2  
Oakland, CA 94612

Thursday, November 21, 2019

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

## I. Roll Call to Establish a Quorum

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

## II. Pledge of Allegiance

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

## III. Public Comment for Items Not on the Agenda

During Public Comment, Mr. Andreas Deak, PLS, reported that he has been a surveyor for 40 years. He stated that last summer he was placed on probation and wrote several letters to the Board for guidance on what to do, but there was no response. President Amistad asked that he put his comments in writing. Mr. Moore introduced Mr. Deak to Ms. Criswell and recommended that Mr. Deak discuss his concerns with her.

## IV. Administration

A. Fiscal Year 2017/18 Budget Status

B. Fiscal Year 2018/19 Budget Status

C. Fiscal Year 2019/20 Budget Report

Mr. Alameida, Administrative Services Manager, reported on the above topics. He continues to wait for the Fi\$Cal reports from DCA and is working with the Budget Office to be able to provide the most up to date information in reference to revenue reported to the Governor's Office and updated expenditures for the

Fi\$Cal system. Much of the revenue and expenditures are tracked internally, which helps the Board get as close as it can to year-end financial reports for Fiscal Year 2017/18 and 2018/19. He expects to have more information within the next few months to present at the next Board meeting.

Mr. King inquired if all state agencies are in the same position as the Board. Mr. Alameida indicated that it varies by agency. The majority of state departments are in the Fi\$Cal system. Some agencies that are supposed to be phased into the Fi\$Cal system have indicated that they do not want to be phased in until the issues are worked out. He added that Fi\$Cal does indeed work and has seen improvements at pulling reports more efficiently.

## **V. Legislation**

### **A. 2020 Legislative Calendar**

Ms. Eissler reviewed the Legislative Calendar and reported that the legislature is not in session. More information will likely be available at the next Board meeting. It will be the second year of a two-year cycle. Bills that did not make it through this past year may be brought back. There may be some clean-up legislation for the Board to pursue. The Senate Business, Professions, and Economic Development Committee may have an Omnibus bill for the various boards and programs under DCA for non-controversial, non-substantive changes that may be included in that bill. Since the Board accomplished a great deal with Sunset, she does not anticipate anything major for the Board for the upcoming year.

## **VI. Enforcement**

### **A. Enforcement Statistical Reports**

#### **1. Fiscal Year 2019/20 Update**

Ms. Criswell presented the Enforcement statistics. Mr. King noted that there is a case that has fallen into the 3-4 year range. Ms. Criswell reported that it is currently at the Division of Investigation (DOI) and indicated there has been personnel turn-over and shifting within DOI resulting in a number of cases that needed to be reevaluated and reinvestigated.

## **VII. Exams/Licensing**

### **A. Update on 2019 Examinations**

Mr. Moore introduced Kate Tibbitts and Cheryl Guidi who work in the Board's Examination Unit. Ms. Tibbitts is responsible for the California Specific Examination (CSE) for Professional Geologists and ASBOG examinations and Ms. Guidi is responsible for the Engineering Geology Examination and the Hydrogeology examination.

Mr. Moore reported that there have been a few postponements of examinations due to the fires and power outages throughout the state. The vendor took care of rescheduling the candidates who were affected by these events.

**B. Third Quarter Examination Results**

Mr. Moore reviewed the third quarter California State Specific Civil Engineer Examination Results and the Civil Engineer - Engineering Surveying Results.

**C. Update on Alternate Item Types for California Examinations**

Alternate Item Types have started with the Geotechnical Engineer examination that was administered in Fall 2019. Staff will evaluate and increase development efforts for other examinations. Information is being assembled on alternate item types and will be posted to the Board’s website to clarify definitions.

**D. Adoption of Test Plan Specifications**

1. Professional Geologist – Certified Engineering Geologist (CEG)
2. Professional Geologist – Certified Hydrogeologist (CHG)

Mr. Moore reviewed the Certified Engineering Geologist (CEG) and the Certified Hydrogeologist (CHG) test plan specifications, which are the result of the occupational analysis.

Ms. Mathieson explained her understanding of the purpose of the occupational analysis and the resulting test plan, which is to keep the examinations current with the knowledge and skills that are used in the profession.

<b>MOTION:</b>	Ms. Mathieson and Mr. Stockton moved to approve both the CEG and CHG Test Plan Specifications.
<b>VOTE:</b>	10-0, 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				

## **VIII. Executive Officer's Report**

### **A. Rulemaking Status Report**

Mr. Alameida reported that the rulemaking package related to the Board's proposed fee changes was submitted on Tuesday, November 19, 2019, to OAL with a requested publication date of Friday, November 29, 2019. This proposal will set a new standardization for fees for all license types. There will be a public hearing on January 14, 2020, after the close of the 45-day comment period.

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

Mr. Alameida reported that the Board is moving forward with an anticipated date of January 10, 2020, for contract execution with a system integrator. DCA contracted with a project manager and assigned staff from DCA who will support the effort for the four programs involved in Business Modernization Cohort 1. Contract response review is currently taking place for the system integrator. This will continue over the course of November and December. Staff will hopefully select a vendor to execute a contract to develop the software solution proposed in the contract. The Request for Offers (RFO) not only indicate recommending software, but a development/implementation team. The goal is to continue to assess the vendor responses and review proposed software.

### **C. Personnel**

Mr. Moore reported there are two vacant analyst positions, one in the Enforcement unit and one in the Budget unit. Recruitment options are being considered by the respective managers.

### **D. ABET**

President Amistad attended an ABET visit. He strongly recommends the experience to everyone.

Ms. Criswell also participated in a visit. She focused on the administration rather than the programs and toured the many senior projects and met with the registrar. They included her as much as they could and were very welcoming. She hopes to be able to participate again.

Mr. Ruffino reported that since he had previously attended an ABET visit, he was more experienced and knew what to expect.

### **E. Association of State Boards of Geology (ASBOG)**

#### **1. Report on the 2019 Annual Meeting**

Mr. Moore attended the ASBOG Annual Meeting which was held in Minneapolis, MN along with Laurie Racca, Staff Geologist and Chair of the Examination Committee for ASBOG, where she was able to coordinate the Council of Examiners Workshop.

Ms. Mathieson was there in an official voting representative capacity and participated in exam development. She provided an overview of the presentations.

Mr. Moore added that next year's meeting will be held in Madison, WI.

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

1. Member Board Administrator Committee – Draft Resolution of Cooperation  
Mr. Moore presented the draft resolution and staff report. His understanding is that the MBA Committee is looking for all member boards to provide feedback so they can modify and prepare a final draft to return to all the member boards in time for them to consider it before the April combined zone meeting in Houston, TX.

Mr. Stockton indicated that the Resolution of Cooperation is contrary to how NCEES and member boards should work together. His suggestion is to not respond to it at all.

Mr. King said that the Resolution of Cooperation itself needs to be very clear that it is not binding but aspirational. It requires a lot of work

Ms. Eissler reported that there are some Member Board Administrators that have said they are fine with the language, while others have been advised by their legal counsel not sign it regardless of what it says. Others have provided recommended changes, and a few who have not commented at all. Mr. Moore added that the MBA Committee representatives have said that they do not consider the document binding, but not everyone agrees that the Resolution of Cooperation makes that clear.

Mr. Wilson and Dr. Asgari moved that the Board not take a position and not respond.

Mr. Stockton provided preliminary changes to the Resolution. Mr. Moore suggested that the Board decide whether they would like to provide comment or not. If the Board decides to do so, then entertain what those changes or comments might be.

Mr. Wilson and Dr. Asgari withdrew the motion.

Mr. Johnson believes this will die but the Board still needs to communicate its concerns.

<b>MOTION:</b>	Mr. King and Mr. Wilson moved that the Board communicate with NCEES or the MBA Committee that California strongly objects to the current draft of the resolution and California will not sign on to anything that does not explicitly recognize each
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	state's individual sovereignty over these issues. While California is in favor of increased comity and further cooperation across boards and licensure, this resolution needs significant changes before the Board would consider signing it.
<b>VOTE:</b>	10-0, 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				

12:45 p.m. Ms. Mathieson left the Board meeting.

2. Nomination of Associate Members

<b>MOTION:</b>	Mr. King and Mr. Ruffino moved to nominate both Candace Cummins and Natalie King as Associate Members.
<b>VOTE:</b>	9-0, 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				

3. Nomination for Western Zone Assistant Vice President

<b>MOTION:</b>	Mr. Johnson and Mr. Ruffino moved to nominate Dr. Qureshi as Western Zone Assistant Vice-President.
<b>VOTE:</b>	9-0, 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				

4. Out-of-State Travel Request for April 2020 Combined Interim Zone Meeting
- Mr. Moore reminded the Board that every spring, DCA asks all boards to submit a blanket request for any Out-of-State travel for the upcoming Fiscal Year. All of the Board's requests were approved for the current fiscal year with the exception of the NCEES April 2020 combined Zone meeting in Houston, TX. Because Texas is on the list of prohibited states that is maintained by the Attorney General's Office, it was denied. Mr. Moore is seeking guidance on how to proceed, whether or not the Board would like to submit another out-of-state request. Ms. Eissler explained that a law was passed a few years ago prohibiting the expenditure of state funds for travel to certain states based on laws those states have passed that meet certain conditions that California deems discriminatory. Ms. Eissler noted that there are exemptions to when someone can travel to those states on official State of California business; one of those exemptions is if the affected board makes a determination that the travel is necessary to ensure the protection of the public health, safety, and welfare. Mr. Moore noted that it is unlikely that the Board would be able to justify qualifying for an exemption to attend this Zone meeting.

<b>MOTION:</b>	Mr. Stockton and Mr. Wilson moved to direct staff to submit an individual Out-of-State travel request for the NCEES April 2020 combined Interim Zone meeting in Houston, Texas, based on the Board's determination that travel to the state of Texas to attend this meeting is necessary to ensure the protection of the public health, welfare, and safety of the consumers of professional engineering and land surveying services in California.
<b>VOTE:</b>	8-0-1, 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				

G. Update on Outreach Efforts

Dr. Asgari reported that he attended the Sacramento State Outreach presentation with Staff Civil Engineer Natalie King and reported it was very well presented and received.

Ms. Irish appreciates being kept apprised of upcoming outreach efforts.

1:25 p.m. Ms. Mathieson returned.

H. Unlicensed Activity Research – Enforcement Statistics

At the September 2019 Board meeting, the Board requested information on enforcement activities related to unlicensed activity as well as information from other peer boards from NCEES or ASBOG. While the research for national information is continuing, Mr. Moore reviewed the various enforcement statistics that were available such as unlicensed activity related to complaints and enforcement investigations, and citations.



**IX. National Transportation Safety Board (NTSB) Letter to Governor Related to Professional Engineer Exemption and Gas Pipelines – Request for Input from Business, Consumer Services and Housing Agency**

The Board reviewed and discussed the information in the NTSB letter and report and believes that if the State of California wishes to pursue legislation related to this request, than removing the phrase “public utility” from Business and Professions Code section 6747(a) and a reduction in the number of categories in the definition of “employees” in Business and Professions Code section 6747(b) should be considered.

Erick Trombley, from Southwest Gas Corporation, addressed the Board regarding the NTSB investigation of and findings regarding the gas pipeline explosion in Massachusetts.

<b>MOTION:</b>	Mr. King and Ms. Alavi moved that the Board send a letter to the Business Consumer Services and Housing Agency and provide a copy to the Governor stating that the Board has considered their request to review the letter and provide input and the Board suggests that, if the State of California wishes to pursue legislation, consideration should be given to removing the phrase “public utility” from Business and Professions Code section 6747(a) and to reduce the number of categories that make up the definition of “employees” in Business and Professions Code section 6747(b).
<b>VOTE:</b>	10-0, 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				

**X. Review of Professional Land Surveyors' Act and Board Rules related to the Preparation and Submittal of Record of Survey and Corner Record Requirements – Staff Report and Recommendations**

Dallas Sweeney, Staff Land Surveyor, presented to the Board the results of a review of the PLS Act and Board Rules related to the requirements for the preparation and submittal of Records of Survey and Corner Records. He facilitated six workshops throughout California and presented the results of the online survey at those workshops.

Mr. Sweeney reported that he would like to conduct Record of Survey workshops regularly on, at minimum, an annual basis that will highlight the requirements for preparing and reviewing a Record of Survey. He would also like to provide outreach that will be geared to the various County Surveyors to advise them what the PLS Act requires of them when they review Records of Survey in hopes that it will facilitate a better understanding of the protection of the public and reduce enforcement complaints.

Mr. Stockton questioned whether the the Land Surveying Technical Advisory Committee (LSTAC) should meet to discuss these issues. Mr. Sweeney explained that he intends to perform an in-depth review the comments he received to determine what aspects of the PLS Act and Board Rules might need clarification and determine whether it is something that can be accomplished through regulation or statute. Once that review is complete, he will present the information to the Board so that the Board can decide whether to involve the LSTAC.

Ian Wilson, County Surveyor for Alameda County, expressed his appreciation that the Board took on this project. He believes that some terms need to be defined and clarified through a regulatory process.

**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 Amistad attended an ABET visit and recommends that other members become involved.

He also added that he attended various schools to learn more about their programs on his own.

Ms. Mathieson reported that the ethics committee with ASBOG is looking at ethics guidelines from different state boards and are finding inconsistencies. The Minnesota Board's Executive Officer indicated that Minnesota had two enforcement cases in the last year, and one individual falsely claimed that he had taken an ethics course.

**III. Public Comment for Items Not on the Agenda**

Mr. Moore read a statement to the Board from Rob McMillan. Mr. McMillan served as the California Land Surveyors Association (CLSA) Liaison to the Board for the last several years. He has now been elected to serve as the 2020 CLSA President-Elect, and he anticipates his schedule will be active throughout the year; therefore, he has asked CLSA President Keith Spencer to find a replacement liaison to the Board for 2020.

Alan Escarda, the Professional Engineers in California Government (PECG) Liaison to the Board, introduced himself and invited the Board to attend PECG's June meeting to provide an outreach presentation.

**XIII. Approval of Meeting Minutes**

A. Approval of the Minutes of the September 26, 2019, Board Meeting

<b>MOTION:</b>	Ms. Mathieson and Mr. Johnson moved to approve the minutes as amended.
<b>VOTE:</b>	10-0, 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				

**XIV. 2020 Board Meeting Schedule**

Mr. Moore presented the tentative Board meeting schedule for 2020. He reported that the May meeting will take place in Ventura and the August meeting will take place in Sacramento. Ms. Irish suggested that the June meeting take place at the

Los Angeles City Hall and agreed she could help with arranging a suitable location. President Amistad suggested the December meeting be held in San Diego, and Dr. Asgari suggested Monterey for the March meeting. While there were some minor scheduling conflicts for one or two board members, the proposed schedule did not appear to impact quorum.

**XV. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

Vice-President Wilson requested the status of the online renewal assessment. Mr. Moore noted that it is one of the system requirements in the Business Modernization Project.

Vice-President Wilson requested that the Board look into enforcement action relative to surveying specifically with ALTA surveys that involve a survey broker. Mr. Moore stated that the staff would have to review individual cases to provide any statistical data.

The Board will schedule a review/update of the current Strategic Plan with SOLID during the August 2020 Board meeting.

Mr. Moore advised the Board that staff has raised concerns that TAC members are required to complete mandated training and financial disclosure forms even when there are no meetings held. Mr. Moore suggested adding to a future agenda a discussion topic regarding how long to maintain members of the TAC if the TAC is not active.

**XVI. 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)]

**XVII. Open Session to Announce the Results of Closed Session**

During Closed Session, the Board took action on eight stipulations and five proposed decisions and discussed personnel matters as noticed.

**XVIII. Adjourn**

The meeting adjourned at 4:57 p.m.

**PUBLIC PRESENT**  
Steve Hao, Caltrans

Erick Trombley, Southwest Gas Corporation  
Andreas Deak  
Ian Wilson, ACPWA  
Craig Copelan, ASCE  
Alan Escarda, PEGG