

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

Monday, August 22, 2022, beginning at 9:00 a.m.

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Board Members Present:	President Rossana D’Antonio; Vice-President Michael Hartley; Fel Amistad; Alireza Asgari; Kathy Jones Irish; Coby King; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Christina Wong
Board Members Absent:	Duane Friel and Wilfredo Sanchez
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Celina Calderone (Board Liaison); Natalie King (Senior Registrar Civil Engineer); Dallas Sweeney (Senior Registrar Land Surveyor); and Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

President D’Antonio called the meeting to order at 9:00 a.m., and a quorum was established.

II. Pledge of Allegiance

President D’Antonio led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Alan Escarda, representing PECG, expressed his appreciation to see the Board meet in person. Amie Flynn, Deputy Attorney General Liaison for the Board; and Carl Josephson, representing SEAOC, introduced themselves.

IV. Administration

A. Fiscal Year 2021/22 Budget Report

Mr. Moore reviewed the budget report changes in wages and benefits that were reported in the MOU (Memo of Understanding). He is expecting more changes as a result of receiving Fiscal Month 13 results. Mr. Ruffino inquired about the vacancies in Board staff and lease information. Mr. Moore noted that personnel matters will be addressed later in the meeting. Ms. Eissler reported that the Board is committed to a 5-year lease and noted that the first 3 years are a hard lease that cannot be amended.

V. Legislation

A. 2022 Legislative Calendar

Ms. Eissler reviewed the legislative calendar and noted that the session ends August 31 and the Governor has until September 30 to act on bills.

B. Discussion of Legislation for 2022

1. **AB 646** (Low) Department of Consumer Affairs: boards: expunged convictions.
No action taken.

2. **AB 1662** (Gipson) Licensing boards: disqualification from licensure: criminal conviction.
No action taken.

3. **AB 1733** (Quirk) State bodies: open meetings.
This bill did not make it out of committee because there was a lot of disagreement over the issues of public access and in-person and teleconferenced meetings. It is likely that the Legislature will discuss the matter further during a future session.
No action taken.

4. **SB 189** (Committee on Budget and Fiscal Review) State Government {Chapter 89, Statutes of 2022}.
This bill extends the provisions of the Bagley-Keene Open Meeting Act that allow meetings to be held via teleconference without a requirement to provide a physical location. This provision remains in effect until July 1, 2023.

During Public Comment, Mr. Escarda expressed his preference that the Board meet in-person but to also allow the public to attend virtually.
No action taken.

5. **SB 1120** (Jones) Engineering, land surveying, and geology.
This is the bill the Board is co-sponsoring. Ms. Eissler reported that she has sent a letter of support requesting the Governor sign the bill.
No action taken.

6. **SB 1237** (Newman) Licenses: military service.
No action taken.

7. **SB 1443** (Roth) The Department of Consumer Affairs.
The Board maintains a position of support. No action taken.

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

MOTION:	Mr. King and Mr. Ruffino moved that the Board take a position of "Support" on SB 1495, as last amended.
VOTE:	11-0, Motion Carried

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

C. Proposed Legislation regarding Public Resources Code section 677 relating to the State Geologist from the Department of Conservation, California Natural Resources Agency

Ms. Eissler reported that Public Resources Code section 677 specifies that the State Geologist is required to be a licensed geologist or to obtain their license within one year of their appointment. The other requirements include knowledge of various geological factors and engineering geology and provides that that position advises the director relating to geology matters. The Board was contacted by the Department of Conservation (DOC) and the California Natural Resources Agency (CNRA), who have indicated they are having difficulty recruiting to fill the State Geologist position because finding someone who is licensed that meets the qualifications they are seeking has proven to be difficult. They were hoping to change the law so that the person would either be licensed or meet other qualification requirements and wanted to know the Board's thoughts. Mr. Moore and Ms. Eissler met with them along with representatives from the Department of Consumer Affairs Legislative Unit (DCA) and the Business, Consumer Services and Housing Agency's Legislative Unit (BCSH). Mr. Moore, Ms. Eissler, and the representatives from DCA and BCSH all expressed concerns with the position being filled by someone who is not licensed because that person would be stating opinions, providing advice, and making recommendations that would be geological in nature, making it appear that this person was licensed. It would be necessary for a licensed geologist be in responsible charge who would sign and seal any documents or maps that would be prepared. Giving advice or expressing opinions that are based on professional geology experience, judgment, or analysis would have to be completed by someone who is licensed. DOC and CRNA did provide the Board with draft language, and Ms. Eissler reported that she and BCSH provided feedback indicating concerns with how portions of the proposal were phrased. DOC and CRNA indicated that they were hoping to

have it amended into legislation this session. Ms. Eissler advised that no final language has been received. She explained that she had told DOC and CRNA that she needed information and draft language by Friday, August 19, to present to the Board as the Board cannot take any position on language without it being in print form. She has yet to hear from them. She did receive correspondence from G.V. Ayers, lobbyist representing the Association of Environmental and Engineering Geologists (AEG). AEG was contacted about the proposal and indicated in their letter that they are very concerned with any proposal or any changes that would waive the requirements that the person be a licensed geologist. At this point, there is no language for the Board to consider. It is possible that the proposal will not take place this year and wait until next year. The Association of Environmental and Engineering Geologists is going to assist in the recruiting efforts for licensees and hopefully this will aid in DOC's search. If not, Ms. Eissler suspects that they will likely revisit the idea of legislation for the next legislative session. She will continue to monitor.

Ms. Mathieson expressed her concerns with the proposal and noted that California has 1/3 of the country's licensed geologists. California is a state with a lot of geologic conditions that affect the public's health, safety, and welfare and it is important that the State Geologist's position exists and is visible to the public. If they are going to do any type of geologic work or make statements, they must be a licensed geologist. If these departments and agencies propose to add disclaimers, making it only an administrative position, they should not be referred to as the State Geologist.

During Public Comment, Alan Escarda indicated that PECG would oppose any such legislation.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Eissler reviewed the Enforcement statistics. She reported the huge jump in completed investigation cases in July was the result of a large group of related cases.

VII. Exams/Licensing

A. Examination/Licensing Updates

1. 2022 Examination Update – First and Second Quarter Examination Results

Mr. Moore reviewed the examination results. Ms. Mathieson recalled that the pass rate for those candidates who schedule the third month of the quarter are consistently not as good as others. Mr. Moore explained that the state civil engineering examinations are offered on a quarterly basis, and there is a rush to schedule both early and as late in the quarter as possible. For some reason, those who schedule late in the quarter tend to have a lower pass rate than those who schedule early. His speculation is they are simply not as prepared.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reported that staff is continuing to work with DCA's Regulations Unit on preparing the documents necessary to notice the proposal relating to ASBOG fees, postponements, and abandoned applications.

The packages related to the application forms, references, and the minor changes to qualifying experience are all related to the Connect system, and we must detail out the information candidates must provide the Board as part of the application process as there is no longer a paper form for them to use. Staff continues to work on language to present to the Board at a future meeting.

Mr. Moore reported on the Definition of Traffic Engineering. Board staff continues to work with DCA legal to prepare documents for notice. However, the other two rulemaking proposals have a higher priority.

B. Update on Board's Business Modernization Project

Mr. Moore reported that the contract ended June 30, 2022, and entered the maintenance and operations phase as of July 1, 2022.

C. Personnel

Mr. Moore reported there are three vacancies in the Licensing and Administration Units. Interviews are taking place for two of these positions, and the managers are hoping to fill them in September. One of the Licensing Evaluator positions is being reclassified from clerical to analyst. In addition, the Board is actively recruiting for the Senior Registrar, Geologist vacancy. Unfortunately, candidates outside of state service do not qualify. Only those within state services can apply. Second interviews were recently conducted, and we are hoping to make a tentative offer soon.

D. ABET

Mr. Moore has been in communication with Beth from ABET and noted that there are no scheduled visits this fall.

E. Association of State Boards of Geology (ASBOG)

1. 2022 Annual Meeting Update – Board Voting Delegate

The Annual Meeting is coming up soon, and the Board was denied out of state travel because it is being held in a state on the banned travel list. DCA has indicated an exemption to attend in person would not be granted as ASBOG is offering a virtual platform.

MOTION:	Mr. King and Ms. Irish moved to nominate Ms. Mathieson to virtually attend the ASBOG Annual Meeting as a voting delegate.
VOTE:	11-0, Motion Carried

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

Mr. Moore updated the Board on news that he received last week. While the Board was granted permission to attend the ASBOG exam development meeting in Chicago, it was recently determined that ASBOG cannot logistically conduct this meeting there and moved it to a state that the Board cannot travel to and therefore, it is no longer an option for the Board to attend.

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

Mr. Josephson announced that the Structural Engineer Caucus will take place Tuesday at 10 a.m. There will also be opportunity to discuss the more controversial topics such as fee increase.

1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions

Western Zone Motion 1

Mr. King reviewed and was inclined to agree with the Board of Directors' rationale vs. the New Mexico rationale. He noted that he would like to get a sense of what the professional members of the Board think and whether the Board should provide direction. Mr. Moore has concerns with states that issue licenses without exams. California has an experience-only pathway for engineers and surveyors as well as an educational pathway. Most other states do not have that option, especially for engineers. He believes that these proposed changes pose a threat to licensure. Dr. Qureshi shared his perspective in that it is hard to say whether it is good or bad. This may make applicants who have not taken exams and who come to California think that there is a chance for them to obtain a license when in reality there is not. There is nothing that requires the Board to adopt or follow the motion. While it does not help people coming to California, it certainly helps California licensees. Ms. Mathieson would prefer not to take a position on a motion at this point.

During Public Comment, Mr. Escarda inquired how to access the outcome of motions. Mr. Moore directed him to the NCEES website to view the results of the motions once they are posted.

MOTION:	Mr. King and Ms. Wong moved to direct delegates to oppose Western Zone Motion 1, as it is written.
VOTE:	3-8, Motion Failed

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

2. Introduction of Jason Gamble, PE, NCEES Chief Officer of Examinations
 Mr. Moore introduced Jason Gamble, PE, NCEES Chief Officer of Examinations. Mr. Gamble provided an overview on the Structural Examination conversion to computer-based testing (CBT). It is scheduled for 2024 and includes scenarios that were developed with alternate item types and multiple correct answers. The depth portion will be all alternate item types.

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

1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions
(Cont.)

ACCA Motions 9 and 10

Mr. King and Dr. Qureshi suggested discussing ACCA Motions 9 and 10. Dr. Qureshi summarized both motions and explained that Motion 9 is to create a dedicated position on the Board of Directors for public members and Motion 10 is to modify the bylaws to allow public members to run for office. The Board of Directors does not support Motion 9 and does support Motion 10. Dr. Qureshi offered his assessment and noted that he disagrees with the Board of Directors on Motion 9 and believes that they are missing the point and explained if Motion 10 is passed, it allows a public member to be part of the Board of Directors. The concern he expressed is that it only allows and does not ensure. Motion 9 will ensure there is a representation

of a public member on the Board of Directors. Mr. King believes the Board should support both. By consensus, the Board agreed to let the delegates to the meeting listen to the discussion and vote in the best interest of California.

Finance Motion 4

Mr. Moore reviewed Finance Motion 4 that pertains to the structural exam fees. Currently, the fee is \$400 per component. \$400 one day and \$400 the second day. With the new CBT format, which consists of four sections, it will be \$350 per section. It will cost the candidate \$1,400 vs. \$800 to sit for the examination. Mr. Moore explained that when you transition from paper and pencil to computer-based testing, you pay for the seat time which is the fee that examination center charges the candidate to be there in addition to the examination fee.

Engineering Licensure Model Task Force (1 Motion)

Mr. Moore explained that much of the older language is being replaced with more updated language.

ACCA Motion 5

Mr. Moore explained that this motion is in reference to diversity.

EPP Motion 4

Dr. Qureshi reviewed the motion and noted that it is only striking out language.

EPP Motion 9

Updated language including pronouns.

G. Update on Outreach Efforts

No report given.

H. Future Meeting Logistics

Mr. Moore presented modes of facilitating future Board meetings. All in-person, reverting to how the Board met pre-pandemic with all Board members, staff, and members of the public present in one location or all WebEx. DCA can facilitate the Board meetings via WebEx only if they are held in Sacramento at DCA's HQ1 or HQ2. At locations outside of DCA, we cannot guarantee the quality of the Wi-Fi, which is needed for a hybrid meeting. If the Board decides to conduct hybrid meetings, those will have to be held at HQ1 or HQ2 in Sacramento. Much of it has to do with the public being able to hear and distinguish Board members during discussions on WebEx. Mr. Moore recalled difficulties in past meetings as the Board does not have the proper equipment to present their own virtual meetings. DCA is looking for a Southern California location to be able to facilitate virtual board meetings. Mr. King asked what DCA's preferences are. Mr. Moore indicated that DCA is more in favor of the

entire meeting being conducted via WebEx than hybrid. They are also not in favor of holding a hybrid meeting at one physical non-DCA location where the public has to come to that physical location. If that remote connection goes down to where the public can no longer access the meeting, the meeting must end and not continue. Mr. Ruffino shared his impression in that it would be simpler to attend the meetings in Sacramento. Mr. Moore suggested facilitating the meetings in an all remote platform or all in person meetings. Mr. Novak's impression is that there is a cost savings of conducting in a fully remote format that would both accomplish the convenience for the public and reduce the cost. Mr. Moore indicated there was indeed a cost savings. Mr. King believes the Board is more effective in person and also sees value in meeting around the state. Traditionally, there are approximately 2-3 meetings in Sacramento and the other half in other areas of the state. He suggested that when the Board is in Sacramento, we will conduct the full WebEx experience and when the Board meets in other areas of the state, it will be an all-public experience. He would hate to lose in person meetings or getting around the state. Ms. Wong suggested try half in person and half at DCA. Mr. Hartley and Ms. Mathieson agree that in person meetings are more open, understanding of each other when we can also have conversations as guests arrive, respect each other more, we are still congenial. She likes the idea of holding WebEx meetings in Sacramento and in person in other areas of the state. President D'Antonio likes the idea of making the Board accessible to the public around the state. Mr. Moore added that more people attend the meetings virtually than in person. The 2023 Board meeting calendar will be presented at the next Board meeting for review.

IX. President's Report/Board Member Activities

President D'Antonio attended a virtual NCEES meeting for first-time attendees of the Annual Meeting. Mr. Moore announced that it is our Legal Counsel Joseph Chin's last meeting as he has accepted a promotional position with the State Bar.

X. Approval of Meeting Minutes

A. Approval of the Minutes of the June 23, 2022, Board Meeting

MOTION:	Mr. King and Ms. Mathieson moved to approve the minutes of the June 23, 2022, meeting.
VOTE:	8-0-3, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D'Antonio	X				
Vice-President Hartley			X		
Fel Amistad	X				
Alireza Asgari			X		
Duane Friel				X	
Kathy Jones Irish	X				
Coby King	X				

Betsy Mathieson	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino			X		
Wilfredo Sanchez				X	
Christina Wong	X				

XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

There was no discussion.

XII. 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)]

XIII. Open Session to Announce the Results of Closed Session

During Closed Session the Board took action on two stipulations, one default decision, a proposed decision, and a petition for reconsideration.

XIV. Adjourn

The meeting adjourned at 3:34 p.m.

PUBLIC PRESENT

Carl Josephson, SEAOC

Alan Escarda, PECCG