

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

Department of Consumer Affairs  
1625 North Market Blvd., Hearing Room #102  
Sacramento, CA 95834

Monday, May 2, 2022

<b>Board Members Present:</b>	President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Michael Hartley; Eric Johnson; Coby King; Paul Novak; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
<b>Board Members Absent:</b>	Duane Friel; Kathy Jones Irish; 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); Dawn Hall (Administrative Manager); and Joseph Chin (Legal Counsel)

**I. Roll Call to Establish a Quorum**

President Mathieson called the meeting to order at 9:03 a.m., and a quorum was established.

**II. Pledge of Allegiance**

Mr. Hartley 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. Administration**

**A. Fiscal Year 2021/22 Budget Report**

Ms. Hall reviewed Fiscal Month 8 results and the Financial Statement that reflected the increase in revenue due to the fee increase that was enacted January 2021. She is not expecting any significant increases through the end of the year. Likewise, she is not expecting a significant increase in the Board's projections for expenses. Mr. King asked what staff will do as the Board's reserve is projected to fall to below zero. Ms. Hall explained that the information published in the Fund Condition is based on what is published in the Governor's Budget and reflects the Governor's Budget expenditures. Historically, the Board has reverted significant savings and typically runs about 85-86% of that budgeted amount. In addition, the revenue for the budget year is also conservative as there were issues with projections in the past and the uncertainty related to revenue from the fee increase and the pandemic.

Ms. Hall introduced representatives from the DCA Budget Office, Renee Milano and Camillio Branch, who offered more insight. Ms. Milano further explained that they tend to project relatively high when it comes to expenditures. In Fiscal Year 23/24, the DCA Budget Office is projecting a 3% increase from what was originally projected in the Governor's Budget for Fiscal Year 22/23. The Board does historically revert a three-year average of \$1.5 million in expenditures that is included in the projections based on historical data. As stated, the revenue is currently very conservative, and there is not a full year of data that includes the new fees, which makes it difficult to predict. Ms. Milano believes a year's worth of data would be useful in deciding whether the new fees are going to be necessary to sustain the fund's solvency. Mr. King was pleased to see Fiscal Month 8 projections in line with the 12-month projections.

## V. Consideration of Rulemaking Proposals

Ms. Eissler reminded the Board that, in November of 2021, the Board approved moving forward with and approved the draft text for the following Rulemaking Proposals. As a result of DCA's Regulation Unit's review, additional changes to the language need to be made and should be presented at the June meeting.

- A. Amendments to, Adoption of, and Repeal of Title 16, California Code of Regulations sections 3005, 3024, 3024.5, and 3026 relating to ASBOG Examination Fees, Abandoned Applications, and Postponements
- B. Amendments to and Adoption of Title 16, California Code of Regulations sections 420, 422, 3021, 3023, 3023.1, and 3032 relating to Applications, Final Filing Dates, and Schedules of Examinations
- C. Amendments to Title 16, California Code of Regulations sections 426.14, 427.10, 427.20, and 427.30 regarding References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers.

## VI. Legislation

### A. 2022 Legislative Calendar

Ms. Eissler reviewed the Legislative Calendar and noted that May 27<sup>th</sup> is the last day for bills to get out of their house of origin for this legislative session.

### B. Discussion of Legislation for 2022

1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.  
No action needed.
2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.  
Ms. Eissler explained that AB 1662 was amended on April 27, 2022, and the Board needs to decide if those amendments are sufficient to remove its opposition.

<b>MOTION:</b>	Mr. King and Ms. Wong moved to take a position of “watch” on AB 1662 as amended April 27, 2022.
<b>VOTE:</b>	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				

3. AB 1733 (Quirk) State bodies: open meetings.  
No action taken.
4. AB 1795 (Fong) Open meetings: remote participation.

Eric Johnson arrived at 9:39 a.m.

<b>MOTION:</b>	Mr. Ruffino and Ms. Mathieson moved to take a position of “Oppose Unless Amended” to allow Board members to attend a meeting via teleconference without their locations being disclosed on the notice.
<b>VOTE:</b>	3-7-1, Motion Failed

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				

<b>MOTION:</b>	Mr. Ruffino and Mr. Amistad moved to take a position of “Support if Amended” to allow Board members to attend meetings remotely without their location being publicly disclosed on the notice.
<b>VOTE:</b>	2-9, Motion Failed

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. SB 1120 (Jones) Engineering, land surveying, and geology.

<b>MOTION:</b>	Mr. Sanchez and Mr. Ruffino moved to take a position of “Support” on SB 1120, as amended March 15, 2022.
<b>VOTE:</b>	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 1237 (Newman) Licenses: military service.

<b>MOTION:</b>	Mr. King and Dr. Amistad moved to take a position of “Watch” on SB 1237, as amended March 30, 2022.
<b>VOTE:</b>	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 1365 (Jones) Licensing boards: procedures.  
No action taken.

8. SB 1443 (Roth) The Department of Consumer Affairs.  
No action taken.

9. SB 1487 (Rubio) Teacher credentialing: Integrated Undergraduate Credentialing Tuition Grant Program.

<b>MOTION:</b>	Ms. Wong and Mr. Ruffino moved to remove the Board’s position of “Watch” on SB 1487 and take no position on SB 1487, as amended April 20, 2022
<b>VOTE:</b>	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				

10. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.

<b>MOTION:</b>	Mr. Novak and Vice-President D'Antonio moved to take a position of "Support" on SB 1495.
<b>VOTE:</b>	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				

**VII. Enforcement**

A. Enforcement Statistical Reports

1. Fiscal Year 2021/22 Update

Ms. Criswell presented the Enforcement Statistics. Mr. King inquired as to the frequency in which the Board refers cases to the District Attorneys for criminal prosecution. Ms. Criswell reported that it is very rare. Typically, those are unlicensed cases that reach a level that the district attorney may

take an interest, but they are often returned to the Board to take administrative action .

## **VIII. Exams/Licensing**

### **A. Examination Updates**

Mr. Moore provided an update on exams that were administered since the last Board meeting. The NCEES 16-hour structural engineering exam was administered April 21-22, 2022, in Pomona. The structural engineering exam is the last remaining paper and pencil exam that NCEES administers. The ASBOG National paper and pencil geology exams were administered in Sacramento March 18, 2022. The state specific land surveyor exam was administered April 13, 2022, via CBT (Computer Based Testing). The state specific Professional Geologist exam was administered by CBT on March 8, 2022.

### **B. 2021 Examination Results**

During Public Comment, an individual by the name of Brandon inquired as to when the state specific land surveyor results will be released. Mr. Moore indicated that it is possible that they will be released before the June meeting.

Carl Josephson, representing SEAOC, clarified that the last 16-hour paper and pencil structural exam will be administered at the end of 2023. The CBT version will take place April of 2024. Mr. Moore concurred and explained that when he reported on the last Structural paper and pencil exam, he meant it was simply the last state specific exam to convert to CBT.

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

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

No report given.

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

Mr. Moore reported that Product Increment 4 went live on April 29, 2022. The transition went smoothly with online support from DCA and the development staff. This is the end of the primary contract before moving into Maintenance and Operations. He reintroduced Sean O'Connor and Jeff Alameida, from DCA Office of Information Services, and praised them for their hard work and dedication to the project. President Mathieson expressed her gratitude to the team and is very pleased with the results. Mr. King also conveyed how impressed he has been with the execution of the project and as the end of the primary contract nears, he reiterated that he has never heard of another State of California IT project that has gone as well as this one. Mr. O'Connor took a moment to thank Mr. Moore and the Board members for their kind comments and explained that much of the success was the active participation of Board staff and their early buy-in and implementation. He further thanked Mr. Alameida as he was a huge part of the success as well as his commitment, competence, and level of effort is above reproach.

C. Personnel

Mr. Moore reported that there is still a vacancy in the Administrative Unit, there are two vacancies in the Licensing Unit with one of those vacancies being filled soon. The Geologist Registrar position was noticed, and Mr. Moore is hopeful to have more information at the next meeting.

D. ABET

Mr. Moore indicated that he may have information on possible ABET visits in the fall and will share this information at a future Board meeting.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore reported that the Annual Meeting which will be held in North Carolina in the fall was not approved in the blanket Out-of-State travel request as North Carolina is on the Attorney General's list of prohibited travel. An independent request will be submitted as there are a lot of changes with the national ASBOG exams converting to CBT and logistics being discussed. ASBOG has been good at administering online meetings; however, it is a critical time as CBT is scheduled for next spring, and we need to be kept informed to ensure that our applications and examinee lists are working appropriately in the new system.

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

1. Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV – Update  
Mr. Moore provided an update on the NCEES Western Zone Vice-President nominations. There are now three nominees, Elizabeth Johnston, Karen Purcell, and Dr. Mohammad Qureshi. There are currently no nominations for the Assistant Vice-President.
2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Update  
Mr. Moore noted that he needs to advise NCEES of who the funded delegates will be for the August meeting. In addition to three funded delegates, NCEES also funds first-time attendees, who are Board members appointed within the two years prior to the Annual Meeting. NCEES graciously extended the opportunity by an additional two years for funded first-time attendees to attend due to the pandemic. Anyone on the Board who was appointed after August 26, 2018, and has never attended an NCEES Annual Meeting, is eligible to take advantage of this as a funded first-time attendee. Mr. Moore advised that he is funded as the Member Board Administrator, and Dr. Qureshi is funded as the current Western Zone Assistant Vice President.

The August Board meeting date will be moved to August 22, 2022, to better align with the Annual Meeting.

Mr. Ruffino volunteered to attend as a funded delegate. Mr. Hartley, Ms. D'Antonio, and Ms. Wong volunteered to attend as first-time attendees. Mr.



King requested to be considered as a back-up funded delegate. Mr. Moore noted he will reach out to Mr. Friel to see if he would be interested in attending as a first-time attendee.

Since California is the host board, NCEES is looking for various speakers to provide a welcome speech at the first business session and a non-denominational or spiritual speaker to deliver the invocation. Mr. Moore requested that Board members reach out to him with suggestions.

3. Proposed Motion from New Mexico Board related to NCEES Model Law 130.10.B.2 Related to Professional Engineer Licensure

Mr. Moore reported that the New Mexico Board is going to present a motion to modify Model Law. The California Board's laws and statutes do not specifically address or incorporate Model Law. When there is a proposal to change Model Law, it could affect licensure requirements and regulatory discipline. The New Mexico Board would like to modify Model Law that pertains to licensure by comity as a professional engineer. While there are two different pathway requirements, they are proposing adding a third method towards licensure if licensed in another state: a) has been actively licensed for a minimum of ten (10) years contiguous immediately preceding application to this jurisdiction; b) has not received any form of disciplinary action related to professional conduct or practice from any jurisdiction within the five (5) years immediately preceding application to this jurisdiction; and c) has not had their professional license suspended or revoked at any time from any jurisdiction.

G. Update on Outreach Efforts

Mr. Moore noted that the top Facebook post for the last quarter was for when California approved the very first law in the nation for the licensing of land surveyors by establishing the Board of Examining Surveyors which occurred March 31, 1891.

During Public Comment, Carl Josephson announced that there will be a Structural Caucus at the NCEES Annual meeting on Tuesday, August 23, at 10:30 a.m. Jason Gamble, Chief Examination Officer for NCEES, is going to present the new model for the administration of the structural exam. Mr. Josephson encouraged everyone to attend.

**X. President's Report/Board Member Activities**

President Mathieson had nothing to report. Dr. Asgari encouraged nominations for the Board President and Vice-President.

Mr. Johnson announced that this will be his last meeting since he will be unable to attend the June meeting, after which his term will expire. He noted that it has been an honor and a privilege to serve on the Board and expressed his gratitude to the Board Members and Staff.

Mr. Hartley shared with the Board that he has been involved with the American Council of Engineering Companies (ACEC) in which the members are firms and not individual licensees. Mr. Hartley’s company, Bedrock Engineering, is a member of ACEC and has been acquainted with the Little Brooks Act. There was a push to allow municipalities and government agencies to hire based on qualifications and not price. He wanted to share that he continues to be involved in that discussion.

Mr. King reported that Mr. Johnson has been one of his favorite Board members on many levels. He is sorry his term has come to an end and the Board will be a less funny place without him.

During Public Comment, Brianna Miller representing DCA’s Board and Bureau Relations expressed the Department’s gratitude to Mr. Johnson for his service and dedication and wished him the best.

**XI. Approval of Meeting Minutes**

**A. Approval of the Minutes of the March 7, 2022, Board Meeting**

<b>MOTION:</b>	Dr. Amistad and Mr. Novak moved to approve the meeting minutes.
<b>VOTE:</b>	10-0-1, Motion Carried

<b>Member Name</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>
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 future Board meeting locations are being discussed.

Mr. Ruffino recognized that the month of May is AAPI (Asian American and Pacific Islander) Heritage Month where the significant historical, social, and cultural impact the generations of Asian-Americans, Native Hawaiians, and Pacific Islanders have made to our country are recognized and honored. He recognized Board members

Dr. Amistad and Ms. Wong and thanked them. He also thanked Mr. Johnson for his service.

Ms. Wong and Dr. Amistad thanked Mr. Ruffino for the recognition.

**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**

Carl Josephson, SEAOC