

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

Department of Consumer Affairs
HQ 2 North Market Hearing Room
1747 North Market Boulevard, #186
Sacramento, CA 95834

Monday, March 7, 2022, beginning at 9:00 a.m.

Monday, March 7, 2022

| | |
|-------------------------------|---|
| Board Members Present: | President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Michael Hartley; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Wilfredo Sanchez; and Christina Wong |
| Board Members Absent: | Duane Friel; Kathy Jones Irish; and Frank Ruffino |
| 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 9:43 a.m., and a quorum was established.

II. Pledge of Allegiance

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

III. Public Comment for Items Not on the Agenda

No public comment.

Mr. Moore took a moment to introduce Board staff and their responsibilities. Laurie Racca, Senior Registrar for Geology and Geophysics, announced she is retiring in July.

IV. Administration

A. Fiscal Year 2021/22 Budget Report

Ms. Hall reported on the Budget. The Board is expecting \$172,000 back in COVID-19 related expenses. She provided updated results for revenue that are a result of the fee increase.

As for the expenses, the projections were updated with an added healthcare stipend that is included for state employees to the Personal Services line. Printing costs are higher due to EDD contract transition which is billing for prior Fiscal Years.

Mr. King requested the Fund Condition report be included in the meeting materials again and asked about a possible fee increase. Mr. Moore will discuss the fee increase with the managers and consult with the Budget Liaison for the best recommendation and report back to the Board.

V. Legislation

A. 2022 Legislative Calendar

Ms. Eissler reviewed the Legislative calendar.

B. Discussion of Legislation for 2022

1. **AB 646** (Low) Department of Consumer Affairs: boards: expunged convictions.

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|----------------|--|
| MOTION: | Mr. King and Dr. Amistad moved to take a position of Watch on AB 646, as amended January 24, 2022. |
| VOTE: | 11-0, 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 | | | | |

2. **AB 1604** (Holden) The Upward Mobility Act of 2022: boards and commissions: civil service: examinations: classifications.

No action taken.

3. **AB 1662** (Gipson) Licensing boards: disqualification from licensure: criminal conviction.

| | |
|----------------|---|
| MOTION: | Mr. King and Vice-President D'Antonio moved to take a position of "oppose unless amended" on AB 1662. |
| VOTE: | 9-2, 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 | | | |

4. **AB 1733** (Quirk) State bodies: open meetings.

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|----------------|---|
| MOTION: | Mr. King and Ms. Wong moved to take a position of "Support" on AB 1733. |
| VOTE: | 11-0, 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 | | | | |

5. **AB 1795** (Fong) Open meetings: remote participation.

| | |
|----------------|--|
| MOTION: | Mr. King and Mr. Sanchez moved to take a position of “Watch” on AB 1795. |
| VOTE: | 11-0, 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 | | | | |

6. **SB 1120** (Jones) California Coordinate System.

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|----------------|---|
| MOTION: | Mr. Novak and Mr. Johnson moved to take a position of “Support” on SB 1120, as amended March 2, 2022. |
| VOTE: | 11-0, 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 | | | | |

7. **SB 1237** (Newman) Licenses: military service.

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|----------------|--|
| MOTION: | Ms. Wong and Dr. Amistad moved to take a position of “Watch” on SB 1237. |
| VOTE: | 11-0, 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 | | | | |

8. **SB 1365** (Jones) Licensing boards: procedures.

| | |
|----------------|---|
| MOTION: | Mr. King and Vice-President D’Antonio moved to take a position of “Watch” on SB 1365. |
| VOTE: | 11-0, 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 | | | | |

9. **SB 1443** (Roth) The Department of Consumer Affairs.

| | |
|----------------|---|
| MOTION: | Mr. King and Dr. Amistad moved to take a position of “Watch” on SB 1443, as introduced, and authorize staff to change the position to “Support” when the bill is amended to include the Business and Professions Code section 8710. |
| VOTE: | 10-0, 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 | | | | |

10. SB 1487 (Rubio) Professional Engineers Act: titles.

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|----------------|---|
| MOTION: | Mr. Johnson and Dr. Amistad moved to take a position of “Watch” on SB 1487. |
| VOTE: | 11-0, 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 | | | | |

11. Senate Committee on Business, Professions and Economic Development
2022 Omnibus Bill

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|----------------|---|
| MOTION: | Mr. King and Dr. Amistad moved to authorize staff to represent that the Board has a position of “Support” on the bill once it is introduced and contains the Board’s legislative proposal relating to Section 7841.2. |
| VOTE: | 11-0, 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 | | | | |

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2021/22 Update

Ms. Criswell presented the Enforcement statistics.

VII. Exams/Licensing

A. Examination Updates

Mr. Kereszt reported that the spring ASBOG examinations, which consist of the Fundamentals of Geology and the Practice of Geology examinations, will take place March 18, 2022, at the Wyndham Hotel, Sacramento. The California Specific Examination (CSE) for Professional Geologists will take place March 8, 2022, and the California state-specific Professional Land Surveyor examination will take place April 18, 2022, both at Prometric testing centers.

B. 2021 Examination Results

Mr. Kereszt presented the Board with a statistical report that represented the examinations administered during 2021.

C. Presentation from Prometric, Inc., Regarding Civil Engineer Occupational Analysis

Alyssa Rulf Fountain, representing Prometric, provided a virtual presentation that explained the occupational analysis process and answered Board member questions on other exam issues.

IX. Executive Officer's Report

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

1. Discussion with Western Zone Vice President Scott Bishop, P.S. (UT)

Western Zone Vice-President Scott Bishop provided a presentation on the mission, vision, functions, and the organizational structure of NCEES including their products, services, and resources.

VIII. Strategic Planning

Review Draft Goals and Objectives

Mr. Moore reviewed the highlighted items in the draft version of the Strategic Plan.

Goal 4: Enforcement item 4.4, *Continue to reduce investigation timelines to streamline enforcement against violators and be responsive to complainants.* Mr. Moore noted that normally we do not establish a goal or objective that does not have a definitive measurement. However, he believes it is important to address and decide whether to maintain this language or revise.

Goal 6: Customer Service and Administration item 6.7. *Consider including management and senior registrar backgrounds and credentials and a staff email and phone directory on the website to inform stakeholders of professional qualifications of the staff who carry out the Board's mission day to day.* The Contact Us page on the Board's website focuses on the tasks and responsibilities, not the person. Mr. Moore wants to maintain a conduit of information that is consistent and ensure that all queries are handled in an appropriate manner. He reviewed other boards' websites and discovered that their contact information is similar to the Board's. Mr. Moore recommended removing this item as a goal. Mr. Hartley indicated that there is more to this Goal than a staff directory. He would like to see the professional qualifications. Mr. Moore indicated that Board staff provides bios when they perform outreach presentations if the presenters wish to introduce them. If our registrars are licensed professionals, that should be sufficient, and they should not be required to demonstrate their qualifications on the Board's website.

Mr. King recommended removing apostrophes from the listed decades in the "About the Board" listing.

President Mathieson suggested modifying Goal 2: Applications and Examinations 2.6 *Advocate for national exam standards and ensure state exams maintain their high quality and accurately reflect the knowledge and skills needed in the profession to accurately measure applicants' qualifications to practice in California.*

She believes there are already exam standards and perhaps the goal should say advocate for high national and state exam standards. Mr. King suggested modifying it to read, *Advocate for national and state exam standards to maintain their high quality and which accurately reflect....*Dr. Qureshi suggested removing the word accurately as it appears twice in the same sentence. *Advocate for national and state exam standards to maintain their high quality and which reflect...*

President Mathieson referenced page 149 Goal 4 inconsistency. Change “the practices of engineering, land surveying, geology, and geophysics” to “the Board’s Professions” to maintain consistency.

President Mathieson suggested modifying Goal 4: 4.5 delete the word “state” and change “agencies” to “entities”.

During public comment, Alan Escarda, representing PECG, expressed his appreciation of the work being done on the Strategic Plan.

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|----------------|--|
| MOTION: | Ms. Wong and Mr. Sanchez moved to approve the amended version of the Strategic Plan. |
| VOTE: | 11-0, 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 | | | | |

IX. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reviewed the Rulemaking Status Report. Staff is working with DCA’s Liaison for Regulations and prioritizing 1-3 to ensure they are submitted in a timely manner.

B. Update on Board’s Business Modernization Project

Mr. Moore reported we are currently in the final sprint of Product Increment 4, which is scheduled to end in the next few weeks. It will then go into user acceptance testing for all four entities. The focus is on Enforcement with refinements being made to the complaint submittal process and also the ability for staff to manage and monitor workload for their assigned investigations. There are refinements related to licensing as well. 60% related to Enforcement, and 40% related to licensing.

He also reviewed the correspondence from the California Department of Technology (CDT) to Director Kimberly Kirchmeyer which detailed their approval of the continuation of the California Department of Consumer Affairs (DCA) Business Modernization Cohort.

C. Personnel

Mr. Moore reported on two new hires. Angelina Vega was hired in the Administrative Unit as the Board's Human Resources Specialist, and Candace Hayashida was hired in the Examinations Unit for exam development.

Staff is currently working with CalHR to help fill the vacancy that will be left as a result of Laurie Racca's retirement.

There are currently four vacancies. One of the vacancies is in the Administrative Unit, and three are in the Licensing Unit.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore noted that staff remains in communication with ASBOG as they navigate their transition to Computer Based Testing (CBT).

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

2. Western Zone Interim Meeting, May 19-21, 2022 in Stateline, NV – Update
Mr. Moore announced that Alireza Asgari, Michael Hartley, and Nancy Eissler will attend as funded delegates. Mr. Moore will also attend as a Member Board Administrator and Dr. Qureshi as Western Zone Assistant Vice-President.

3. Principles and Practices of Surveying (PS) Exam – 2022 PAKS Study

Mr. Moore announced the Professional Activities and Knowledge Study (PAKS) for the Professional Surveying exam is now available through the Board's website. He expressed the importance of participation by licensees as it aids in the reevaluation of the exam as it currently exists.

G. Update on Outreach Efforts

Mr. Moore reviewed the top social media posts and website views.

X. President’s Report/Board Member Activities

President Mathieson reported on the upcoming succession planning for President and Vice President and encouraged Board members who are interested to contact the Nominating Committee, which consists of Dr. Amistad and Dr. Asgari. She also reported that she virtually attended the Board President training provided by DCA.

Dr. Asgari reported that he participated in the NCEES Exams for Professional Engineers (EPE) Committee meeting where they discussed the plumbing mechanical engineering module. It was recommended that it be referred back for more information as the evidence is not adequate and did not demonstrate a need.

XI. Approval of Meeting Minutes

A. Approval of the Minutes of the January 10-11, 2022, Board Meeting

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|----------------|--|
| MOTION: | Mr. King and Dr. Qureshi moved to approve the minutes. |
| VOTE: | 11-0, 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 | | | | |

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. Moore reported that he is open to the possibility of alternate locations for the next Board meeting. Ms. Calderone will check the availability of the Department’s conference room as a back-up plan.

XIII. 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)]

XIV. Adjournment

Adjournment immediately followed Closed Session, and there were no other items of business discussed.

PUBLIC PRESENT

Bob DeWitt, ACEC

Alan Escarda, PECG

Scott Bishop, NCEES