

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

Thursday, October 20, 2022, beginning at 9:00 a.m.

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<b>Board Members Present:</b>	President Rossana D’Antonio; Vice-President Michael Hartley; Fel Amistad; Alireza Asgari; Coby King; Betsy Mathieson; Mohammad Qureshi; and Christina Wong
<b>Board Members Absent:</b>	Duane Friel; Kathy Jones Irish; Paul Novak; Frank Ruffino; and Wilfredo Sanchez
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Reza Pejuhesh (Legal Counsel)

### I. Roll Call to Establish a Quorum

President D’Antonio called the meeting to order at 9:04 a.m., and a quorum was established.

### II. Pledge of Allegiance

Vice-President Michael Hartley led everyone in the recitation of the Pledge of Allegiance.

### III. Public Comment for Items Not on the Agenda

During Public Comment, David McMillan, County Surveyor for the County of Riverside, welcomed the Board.

Melissa Gear, Deputy Director with the Department of Consumer Affairs, Board and Bureau Relations, introduced herself to the Board.

Bob DeWitt, representing ACEC, was grateful for the certificate of recognition he received for his 50 years of service as a licensed engineer.

Alan Escarda, representing PECG, introduced himself.

### IV. Administration

#### A. Fiscal Year 2021/22 Year-End Summary

Mr. Moore reported that the Board received the Fiscal Month 13 report; more revenue was received than projected, and expenditures were about 90% of the budget authority. There was a significant increase in initial application volume, which produced a 32% positive impact in revenue from the prior year, ultimately realizing the impact of the new fees.

#### B. Fiscal Year 2022/23 Budget Report

Mr. Moore reported that the Board has 2.5 months in reserve. It is anticipated that Board will experience another increase in initial applications but not to the level of the prior applications received.

## V. Legislation

### A. Discussion of Legislation for 2022

1. Senate Bill (SB) [1120](#) (Jones, Chapter 302, Statutes of 2022) Engineering, land surveying, and geology.

Ms. Eissler reported that the Governor signed the bill, and it will go into effect January 1, 2023. It amends sections of the Business and Professions Code relating to engineering and land surveying businesses to remove an obsolete subdivision that was misinterpreted and added sections that give the Board authority to require applicants and licensees to provide the Board with their email addresses and notify the Board of any changes to that email address within 30 days. It also contains a provision that indicates the email address is not a matter of public record so it would not be disclosed to the public. This bill also amended the public resources code relating to the California Coordinate System, which was sponsored by CLSA (California Land Surveyors Association).

2. SB [1237](#) (Newman, Chapter 386, Statutes of 2022) Licenses: military service.

The Governor signed the bill that adds a provision to define the phrase “called to active duty” as having the same meaning as “active duty” as defined in the United States Military Code for the purposes of waiving renewal fees.

3. SB [1443](#) (Roth, Chapter 625, Statutes of 2022) Professions and vocations. This bill extends the Sunset date by one year until January 1, 2025. This means that the Board will undergo sunset review during the 2024 legislative session, with its report due at the end of 2023 or the beginning of 2024.

During Public Comment, Mr. Escarda inquired if the Sunset Report will be available to the public and if stakeholder input will be considered for continuing education credits. Mr. Moore indicated that it will be in the Board meeting materials, and if and when the Board moves forward with any kind of legislative efforts relating to continuing education it would be during a Board meeting and public comment would be considered at that time.

4. SB [1495](#) (Committee on Business, Professions and Economic Development, Chapter 511, Statutes of 2022) Professions and vocations.

The Governor signed the bill, and it will go into effect January 1, 2023. This bill amends Section 7841.2 to allow applicants for the Geologist-in-Training certificate to self-certify that they have met the educational qualifications required for such a certification. This would allow the Board to issue the certificates without reviewing the applicant’s education coursework.

## **VI. Enforcement**

### **A. Enforcement Statistical Reports**

#### **1. Fiscal Year 2022/23 Update**

Ms. Criswell reviewed the enforcement statistics. Ms. Mathieson inquired about the Connect system and whether there has been an increase in complaint submittals since its launch. Ms. Criswell reported that while it is still in development, the submittal process is fully functional. Ms. Criswell has seen a significant increase in complaint submittals; however, many of those have nothing to do with the Board or the professions the Board regulates. President D'Antonio asked if staff is obligated to investigate every complaint. Ms. Criswell explained that staff's efforts are to determine whether it is in the Board's jurisdiction or if there is sufficient documentation to proceed. Complaints such as unlicensed practice need supporting documentation and when there is nothing submitted with the complaint, there is not enough information to move forward. Ms. Criswell will provide the Board with an overview of the enforcement process at a future meeting.

During Public Comment, Mr. McMillan commended the Enforcement staff for the reduction in the aging off cases.

## **VII. Exams/Licensing**

### **A. Examination/Licensing Updates**

Mr. Moore announced that the last paper and pencil ASBOG exam administration of the Fundamentals of Geology and the Practice of Geology took place on October 7, 2022.

He reviewed charts that illustrated initial application statistical data and stated that the Board is now reviewing more applications than are being received.

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

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

Ms. Eissler reported that the Examination Fees, Abandoned Applications, and Postponements rulemaking package is about ready to start the official review by DCA and Agency that will then allow the Board to notice it for the 45-day public comment period. She is hoping to have draft language at the December Board meeting for the regulations relating to applications and references. There are quite a few changes that will need to be made to the regulations due to the new Connect system. One example is a description of the information that must be provided to the Board through Connect as the Board no longer has an engagement record and reference paper form.

The other two rulemaking packages, the Definition of Traffic Engineering and the Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Geophysicists, are delayed due to the other packages that have a higher priority.

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

Product Increment 5 is delayed due to data conversion and testing within other boards.

C. 2023 Board Meeting Schedule

Mr. Moore reviewed the tentative 2023 Board meeting schedule. Mr. Hartley cannot make the proposed February 2-3 date. Dr. Asgari has a conflict with June 1-2 due to an NCEES committee assignment. Mr. King has a conflict with the proposed April 6-7 date. Ms. Mathieson is concerned with travel on April 7 as it is Good Friday. Mr. Moore noted that conflicts will be considered if quorum is affected.

Dr. Qureshi asked that we reference the NCEES Joint Zone meeting as the NCEES All Zone meeting on the 2023 tentative Board meeting calendar.

Mr. Escarda appreciates taking the public into account in meeting planning. Mr. McMillan appreciates the Board travelling to various locations.

D. Personnel

Recruitment continues for the Senior Registrar Geologist position. A new staff member will fill one of the vacancies in the Licensing Unit effective November 1. Staff continues to recruit for the additional licensing position. Elaine Mefford was hired as the new receptionist. She is learning about the Board and is integrating very well. The Seasonal Clerk that was hired to assist with licensing is leaving the Board.

E. ABET

Mr. Moore reached out to ABET to find out whether there were any visits taking place this year with universities in California. ABET reported that there are a couple visits taking place; however, each university has the option of having Board observers or ABET observers, and they opted to not have any.

F. Association of State Boards of Geology (ASBOG)

Mr. Moore reminded everyone that Ms. Mathieson was selected as Board Delegate and anticipates the main topic of discussion will be the transition to Computer Based Testing (CBT). Mr. Moore will attend virtually. Ms. Mathieson was invited to be a lead speaker on a panel discussion about changes in academic department names, course names, course combining, and the new BPELSG education requirements for geologist and geophysicist applicants.

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

1. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Report

Mr. Moore reported on the Annual Meeting and announced that Dr. Qureshi is now the Western Zone Vice-President. Dr. Qureshi announced the appointment of three new Board of Directors' members, of which he is one. Laura Sevier from Iowa was elected President-Elect and Jan Bostelman from Nebraska was elected as the Central Zone Vice-President. Mr. King noted that Dr. Qureshi can possibly be nominated by the Western Zone for

the President-Elect position in two years. Mr. King was reappointed to the Bylaws Committee. Board members who attended the Annual Meeting all shared their experiences.

H. Update on Outreach Efforts

Mr. Moore reviewed the Board's Outreach report.

I. Strategic Plan Discussion

Mr. Moore recommended that the Board remove items 6.4 and 6.7 as they are duplicative of other items.

<b>MOTION:</b>	President D'Antonio and Ms. Mathieson moved to remove items 6.4 and 6.7 and renumber the items.
<b>VOTE:</b>	8-0, 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				

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

Dr. Asgari reported that NCEES EPE (Examinations for Professional Engineers) approved the Civil Engineering exam specification changes due to the CBT (Computer Based Testing) conversion.

**X. Approval of Meeting Minutes**

A. Approval of August 22, 2022, Board Meeting Minutes

<b>MOTION:</b>	Dr. Qureshi and Dr. Amistad moved to approve the meeting minutes.
<b>VOTE:</b>	9-0, 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				

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

Vice President Hartley would like to discuss the Strategic Plan’s core values and their impact on the Board’s operations.

**XII. Recess Open Session**

The Board recessed open session at 11:38 a.m.

**XIII. Convene Closed Session – The Board met in Closed Session to discuss, as needed:**

- A. Deliberate and Vote on Disciplinary Matters, Including Stipulated Settlements and Proposed Decisions Pursuant to Government Code section 11126(c)(3)
- B. Confer with, or Receive Advice from, Its Legal Counsel regarding Pending Litigation Pursuant to Government Code section 11126(e)(1) and (2)(A), as follows:
  - 1. *Ryan Crownholm, et al., vs. Richard B. Moore, et al.*, United States District Court, Case No. 2:22-cv-01720-DAD-CKD

**XIV. Adjourn Closed Session**

The Board adjourned Closed Session at 12:40 p.m.

**XV. Reconvene Open Session**

The Board reconvened open session at 12:41 p.m., and Ms. Criswell announced that the Board took action on a stipulation, two default decisions, and discussed litigation as noticed.

**XVI. Adjourn**

The meeting adjourned at 12:42 p.m.

**PUBLIC PRESENT**

Bob DeWitt, ACEC