

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, Hearing Room #186
 Sacramento, CA 95834

Thursday, April 13, 2023

Board Members Present:	President Rossana D’Antonio; Vice-President Michael Hartley; Fel Amistad; Alireza Asgari; Kathy Jones Irish; Coby King; Betsy Mathieson; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong
Board Members Absent:	Paul Novak
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); Cheryl Guidi (Examinations Analyst); Joshua Goodwin (Senior Registrar for Geology and Geophysics); Christopher Pirrone (Legal Counsel); Tara Welch (Legal Counsel)

I. Roll Call to Establish a Quorum

President D’Antonio called the meeting to order at 9:09 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, Carl Josephson, representing SEAOC, introduced Wayne Low. Mr. Low is on the SEAOC Licensing Committee and is the Vice-President of the northern chapter.

IV. Legislation

A. 2023 Legislative Calendar

Ms. Eissler presented the Legislative calendar.

B. Discussion of Legislation for 2023

1. Assembly Bill (AB) 883 (Mathis, 2023) - Business licenses: United States Department of Defense SkillBridge program.

MOTION:	Mr. Ruffino and Ms. Mathieson move to take a position of “Watch” on AB 883, as amended March 23, 2023.
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VOTE:	11-0, 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				
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. Senate Bill (SB) 372 (Menjivar, 2023) - Department of Consumer Affairs: licensee and registrant records: name and gender changes.

MOTION:	Mr. King and Ms. Mathieson move to take a position of "Support" on SB 372, as amended March 20, 2023 and express the Board's desire to work with the author to address the concerns regarding the public's ability to discover former names in disciplinary matters.
VOTE:	4-7, Motion Failed

Member Name	Yes	No	Abstain	Absent	Recusal
President D'Antonio		X			
Vice-President Hartley		X			
Fel Amistad		X			
Alireza Asgari		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				

MOTION:	Dr. Qureshi and Mr. Sanchez move to take a position of "Watch" on SB 372, as amended March 20, 2023 and to draft a letter to the author expressing the Board's concerns of how the Board will disclose to the public
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	discipline taken against the licensee under the former name.
VOTE:	5-6, Motion Failed

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley	X				
Fel Amistad	X				
Alireza Asgari	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			

MOTION:	Mr. King and Ms. Mathieson moved to take a position of “watch” on SB 372, as amended March 20, 2023 and to draft a letter to the author expressing the Board’s concerns that the final language strike an appropriate balance between a legitimate need to preserve confidentiality of gender and name changes with the public’s legitimate need for access to disciplinary information under the former name and gender.
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				
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				

3. SB 544 (Laird, 2023) - Bagley-Keene Open Meeting Act: teleconferencing.

MOTION:	Mr. Ruffino and Dr. Amistad moved to take a position of “Support” on SB 544, as amended March 20, 2023.
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				
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				

4. SB 802 (Roth, 2023) - Licensing boards: disqualification from licensure: criminal conviction.

MOTION:	Ms. Mathieson and Dr. Amistad moved to take a position of “Watch” on SB 802.
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				
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				

5. SB 818 (Roth, 2023) - Department of Consumer Affairs: terms of office: fingerprinting.

MOTION:	Ms. Wong and Mr. Sanchez move to take a position of “Watch” on SB 818.
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				
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				

V. Administration

A. Fiscal Year 2022/23 Budget Report

Ms. Hall presented the financial report. She noted a correction on page 49 of the Board meeting materials. It states that the current year full year projections for delinquency fees is \$150,044 and it should reflect \$150,440.

Mr. Moore followed up on a request from the last meeting as there was a typo in reference to reimbursements. The reimbursement total should have been \$37,523.

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2022/23 Update

Ms. Criswell presented the Enforcement statistics. Ms. Mathieson thanked Ms. Criswell for the definitions of categories. She also noted that on page 59, the vertical axis starts with zero on three of the four graphs and one graph starts with 115 which makes the variations from year to year appear more extreme.

VII. Exams/Licensing

A. Examination/Licensing Updates

Mr. Kereszt introduced Cheryl Guidi, Exam Analyst with the Board's Examination Unit. She works on the administration of the California Specific Examination for geology and the ASBOG exams. Mr. Kereszt reported that the spring cycle of the biannual examinations was completed yesterday with the state specific land surveyor examination. There were 153 candidates, which was a significant increase from the last few years. He reported that 2017 was the last time the Board saw numbers that high.

B. ASBOG Spring Examination Updates

The CSE exam took place last month which is the state geology component of the Professional Geologist exam. In March 2023, ASBOG administered their first CBT exams in their history. Ms. Guidi was pleased with the overall transition. There were 142 candidates for the Fundamentals of Geology exam, and the average is 135. There were 74 candidates for the Practice of Geology, and the average is about 80. The biggest difference was there were only 4 candidates who no-showed whereas with in-person paper-and-pencil exams there would be approximately 15-20 no-shows.

Mr. Moore noted a trend since the introduction of CBT for the civil exams. The exams are offered on a quarterly basis, and the pass rates are consistently lower than the prior month of each quarter. It has been a consistent trend since introducing CBT.

During public comment, Mr. Josephson reported that SEAOC has been tracking pass rates of the different NCEES structural exams administered over the years, and the pass rate is varied, especially when it was written and graded by California engineers. He is hopeful that the next administration of the NCEES structural exam in October will be the last pencil and paper exam. Currently, there are approximately 1,500 candidates to sit for the exam versus 1,200 from past exam administrations. He finds the increase interesting as this may be the last paper and pencil examination before CBT. Traditionally, there has been approximately a 10% no-show rate, and they anticipate a 5% no-show rate this time. Mr. Moore added that anytime there is a significant change in the administration of an exam, there is always an increase in the number of candidates for the last exam before the new format.

VIII. Strategic Plan Discussion

A. Objective 1.3 Continuing Education Committee Report

President D'Antonio expressed a sense of urgency to move ahead with continuing education. There are many obstacles that other boards may have already overcome as it relates to lessons learned and she looks forward to seeing what the Board comes up with. Ms. Wong looks forward to the research outcome and what other jurisdictions are doing. Mr. King inquired to how we will track the potential requirements for the license renewal assessment. Mr. Moore has been able to confirm the serving of the assessment and tracking through BPELSG Connect. He along with Ms. Eissler have been in contact with a vendor that will aid in creating the content for the board laws and rules assessment allowing the Connect system to serve as the learning management system to distribute and track as part of the renewal process. He anticipates working on content with the vendor through 2023 and will try to implement the renewal assessment in 2024.

During Public Comment, Mr. Low representing SEAOC reported that they have started their own discussion at the state level regarding continuing education and while there is a general support, it is not unanimous and continues to be

discussed. It will be on their agenda for the upcoming year.

B. Review of Objective 5.5 Ensure accessibility of information on licensure to the public to improve inclusion of underserved populations.

Mr. Moore would like to have a better understanding of the Board's expectations of how to measure successful implementation of these objectives, how they were at the time of development to how they are now.

Mr. King reported there is a division between the public at large and those that we may want to reach to encourage to consider licensure. Unsure of what colleges and universities the Board is reaching out to but, perhaps ensuring those colleges and universities primarily serve underserved communities could be targeted a bit more. In terms of the general public, there are specific outreach programs and strategies to reach people to understand that if they have issues in dealing with members of our profession, that there is a method to provide feedback. He suggests looking at how to reach these communities.

Ms. Wong believes the trend is for high schoolers to go to community college and go through the general education process and proceed to their chosen major. If we want to encourage the underserved population perhaps have a path of transfer.

Ms. Mathieson suspects there may be an equivalent to a career fair for incoming community college students. The Board already engages in outreach to colleges. Also, perhaps there is something that DCA is already doing to combine efforts with other licensed professions to reach community college students.

Mr. Moore appreciates the suggestions but would like to know the Board's expectations on how they expect the efforts to be measured.

Ms. Irish would like to see a multi-tiered strategy. Clearly the Board has communicated with the colleges and universities and recommended establishing a relationship with municipal utilities.

President D'Antonio suggested developing a metric to measure outreach. She believes much more could be done through social media.

Mr. Moore explained that this is about implementing the Strategic Plan objectives and how to measure progress.

C. Review of Objective 5.6 Collaborate with the Department of Consumer Affairs to identify a strategy to require a notice of complainants' rights to improve the public's awareness.

Mr. Moore explained that the key to this objective is how to measure how we have improved the public's awareness.

Dr. Qureshi explained that the Board has spent much time on complainant

rights and improving the public's awareness. The action item of 5.6 is to collaborate with DCA to identify a strategy and to come up with a process. While he agrees it is to improve the public's awareness, there is no way to measure that.

- D. Objective 4.3.1 Contact DCA for department-wide opportunities for collection of unpaid fines

Ms. Criswell announced that DCA has entered into a contract with a collection agency to collect administrative fines on behalf of all the boards. While the Board will continue to use the traditional Franchise Tax Board (FTB) intercept program for those for whom the Board has access to Social Security numbers, this collection agency will allow collection if the fine is related to a business or if we do not have an individual's Social Security number. She is excited to see how effective it will be and will report on its success.

IX. Executive Officer's Report

A. Rulemaking Status Report

Ms. Eissler provided an update on the examination fees, abandoned applications and postponements rulemaking. The rulemaking file is being finalized with minor changes at the request of the Director of DCA to clarify information. It will then go to Agency and ultimately to the Office of Administrative Law for final review and approval.

B. Update on Board's Business Modernization Project

Mr. Moore reported that the Board is in the maintenance and operations phase. There was an interruption in Connect service which occurred during testing for the next release. Internal testers discovered areas that could be vulnerabilities and began work on maintenance fixes. Because of this, Connect was offline for a little over a week, which was longer than expected. Not only was there a large volume of licensees who would be renewing their licenses but it occurred at the end of the quarter for when candidates could sign up for the following quarter exams. The cut off dates were extended for approved civil applicants to April 14, 2023. Currently anyone signing up for any of the two civil exams will have a choice to take it during Quarter 2 or Quarter 3.

Mr. Moore added that he was hoping to have the Professional Geologist and Geologist-in-Training applications live by now; however, it will most likely take place early next week. Mr. Goodwin and the Licensing Unit staff have been very thorough in their testing with the Agile Team.

C. Personnel

There are currently three vacancies, one in Licensing and two in the Administrative Unit. Since the introduction of Connect, staff continues to evaluate how to best utilize staff and will leave these vacancies open as a cost savings until the end of the Fiscal Year.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

1. 2023 Spring Council of Examiners (COE) Workshop, April 13-15, 2023 Greenville, SC – Update

Mr. Moore reported that this workshop was held today. Originally when this workshop was scheduled, it was being hosted in a state to which Board members and staff could travel. However, it was moved to South Carolina, which is a prohibited state.

2. 2023 Fall Annual Meeting, October 2023, Spokane, WA – Update

Mr. Moore reported that the Fall Annual Meeting will be held in Spokane, WA, and is included in the Board's blanket out-of-state travel request. He is optimistic that it will be approved. There will be an opportunity to send Ms. Mathieson and Mr. Goodwin to an ASBOG meeting.

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

1. 2023 NCEES All Zone Meeting, April 27-29, 2023 – Update

Mr. Moore reported that the Board is not approved to travel to Texas. There was a State of the Council meeting via teleconference. NCEES provided an overview of what to expect at the All Zone meeting. Between the All Zone meeting and the Annual Meeting, there will be several State of the Council meetings and he encourages anyone who receives emails to register for those events.

2. 2023 NCEES Annual Meeting, August 15-18, 2023 Boston, MA – Selection of Board Delegates

Mr. Moore indicated that this meeting was included in the Out-of-State travel request for the next Fiscal Year. He may know more at the June meeting. Board member volunteers include Mr. Hartley, Mr. Ruffino, Ms. Wong, and as an alternate, Mr. King.

G. Update on Outreach Efforts

Mr. Moore presented the Outreach Report. He noted that the extension of the final filing date has moved to the number two spot in the top Facebook posts.

X. President's Report/Board Member Activities

President D'Antonio reminded the Board that her position as Board President is coming to an end and announced that she had appointed Ms. Mathieson and Dr. Asgari to serve as the Nominating Committee. She invited interested members to contact Ms. Mathieson or Dr. Asgari.

Ms. Mathieson reported that she and Dr. Amistad were reappointed.

XI. Approval of Meeting Minutes

A. Approval of February 2, 2023, Board Meeting Minutes

MOTION:	Mr. King and Dr. Amistad moved to approve the February 2, 2023, Board Meeting Minutes, as amended.
VOTE:	10-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President D’Antonio	X				
Vice-President Hartley			X		
Fel Amistad	X				
Alireza Asgari	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				

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

President D’Antonio suggested reviewing the language for Objectives 5.5 and 5.6 of the Strategic Plan.

Mr. Moore reminded the Board that members did not have to wait for a noticed agenda item to request agenda topics can always email him items that they would like to see on the agenda.

XIII. 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. *Patrick Frederick Christensen vs. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs of the State of California*, San Diego County Superior Court, Case No. 37-2022-00000484-CU-WM-CTL

XIV. Adjourn

Ms. Criswell reported that in Closed Session, the Board discussed litigation as noticed. The meeting was adjourned at 3:22 p.m.

PUBLIC PRESENT

Wayne Low, SEAOC

Ted Dracar, Deputy Attorney General, Department of Justice, Attorney General's Office