

**BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833-2944

Telephone: (916) 999-3600 – Toll Free: 1-866-780-5370

Facsimile: (916) 263-2246

www.bpelsg.ca.gov

**OFFICIAL NOTICE AND AGENDA****MEETING OF THE BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS**

Monday, November 8, 2021, beginning at 9:00 a.m., and continuing
Tuesday, November 9, 2021, beginning at 9:00 a.m., if necessary

The Board for Professional Engineers, Land Surveyors, and Geologists will hold a public meeting via a teleconference platform. Pursuant to the provisions of Government Code Section 11133, a physical meeting location is not being provided.

INSTRUCTIONS FOR PARTICIPATION: For all those who wish to participate or observe the meeting on Monday, November 8, 2021, please log on to this website: <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m931283faa6f3aceb82e1a7422ed4f516>

If the meeting continues on Tuesday, November 9, 2021, please log on to this website: <https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m129e4496f549c2e692f16d8772d9209b>

Please see the attached instructions for how to observe and participate in the meeting using the WebEx platform.

Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will be required to provide a unique identifier, such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment. Participants who choose not to provide their email address may utilize a fictitious email address in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to 5 minutes per person unless, in the discretion of the Board, circumstances require a shorter period. Members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

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The meeting is open, and the public is invited to attend. The meeting facilities are barrier-free in accordance with the Americans with Disabilities Act. A person who needs disability-related accommodations or modifications in order to participate in the meeting shall make a request by contacting Celina Calderone at (916) 999-3600 or celina.calderone@dca.ca.gov or by sending a written request to Ms. Calderone at the Board for Professional Engineers, Land Surveyors, and Geologists, 2535 Capitol Oaks Drive, Suite 300, Sacramento, California, 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodations.

For further information regarding this meeting, please contact Celina Calderone at (916) 999-3600. Electronic copies of this Official Notice and Agenda are available at <http://www.bpelsg.ca.gov>.

NOTE: All times indicated and the orders of business are approximate and subject to change. Items may be taken out of order. Regardless of the position of Closed Session shown on the agenda, the Board typically conducts Closed Session at the end of the meeting; however, this can change based on the Board's schedule. This meeting may be cancelled without prior notice.

Copies of the bills may be obtained by the public through the Bill Room at the State Capitol. You may also access all California statutes, regulations, and pending bills through the Legislative Counsel's Internet website at <http://www.leginfo.legislature.ca.gov/>.

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Monday, November 8, 2021, beginning at 9:00 a.m., and continuing
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Board Members: President Betsy Mathieson; Vice-President Rossana D'Antonio; Fel Amistad; Alireza Asgari; Duane Friel; Michael Hartley; Kathy Jones Irish; Eric Johnson; Coby King; Paul Novak; Mohammad Qureshi; Frank Ruffino; Wilfredo Sanchez; and Christina Wong

- I. Roll Call to Establish a Quorum**
- II. Pledge of Allegiance**
- III. Public Comment for Items Not on the Agenda**

NOTE: The Board cannot take action on items not on the agenda. The Board will also allow for Public Comment during the discussion of each item on the agenda. Please see the last page of this Official Notice and Agenda for additional information regarding Public Comment.
- IV. Hearing on the Petition for Reduction or Modification of Probation of Gary Hawthorne Hall**

This hearing will be held on Monday, November 8, 2021, beginning at 9:00 a.m., or as soon thereafter as the matter may be heard.
- V. Hearing on the Petition for Reinstatement of Revoked License of Walid A. Hneiti**

This hearing will be held on Monday, November 8, 2021, immediately following Hearing on Petition for Reduction or Modification of Probation of Gary Hawthorne Hall, or as soon thereafter as the matter may be heard.
- VI. Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]**

NOTE: The Board will meet in Closed Session immediately following the Hearing on the Petition for Reduction or Modification and the Hearing for Petition for Reinstatement of Revoked License to decide those matters.
- VII. Administration**
 - A. Fiscal Year 2020/21 Year-End Summary

B. Fiscal Year 2021/22 Budget Report

VIII. Consideration of Rulemaking Proposals (Possible Action)

- A. Amendments to Title 16, California Code of Regulations sections 3005, 3024, and 3026 relating to Examination Fees
- B. Amendments to Title 16, California Code of Regulations section 3024 relating to Abandoned Applications and Postponements
- C. Amendments to Title 16, California Code of Regulations sections 420, 422, 3021, 3023, and 3032 relating to Applications, Final Filing Dates, and Schedules of Examinations
- D. 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.

IX. Legislation

- A. Possible Legislative Proposals for 2022 (Possible Action)
 - 1. Amendments regarding Engineering and Land Surveying Businesses (Business and Professions Code sections 6738 and 8729)
 - 2. Amendments regarding Requirements for Certification as a Geologist-in-Training (Business and Professions Code section 7841.2)
 - 3. Addition of New Sections to the Professional Engineers Act, the Geologist and Geophysicist Act, and the Professional Land Surveyors' Act (Business and Professions Code sections 6700-6799, 7800-7887, and 8700-8805) regarding Collection of Email Addresses from Applicants and Licensees

X. Enforcement

- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2021/22 Update

XI. Exams/Licensing

- A. 2021 Examination Update

XII. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. 2022 Board Meeting Schedule (Possible Action)
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
 - 1. 2021 Annual Meeting – Report from October 27, 2021, Meeting
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. 2022-24 Western Zone Vice President Nomination (Possible Action)
- G. Update on Outreach Efforts
- H. Strategic Plan 2021-22 Update

XIII. Discussion for an Increase in the Exempt Salary Level of the Executive Officer (Possible Action)

XIV. President's Report/Board Member Activities

XV. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the September 16-17, 2021, Board Meeting

XVI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

XVII. Closed Session – The Board will meet 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)]
 - 1. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

XVIII. Adjournment

Due to technological limitations, adjournment will not be broadcast. Adjournment will immediately follow Closed Session, and there will be no other items of business discussed.

PUBLIC COMMENT

Time is allotted during the meeting to provide members of the public with an opportunity to address the Board. The time allotted for each member of the public to address the Board may be limited by the Board based on the number of individuals wishing to speak.



It is requested that the speakers stand or come forward as they are recognized to speak. It is also requested, but not required, that the speakers give their names and any organizations they represent.



The public may speak on items on the agenda during the Public Comment item or when the specific item comes up for discussion by the Board. If the Board does not notice a person's request to speak during discussion of an item, it is not a deliberate attempt to limit comment. It is sometimes difficult to notice a raised hand in a meeting room. If the Board does not notice you at first, please stand so that you may be recognized to speak.



The public may speak on items not on the agenda; however, the Board may not discuss or take action on such items at this meeting. Board members cannot engage in dialogue, other than to request clarification from the speaker, regarding items not on the agenda due to constraints imposed by law. The Board may direct staff to follow up on the item with the speaker or may direct that the item be placed on the agenda of a future meeting for discussion.



The Board asks that you not discuss a pending application or a disciplinary complaint matter because the Board members will be the "judges" who ultimately decide the matter, and, by law, they are not permitted to receive information that is not part of the official administrative record in the matter. Any issues relating to such matters should be addressed in writing to the Board's Executive Officer. If a person attempts to speak on such a matter, the person will be instructed to refrain from making further comments.



If a person becomes disruptive, the person will be requested to cease the disruptive behavior. If the person fails to do so, the Board is allowed by law to request that the person leave the meeting and may even have the person removed if he or she fails to leave.