

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

Thursday, September 16, 2021, beginning at 9:00 a.m., and continuing  
Friday, September 17, 2021, beginning at 9:00 a.m.

## Thursday, September 16, 2021

<b>Board Members Present:</b>	President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez
<b>Board Members Absent:</b>	
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Joseph Chin (Legal Counsel)

- I. **Roll Call to Establish a Quorum**  
President Mathieson called the meeting to order at 9:07 a.m., and a quorum was established.
- II. **Pledge of Allegiance**  
Mr. Novak led everyone in the recitation of the Pledge of Allegiance.
- III. **Public Comment for Items Not on the Agenda**  
There was no Public Comment.
- IV. **Hearing on the Petition for Early Termination of Probation of Ron Barto**  
This hearing was held on Thursday, September 16, 2021.
- V. **Hearing on the Petition for Reinstatement of Revoked Certificate of Masih Tukhi**  
This hearing was held on Thursday, September 16, 2021, immediately following the Hearing on Petition for Early Termination of Probation of Ron Barto.
- VI. **Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]**
- 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)]
  - 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. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

4:30 p.m. Ms. D'Antonio left the meeting.

Meeting recessed at 4:44 p.m.

## Friday, September 17, 2021

<b>Board Members Present:</b>	President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez
<b>Board Members Absent:</b>	
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Joseph Chin (Legal Counsel)

### III. Public Comment for Items Not on the Agenda (Cont.)

There was no public comment.

Ms. Criswell announced that during Closed Session held the day before, the Board took action on a petition for early termination of probation, a petition for reinstatement of revoked certificate, four stipulations, two default decisions, two proposed decisions, and two petitions for reconsideration.

### XVII. Administration

#### A. Fiscal Year 2020/21 Year-End Summary

Ms. Hall reported on the results through Fiscal Month 12, which did not represent the close of the Fiscal Year. However, the information was subsequently received, and she reported that the revenue and final expenses, which she will present at the next Board meeting, were anticipated to be within one percent of the final projections.

#### B. Fiscal Year 2021/22 Budget Report

Ms. Hall reviewed the projections for the current Fiscal Year that are included in the Governor's Budget and approved by the Department of Finance.

### IX. Enforcement

#### A. Enforcement Statistical Reports

##### i. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the Enforcement statistics.

### X. Exams/Licensing

#### A. 2021 Examination Update

Mr. Kereszt provided an update for the Fall 2021 Examination Administration. NCEES will have all their examinations administered in October. ASBOG will have their paper and pencil Fundamentals of Geology (FG) and Professional Geology (PG) examinations administered in person at The DoubleTree Hotel

in Sacramento October 1, 2021. All state-specific examinations are administered through Prometric Test Centers. The state-specific component for the Geology Examination (California Specific Exam (CSE)) will be administered October 5, 2021. The Certified Engineering Geology (CEG), Certified Hydrogeology (CHG), and Professional Geophysicist (PGp) examinations will all be administered October 7, 2021. The state-specific Land Surveyor examination will be administered October 26, 2021, and the Traffic Engineer examination will be administered in a 15-day window beginning October 14, 2021 through October 29, 2021. The Geotechnical Engineer examination will be administered within the window of November 1-15, 2021.

Mr. Moore reminded everyone that with the implementation of the Connect system, they have allowed for a short grace period after each “Go Live” date where paper applications were still being accepted. With the anticipated “Go Live” of the Civil Engineer and the Land Surveyor applications, which carry a much larger volume, staff elected to suspend acceptance of these applications during the month of October to allow staff to complete the workload of the paper applications that are received.

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

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

The Repeal of the Professional Engineer and Land Surveyor Appeals (Title 16, California Code of Regulations sections (16 CCR) 443 and 444) was approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on August 26, 2021 and will become effective on October 1, 2021.

Board staff continues to work with DCA Legal to prepare documents for the Definition of Traffic Engineering Rulemaking (16 CCR 404) and the Definition of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR 3003 and 3003.1).

### **B. Update on Board's Business Modernization Project**

Mr. Moore reported on the progress of the development of Product Increment 4 (PI4), which began in June 2021. The Agile team recognized that there was a need to have additional sprints while the contract was in its first stage rather than the Maintenance and Operations (M&O) stage. This allowed the inclusion of additional sprints, extending the timeline for PI4 which allows the implementation of more information and functionality. However, there were concerns with the volume and the workload associated with the Civil Engineer and Land Surveyor applications. Due to the inclusion of additional sprints, the Board is planning for an interim Product Increment 3.5 release near end of October 2021 to accommodate the Civil Engineer and Land Surveyor applications.

#### **1. Connect Presentation**

Mr. Moore provided a presentation that outlined the capabilities and process of the new Connect system.

C. Personnel

Kara Williams has accepted a position with another Department starting September 1, 2021. In addition, we are hoping to recruit for the Human Resources Liaison Analyst by the end of the year. Linda Liu, one of the Board's cashiers, will return October 1, 2021. There is a vacant fingerprint analyst position in the Board's Licensing Unit. There is a new Office Technician, Maria Rodriguez, who will start Monday, September 27, 2021, in the Licensing Unit.

Mike Donelson, Senior Registrar, who was not available to introduce himself at the last Board meeting will be introduced at the Board's November meeting.

Mr. Moore announced that the Board lost a valued staff member who passed away unexpectedly. Kate Tibbitts was responsible for coordinating the ASBOG examinations as well as exam development for the CSE geology exam. She started out with the Board as an examination proctor and was then hired to work in Licensing before transferring to the Exam Unit. The Board has received an outpouring of support from other DCA offices, DCA Executive Leadership, proctors, Prometric, and ASBOG. She will be greatly missed by all. Mr. King recommended that the Board adjourn in Kate's honor, that the adjournment be reflected in the minutes, and that Board staff inform her family of that action.

11:00 a.m. Mr. Johnson left the meeting.

D. ABET

Dr. Amistad reported that he has a visit scheduled.

E. Association of State Boards of Geology (ASBOG)

1. 2021 Annual Meeting – October 25-30, 2021

Due to current pandemic requirements around the country, ASBOG made adjustments to hold hybrid in-person and virtual meetings. Since the meeting is to be held in Arkansas, which is one of the states prohibited for travel by the Attorney General's Office, the Board will be able to attend in a virtual manner. Ms. Racca and Mr. Moore reviewed all the materials. In anticipation that the Board would select President Mathieson as the Board voting delegate to attend virtually, she reviewed the minutes and provided feedback which will be sent over to ASBOG.

<b>MOTION:</b>	Dr. Qureshi and Mr. Ruffino moved to nominate President Mathieson to be the voting delegate.
<b>VOTE:</b>	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				

Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

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

1. 2021 Annual Meeting – Report from September 15, 2021 (Virtual) Meeting  
 Due to the pandemic, the Annual Meeting in New Orleans was conducted virtually. Board Members Michael Hartley, Coby King, and Alireza Asgari represented the Board during this meeting, ensuring that one of them was always available for voting duties. Dr. Qureshi attended as Western Zone (WZ) Assistant Vice President and Ric Moore attended as the WZ Secretary Treasurer. Several other staff and Board Members attended throughout the meeting since it was held virtually. Brian Robertson, PE (Colorado Board), began his term as 2021-22 NCEES President at the conclusion of the meeting, and Christopher Duhamel, PE, PLS (Rhode Island PE Board), began his term as 2021-22 NCEES President-Elect.

G. Update on Outreach Efforts

President Mathieson reported that she and Civil Engineer Senior Registrar, Natalie King will provide a virtual presentation to first year engineering students at the University of San Francisco.

H. Strategic Plan 2021-22 Update

Mr. Moore confirmed that Board Members have been working with Sarah Irani from SOLID, who is coordinating the Board's Strategic Plan. The Board has received hundreds of responses from the survey for stakeholders and constituents. Mr. Moore reminded everyone that at the November meeting we will hold the Strategic Planning session. Once Ms. Irani is able to compile the feedback from interviews, it will be sent to all members for discussion.

Mr. Ruffino reported that he will not be available for the November Board meeting.

**VIII. Legislation**

- A. 2021 Legislative Calendar

Ms. Eissler reviewed the calendar and reported that the Legislative Session ended September 10. For bills that passed, the Governor has until October 10 to act upon them.

B. Discussion of Legislation for 2021

1. **AB 107** Licensure: veterans and military spouses.

<b>MOTION:</b>	Mr. King and Mr. Friel moved to take a position of "Support" on AB 107, as amended September 2, 2021.
<b>VOTE:</b>	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D'Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson				X	
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

2. **AB 1273** Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer.  
No action taken.

3. **SB 607** Professions and vocations.  
No action taken.

4. **SB 826** Business and professions.  
Has been chaptered and will go into effect January 1, 2022

Ms. Eissler added that AB 361 would continue the provisions of the Governor's Executive Order that allow for these types of virtual Board meetings. Currently, the Executive Order was scheduled to end September 30 and this bill will extend those provisions to waive portions of the Bagley-Keene Open Meeting Act through January 31, 2022. This bill was signed by the Governor yesterday, September 15, 2021, and it included an urgency clause so it became effective immediately. If needed, the Board would be able to hold meetings between the end of September through the end of January through this virtual method. It is Ms. Eissler's understanding that there is still consideration of making this more

permanent, but at this point, they decided to have it go through the end of January.

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

This item will be deferred to the November 2021 Board meeting.

**XIII. President’s Report/Board Member Activities**

President Mathieson reported that she took part in the survey for the Strategic Plan. She signed up for DCA’s Learning Management System which will assist Board members with their training courses. She recommended that all Board members look for the email regarding the Learning Management System to enroll. She also participated in some portions of the NCEES Annual Meeting.

Vice-President D’Antonio reported that on September 8, 2021, she had the opportunity to represent the Board and NCEES to present the 2021 Engineering Education Award to the California State University, Los Angeles, Department of Civil Engineering. The project was entitled “Sustainable Recycled Water Recharge Program,” which has real world applications. She was grateful for the opportunity.

11:39 a.m. Mr. Johnson returned.

**XIV. Approval of Meeting Minutes**

A. Approval of the Minutes of the July 23, 2021, Board Meeting

<b>MOTION:</b>	Mr. King and Mr. Friel moved to approve the minutes.
<b>VOTE:</b>	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish			X		
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

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

Dr. Qureshi requested to have the Board’s support for his run for Vice-President of the NCEES Western Zone.

Mr. Novak asked if AB 361 will affect whether the November meeting will be held in person or virtually. Mr. Moore would like to have the November meeting held in person because of the Strategic Planning Session. However, the problem is due to the timeline of this bill and the deadline of Executive Order, there has been a rush on DCA facilities for meeting space. All options are being evaluated. The Office of Administrative Hearing is continuing to require all of their hearings to be held virtually, and there will likely be two petition hearings held in conjunction with the November meeting; the hearings would have to be held virtually. In addition, all Board members will have to meet the same criteria as staff to either provide proof they are vaccinated or provide a negative test within the week of meeting.

**XVI. Adjournment**

The Board adjourned at 11:40 a.m. in honor of Kate Tibbitts.