

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

Thursday, December 8, 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 (participated remotely); Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	Duane Friel
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Dawn Hall (Administrative Manager); Larry Kereszt (Examinations Manager); Celina Calderone (Board Liaison); Tara Welch (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

Dr. Amistad 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. Hearing on the Petition for Reinstatement of Revoked License of Richard Joseph Godina

This hearing was held on Thursday, December 8, 2022.

Paul Novak arrived at 9:11 a.m.

V. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by 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), on the following matters:

1. *Ryan Crownholm, et al. vs. Richard B. Moore, et al.*, United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
2. *Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al.*, Sacramento County Superior Court. Case No. 34-2022-00328379

VI. Report from the Department of Consumer Affairs (DCA) on Departmental Activities

Yvonne Dorantes-Giles, Assistant Deputy Director of Board and Bureau Relations, reviewed the newly appointed leaders to DCA's Board and Bureau Relations team.

Ms. Giles reported that Director Kimberly Kirchmeyer established the Department's first Diversity, Equity, and Inclusion Steering Committee (DEI committee) to guide the Department in its equity strategy, initiatives, and action plans. The DEI committee held its official kick-off meeting on November 9 and will convene its second meeting in January 2023.

In accordance with Governor Newsom's Executive Order, as of July 2023, strategic plans must be updated to more effectively advance equity and drive outcomes that increase opportunities. By March 2023, DCA will begin implementing the revised processes and will work with boards in updating their existing strategic plans or developing new ones.

On November 2, 2022, DCA released its 2022-2027 Strategic Plan. Additionally, the Department also released a new logo.

Ms. Giles also announced the annual Our Promise campaign and encouraged all members and staff to contribute.

She reminded Board members and staff that all state travel requests must be made through CalTravel Store or Concur and to use the most economical fares possible when traveling by air on official state business. The traveler will be responsible for any associated charges to flight changes for personal convenience that are not approved or for a justified reason.

VII. Administration

A. Fiscal Year 2021/22 Year-End Summary

Ms. Hall reported there was \$175,000 in additional technology expenses which was included in the prior Fiscal Year, and there were no changes in revenue.

B. Fiscal Year 2022/23 Budget Report

The Fiscal Month 3 revenue for the current year is slightly lower than the Fiscal Month 3 of the prior year. It was noted that there was a higher than anticipated volume in paper applications that were received in the first three quarters.

VIII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Criswell presented the Enforcement statistics. Ms. Wong asked if there have been any notable trends that the Board should be made aware of. Ms. Criswell noted that initial complaints are taking a bit longer during the intake process due to incomplete information and certain file types that the Connect system cannot upload and therefore, attachments are not being transmitted properly. She is concerned that this trend may increase timeframes. In addition, the Board is receiving a lot of complaints that are not within the Board's jurisdiction or duplicative complaints as the complainant was not certain that the initial complaint was properly submitted through Connect.

X. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler reported on the rulemaking package relating to exam fees specific to the ASBOG examinations and abandoned applications and postponements. It is currently in the 45-day public comment period that will conclude at the end of December. The Board has received one comment, and staff will review and prepare the response and information that will be presented to the Board at the February meeting. The other rulemaking packages are still being worked on by staff in consultation with DCA's Legal Office Regulations Review Unit.

B. Update on Board's Business Modernization Project

Mr. Moore reported that the Board is in the Maintenance and Operations (M&O) phase. The M&O phase of the project began July 2022. Product Increment (PI5) of the project went live on October 12, and for our Board, it consisted primarily of bug fixes and requested refinements. Staff is currently working with the Agile Team on additional application types with a focus on Geologist-In-Training (GIT) and Professional Geologist types. It is anticipated to go live sometime in late January. Mr. King inquired as to what is left. Mr. Moore will provide a more in-depth report at the next meeting.

C. 2023 Board Meeting Schedule

Mr. Moore reviewed the amended 2023 Board meeting schedule and advised that staff has reserved DCA hearing rooms for the April, June, and September meetings. Mr. Ruffino indicated that he has conflicts with the July and September meetings. Mr. Novak has a conflict with the June meeting, and Vice-President Hartley has a conflict with the February meeting. Mr. Moore reminded Board members that we do not usually adjust dates for one or two members unless there is an issue with quorum.

D. Personnel

Mr. Moore reported that Corrine Grey, Enforcement Analyst, retired from State service. She came to the Board from the Board for Geologists and Geophysicists. Staff is currently working on recruiting for licensing support. Mr.

Moore also announced that the Board has hired a Senior Registrar Geologist, Joshua Goodwin, who will start January 3, 2023. In addition, two Seasonal Clerks have termed out and exhausted their allotted time.

E. ABET

No report given.

F. Association of State Boards of Geology (ASBOG)

1. Annual Meeting Report

Mr. Moore and Ms. Mathieson attended the Annual Meeting virtually. Mr. Moore reported that the Computer Based Testing (CBT) conversion was discussed. In addition, continuing education was discussed as well. One of the states reported that when they recently implemented mandatory continuing education, many of their licensees who may be retired from employment but would normally have maintained their license gave up their licenses rather than have to complete the continuing education requirements. They experienced a dramatic decrease in renewals resulting in a significant financial impact. Ms. Mathieson concurred with what Mr. Moore reported. She further reported that some view continuing education as a barrier to licensure in some states. North Carolina added a Continuing Education requirement after the North Carolina Dental Board case as those involved indicated that it made the license more “solid”.

Ms. Mathieson reported that the ASBOG Secretary’s Report included a statement saying that the profession is one of the least racially and ethnically diverse of all the STEM professions. ASBOG has a role in promoting licensure to all ethnicities, and he wants individuals to promote the profession to people of color and minorities and create a more diverse workforce in the future. This aligns with DCA’s diversity, equity, and inclusion goals.

There was discussion on whether ASBOG can maintain member records similar to the NCEES Record for engineers and surveyors. The initial response was ASBOG was too small and cannot afford to maintain records so once they become licensed in one state it is simpler to get licensed in another state. The American Institute of Professional Geologists reported that they have been considering providing this service to geologists.

Ms. Mathieson also participated in a panel discussion pertaining to how states are handling curriculum requirements for qualifying geological degrees.

IX. Exams/Licensing

A. Examination/Licensing Updates

Mr. Kereszt reported that the Fall 2022 exams have been completed, and the results have started to be released; the remaining results are expected to be released next week.

As for the ASBOG transition to CBT (Computer Based Testing), he is encouraging GIT (Geologists-In-Training) and PG (Professional Geologists) applicants to visit the ASBOG website, and the Board will provide updates as they are made available.

President D’Antonio inquired whether the Board maintains applicant and licensee demographics. Mr. Moore noted that the Board does not. Ms. Welch explained that some Practice Acts provide different statutory authority for boards to collect certain demographic data because the board must have that statutory authority in place. If the information collected is identified with the person, it may be confidential and contain identifying information. Given the recent trends to improve equity and diversity, the Board may see something during the Sunset Review process regarding gathering demographic data.

X. Executive Officer’s Report (Cont.)

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

1. Request NCEES Designate Board Member Mohammed Qureshi as an Emeritus Member of the California Board

MOTION:	Mr. Ruffino and Ms. Wong moved to nominate Dr. Qureshi to be designated by NCEES as an emeritus member of the California Board once his term on the Board ends.
VOTE:	12-0, 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				

2. 2023 NCEES Zone Interim Meeting, April 27-29, 2023, Houston, TX – Selection of Board Delegates

MOTION:	Mr. King and Ms. Irish moved to designate Vice-President Hartley as a Board delegate.
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VOTE:	12-0, Motion Carried
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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. Exams/Licensing (Cont.)

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

Julie Morby, Ebony Broussard, and Colvin Franklin, representing Prometric, were available in the event there were any questions in reference to the test plans or to explain the process.

C. Adoption of Test Plan Specifications for the California Civil Engineering Surveying and Civil Seismic Principles Examinations

Mr. Kereszt reported that the Test Plan for both examinations is the result of an Occupational Analysis that was conducted over the last six months with Prometric. Once the Test Plans are approved, it will take effect January 2024 coinciding with the most recent building code that will also take effect January 2024.

MOTION:	Dr. Qureshi and Ms. Irish moved to adopt the Test Plans for the California Civil Engineering Surveying and Civil Seismic Principles Examinations.
VOTE:	12-0, 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				

X. Executive Officer's Report (cont.)

H. Update on Outreach Efforts

Mr. Moore reviewed the July-September 2022 outreach events.

I. Strategic Plan Discussion – Review of the Strategic Plan Values and Their Potential Impact on Board Operations

Mr. Moore reported on the Strategic Plan. He recommended the Board consider discussion of the Governor’s Executive Order. Ms. Eissler clarified that the Governor’s Executive Order came out after the Board had adopted the Strategic Plan. The Board had already included elements of diversity, equity, and inclusion in its Strategic Plan by including equity as one of the values, which the Board discussed in depth during the development of the Strategic Plan. Some of the objectives and goals relate to trying to create a more diverse population for applicants and licensees to benefit consumers in California. Several Board members discussed the definitions of equity and equality, and Ms. Giles explained to the Board that DCA through a DEI committee is working on developing definitions and terms, which will become available within the next quarter.

XI. President’s Report/Board Member Activities

Dr. Asgari reported that he attended the NCEES Structural Engineering exam meeting where they discussed the format for the new Structural Exam. Mr. King attended the NCEES Bylaws Committee meeting. Ms. Mathieson offered her condolences to Vice-President Hartley on the passing of his father. Vice-President Hartley added that he was appointed to serve on the NCEES Member Board Administrator (MBA) Committee and will attend his first meeting in January.

XII. Approval of Meeting Minutes

A. Approval of October 20, 2022, Board Meeting Minutes

MOTION:	Mr. King and Ms. Mathieson moved to approve the October 20, 2022, meeting minutes.
VOTE:	9-0-3, 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				

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

President D’Antonio would like to create a committee to explore the feasibility of a continuing education component to licensure. Mr. Moore recommended having an initial discussion at the Board level to explore what to do as a board and if we want to pursue it. This is most likely a multi-year discussion.

XIV. Adjourn

Adjourned at 4:27 p.m.

PUBLIC PRESENT

Annette Hovorka, PLS

John Thompson

Patrick Eikenberry

Richard Godina

Sharon O’Grady, Deputy Attorney General, Office of the Attorney General, Department of Justice

Amie Flynn, Deputy Attorney General, Office of the Attorney General, Department of Justice

Jessica Wong, Administrative Law Judge, Office of Administrative Hearings

R. Sterling Henderson, Esq.

Creighton Sebra, Esq.