

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

Monterey-Salinas Transit
19 Upper Ragsdale Drive, Boardroom
Monterey, CA 93940

Thursday, March 12, 2020

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

Mr. Moore addressed the Board amid the recent COVID-19 virus concerns. He has been in constant communication with DCA while closely monitoring the situation. He will keep the Board apprised as the circumstances remain fluid.

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

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

III. Public Comment for Items Not on the Agenda

During Public Comment, Michael Goetz, Monterey County Surveyor and CLSA liaison, welcomed the Board to Monterey.

IV. 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)

Ms. Mathieson noted that the word "Licensee" in Section 3061(d)(5) should be changed to "License Holder" for consistency. She recommended that the rest of the language be checked in case the same change needed to be made elsewhere.

Dr. Qureshi suggested to list types of licenses with commas rather than using the word "or" repeatedly in Sections 418 and 3061.

MOTION:	Mr. King and Mr. Stockton moved to approve the proposed amendments, as shown and with the additional changes noted, to Title 16, California Code of Regulations sections 416, 418, 3080, and 3061 and directed staff to notice the proposed changes for a 15-day public comment period.
VOTE:	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				

V. Administration

A. Fiscal Year 2017/18 Budget Status

Mr. Moore reported that Fi\$Cal reports were received from DCA Budgets on February 19, 2020, and we have officially closed Fiscal Year 2017/18. The result in adjustment reflects a slight increase in revenue of \$133,000 and a decrease in expenditures of \$209,400.

B. Fiscal Year 2018/19 Budget Status

Mr. Moore reported that we have not received Fi\$Cal reports for Fiscal Year 2018/19. DCA is anticipating receiving reports in the spring. Overall, the fund is progressing in a positive manner.

C. Fiscal Year 2019/20 Budget Report

President Amistad inquired about the increase in training from \$150 to \$500. Mr. Moore believes it is due to a change in staffing and the need for training. In addition, President Amistad noted a 40% reduction in Information Technology. Mr. Moore explained that when the new system upgrade was proposed, the changes encompassed the entire fiscal year, but because of the timing of when it started in January, there is less in this Fiscal Year as explained by Mr. Alameida at January's Board meeting.

VI. Legislation

A. 2020 Legislative Calendar

Ms. Eissler presented the legislative calendar.

B. Discussion of Legislation for 2020

AB 1263 Contracts: consumer services: consumer complaints.

MOTION:	Mr. King and Dr. Qureshi moved to take a position of support on AB 1263, as amended January 6, 2020.
VOTE:	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				

AB 1616 Department of Consumer Affairs: boards: expunged convictions.

MOTION:	Mr. Stockton and Ms. Mathieson moved to take a position of watch on AB 1616, as amended January 6, 2020.
VOTE:	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				

AB 2028 State agencies: meetings.

MOTION:	Mr. King and Vice-President Wilson moved to take a position of watch on AB 2028. However, there should be some exceptions for matters that are urgent or have changed within the 10-day period.
VOTE:	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				

AB 2113 Refugees, asylees, and immigrants: professional licensing.

MOTION:	Mr. King and Mr. Hamilton moved to take a position of watch on AB 2113.
VOTE:	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				

AB 2185 Professions and vocations: applicants licensed in other states: reciprocity.

MOTION:	Mr. King and Mr. Johnson moved to take a position of oppose unless amended on AB 2185 to specifically exempt the Board with the statement that the Board believes that the reciprocity statutes and regulations that are in place in the Board's laws provide the right balance between the need for reciprocity and the need to protect the public.
VOTE:	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				

AB 2454 Department of Consumer Affairs: retired or inactive status license: discipline.

MOTION:	Mr. King and Mr. Ruffino moved to take a position of support on AB 2454.
VOTE:	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				

AB 2549 Department of Consumer Affairs: temporary licenses.
No action taken.

AB 2631 License fees: military partners and spouses

MOTION:	Ms. Mathieson and Mr. Stockton moved to take a position of watch on AB 2631 and authorized changing the position to oppose if AB 2631 is amended to require the Board to waive any fees associated with obtaining a license.
VOTE:	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				

AB 3045 Department of Consumer Affairs: boards: veterans: military spouses: licenses.
No action taken.

AB 3334 Professional Land Surveyors' Act.

MOTION:	Vice-President Wilson and Mr. Stockton moved to take a position of watch on AB 3334 and direct staff to work with the author and sponsor on any proposed amendments in order to address the concerns previously expressed by the Board regarding SB 556.
VOTE:	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				

SB 865 Excavations: subsurface installations.

MOTION:	Mr. King and Mr. Hamilton moved to take a position of watch on SB 865 and direct staff to work with the author, sponsors, and Dig Safe Board staff to determine the actual intent of this amendment and to assist them with developing language that would more appropriately reflect language used with GIS systems and address any issues relating to compliance with the Professional Land Surveyors' Act.
VOTE:	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				

SB 878 Department of Consumer Affairs Licensing: applications: wait times.

MOTION:	Dr. Qureshi and Mr. Johnson moved to take a position of watch on SB 878 at this time to see if further clarification of the terms in the bill is provided when the bill is heard in Committee.
VOTE:	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				

SB 1057 Land.

MOTION:	Dr. Qureshi and Mr. Wilson moved to oppose unless amended SB 1057 to remove Section 8726 from the bill until such time as Board can review and consider a proposed definition to “cadastral surveying” and to work with sponsors, if necessary.
VOTE:	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				

VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2019/20 Update

Ms. Criswell presented the Enforcement statistics. She provided an update on the criminal case relating to Palos Verdes Engineering. The two defendants Ruben Gutierrez and Wilfredo Rodriguez received a sentence of a year in county jail and 5 years of probation related to forging the professional engineer stamp of the business owner.

VIII. Exams/Licensing

Mr. Moore reported that ASBOG and NCEES are moving forward with exam administration at this time, but that is subject to change.

IX. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that the Fees and Certificates rulemaking process is progressing.

B. Update on Board's Business Modernization Project

Mr. Moore provided a brief report and noted that they met with the vendor, InLumon, to review the first MVP (Minimum Viable Product), which is the Engineer-In-Training and the Land Surveyor-In-Training application submittal process.

C. Personnel

Mr. Moore reported that an offer was made for the Budget Analyst position.

An additional evaluator position will soon be available, in addition to another vacancy in the Licensing Unit.

The Board's receptionist, Nina Natha, left the Board to work for another agency.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

Due to the recent Governor's Executive Order with regards to travel restrictions and gatherings, the decision to cancel the upcoming ASBOG exams was made.

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

1. Nomination for Western Zone Vice President

Mr. Moore provided information regarding the Houston meeting in April. He suspects that the meeting may be cancelled or presented as a webinar. In addition, the Board's request for Out of State (OST) approval was denied as the destination is considered a banned state and not mission critical.

1:55 p.m. Dr. Qureshi left.

MOTION:	Mr. Wilson and Ms. Mathieson moved to support Karen Purcell as NCEES Western Zone Vice-President.
VOTE:	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				

2:02 p.m. Dr. Qureshi returned.

2. Nomination for NCEES Treasurer

MOTION:	Mr. King and Mr. Johnson moved to nominate Bob Stockton as NCEES Treasurer.
VOTE:	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. Examinations for Professional Surveyors (EPS) Committee seeking Board Response Pertaining to Future Exam Divisions

Mr. Wilson is a current member of the EPS Committee, and Mr. Moore is a consultant. The Committee was tasked with implementing the charge to develop and implement a plan to restructure the Professional Surveyor examination.

Mr. Wilson explained that the Committee’s responsibility was to develop a plan for implementing the Council-approved examination divisions for the PS exam. The Committee sent out another questionnaire to all the member boards that regulate land surveying; however, many of those items were already previously studied by the task force during the preceding two years. He believes it is an impediment to what the Committee was tasked to do.

Mr. Moore reviewed the assumptions and questions provided by NCEES and captured comments by the board members. He and Mr. Wilson will provide responses to the committee on behalf of the Board subsequent to this meeting.

4. Combined Zone Interim Meeting – Out-of-State Travel Request
Reviewed under IX. Executive Officer's Report F. 1.

5. Western Zone Mobility Challenge

Mr. Moore reported that Brian Robertson, Western Zone Vice-President, asked that all Western Zone Boards review the laws and regulations of member boards as assigned at the 2019 Annual Meeting, giving consideration to whether the laws reduce barriers to mobility while recognizing that each member board has reviewed their own laws and regulations. Mr. Moore provided findings on California Laws and Regulations as reviewed by the Montana Board.

G. Update on Outreach Efforts

Mr. Moore presented the Board’s Outreach report.

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

No report given.

C. TAC Appointment

1. TAC Appointment Policies

Mr. Moore reviewed the TAC appointment policies. He reported that the TAC meets based on assignments given by the Board. TAC members are also required to submit their Form 700 and are required to complete the on-line policy training even though they are not attending meetings. Mr. Moore suggested continuing to advertise for applicants to the various active TACs. He also recommended that the Board discuss any anticipated need to assign topics to the TACs for the following fiscal year, establish assignments for the TAC on an annual basis, and direct staff with a general course of action.

The Board agreed with Mr. Moore's recommendation.

D. Reports from the TACs

No report given.

XI. Discussion for an Increase in the Exempt Salary Level of the Executive Officer

President Amistad discussed the need to request a change to the exempt salary category for the Executive Officer. A request to change the exempt category will need to be submitted along with supporting documentation to the Department's Office of Human Resources, the Business Consumer Services and Housing Agency, and the California Department of Human Resources for review and approval.

MOTION:	Mr. King and Mr. Ruffino moved to assign President Amistad as Board representative to work with staff.
VOTE:	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				
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XII. President’s Report/Board Member Activities

President Amistad reported on his outreach activities. If any Board member is interested in attending any of the outreach events, Mr. Moore will put them in contact with the registrar for that program.

XIII. Approval of Meeting Minutes

A. Approval of the Minutes of the January 16, 2020, Board Meeting

MOTION:	Mr. King and Mr. Wilson moved to approve the minutes as amended.
VOTE:	9-0-1, 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				

X. Technical Advisory Committees (TACs) (Cont.)

A. Assignment of Items to TACs

Mr. King suggested assigning the review of the “cadastral surveying” item to the LS TAC.

MOTION:	Dr. Qureshi and Mr. King moved to assign the review of the definition of “cadastral surveying,” as proposed in AB 3334, to the LS TAC to provide recommendations to the Board.
VOTE:	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. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. Moore noted that if the LSTAC meets, the results will most likely not be available until the June meeting at the earliest, subject to the availability of coordinating an LSTAC meeting.

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)]

XVI. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on three stipulations and a default decision.

XVII. Adjourn

The meeting adjourned at 3:23 p.m.

PUBLIC PRESENT

Bob DeWitt, ACEC - CA
 Alan Escarda, PECCG
 Brian Wilson