

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

Teleconference

Monday, January 10, 2022, beginning at 9:00 a.m., and continuing
Tuesday, January 11, 2022, beginning at 9:00 a.m.

Monday, January 10, 2022

Board Members Present:	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; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	
Board Staff Present:	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 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

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

III. Public Comment for Items Not on the Agenda

No public comment.

IV. Strategic Planning Session

The Board engaged in a Strategic Planning Session on Monday, January 10, 2022.

The meeting recessed at 4:40 p.m.

Tuesday, January 11, 2022

Board Members Present:	President Betsy Mathieson; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	Vice-President Rossana D'Antonio
Board Staff Present:	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 9:00 a.m., and a quorum was established.

III. Public Comment for Items Not on the Agenda

No public comment.

VI. Department of Consumer Affairs (DCA) Update – Carrie Holmes, Deputy Director for Board and Bureau Services

Deputy Director for Board and Bureau Services, Carrie Holmes, expressed her appreciation to Board Members and staff who have continued to serve through the pandemic and have followed the protocols the Department has set to combat the spread of the virus. She explained that prior to any in-person meetings, members must verify their full vaccination status with the Office of Human Resources or participate in Covid-19 testing. DCA is requesting all members provide their proof of vaccination no later than January 31, 2022.

She reported that there is a mechanical engineer vacancy on the Board and encouraged those interested in applying to visit Board Member Resources on DCA's homepage. She reminded Board members to file their Form 700 before April 1, 2022, and those members newly appointed or reappointed to complete the Board Member Orientation Training (BMOT).

VII. Administration

A. Fiscal Year 2021/22 Budget Report

Ms. Hall thanked Mr. King and Dr. Qureshi for their input on the new format for the financial report.

She reported that the Budget Authority illustrates an increase in appropriations. The Governor's Budget for Fiscal Year 2022/23 was published on January 10, 2022, and proposes \$286 billion dollars in total state funds and \$65.3 billion in special funds. She noted that the fund accounting operates in a much larger

framework than most organizations. There are meetings scheduled with DCA's Budget Office to discuss changes in the budget in appropriations and more information will be provided at future Board meetings. Overall, she expects some decreases in some line items, and the graph will be updated in May and at the end of the Fiscal Year.

Ms. Hall reviewed the Revenue and Expense statement. President Mathieson expressed her appreciation for the budget presentation.

In reviewing Fiscal Month 4 revenue total for the current and prior Fiscal Years and the current total year projections, Ms. Hall confirmed that \$2.6 million in revenue collected in June 2021 as revenue in advance has been booked in December which represents \$1 million dollars more than the revenue in advance for the previous periods due to the fee increase. There are currently no anticipated changes to the current full year projections.

She also reviewed Fiscal Month 4 Personal Services. She reported that salary and wages are up over the prior year. A general salary increase of 4.55% went into effect in July 2021. The Board continues to fund the Business Modernization effort and has seen an increase in credit card transactions fees, which was expected. The full year expenses are expected to be 87% of appropriations which is in line with prior years.

If revenues are within 90% of projections and expenditures hold to Board projections and less than the budget authority, it is expected that in Fiscal Year 2023/24 revenues will exceed expenditures and begin to increase the fund reserves.

VIII. Legislation

A. 2022 Legislative Calendar

Ms. Eissler reported that the Legislature reconvened January 3, 2022, and there have been bills that were introduced last year that need to make it out of their house of origin by the end of January or they are considered dead. One bill addresses out of state travel that would ban travel to states that have what California would consider restrictive voter registration and election laws similar to the travel ban that is currently in effect. Another bill addresses Board member per diem for how Board members' time would be calculated for days spent preparing for meetings. These two bills will be presented to the Board in March. Ms. Eissler spoke with the staff consultant for the Senate Business, Professions and Economic Development Committee regarding possibly including the Board's legislative proposals in the Committee's Omnibus bill.

IX. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2021/22 Update

Ms. Criswell reviewed the Enforcement statistics. Dr. Qureshi noted a significant trend in the increase of the aging of cases. Ms. Criswell noted that overall, there are significantly more cases, which makes it appear that the trend is increasing. She attributes the increase to the new Connect system which has created more accessibility. In addition, more cases have been opened that have a number of related complaints. The trend percentagewise is consistent.

Ms. Irish commented that public meetings present an opportunity to provide a sense of how licensees can avoid getting into an enforcement issue. The Board has witnessed instances where licensees were unaware that they committed an infraction. Ms. Criswell referred to the Strategic Planning that took place the day before and the renewal assessment that is being developed and will help licensees stay current on the laws. She noted that some licensees are unaware of changes in laws and do not review the website for law updates. She is optimistic that the renewal assessment will help in addressing the more common violations by making licensees aware of the laws.

X. Exams/Licensing

A. Examination Updates

Mr. Kereszt reported that as of 2022 all NCEES exams will be administered via computer based testing (CBT), with the exception of the Structural Engineer exam. That exam will be administered in various locations across the country, including one location in California.

ASBOG has recently notified member boards that their Professional Geologist (PG) and Fundamentals of Geology (FG) exams will be transitioning to CBT no sooner than spring 2023. The final PG and FG paper and pencil exams are anticipated to occur in fall 2022. ASBOG will continue to work with all state boards during 2022 to prepare for the CBT transition.

B. 2021 Examination Results

Mr. Kereszt reviewed the statistics for the examination results for 2021. The December results for the State Civil Engineer and the NCEES national results were not yet available at the time of the Board meeting.

XI. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reviewed the Rulemaking Status Report and reported that the four rulemaking packages were sent to the Department of Consumer Affairs, Regulation Review Unit for initial review that needs to be completed prior to being noticed. Because the four new packages relate to changes the Board needs to make due to changes in Connect and the upcoming changes regarding ASBOG transitioning to CBT and the collection of exam fees directly, the new regulation packages were prioritized over the prior packages.

B. Update on Board's Business Modernization Project

Mr. Moore reported on the Business Modernization Project and updated the Board on Product Increment 3.5 which launched November 10, 2021. This gave the ability for civil engineer and land surveyor applicants to submit their applications through the Connect system. In addition, refinements to the fingerprinting process were included. It was previously reported that due to the anticipation of this release, the Board halted accepting the former paper applications for civil engineers and land surveyors in September in order to transition to Connect. A larger than normal amount of applications were received. Staff has been busy simultaneously processing paper applications that were submitted in addition to the electronically submitted applications. There is currently a 60-day backlog and staff is working diligently to reduce this time. During the last week of December, there was a large number of applicants who were able to submit and request exams with a handful of people that were still working to resolve the scheduling of the exams. Mr. Moore expressed his gratitude to Board staff, the Agile Project Team, and Prometric for their efforts in resolving the backlog.

Product Increment 4 is slated to go live in April. The key points are related mostly to enforcement and trying to build upon the complaint submittal process and implement the ability for enforcement staff to manage and monitor complaint investigation cases more effectively.

C. Personnel

Mr. Moore reported that there are currently five vacancies; two are in the Administration Unit, one of which is the Human Resources position, which staff member Francesca LaFleur has filled through an out of class assignment which expired January 4, 2022. The other vacancy in this unit is the record retention analyst position, which became vacant as of September 1, 2021. There are two vacancies in the Licensing Unit, the filling of which will aid in bringing the application backlog down, and one in the Examination Unit. Applications are being evaluated.

Ms. Eissler provided an update on the request for the exempt salary level change for the Executive Officer position. It was submitted to DCA, and they have submitted it to Agency. Agency then forwarded it to the California Department of Human Resources (CalHR) and the Governor's Office. They are the two that have the final say in the request. There have not been any questions during the review so far.

D. ABET

Mr. Moore reported that Board Member Rossana D'Antonio participated in a virtual visit mid-October. Ms. D'Antonio had an opportunity to listen in on meetings from the business aspect but unfortunately because it was a virtual meeting, it conflicted with the student meetings. She reported that it was

enlightening to see the issues from the Deans' and Chancellors' aspects, to funding, equipment, labs, conflict with class requirements for upper education, and some of the challenges the school faces with regards to funding. She looks forward to attending future sessions.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore recapped Mr. Kereszt's report in regard to ASBOG's CBT transition.

President Mathieson reported that ASBOG is conducting a task analysis survey, which is done periodically to gather information from working geologists around the country to figure out what knowledge and skills are required for their occupations to aid in exam development. She expressed the importance to get a high participation rate from geologists. Senior Registrar for Geology Laurie Racca has been involved and while there is a meeting to further discuss the matter, Ms. Racca will not be attending due to concerns with traveling at this time and there is no virtual option to attend.

10:34 a.m. Coby King joined the meeting.

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

1. Request for Information from Committee on Examinations for Professional Engineers (EPE) Related to Potential Mechanical PE Exam - Plumbing Option (Possible Action)

Mr. Moore reported that NCEES received a request to add a fourth option under the Mechanical Engineering PE exam which would focus on Plumbing Engineering. He indicated that the Board received a letter four years ago to support the option, the Board discussed it and took no action. NCEES' policy is that if 10 member boards are in favor and support the motion to add or change an exam, NCEES must consider it. NCEES sent a questionnaire to all Member Board Administrators to see if the Board would accept this proposed fourth option for licensure and estimate a minimum and maximum number of first-time test takers. Mr. Moore was required to respond by December 31, 2021. He consulted with Board staff and confirmed that the Board has not received any identifiable interest which resulted in a zero-interest response to NCEES.

Dr. Asgari further explained that NCEES is exploring the possibility of adding plumbing as an option under the Mechanical Engineer exam. This would be in addition to the three other disciplines currently offered, which include HVAC and refrigeration, machine design and material, and thermal and fluid systems. The American Society of Plumbing Engineers (ASPE) has approached NCEES with the proposal and ten boards have shown interest. He reviewed the pros and cons expressed by members of the EPE Committee and outlined the requirements.

The board made no indication of interest in supporting adding plumbing as an option under the Mechanical Engineer exam.

2. Western Zone Interim Meeting, May 19-21, 2022 in Stateline, NV – Determine Funded Delegates (Possible Action)

Mr. Moore reported that this out of state travel was approved, and NCEES has requested the names of funded delegates by February 9, 2022. Dr. Qureshi is the current Assistant Vice-President of the Western Zone and is already funded, and Mr. Moore is separately funded as a Member Board Administrator. Mr. King was appointed to the Bylaws Committee but will not be able to attend.

Mr. Hartley and Dr. Asgari expressed interest and volunteered to attend. Dr. Qureshi recommended Ms. Eissler be the third funded delegate if no other Board members are interested.

G. Update on Outreach Efforts

No report given.

XII. President’s Report/Board Member Activities

President Mathieson reported that since the last Board Meeting, she reviewed and approved the Administrative Law Judge’s written descriptions of the Board’s decisions from the petition hearings that were conducted during the November meeting.

Mr. King reported that he attended an NCEES Bylaws Committee meeting. Dr. Qureshi reported that he attended virtual meetings for the Advisory Committee on Council Activity (ACCA) for NCEES. There will be an in-person meeting in Phoenix, AZ, which he is planning to attend.

XIII. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the November 8-9, 2021, Board Meeting

MOTION:	Ms. Wong and Mr. Novak moved to approve the minutes as amended.
VOTE:	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				
Christina Wong	X				

XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. Moore reported that the Board of Directors for NCEES offers to visit member boards to update them on NCEES matters. Western Zone Vice-President Scott Bishop requested to appear on the March 7 and 8, 2022, Board Meeting agenda.

Mr. Novak expressed interest in changing the March Board meeting dates from Monday/Tuesday to Thursday/Friday. Mr. Moore indicated he would consult with SOLID and staff to determine if it was possible.

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)]
- 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

XV. Adjournment

Due to technological limitations, adjournment was not broadcast. Adjournment immediately followed Closed Session, and there were no other items of business discussed.

PUBLIC PRESENT

None present