

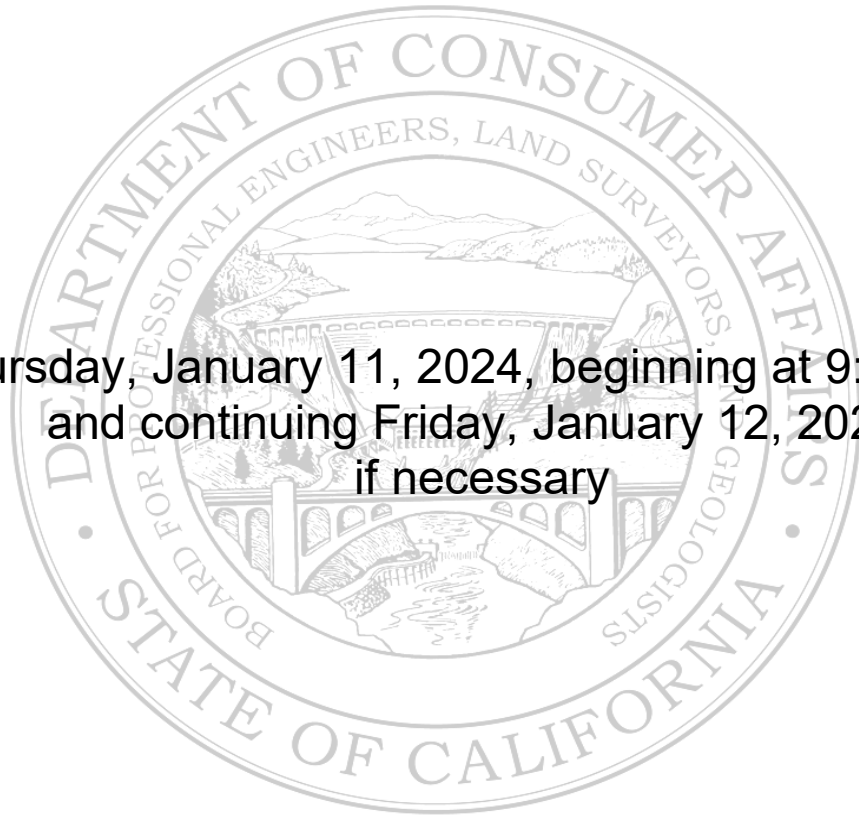


Gavin Newsom, Governor

Meeting of the Board for Professional Engineers, Land Surveyors, and Geologists

Board for Professional Engineers,
Land Surveyors, and Geologists

Thursday, January 11, 2024, beginning at 9:00 a.m.,
and continuing Friday, January 12, 2024,
if necessary



Board for Professional Engineers, Land
Surveyors, and Geologists
2535 Capitol Oaks Drive
Third Floor Conference Room
Sacramento, CA 95833

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

BOARD MEETING

JANUARY 11-12, 2024

2535 Capitol Oaks Drive
Third Floor Conference Room
Sacramento, CA 95833

BOARD MEMBERS

President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas

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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. <u>Ryan Crownholm, et al. vs. Richard B. Moore, et al.</u> , United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD	
XIII. Adjourn	77

I. Roll Call to Establish a Quorum

II. Pledge of Allegiance

III. Public Comment for Items Not on the Agenda

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IV. Legislation

A. 2024 Legislative Calendar

DEADLINES

JANUARY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

- Jan. 1** Statutes take effect (Art. IV, Sec. 8(c)).
- Jan. 3** **Legislature Reconvenes** (J.R. 51(a)(4)).
- Jan. 10** Budget must be submitted by Governor (Art. IV, Sec. 12(a)).
- Jan. 12** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house in the **odd-numbered year** (J.R. 61(b)(1)).
- Jan. 15** Martin Luther King, Jr. Day.
- Jan. 19** Last day for any committee to hear and report to the **floor** bills introduced in that house in the odd-numbered year (J.R. 61(b)(2)).

Last day to **submit bill requests** to the Office of Legislative Counsel.
- Jan. 31** Last day for each house to **pass bills introduced** in that house in the odd-numbered year (J.R. 61(b)(3), (Art. IV, Sec. 10(c)).

FEBRUARY						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29		

- Feb. 16** Last day for bills to be **introduced** (J.R. 61(b)(4), (J.R. 54(a)).
- Feb. 19** Presidents' Day.

MARCH						
S	M	T	W	TH	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

- Mar. 21** **Spring Recess** begins upon adjournment of this day's session (J.R. 51(b)(1)).
- Mar. 29** Cesar Chavez Day observed.

APRIL						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- Apr. 1** Legislature Reconvenes from **Spring Recess** (J.R. 51(b)(1)).
- Apr. 26** Last day for **policy committees** to hear and report to **fiscal committees** fiscal bills introduced in their house (J.R. 61(b)(5)).

MAY						
S	M	T	W	TH	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

- May 3** Last day for **policy committees** to hear and report to the floor **non-fiscal** bills introduced in their house (J.R. 61(b)(6)).
- May 10** Last day for **policy committees** to meet prior to May 28 (J.R. 61(b)(7)).
- May 17** Last day for **fiscal committees** to hear and report to the floor bills introduced in their house (J.R. 61(b)(8)).

Last day for **fiscal committees** to meet prior to May 28 (J.R. 61(b)(9)).
- May 20- 24 Floor Session only.** No committees, other than conference or Rules committees, may meet for any purpose (J.R. 61 (b)(10)).
- May 24** Last day for each house to pass bills introduced in that house (J.R. 61(b)(11)).
- May 27** Memorial Day.
- May 28** Committee meetings may resume (J.R. 61(b)(12)).

*Holiday schedule subject to Senate Rules committee approval

JUNE						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	<u>15</u>
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

June 15 Budget Bill must be passed by **midnight** (Art. IV, Sec. 12(c)(3)).

June 27 Last day for a legislative measure to qualify for the Nov. 5 General Election ballot (Elections Code Sec. 9040).

JULY						
S	M	T	W	TH	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

July 3 Last day for **policy committees** to meet and report bills (J.R. 61(b)(13)).

Summer Recess begins upon adjournment provided Budget Bill has been passed (J.R. 51(b)(2)).

July 4 Independence Day.

AUGUST						
S	M	T	W	TH	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	<u>16</u>	17
18	<u>19</u>	20	21	22	<u>23</u>	24
25	26	27	28	29	30	<u>31</u>

Aug. 5 Legislature Reconvenes from **Summer Recess** (J.R. 51(b)(2)).

Aug. 16 Last day for **fiscal committees** to meet and report bills (J.R. 61(b)(14)).

Aug. 19-31 Floor Session only. No committees, other than conference and Rules committees, may meet for any purpose (J.R. 61(b)(15)).

Aug. 23 Last day to **amend** on the floor (J.R. 61(b)(16)).

Aug. 31 Last day for **each house to pass bills.** (Art. IV, Sec. 10(c), (J.R. 61(b)(17)).

Final Recess begins upon adjournment (J.R. 51(b)(3)).

*Holiday schedule subject to Senate Rules committee approval

IMPORTANT DATES OCCURRING DURING FINAL STUDY RECESS

2024

Sept. 30 Last day for Governor to sign or veto bills passed by the Legislature before Sept. 1 and in the Governor's possession on or after Sept. 1 (Art. IV, Sec. 10(b)(2)).

Nov. 5 General Election

Nov. 30 Adjournment *Sine Die* at midnight (Art. IV, Sec. 3(a)).

Dec. 2 12 Noon convening of the 2025-26 Regular Session (Art. IV, Sec. 3(a)).

2025

Jan. 1 Statutes take effect (Art. IV, Sec. 8(c)).

V. Administration

A. Fiscal Year 2023/24 Budget Report

GUIDE TO READING THE REVENUE REPORT AND EXPENDITURE REPORT

Revenues

Fee increase effective January 1, 2021 has had a positive impact on revenues. Total revenue up \$1,276,880 (25%) over prior period.

Current Year Projections
Identifies the revenue amount that BPELSG projects for FY 21-22.

Revenue Category	PRIOR YEAR FY 2020-21 FM 4	CURRENT YEAR FY 2021-22 FM 4	CURRENT YEAR Projections
Delinquent Fees	\$38,696	↑ \$51,464	\$150,076
Other Regulatory Fees	\$32,130	↑ \$39,578	\$102,138
Other Regulatory Licenses & Permits	\$297,960	↑ \$645,747	\$1,743,588
Other Revenue	\$20,822	↓ \$10,486	\$51,328
Renewal Fees	\$3,415,953	↑ \$4,335,166	\$10,269,519
Total	\$3,805,560	↑ \$5,082,440	\$12,316,649

Revenue Category
Provides the name of the line item where our revenues occur.

Prior Year
Revenue collected up to FM 4 in October of 2020.

Arrows
These indicate a change in the current year over prior year. Up/green arrows indicate an increase and down/red arrows indicate a decrease over the prior period.

Current Year
Revenue collected up to FM 4 in October of 2021.

Department of Consumer Affairs
Expenditure Projection Report

Fiscal Month: 4
Fiscal Year: 2021 - 2022
Run Date: 12/09/2021

Fiscal Month
Identifies the expenditures up to October 2021

Fiscal Year
Identifies the current year

Run Date
Identifies the date this report was pulled from QBIRT

CY 21-22 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Governor's Budget
Publication that the Governor presents which identifies the current year authorized expenditures.

PERSONAL SERVICES

Notes	Fiscal Code	PY 20-21 FM 4 YTD + Encumbrance	CY 21-22 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$955,435	\$1,077,755	\$3,425,000	31%	\$3,389,367
	5100 TEMPORARY POSITIONS	\$35,155	\$45,403	\$232,000	20%	\$130,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$600	\$38,876	\$36,000	108%	\$48,476
	5150 STAFF BENEFITS	\$559,421	\$618,030	\$1,703,000	36%	\$1,812,693
	PERSONAL SERVICES	\$1,550,611	\$1,780,065	\$5,396,000	33%	\$5,380,536

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$23,898	\$22,392	\$32,000	70%	\$71,871
3	5302 PRINTING	\$24,766	\$69,808	\$26,000	268%	\$33,966
	5304 COMMUNICATIONS	\$4,452	\$3,384	\$15,000	23%	\$20,777

Object Description
Provides the name of the line item where our expenditures occur.

PY 20-21 YTD + Encumbrance
Provides a FM 4 total of YTD Actual and Encumbrance.

Percent of Governor's Budget spent
Identifies the percentage spent at CY 21-22 FM 4 according to the Governor's Budget.

Projections to Year End
Identifies the expenditure amount that BPELSG projects for FY 21-22.

	OPERATING EXPENSES & EQUIPMENT	\$3,239,095	\$2,474,539	\$6,831,000	36%	\$5,308,996
	OVERALL TOTALS	\$4,789,706	\$4,254,604	\$12,227,000	35%	\$10,689,532

*Does not include additional Architecture Revolving Fund Expenses TBD

SURPLUS/(DEFICIT): 13%

Surplus/(Deficit)
Identifies if we have higher revenue and lower expenses (Surplus) or higher expenses and lower revenue (Deficit). This percentage is calculated using (Governor's Budget-Projections to Year End)/ Governor's Budget.

FINANCIAL REPORT

FISCAL YEAR 2023-24 FISCAL MONTH 4 FINANCIAL STATEMENT

Revenues

Total Renewal Fees revenue is up \$1,249,586 (22%) over prior year 2021-22. Current Fiscal Year 2023-24 is a high volume year for renewals therefore we are comparing it to Prior Year 2021-22 due to it also being a high volume year for renewals.

Revenue Category	PRIOR YEAR FY 2021-22 FM 4	PRIOR YEAR FY 2022-23 FM 4	CURRENT YEAR FY 2023-24 FM 4	CURRENT YEAR FY 2023-24 PROJECTION
Delinquent Fees	\$51,464	\$53,627	\$42,698	\$138,602
Other Regulatory Fees	\$39,578	\$32,330	\$26,530	\$106,139
Other Regulatory Licenses & Permits	\$645,747	\$667,356	\$713,573	\$2,213,341
Other Revenue	\$10,486	\$29,311	\$59,510	\$16,950
Renewal Fees	\$4,335,166	\$4,220,948	\$5,584,752	\$10,066,124
Total	\$5,082,440	\$5,003,571	\$6,427,062	\$12,541,156

Reimbursements as of FM4 totaled \$46,620 including \$19,061 in Background Checks, \$175 in Reimbursements-Private Sectors, and \$27,384 in Cost Recovery. Background check expenses are included in the General Expense category.

**Department of Consumer Affairs
Expenditure Projection Report**

Fiscal Month: 4

Fiscal Year: 2023 - 2024

Run Date: 11/20/2023

PERSONAL SERVICES

Notes	Fiscal Code	PY 22-23 FM 4 YTD + Encumbrance	CY 23-24 FM 4 YTD + Encumbrance	Governor's Budget	Percent of Governor's Budget Spent	Projections to Year End
1	5100 PERMANENT POSITIONS	\$1,115,259	\$1,166,860	\$3,680,000	32%	\$3,553,373
	5100 TEMPORARY POSITIONS	\$45,187	\$1,191	\$232,000	1%	\$2,000
	5105-5108 PER DIEM, OVERTIME, & LUMP SUM	\$2,822	\$2,400	\$37,000	6%	\$129,725
	5150 STAFF BENEFITS	\$683,454	\$703,999	\$1,944,000	36%	\$2,132,024
	PERSONAL SERVICES	\$1,846,722	\$1,874,449	\$5,893,000	32%	\$5,817,122

OPERATING EXPENSES & EQUIPMENT

2	5301 GENERAL EXPENSE	\$45,506	\$15,707	\$32,000	49%	\$80,000
	5302 PRINTING	\$51,937	\$77,304	\$26,000	297%	\$104,503
	5304 COMMUNICATIONS	\$3,305	\$4,087	\$15,000	27%	\$18,600
	5306 POSTAGE	\$2,343	\$27,848	\$36,000	77%	\$28,000
	5308 INSURANCE	\$0	\$0	\$0	0%	\$65
	53202-204 IN STATE TRAVEL	\$4,636	\$8,438	\$22,000	38%	\$38,850
	53206-208 OUT OF STATE TRAVEL	\$0	\$1,120	\$0	0%	\$4,500
	5322 TRAINING	\$0	\$0	\$15,000	0%	\$0
3	5324 FACILITIES*	\$434,367	\$447,839	\$377,000	119%	\$454,373
4	53402-53403 C/P SERVICES (INTERNAL)	\$198,090	\$235,750	\$1,127,000	21%	\$739,500
5	53404-53405 C/P SERVICES (EXTERNAL)	\$1,678,689	\$2,383,458	\$3,639,000	65%	\$3,826,220
6	5342 DEPARTMENT PRORATA	\$945,000	\$1,000,500	\$2,001,000	50%	\$2,001,000
7	5342 DEPARTMENTAL SERVICES	\$6,086	\$750	\$27,000	3%	\$27,000
	5344 CONSOLIDATED DATA CENTERS	\$29	\$31	\$22,000	0%	\$22,000
	5346 INFORMATION TECHNOLOGY	\$34,483	\$57,435	\$94,000	61%	\$57,449
	5362-5368 EQUIPMENT	\$14,588	\$18,078	\$0	0%	\$59,826
	5390 OTHER ITEMS OF EXPENSE	\$12	\$0	\$3,000	0%	\$20
	54 SPECIAL ITEMS OF EXPENSE	\$0	\$898	\$0	0%	\$2,000
	OPERATING EXPENSES & EQUIPMENT	\$3,419,070	\$4,278,123	\$7,436,000	58%	\$7,459,457
	TOTALS	\$5,265,792	\$6,152,572	\$13,329,000	46%	\$13,276,578
8	4840-4850 REIMBURSEMENTS					\$108,000
	OVERALL TOTALS & REIMBURSEMENTS					\$13,168,578

Expenditure Report Notes

- 1 Salary & Wages (Staff)** - The projected expenditures for salaries and wages is due to the Board being almost fully staffed, and includes merit salary adjustments and the bargaining unit agreements effective July 1, 2023.
- 2 General Expenses** - Includes Membership and Subscription Fees, Freight and Drayage, Office Equipment - Maintenance, Office Supplies, and DOJ and FBI fees for background checks which are reimbursed. Scheduled background check reimbursements through FM 4 are at \$19,061.
- 3 Facilities Operations** - Includes facilities maintenance, facilities operations, janitorial Services, rent and leases, exam rental sites, and security.
- 4 C&P Services Interdepartmental** - Includes all contract services with other state agencies for examination services (Dept. of Conservation and Water Resources). This line item also now includes enforcement expenses for the Attorney General and the Office of Administrative Hearings.
- 5 C&P Services External** - Includes all external contracts (examination development, expert consultant agreements, and credit card processing). This includes a preliminary estimate of \$749k in costs associated with the business modernization project.
- 6 DCA Pro Rata** - Includes distributed costs of programmatic and administrative services from DCA.
- 7 Departmental Services (Interagency Services)** - Includes pay-per-services billed through the Department of General Services.
- 8 Reimbursements** - Includes Reimbursements-Private Sectors (contracted with Guam to provide California Civil Seismic Principles Exams on the same dates the exam is administered in California by the Guam Registration Board at the rate of \$175 per examination that are administered to applicants), Fingerprint Reports, Cost Recovery, and US DOI Civil Case.

0770 - Professional Engineer's, Land Surveyor's and Geologist's Fund

Analysis of Fund Condition

Prepared 12/18/2023

(Dollars in Thousands)

PY 22-23 Actuals & CY 23-24 FM 4	Actual 2022-23	CY 2023-24	BY 2024-25	BY+1 2025-26
BEGINNING BALANCE	\$ 3,405	\$ 2,482	\$ 1,090	\$ -1,302
Prior Year Adjustment	\$ 285	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 3,690	\$ 2,482	\$ 1,090	\$ -1,302
REVENUES, TRANSFERS AND OTHER ADJUSTMENTS				
Revenues:				
4121200 Delinquent fees	\$ 169	\$ 139	\$ 141	\$ 139
4127400 Renewal fees	\$ 9,047	\$ 10,066	\$ 9,303	\$ 10,066
4129200 Other regulatory fees	\$ 81	\$ 106	\$ 94	\$ 106
4129400 Other regulatory licenses and permits	\$ 1,940	\$ 2,213	\$ 2,170	\$ 2,213
4163000 Income from surplus money investments	\$ 139	\$ 26	\$ 27	\$ 0
4171400 Escheat of unclaimed checks and warrants	\$ 18	\$ 17	\$ 18	\$ 17
4172500 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 11,395	\$ 12,568	\$ 11,754	\$ 12,543
Operating Transfers to General Fund per EO E 21/22 - 276 Revised (AB 84)	\$ -	\$ -	\$ -	\$ -
Totals, Transfers and Other Adjustments	\$ 11,395	\$ 12,568	\$ 11,754	\$ 12,543
Totals, Revenues, Transfers and Other Adjustments	\$ 15,085	\$ 15,050	\$ 12,844	\$ 11,241
EXPENDITURES				
Disbursements:				
1111 Department of Consumer Affairs (State Operations)	\$ 11,545	\$ 13,169	\$ 13,564	\$ 13,971
9892 Supplemental Pension Payments (State Operations)	\$ 209	\$ 209	\$ -	\$ -
9900 Statewide General Administrative Expenditures (Pro Rata) (State Operations)	\$ 849	\$ 582	\$ 582	\$ 582
Less funding provided by General Fund (State Operations)	\$ -	\$ -	\$ -	\$ -
Total Disbursements	\$ 12,603	\$ 13,960	\$ 14,146	\$ 14,553
FUND BALANCE				
Reserve for economic uncertainties	\$ 2,482	\$ 1,090	\$ -1,302	\$ -3,312
Months in Reserve	2.1	0.9	-1.1	-2.7

NOTES:

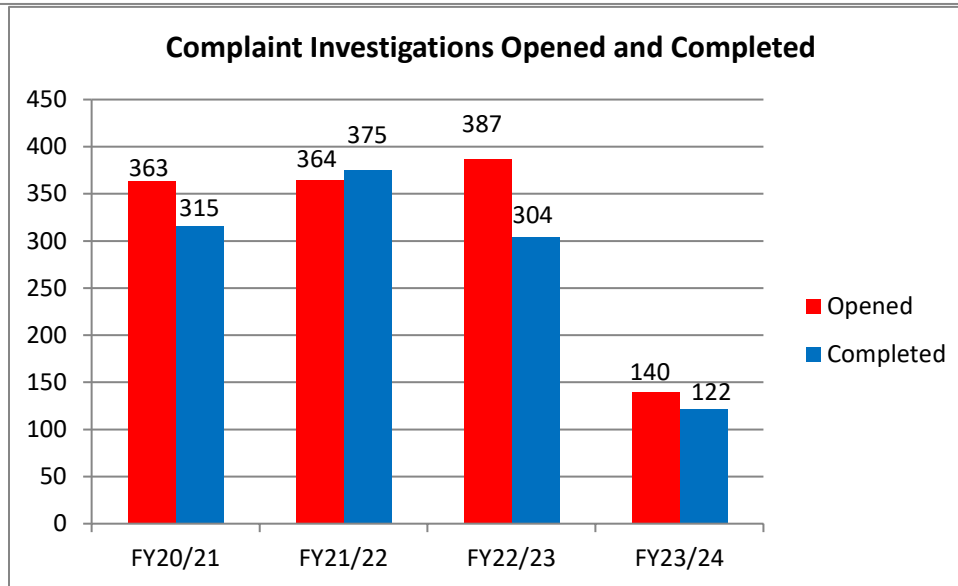
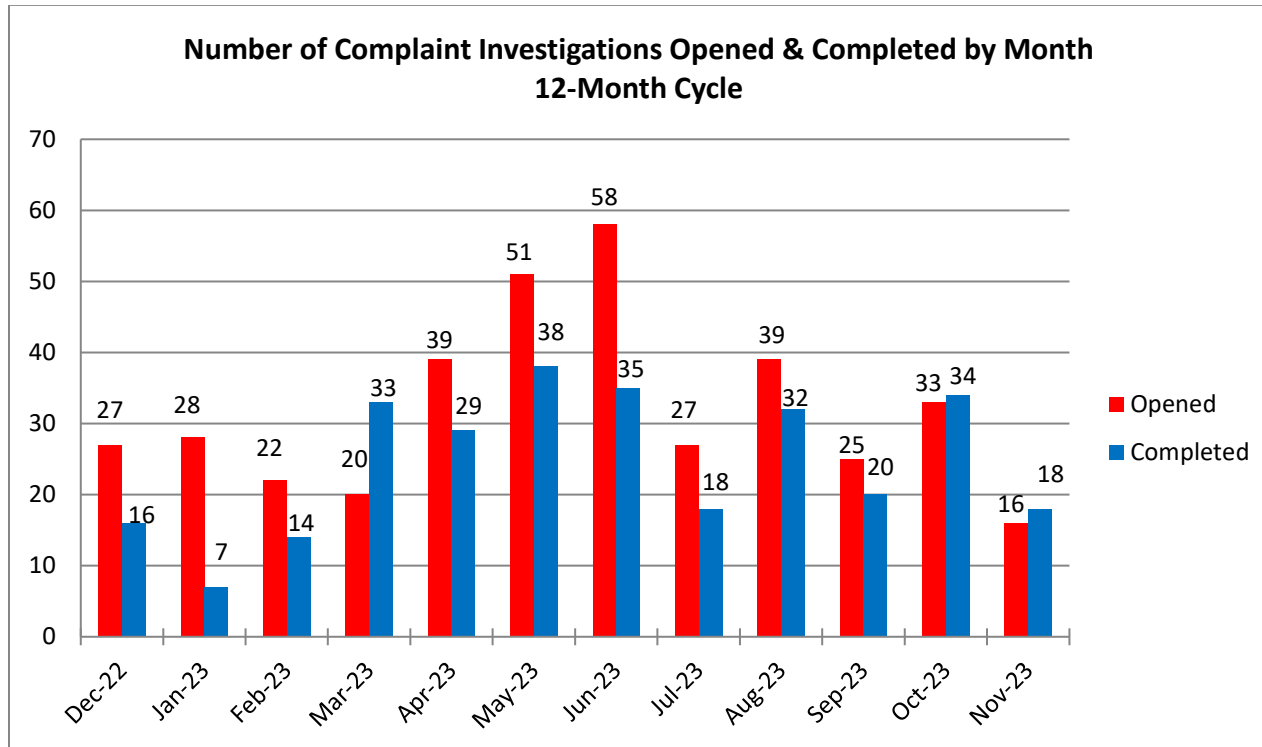
A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED IN BY AND ON-GOING.

B. ASSUMES APPROPRIATION GROWTH OF 3% PER YEAR BEGINNING IN BY AND BY+1

VI. Enforcement

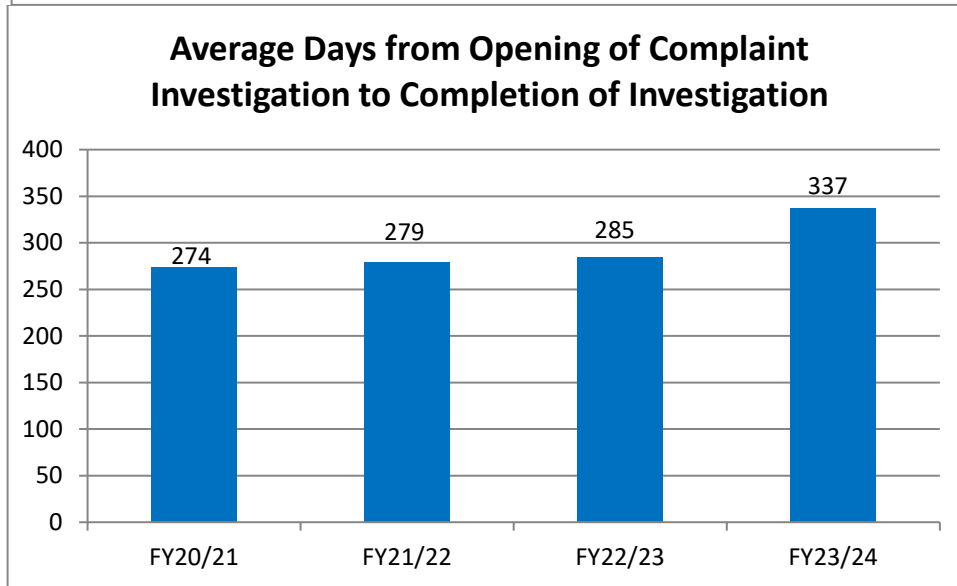
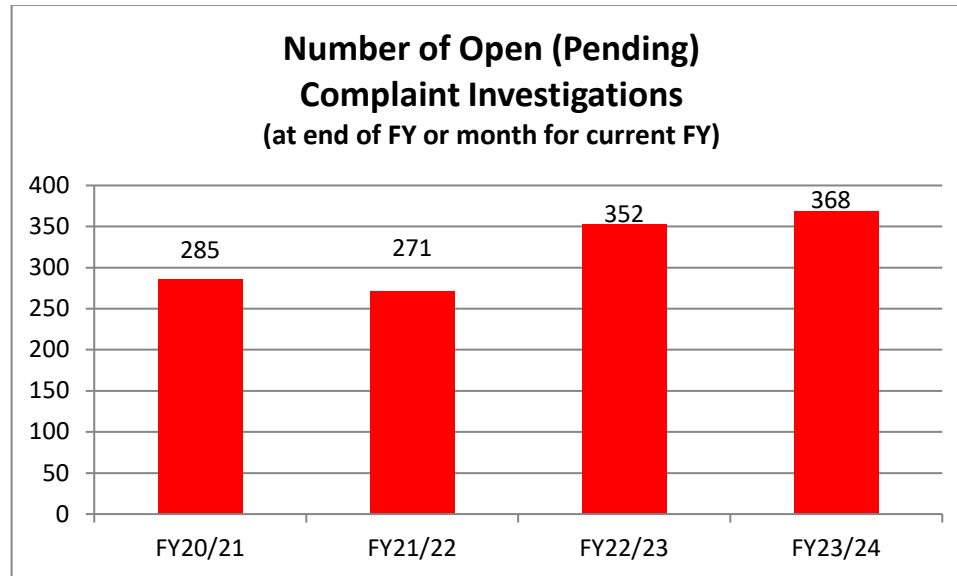
- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2023/24 Update

Complaint Investigation Phase



NOTE: FY23/24 statistics are through November 30, 2023

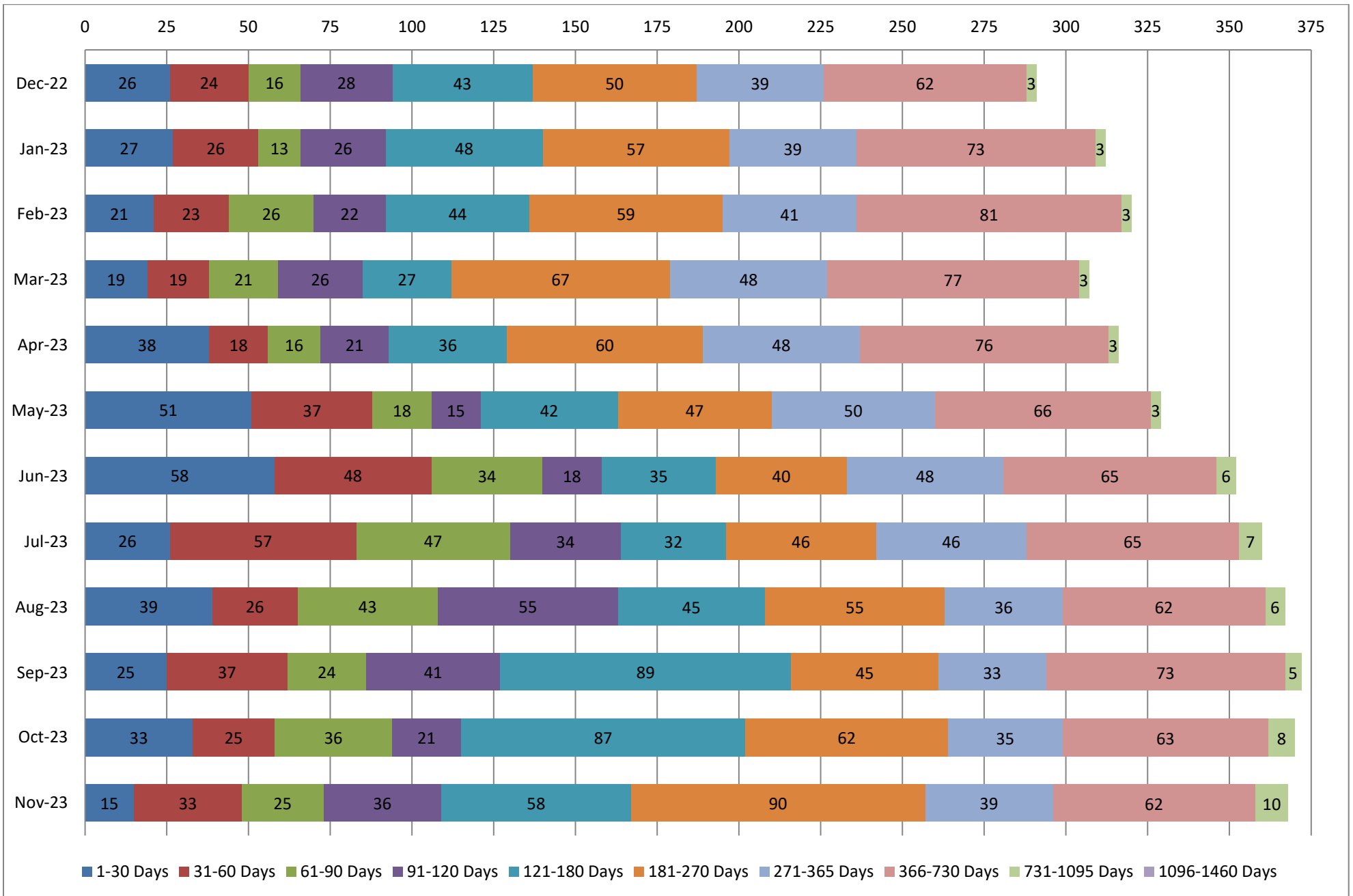
Complaint Investigation Phase



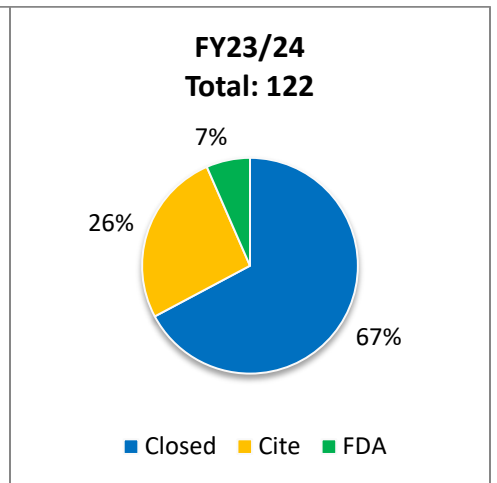
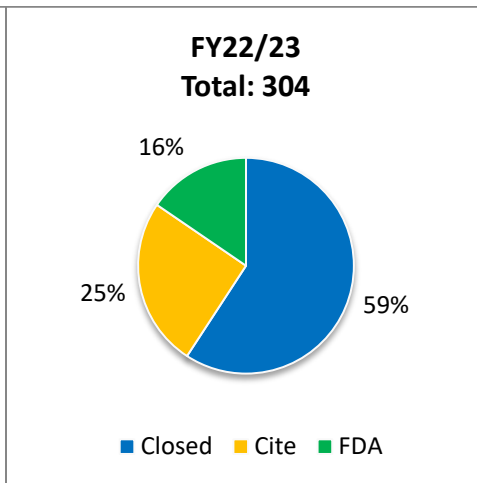
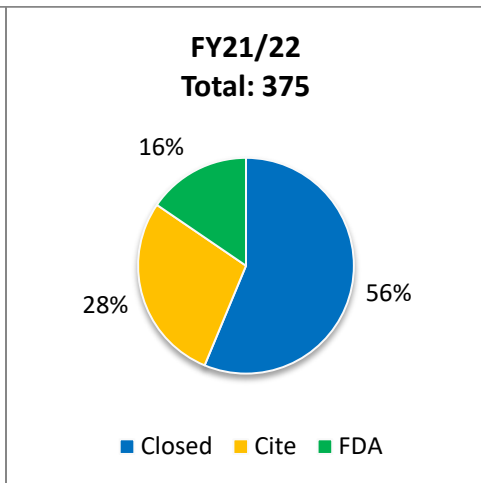
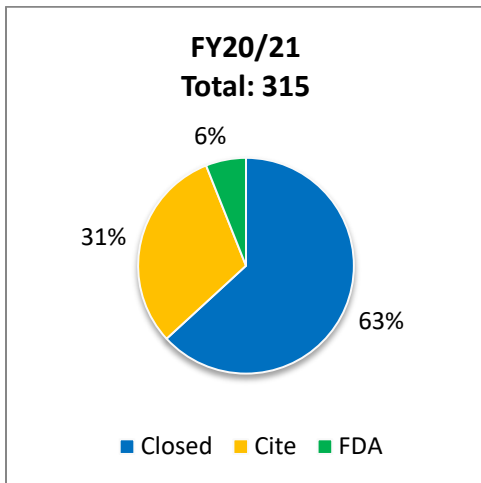
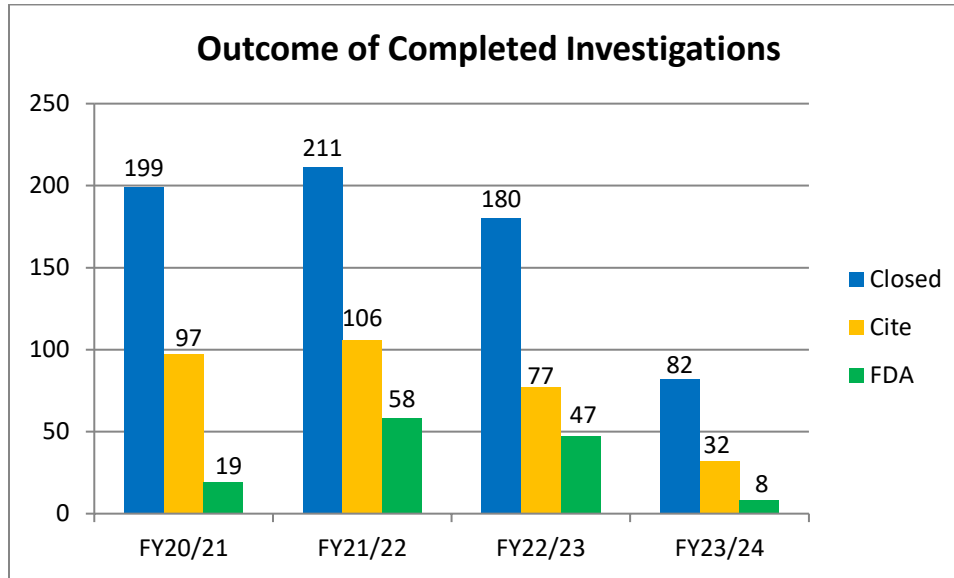
NOTE: FY23/24 statistics are through November 30, 2023

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases – 12-Month Cycle



Complaint Investigation Phase Outcome of Completed Investigations



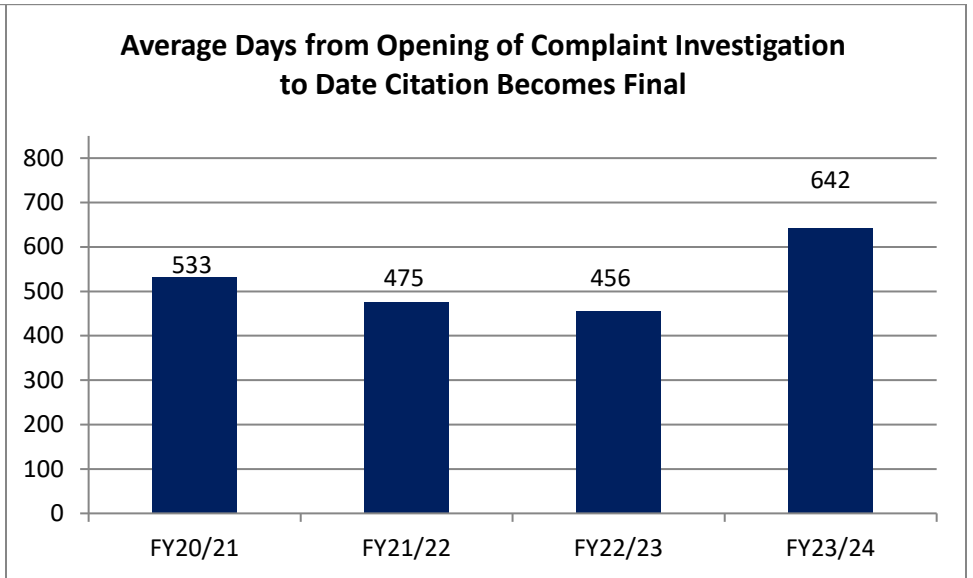
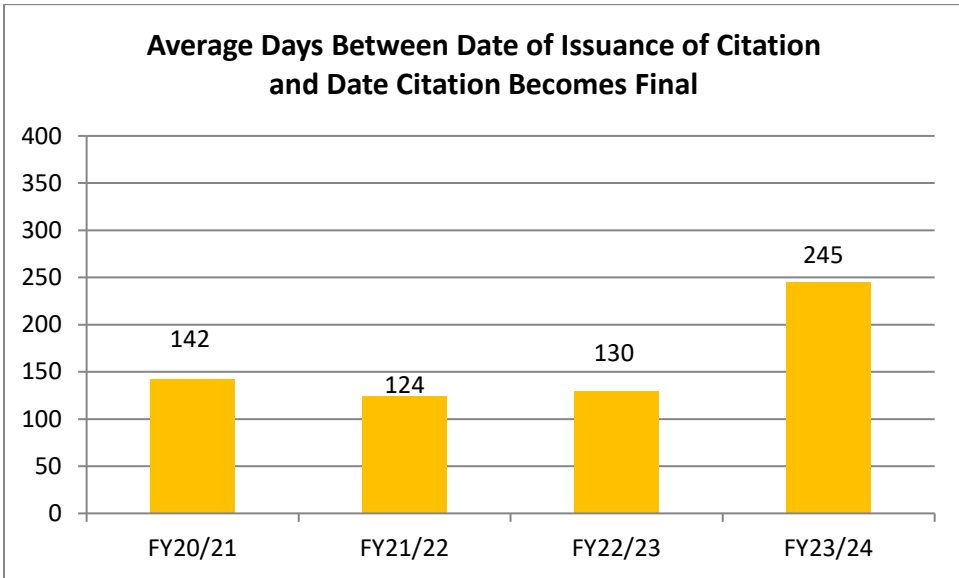
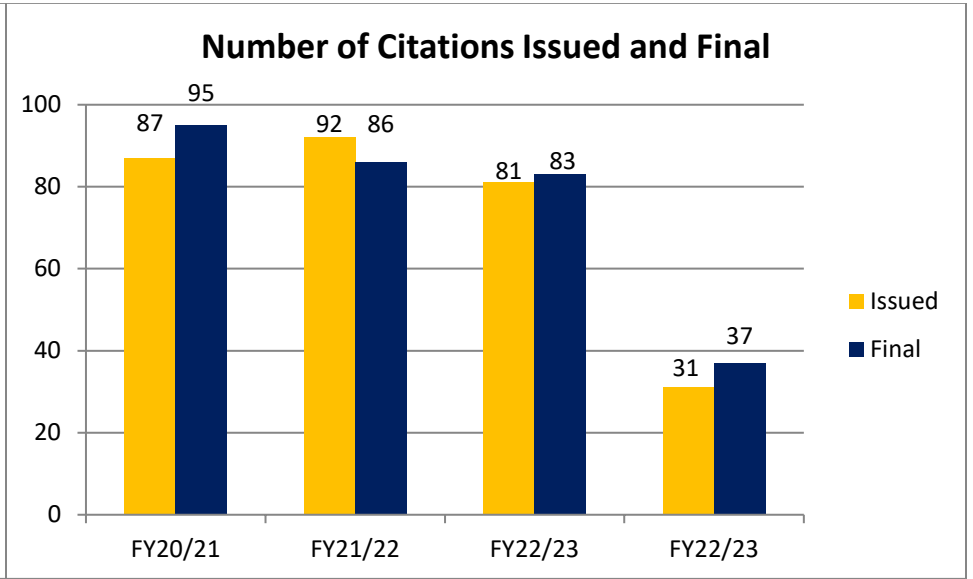
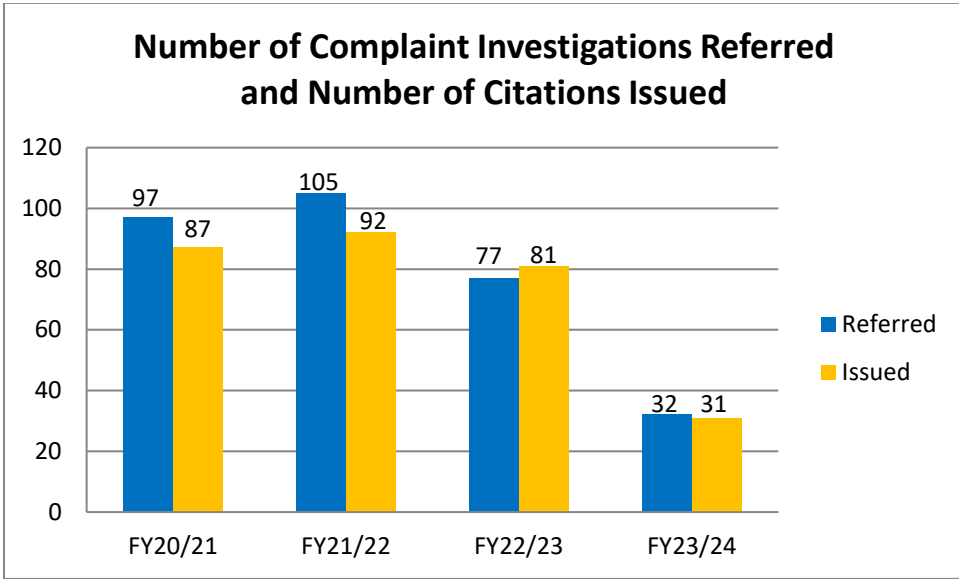
NOTE: FY23/24 statistics are through November 30, 2023

Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

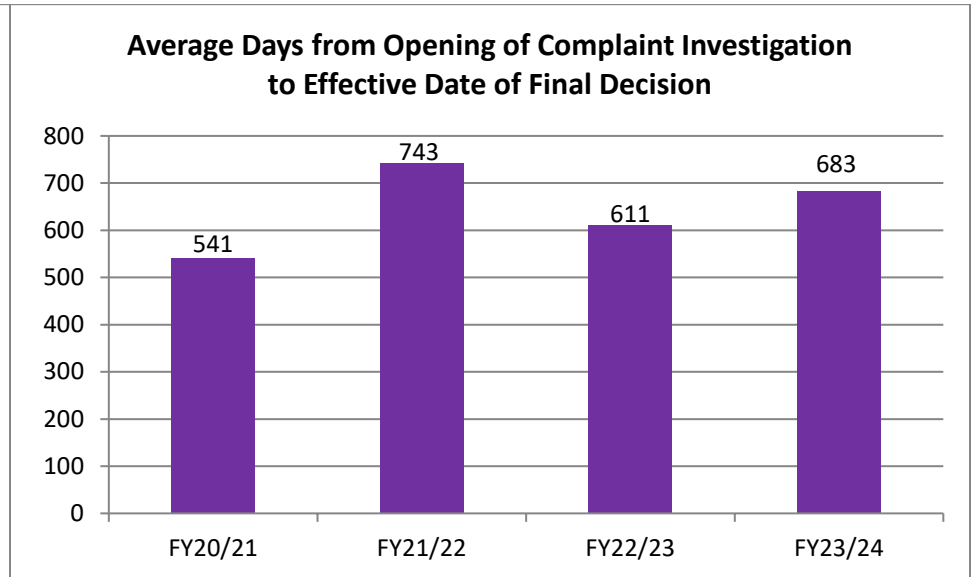
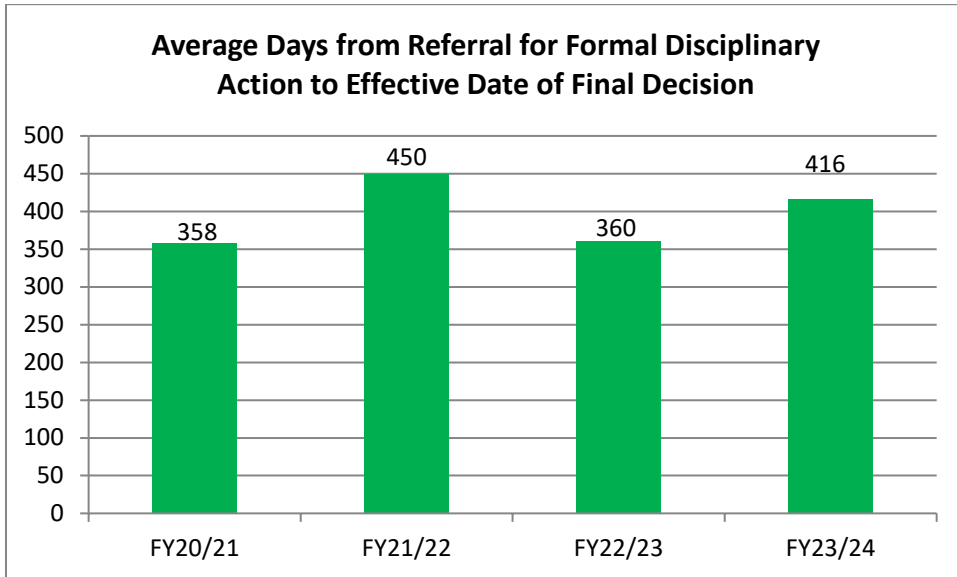
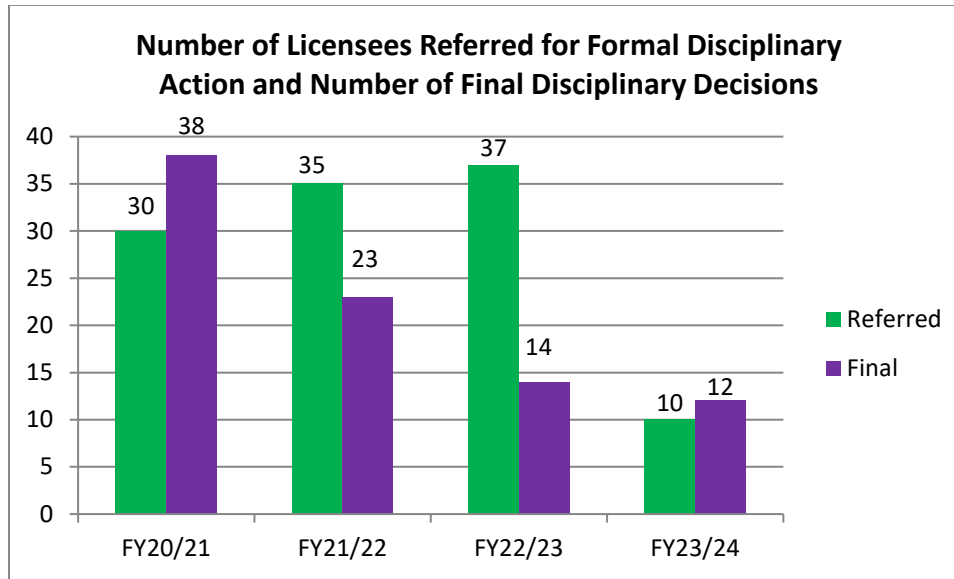
FDA = Referred for Formal Disciplinary Action

Citations (Informal Enforcement Actions)



NOTE: FY23/24 statistics are through November 30, 2023

Formal Disciplinary Actions Against Licensees



NOTE: FY23/24 statistics are through November 30, 2023

Complaint Investigation Phase

Number of Complaint Investigations Opened & Completed by Month 12-Month Cycle

Month	Complaint Investigations Opened	Complaint Investigations Completed
December 2022	27	16
January 2023	28	7
February 2023	22	14
March 2023	20	33
April 2023	39	29
May 2023	51	38
June 2023	58	35
July 2023	27	18
August 2023	39	32
September 2023	25	20
October 2023	33	34
November 2023	16	18

Complaint Investigations Opened and Completed Total by Fiscal Year

Fiscal Year	Complaint Investigations Opened	Complaint Investigations Completed
2020/21	363	315
2021/22	336	350
2022/23	387	304
2023/24	140	122

Current Fiscal Year through November 30, 2023

Number of Open (Pending) Complaint Investigations (at end of FY or month for current FY)

Fiscal Year	Number of Open (Pending) Complaint Investigations
2020/21	285
2021/22	268
2022/23	352
2023/24	368

Current Fiscal Year through November 30, 2023

Complaint Investigation Phase

Average Days from Opening of Complaint Investigation to Completion of Investigation (at end of FY or month for current FY)

Fiscal Year	Average Days
2020/21	274
2021/22	278
2022/23	285
2023/24	337

Current Fiscal Year through November 30, 2023

Outcome of Completed Investigations

Fiscal Year	# Closed	% Closed	# Cite	% Cite	# FDA	% FDA
2020/21	199	63%	97	31%	19	6%
2021/22	191	55%	102	29%	57	16%
2022/23	180	59%	77	25%	47	16%
2023/24	82	67%	32	26%	8	7%

Current Fiscal Year through November 30, 2023

Closed = Closed with No Action Taken, includes No Violation/Insufficient Evidence; Compliance Obtained; Warning Letter; Other Reason for Closing Without Action (e.g., subject deceased); Resolved After Initial Notification; Referred to District Attorney with Request to File Criminal Charges; and Mediated.

Cite = Referred for Issuance of Citation

FDA = Referred for Formal Disciplinary Action

Complaint Investigation Phase

Aging of Open (Pending) Complaint Investigation Cases 12-Month Cycle

Month	0-30 Days	31-60 Days	61-90 Days	91-12 Days	121-180 Days	181-270 Days	271-365 Days	1-2 Years	2-3 Years	3-4 Years
December 2022	26	24	16	28	43	50	39	62	3	0
January 2023	27	26	13	26	48	57	39	73	3	0
February 2023	21	23	26	22	44	59	41	81	3	0
March 2023	19	19	21	26	27	67	48	77	3	0
April 2023	38	18	16	21	36	60	48	76	3	0
May 2023	51	37	18	15	42	47	50	66	3	0
June 2023	58	48	34	18	35	45	48	65	6	0
July 2023	26	57	47	34	32	46	46	65	7	0
August 2023	39	26	43	55	45	55	36	62	7	0
September 2023	25	37	24	41	89	45	33	73	5	0
October 2023	33	25	36	21	87	62	55	63	8	0
November 2023	15	33	25	36	58	90	39	62	10	0

Citations (Informal Enforcement Actions)

Number of Complaint Investigations Referred and Number of Citations Issued

Fiscal Year	Complaint Investigations Referred for Issuance of Citation	Citations Issued
2020/21	97	87
2021/22	105	87
2022/23	77	81
2023/24	32	31

Current Fiscal Year through November 30, 2023

Number of Citations Issued and Final

Fiscal Year	Issued	Final
2020/21	87	95
2021/22	87	85
2022/23	81	83
2023/24	31	37

Current Fiscal Year through November 30, 2023

Average Days Between Date of Issuance of Citation and Date Citation Becomes Final

Fiscal Year	Number of Days
2020/21	142
2021/22	125
2022/23	130
2023/24	245

Current Fiscal Year through November 30, 2023

Average Days from Opening of Complaint Investigation to Date Citation Becomes Final

Fiscal Year	Number of Days
2020/21	533
2021/22	475
2022/23	456
2023/24	642

Current Fiscal Year through November 30, 2023

Formal Disciplinary Actions Against Licensees

Number of Licensees Referred for Formal Disciplinary Action and Number of Final Disciplinary Decisions

Fiscal Year	Number of Licensees Referred for Formal Disciplinary Action	Number of Final Disciplinary Decisions
2020/21	30	38
2021/22	32	19
2022/23	37	14
2023/24	10	12

Current Fiscal Year through November 30, 2023

Average Days from Referral for Formal Disciplinary Action to Effective Date of Final Decision

Fiscal Year	Number of Days
2020/21	358
2021/22	419
2022/23	360
2023/24	416

Current Fiscal Year through November 30, 2023

Average Days from Opening of Complaint Investigation to Effective Date of Final Decision

Fiscal Year	Number of Days
2020/21	541
2021/22	747
2022/23	611
2023/24	683

Current Fiscal Year through November 30, 2023

VII. Exams/Licensing

VIII. 2023-2024 Sunset Review Report of the Board (Possible Action)

IX. Executive Officer's Report

- A. Rulemaking Status Report
- B. Update on Board's Business Modernization Project
- C. Personnel
- D. ABET
- E. Association of State Boards of Geology (ASBOG)
- F. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. May 16-18, 2024 Western Zone Interim Meeting, Bozeman, MT – Funded Delegates (**Possible Action**)
 - 2. Update on Elections at Western Zone Interim Meeting
 - 3. Engineering Council of UK – Update on MRA

Rulemaking Status Report

- 1. Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)**
 - Staff working with Legal to prepare language for Board review.
 - Staff working on final text for submittal to DCA Legal in September 2022.
 - Staff working with DCA Legal to finalize proposal for notice (April 2022).
 - Submitted for initial (pre-notice) review by DCA Legal on December 6, 2021.
 - Board directed staff to pursue rulemaking proposal on November 8, 2021.

- 2. Definition of Traffic Engineering (16 CCR 404)**
 - Board staff will work with DCA Legal to prepare documents for initial notice.
 - Submitted for initial (pre-notice) review by DCA Legal on September 3, 2020.
 - Board directed staff to pursue rulemaking proposal on March 8, 2018.

- 3. Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)**
 - Board staff will work on the pre-notice documents.
 - Board directed staff to pursue rulemaking proposal on September 6, 2018.

Note: Documents related to any rulemaking file listed as noticed for public comment can be obtained from the Board's website at: http://www.bpelsq.ca.gov/about_us/rulemaking.shtml.

PROJECT STATUS REPORT

Reporting period:	1/21/2020 – 1/03/2024	Project title:	Business Modernization Cohort 1
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EXECUTIVE SUMMARY

Narrative Summary of Status	Schedule:	GREEN	Budget:	GREEN	Issues:	GREEN
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The Maintenance & Operations (M&O) phase of project began July 2022 and expected to continue through 2024. Current development is underway for structural engineer application first, to align with the planned change in NCEES exam administration, followed shortly by the traffic engineer and the geotechnical engineer application, all now slated for M&O January/February 2024 Release.

PROJECT MILESTONE STATUS REVIEW

Project Milestones	Status	Completion Date	Issues Exist (Yes/No)
Project Planning Complete – Project Start	Complete	1/13/2020	No
Go Live – Most Viable Product (MVP1)	Complete	9/16/2020	No
Go Live - Product Increment 2 (PI2)	Complete	1/20/2021	No
Go Live - Product Increment 3 (PI3)	Complete	6/16/2021	No
Go Live - Product Increment 3.5 (PI3.5)	Complete	11/10/2021	No
Go Live - Product Increment 4 (PI4)	Complete	4/29/2022	No
Go Live – M&O Increment 1 (PI5/M&O1)	Complete	10/12/2022	No
Go Live – M&O Increment 2 (PI6/M&O2)	Complete	2/28/2023	No

Go Live – M&O Increment 3 (PI7/M&O3)	Complete	4/18/2023	No
Go Live – M&O Fall Release	Complete	9/14/2023	No
Go Live – M&O Winter Release	In Progress	Jan/Feb 2024	No



I'm thrilled to announce my candidacy for the position of President-Elect of the National Council of Examiners for Engineering and Surveying (NCEES). I'm presenting my vision for our organization and the professions it serves and hope for your support.

Throughout the years, NCEES has played a pivotal role in promoting excellence in engineering and surveying. It has consistently set high standards, ensured professional competence, and safeguarded public safety. Looking ahead, I believe there's an incredible opportunity for us to have an even greater impact.

My professional journey has been marked by an unwavering commitment to professionalism and innovation. I've practiced as an Electrical Engineer and Fire Protection Engineer, served my professional society the IEEE at all levels, chaired the Alaska Board, served NCEES Chairing the Exam Policies & Procedure Committee, and served the Western Zone as Assistant Zone VP. I've seen the challenges and opportunities our professions face and have been a strong advocate for ethical practices, continued education, and technological advancement in our fields.

As President, I will be committed to the following key priorities:

1. **Enhancing Licensure Standards:** We will maintain the highest licensure standards, adapting to the evolving needs of our professions while maintaining our commitment to public safety.
2. **Advocating for the Professions:** We will actively engage with policymakers, industry leaders, and the public to emphasize the vital roles engineers and surveyors play in shaping the future.
3. **Building Capacity & Fostering Collaboration:** I am dedicated to providing training and resources to member boards and strengthening collaboration with our zones, member boards, partners, sister societies, and stakeholders to ensure NCEES continues to be a global leader in our field.

With your support and trust, we can focus on these priorities and shape the future of engineering and surveying for the better. I look forward to working closely with each of you to drive positive change within our organization and the professions we represent.

Thank you for considering my candidacy, and I am eager to hear your thoughts, ideas, and feedback as we move forward. Please feel free to reach out to me at lise.johnston@ieee.org with any questions or suggestions.

Thank you for your consideration, and thank you to the Alaska Board for nominating me,

Elizabeth Johnston, PE, FPE Candidate for NCEES President-Elect

X. President's Report/Board Member Activities

XI. Approval of Meeting Minutes (Possible Action)

- A. Approval of November 16-17, 2023, Board Meeting Minutes
- B. Approval of December 14, 2023, Board Meeting Minutes

DRAFT

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

Carpinteria Sanitary District, Boardroom
5300 Sixth Street
Carpinteria, CA 93013

Thursday, November 16, 2023, beginning at 9:00 a.m. and continuing
Friday, November 17, 2023, beginning at 9:00 a.m.

Thursday, November 16, 2023

Board Members Present:	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana, D’Antonio; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; and Wilfredo Sanchez
Board Members Absent:	Fermin Villegas
Board Staff Present:	Ric Moore (Executive Officer); Tiffany Criswell (Enforcement Manager); Dawn Hall (Administrative Manager); Joshua Goodwin (Senior Registrar for Geology and Geophysics); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 9:02 a.m., and a quorum was established.

II. Pledge of Allegiance

Ms. Mathieson led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, former Board member Mike Modugno welcomed the Board to Carpinteria.

IV. Hearing on the Petition for Reduction or Modification of Probation of Robert G. Martinez

NOTE: This hearing was held on Thursday, November 16, 2023, at 9:00 a.m.

V. Closed Session – The Board met in Closed Session immediately following the Hearing on the Petition for Reduction or Modification of Probation to decide that matter, pursuant to Government Code Section 11126(c)(3).

VI. Administration

A. Fiscal Year 2023/24 Budget Report

Ms. Hall presented the Financial Report and noted the Revenue results on page 18 of the Board materials reflect an increase in Renewal Revenue of approximately \$1m over the prior like fiscal period (FY 21-22 FM3). There was some discussion as to what is driving the increase, and Ms. Hall suggested that it could be due to a change in licensee behavior as more licensees are renewing their licenses online and perhaps earlier. There is not yet enough data to be certain if this trend will continue, and Board staff will continue to closely monitor the revenues. Ms. Mathieson asked if Board staff are doing anything to reduce the printing costs, and Ms. Hall assured the Board that staff is actively working on ways to reduce printing costs.

VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2023/24 Update

Ms. Criswell presented the Enforcement statistics. Vice-President Wong inquired whether there were any statistics that outlined disciplinary action among license types. Ms. Criswell indicated that while this information is not readily available, if there is a specific request, they can extract the information.

During Public Comment, Eric Angstadt said he receives calls from land surveyors indicating that if a complaint is filed with the Board or third party, the surveyor or the engineer gets retaliated against which is a significant problem. He has been advised by others to not file a complaint because it will not get resolved.

Carl Josephson reported that the last paper and pencil Structural exam was administered a couple of weeks ago. There were 1,300 candidates, which was slightly less than expected. The first computer-based test will take place April 2024.

VIII. Exams/Licensing

No report given.

IX. Strategic Plan Discussion

A. DEI Supplemental Strategic Planning Process

Mr. Moore explained that the Governor's Executive Order directed state agencies and departments to take additional action to embed equity analysis and considerations related to diversity, equity, and inclusion (DEI) into its policies and practices. DCA's SOLID reached out to all boards and bureaus to include a supplemental questionnaire to stakeholders that will commence around January. They will then report back to the Board to see if changes should be made to any objectives or goals in the Strategic Plan as a result of the survey. Mr. Moore reviewed the questions and provided his thoughts.

X. Discussion regarding the Background of the Board's Actions Relating to the Structural Engineers Association of California's (SEAOC) "Significant Structures" Proposal from 2015 to Define the Type of Structures that are Required to be Exclusively Designed by Structural Engineers (Possible Action)

Mr. Moore explained that under the Professional Engineers Act, a licensed civil engineer can practice structural engineering and can obtain a second license as a "Structural Engineer" by demonstrating additional experience and examination. According to the PE Act, a structural engineer license simply gives authority to use the title "Structural Engineer," and no additional practice authority is conveyed under the PE Act. He further explained that there are other statutes outside the Business and Professions Code (the PE Act) that require a structural engineer license. The Education Code requires a structural engineer to design public schools and community colleges. The Health and Safety Code requires structural engineers to design the structural portion of hospitals. Schools and the associated Education Code falls under the authority of the Division of the State Architect; hospitals, and the associated Health and Safety Code falls under the authority of the Department of Health Care Access and Information. These statutes are not under the Board's jurisdiction, but the practice is. In the last 30 years, there have been no complaints against a civil engineer for doing structural engineering on a school or hospital. During the 2014-15 Sunset Review, the Structural Engineers Association of California, (SEAOC), approached the Board and the Sunset Committees during the hearing about their significant structures proposal. It would require a structural engineer, not just a civil engineer, to design certain types of structures referred to as significant structures. At that time, there were other states that enacted such laws and a few were in the process of reviewing. SEAOC wanted to include a section in the PE Act. The Board explained that they had not been formally approached by SEAOC at that time, and, therefore, the Board had not discussed or reviewed it. The Board had questions about the proposal and thought it was premature to include it in the Sunset legislation. The Board then offered to hold a joint meeting of the Civil Technical Advisory Committee and the Structural Technical Advisory Committee (TACs) at which SEAOC could make a presentation. The Sunset Committees then requested that the Board and the engineering profession engage in further discussion with the committees regarding the appropriateness of these proposed changes. This resulted in the Board agreeing to facilitate discussions between professions and associations regarding the SEAOC proposal and to provide an update to the Sunset Committees a year later. In July 2015, the Board held a joint meeting of the Civil and Structural TACs. SEAOC indicated that individuals already licensed as civil engineers would be allowed to continue performing structural engineering on significant structures with exceptions of schools and hospitals as is already in current law. The TACs asked if there has been an event that had led SEAOC to this proposal but at the time, there was no specific incident in California; however, SEAOC believes this would provide better public protection. Board Staff explained that it could be difficult to justify taking away a right to practice from a group such as civil engineers without there being an event to drive this action. The meeting concluded with SEAOC advising that they would continue discussions with

other professional associations and present their proposal to the Board at a later date. Subsequently, SEAOC advised the Board that they had made changes to the language based on comments from the TACs and were continuing discussions with professional associations before moving forward with any legislation. In February 2016, the Board sent a letter to the Sunset Committees advising them of what had occurred. The Board noted that it could not take a position on a proposal until it was introduced as legislation. The Board further explained that SEAOC was going to continue working on a proposal. SEAOC then advised that they had met with Governor Brown, who advised not to continue with the proposal as it would not go anywhere. Since then, there has not been any new request from SEAOC to review a new or existing proposal, and the topic was not reintroduced during the 2018-19 Sunset review.

During the discussion, Dr. Asgari stated he believes it is the right path.

During Public Comment, Carl Josephson, representing SEAOC, introduced Michael Parolini and Kelsey Parolini, who are structural engineers in San Luis Obispo. Mr. Josephson provided a history of structural engineering licensure and outlined what is considered a significant structure. In their daily work, he and Mr. Parolini see the problems that civil engineers overlook when it comes to designing structures. SEAOC has proposed language for legislation but do not have a sponsor yet and would like the Board to support this in concept. He is aware that the Board cannot take a position on legislation until it is introduced. The proposal is that people that can currently design significant structures, with the exception of schools and hospitals, be allowed to continue to do so and after whatever date is set, then those buildings will have to be designed by a licensed structural engineer.

During Public Comment, Mr. Parolini clarified that the intent is not that anyone doing structures as a civil engineer is incompetent.

Alan Escarda, representing PEEG, would like to see the difference between original proposal and how it stands now.

Mr. DeWitt, representing American Council of Engineering Companies (ACEC), indicated that it is not on their radar yet but may come into play once it is in legislation.

Mr. Moore advised the Board they should not take a position on anything that is not in written legislative form.

XI. Discussion of proposals from the American Council of Engineering Companies, California (ACEC-California) and California and Nevada Civil Engineers and Land Surveyors Association, Inc. (CELSA) to increase civil penalties for the unlicensed practice of land surveying, expanding Organizational Record requirements, strengthening Responsible Charge

statutes and holding entities that hire unlicensed surveyors liable for unlicensed practice (Possible Action)

Mr. Moore introduced Eric Angstadt, the executive secretary of California Civil Engineers and Land Surveyors Association (CELSA). Mr. Angstadt reviewed the roles and responsibilities of CELSA. He reported that the biggest threat currently in land surveying is a tremendous amount of unlicensed practice, and he sees it only growing.

Mr. King has been a big proponent of enforcing unlicensed practice. The problem in this area is defining harm and providing an example. He questioned how one can demonstrate the harm of these unlicensed people using sophisticated technology versus a licensed land surveyor. If this is going to be included in the Sunset recommendations, we will have to address and persuade legislators that there is a real harm.

President Hartley responded that unlicensed survey practice drives away legitimate businesses with licensees being able to practice. He sees harm in that business is being taken away from those who should be practicing. While Mr. King is sympathetic to the competitive pressures of unlicensed practice, he wants to know where the harm is.

Mr. Angstadt noted that they had changed their proposal regarding professional liability insurance to say that if the licensee has such insurance, they have to disclose it to the client, rather than requiring the licensee to have such insurance.

He also noted that most licensees will not file complaints because they are retaliated against and blackballed.

Mr. Angstadt stated that it is a confluence of many factors. Technology is driving the issue due to retailers selling what has traditionally been considered "survey equipment" to contractors and claiming that licensed land surveyors are unnecessary.

Mr. King stated that while he believes some of these ideas are good, they do not get to the fundamental issue that is facing the profession, which is that the technology does make it easy to get to 90% of what licensed land surveyors do, and no laws will change that. As these unlicensed cases work their way through the court system, the courts and the legislators will be less and less sympathetic to the argument that there is a harm to society. The Board has seen citations rejected because the Administrative Law Judge does not see the harm. The challenge is, if you are not showing concrete harm, the legislators and court system will not be interested.

Mr. Angstadt added that you are protecting the public from threat and harm, which only manifests itself when there is a disaster.

Mr. Moore explained that the two professional associations wrote a letter to the Sunset Committee chairs and also communicated with the Board. This is something that will likely be brought to the Board's attention by the committees. The Board also asked to have it on the agenda following the presentation of the letter at the October meeting for discussion. It is listed as a possible action item in case the Board should choose to take any action, not because the Board has to take an action. Mr. Moore reminded everyone that the Sunset bill is not a Board-sponsored bill; it is from the Committees and anyone can request items be included, at which point the Committees would decide whether or not to grant the request.

Mr. King asked Mr. Moore for staff's input. Mr. Moore noted that the issue of unlicensed practice is addressed in the Sunset Report. He referenced Business and Professions Code section 125.9 and noted that it sets the fine at \$5,000 for each inspection, investigation, or violation. If the proposal to increase the maximum amount of fines goes into any legislation, he predicts that all of the boards and bureaus within DCA, as well as their stakeholders, will have input. He also noted that unlicensed individuals typically do not pay the fine, but licensees do. Mr. Moore noted that the Board sponsored legislation last year to amend the sections relating to engineering and land surveying businesses to clarify that unlicensed individuals or businesses cannot offer engineering or land surveying services. He explained that staff is looking into various options related to further strengthening the laws relating to engineering and land surveying businesses.

Mr. Escarda noted that many of the items are very focused on the private sector but either would not really apply to individuals working for public agencies or would create an onerous burden for them.

Mr. Parolini, representing himself, commented that he has seen examples of problems caused on construction sites by unlicensed individuals trying to stake layouts. He also added that the Contractor's State Licensing Board (CLSB) website discloses bond and insurance information, whereas this information is not available for engineers or land surveyors, and the consumer has no way to know if he is protected. If you are offering services to the public, you should absolutely have some way to know if that person is going to protect your interests if they make a mistake.

Mr. Moore advised that he asked the NCEES Member Board Administrators if they have laws in their states that require licensees to disclose if they have professional liability insurance. He indicated that very few states require that.

XII. Review and Approval of the 2023-2024 Sunset Review Report of the Board (Possible Action)

Mr. Moore presented the 2023-2024 Sunset Review Report draft and advised Board Members that there will be a subsequent teleconference the afternoon of December 14, 2023, to approve and adopt the final report.

Section 1

Ms. Mathieson referenced the first paragraph and would prefer the entry regarding San Francisco's great fire to be referred to as San Francisco's 1906 earthquake and fire.

Section 2

Ms. Mathieson referenced page 18 and noted the paragraph that mentions that the Board's Examination Unit develops and administers examinations and suggested that it should specify state specific examinations. Mr. Moore explained that the Board has granted both NCEES and ASBOG approval to administer their examinations directly, but the section could be clarified, if necessary.

She also mentioned that the last sentence of the first paragraph needs to be clarified, It says that expenses related to this effort are directly allocated to project participants, but it does not address who the project participants are. Mr. Moore explained the participants are the ones who are actually utilizing BreEZe. Ms. Mathieson suggested saying, "allocated to the boards and commissions that have implemented BreEZe."

Section 3

Ms. Mathieson noted that on page 44, fourth paragraph down it says, "Furthermore, NCEES maintains an enforcement database that can be used by its member boards to communicate disciplinary actions for engineering and surveying licensees." She noted that ASBOG has a similar database now. Mr. Moore suggested adding that ASBOG has implemented a similar feature for their member boards.

Ms. Wong suggested subheadings may be helpful.

Ms. Mathieson pointed out that on page 2, second full paragraph of the addendum where it says, "Computer-based testing is utilized for all exams," appears to be nearly identical to what is on page one. It also goes for the 3rd, 4th, 5th, and 6th paragraphs as well.

Ms. D'Antonio suggested inserting dates of when changes occurred and what prompted the change.

Ms. Mathieson also noted that the first full paragraph on page three of the addendum has a sentence that reads, "The Geologist and Geophysics Act requires applicants to first obtain a degree with a major in geological sciences and does not include a pathway to licensure based solely on work experience." She pointed out that you do not have to have a degree in the major and coursework is acceptable. Mr. Moore noted the information appears in another section.

She also noted the last paragraph on the same page, references "Midwest" when it is in Arkansas, which is not considered Midwest. Mr. Moore recommended striking out Midwest.

In addition, the last paragraph on page four references, “in the chart above,” it should be “below.”

Section 4

Ms. Mathieson noted that on page 48, last paragraph it reads, “In addition to the investigation of complaints, the Enforcement Unit responds to all inquiries (telephone, email, and letter) related to the complaint process,” she believes that in the section on licensing, the registrars should also be given credit responding to inquiries.

Ms. Mathieson asked for clarification on the last paragraph before the table on page 49 where it references “sources.” Mr. Moore noted that the sources are listed in the previous paragraph.

Also, on page 54, the end of the first full paragraph, Ms. Mathieson referenced, “to fully gather sufficient evidence to support allegations.” She is not aware that the Board’s Enforcement Unit is looking for evidence to support allegations. Ms. Criswell explained that it is to support the complaint. Ms. Mathieson suggested using, “substantiate allegations.”

She also believes that the Expert Fee increase should be acknowledged.

Under the Cite and Fine heading on page 58 “when the investigation reveals that the unlicensed person violated the Board’s laws by committing acts that require licensure.” Ms. Mathieson recommends changing the language to, “performing or advertising services that require licensure.. Mr. Sanchez suggested, “performing or advertising services that require a license.”

Section 5

Ms. D’Antonio suggested that the Board should be doing more with social media such as LinkedIn, similar to what the Mississippi Board does. Mr. Moore reported that the Board is looking into expanding its social media presence. The Board currently utilizes Facebook and X (formerly known as Twitter).

Ms. Mathieson pointed out the sentence on page 63 that reads, “Webcasting is simply a static video recording” and add broadcast to that line.

Section 6

Ms. Mathieson believes that in the Board’s professions, it is not online practice, it is online advertising of services which has been causing most problems. Mr. Moore provided an example where a licensed practitioner will answer questions, which is considered practicing online. He believes it affects the Board in terms of advertising more than offering.

Section 7

Ms. D'Antonio asked if Computer Based Testing is a method to address inequities as they are now more accessible to candidates to take the exam at their convenience. Mr. Moore can consider including it, but the Board has always made the examinations accessible in terms of locations; there are definitely more locations now.

Ms. Mathieson noted that on page 70, first paragraph, "the application submittal and review process has generally trended in a positive direction." She suggested changing it to, "satisfaction with the application submittal and review process has generally trended in a positive direction." She believes a different style of chart would be more effective rather than a pie chart.

Section 8

Ms. Mathieson believes it is worth mentioning how smoothly and widely accepted the transition to Connect has gone.

Section 9

Vice-President Wong suggested mentioning that the Board meetings were conducted exclusively via WebEx, as this topic is specific to COVID-19.

Section 10

Mr. Moore reviewed the issues. In reference to Issue 5, "What is the Board doing to counteract unlicensed activity," Ms. D'Antonio suggested viewing education through social media. Mr. Moore indicated that while they can, unlicensed individuals usually do not subscribe to the Board's social media posts. Ms. D'Antonio specified LinkedIn as it is geared towards professionals.

Vice-President Wong suggested also mentioning the collaborations with the professional associations.

Ms. Mathieson noted that page 81, third paragraph, "It standardized fees for services for all regulated professions" suggested deleting "for services."

Section 11

Ms. Mathieson noted that it is missing the heading.

Mr. Moore reviewed the proposed new items.

Ms. Mathieson asked that the language, "Change the expiration date of the appointment terms of our Board Members from June 1 to June 30" be clarified to determine whether it is the end date or the expiration date of the term.

Mr. Moore reviewed the second new issue regarding continuing education. At this time, there is no action the Board is asking the Committees to take on this issue. As indicated, the Board has just begun looking into this issue but wanted to bring it to the Committees' attention. Should the Board choose to move forward with such a

program in the future following its in-depth study, the Board would seek legislative support at that time.

Mr. Moore reviewed the third new issue regarding experience in lieu of education to qualify for certification or licensure as a geologist-in-training, professional geologist, and professional geophysicist. Mr. Goodwin conducted outreach the day prior, and this topic was a concern. Mr. Moore reported that there may be a method to encourage more people to apply for licensure specifically, a geologist or a geologist-in-training, if the requirements were more consistent with professional engineers and land surveyors without dismissing the education requirements.

President Hartley asked if it was too late to add an issue and referenced that several years ago there was legislation that was labeled skilled training workforce and referenced that the workforce employee will be skilled and trained. The phrase "skilled and trained" can be problematic. Skill can be overcome by being a journeyman in a union or on the job training. Training is different in that you have to have gone through a union apprenticeship program. You can have a licensed professional land surveyor that is able to practice in their area of expertise but cannot work on a skilled training workforce required project. He believes it harms the public as it tells the licensees that, despite being licensed and having the skill but not having been trained through an apprenticeship program, you cannot work on a public works project.

Mr. Moore explained that it is possible to add another issue, but most likely, we do not have enough information to support it. It is more likely an issue for professional societies to address because it does not really relate to the Board's laws or functions. He suggested President Hartley email him more information within the next week, and he would consult with Ms. Eissler.

Vice-President Wong also suggested a new issue considering the number of citations that have been occurring with unlicensed activity. Mr. Moore suggested highlighting the existing unlicensed portion to get their attention instead of creating an entire new issue as unlicensed activity in not a new issue.

Mr. Moore reviewed the Complainant Satisfaction Survey topic and explained that when investigations are closed, a satisfaction survey is provided to the complainant. Very few ever respond, however, and those who do are usually unhappy. The Board receives very few responses, so it is difficult to gauge satisfaction statistically.

Coby King left at 4:30 p.m.

Section 12

Ms. Mathieson noted that it is missing the heading.

During Public Comment, Mr. Escarda asked if there would be a table of contents and a mission and vision statement. Mr. Moore noted that there would be a table of

contents, and the mission and vision statement is included in the Strategic Plan that will be included as an attachment.

XIII. Executive Officer's Report

A. Rulemaking Status Report

No report given.

B. Update on Board's Business Modernization Project

Mr. Moore reported that there were slight changes that will be included in the update of the winter release which will include the traffic, geotechnical, and structural applications. He is getting concerned as resources are getting stretched due to twice the number of boards and bureaus that are utilizing a version of Connect. The vendor is trying to accommodate demand.

C. 2024 Board Meeting Schedule (Possible Action)

Mr. Ruffino indicated that he is unavailable for the January, March, and May meetings. Mr. Moore recommended that Board members who have conflicts email him.

D. Personnel

The Board's Enforcement Unit is actively recruiting for an analyst.

E. ABET

Mr. Moore reported Ms. Wong and Natalie King, the Board's Staff Civil Engineer Registrar, attended ABET visits. Ms. Wong stated she enjoyed the experience. It helped her understand the educational component for the engineering programs.

F. Association of State Boards of Geology (ASBOG)

1. Report from 2023 Fall Annual Meeting

Board Member Mathieson and Mr. Goodwin both attended.

Ms. Mathieson participated in the Member Board Administrators Law Enforcement Session. She added that the cost savings that were revealed in the financial report were largely due to the computer-based testing conversion. There were some issues that arose when candidates held rulers up to the touch screen which would cause issues; however, most of the glitches were remedied for the fall examinations. One concern is that ASBOG's psychometrician is going to retire, and the Executive Officer is planning on going in a different direction.

Mr. Goodwin reported that Ms. Mathieson's presentation was excellent. He added that there was also a presentation on how geology enrollment is down across the nation.

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

1. Request from Aaron Blaisdell, PLS Washington State Board Member, for 2024-26 Western Zone Vice President Nomination (Possible Action)

MOTION:	Vice-President Wong and Mr. Martinez move to nominate Aaron Blaisdell as NCEES Western Zone Vice-President.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Cristina Garcia	X				
Coby King				X	
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas				X	

H. Update on Outreach Efforts

President Hartley requested more outreach in reference to monument preservation.

XIV. President's Report/Board Member Activities

Ms. Mathieson reported on a field trip to northern Idaho during the ASBOG meeting.

XV. Approval of Meeting Minutes (Possible Action)

A. Approval of October 3, 2023, Board Meeting Minutes

The approval of the October minutes were postponed due to the need for clarification.

The Board recessed at 5:12 p.m.

Friday, November 17, 2023

Board Members Present:	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana, D'Antonio; Cristina Garcia; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; and Wilfredo Sanchez
Board Members Absent:	Coby King and Fermin Villegas
Board Staff Present:	Ric Moore (Executive Officer); Tiffany Criswell (Enforcement Manager); Dawn Hall (Administrative Manager); Joshua Goodwin (Senior Registrar for Geology and Geophysics); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum (Cont.)

President Hartley called the meeting to order at 9:01 a.m., and a quorum was established.

V. Closed Session (Cont.) – 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

II. Adjourn

The meeting adjourned at 10:04 a.m.

PUBLIC PRESENT

Bob DeWitt, ACEC
Kelsey Parolini, SEAOC
Michael Parolini, SEAOC
Carl Josephson, SEAOC
Alan Escarda, PEGG

DRAFT

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

Teleconference

Thursday, December 14, 2023, beginning at 1:00 p.m.

Thursday, December 14, 2023

Board Members Present:	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D’Antonio; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas
Board Members Absent:	
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Celina Calderone (Board Liaison); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 1:00 p.m., and a quorum was established.

II. Pledge of Allegiance

President Hartley led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Zachary Owens, Professional Geologist, expressed his frustrations in how a Professional Geologist and a Professional Engineer are viewed relating to employment by the State of California. Professional Engineers are eligible to accrue two years of necessary experience to be considered eligible for a promotion as a senior of a unit before they obtain their Professional Engineer license. He was not aware that there was a difference in how a Professional Geologist versus a Professional Engineer is viewed in the context of working with the State of California. He has contacted PECG, CalHR, and the Board, and there are no definitive statements being made by any agencies. He would appreciate communication to clarify these discrepancies.

IV. Approval and Adoption of the 2023-24 Sunset Review Report of the Board (Possible Action)

Ms. Eissler presented the final draft of the 2023-24 Sunset Review Report that must be submitted to the Legislature by January 4, 2024. She explained that the Board needs to approve and adopt the report as the Board’s final report to submit it. Staff continues to work on some formatting issues, especially with the tables to ensure ADA compliance, but does not believe that any of the data or content will

change. She and Mr. Moore met with the subcommittee, which consists of Vice-President Wong and Mr. Martinez, following the November meeting and reviewed all of the comments and discussion points and made the necessary changes to ensure clarity. In addition, there was a fourth new issue included in Section 11. Mr. Moore explained that considering the collaboration with the Engineering Counsel of UK and British Consulate, it would be advantageous to include it as a fourth new issue in the event there be any legislative or regulatory changes that arise from this collaboration.

Mr. King expressed his amazement of how much work goes into these reports and how detailed they are. He noted that on page 39 there appears to be a word missing such as “release” or “phase III.” Mr. Moore agreed that it probably would read better if it said, “launch the Maintenance and Operations phase”. Mr. King pointed out that at the top of page 48, the word “Interim” is underlined. Mr. Moore tried to emphasize the word. Also, on page 50 there is a sentence that starts with the word “historically” that does not read right to him. Ms. Mathieson suggested including, “as are received”.

Ms. Mathieson is impressed with the improvements made from the previous draft and offered her amendments.

She noted that the text box on page 19 was different from the subheading before page 19. Ms. Eissler noted that it should be in a different position.

Ms. Mathieson made the following comments:

First paragraph on page 21 references, “almost as many as in San Francisco's great fire and earthquake” should say, “great earthquake and fire”.

Page 39, first sentence, “The success of the BMC 1 effort for the Board resulted in BPELSG Connect” should be clarified to say, “resulted in the selection and implementation of BPELSG Connect.”

Page 48, first full paragraph should read, “Factors that impact processing timelines *include*”, instead of includes.

Page 49, the sentence, “There was an 26% increase” should be “a 26% increase.”

Page 52, the last heading before the table was “**Licensing Program Performance Targets**.” However, she believes the table is a new topic and, therefore, should have a new heading as it no longer discusses performance targets. Mr. Moore explained that the table in the section is what came from the committees. Ms. Mathieson indicated that the Table 6 is not cited in the text and it would probably be helpful. Ms. Eissler said that they will review it. Mr. Moore explained that the contents of that section has to do with licensing performance measures, and it is the Board’s response. Ms. Eissler further explained that the tables represent active

licenses, not applications for licensure. It is data regarding active licenses. The heading would be licensee population. She believes the issue is what comes after it appears to go into another topic.

On page 72, “All information reviewed to determine if the crimes or acts were substantially related” should say, “All information is reviewed”.

Page 73, “in 2001, the Board updated these regulations to conform to the statutory changes made by AB 2138.” AB 2138 was passed in 2018 and should reflect 2021. Also, on page 73, fifth line from the bottom should reference *submit* not *submitted*.

Page 92, second full paragraph should say, “demonstrated incompetence” instead of “demonstrated incompetency.”

Page 120, she believes there should be a heading that references “customer satisfaction survey” following the chart. Mr. King indicated that it is a continuation of the previous information. The narrative is in regard to initial applications and discusses a customer satisfaction survey as part of the process, but it is within a larger narrative about initial applications.

Ms. Mathieson has noticed that the data in the table reflects that with every category, satisfaction has been decreasing which is stated after the table and the efforts that the Board is making to improve. However, before the table, the last sentence says, “Satisfaction with the application submittal and review process has generally trended in a positive direction.” Mr. Moore explained that when he looks at the results of the survey in its entirety, and not solely on initial applications, that was his intent. He will consider rewording it so that it is clear. Ms. Mathieson suggested adding a sentence right before the table that says, “the following results are specifically for initial applications.” Mr. Moore would prefer to reword the existing sentence and suggested, “satisfaction with the application submittal and review process while positive, has trended in a downward direction.” Mr. King disagreed and noted that the 2022-2023 numbers in two of the categories are higher and suggested, “indicates general satisfaction with the application submittal and review process.” Mr. Moore and Ms. Mathieson agreed with Mr. King’s suggestion.

On page 121, starting with the fifth paragraph and continuing with the following five paragraphs, Ms. Mathieson believes these are actions that the Board is taking to improve customer satisfaction. She believes it needs a transition sentence at the beginning outlining the information within this section. Ms. Eissler reported that the intent is to discuss what the Board does to help individuals with the application process, not a customer satisfaction survey. We do not create jobs for licensees but through the application process, such as processing applications in a timely manner and outreach, lead to helping individuals become ready to get jobs in the profession.

Page 122 bottom of page, clarify the term, “increased authenticity.” Mr. Moore received this information from discussions with the psychometricians and suggested simply deleting it.

Page 140, last sentence, “The Board believes the information contained in this report supports the continued operation of the Board”, she would prefer, “in the interest of public protection” or “to protect the public”. Ms. Eissler indicated this issue was raised in the last Sunset Review, so it is an update of what was previously reported regarding the last Sunset Review.

Page 145, the Fourth New Issue is the only new issue heading that is underlined.

Page 157, the dates of the Strategic Plan are different than the Strategic Plan in the table of contents. Ms. Eissler explained that the date will be updated to match that of the table of contents.

Mr. Martinez thanked Mr. Moore and Ms. Eissler and staff for compiling the data for the Sunset report; he stated learned so much going through the process. Ms. Eissler will share his sentiments with Board staff.

Legal Counsel Pirrone listed his amendments:

- Page 27 First paragraph, B&P code Section 6728 should be 2726
- Page 42 (2) 3005(c) should be 3005(b)
- (3) 3005(e) should be 3005(d)
- 7887 should reference (b) and (c)
- (4) 7887(i) should be 7887(g) also, 407(f) should be 407(d) and 3005(h) should be 3005 (g)
- (5) 407 should have subdivision (g)
- 3005(f) should be 3005 (e)
- 7887(f) should be 7887(d)

Ms. Eissler will ensure that all of the references are appropriate.

MOTION:	Mr. King and Dr. Amistad made a motion to adopt the 2023-24 Sunset Review Report with changes noted and any nonsubstantive changes that may need to be made and submit it to the legislature.
VOTE:	12-0, Motion Carried

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

Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

Ms. D’Antonio inquired as to the process once the Sunset Report is approved by the Board. Ms. Eissler explained that the deadline to submit the report to the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee is January 4, 2024. Typically, staff for both committees will review the report and discuss it with the chairs. Generally, it is assigned to one staff person at one of the committees to conduct the majority of the review. They will prepare a background paper that summarizes what was included and poses issues and questions that they will want the Board to address. The hearings are typically scheduled in March and sometimes pushed to April depending on legislative business. During the hearing, they will likely request that the Board give a brief overview of the Board’s operations and select some of the issues they have raised that they will want the Board to address at the hearing. The members of the committees are allowed to ask questions, as well. From there, the Board will prepare a written response to the background paper and the issues that is typically due 30 days after the hearing date. She recalled at the last Sunset Hearing, the Board had 8 issues and they discussed 2-3 of the issues at the hearing. At that point, there is a bill that is introduced to extend our Sunset dates, hopefully, and if we asked for any changes to statutes that would typically be included in the bill, as well. That bill will go through the legislative process which include hearings with the committees and going through both houses.

V. Discussion on Mutual Recognition Agreement between the Engineering Council in the United Kingdom (ECUK) and National Council of Examiners for Engineering and Surveying (NCEES) (Possible Action)

Mr. Moore explained that when the Board met in October of this year and reported on the Annual Meeting for NCEES, it was announced by NCEES and the British Consulate that they, in cooperation with the ECUK, were working on a mutual recognition agreement (MRA) to streamline bidirectional licensing between the two countries. At that time, the Board was advised that NCEES was working on the draft agreement, and we would wait to see what would develop. Mr. Moore introduced the two individuals from the British Consulate, Gregor Catto and Lucy Campbell, who have been working on the MRA, which is close to completion. He expects that any of the U.S. licensing boards that would be participating would be referred to as a Participating Member Board. It is intended to establish a streamlined, consistent application and comity pathway to gain a license in either jurisdiction. It would require the use of an NCEES record formally known as a council record. The differences in how

they will be recognized will be dependent on the language in the agreement as it relates to the International Engineering Alliance (IEA) criteria. California statutes are already open to cross-jurisdictional licensure and is unique in the manner in which it licenses engineers by discipline or branch of engineering. It is important to understand which type of examination they are taking and the area of expertise. There are multiple states that allow waiver of the Fundamentals of Engineering (FE) examination under certain provisions. The Board also has authority to establish a rule to waive the FE examination which is established under Board Rule 438. The Board also has statutory authority to establish a similar rule for waiver of the NCEES Principles and Practice engineering (PE) examination and in the case of the civil engineer the two California civil exams yet has never exercised that statutory authority.

Subsequent to the NCEES Annual Meeting, the Board was recently invited to attend a delegation in London to meet with the Engineering Counsel of the UK (ECUK) to discuss licensing requirements and to see what their requirements consist of for their Chartered Engineers and learn about engineering practice in the UK while considering the MRA process.

This Board has the option to determine whether or not they want to be a participating member board of the MRA. Mr. Moore's understanding of the few applications that have come from the UK to seek licensure in California, it is because they have a specific level of expertise. He offered an example of engineers working on the High-Speed Rail design and development. It will also allow California licensed Professional Engineers to seek licensure in the UK if they have specific expertise to offer.

Mr. Moore reported that there are approximately 70 active licensed engineers with an address of record in the UK, which is comprised of Britain, Wales, Northern Ireland, and Scotland. He sees it as a positive to show that we can collaborate with other countries.

Initially the UK offered to fund one representative to attend but has recently acquired funding for two representatives from the Board. Mr. Moore's recommendation is that if the Board wishes to explore this level of detail about licensure criteria, education, experience, and examinations that it would be appropriate to have an engineer Board member be one of the representatives and suggests that he also attend to aid in the discussions. The Board has submitted an out of country request to DCA and Agency in preparation for this action and are receiving positive feedback considering the funding being provided. Mr. Moore recommends Ms. D'Antonio as a possible delegate.

Lucy Campbell, Deputy Counsel General, thanked Mr. Moore for inviting her and Gregor Catto, Senior Trade Policy Officer from their Embassy in Washington, for an extremely comprehensive overview of what their goal is for the Mutual Recognition Agreement. She also introduced Sean Kagan, their

Senior Trade Policy Officer from the Council in Los Angeles. Mr. Catto expressed his appreciation for the Board’s consideration and they are very excited for the opportunity, not only to streamline the process, but to also gain some of the expertise California has to offer. He echoed Mr. Moore in that he believes they have the same high standards when it comes to licensing, just in a slightly different manner and this is part of why they have invited the Board to this delegation in February.

Ms. D’Antonio reported that a quarter of all NCEES candidates nationwide seek licensure in California, which is powerful leverage. If the Board wishes to have any influence, we need to be present. She also discussed the workforce crisis not only in the U.S. but worldwide. She is on the Board of the American Society of Civil Engineers (ASCE) and they have conducted research on workforce issues. The Bureau of Labor Statistics projects a need for 25,000 new civil engineers each year through the end of the decade. She believes if we can leverage our international partnerships and strategic relationships, we can reduce the gap and believes this is timely and necessary.

During Public Comment, an individual by the name of Gareth I. Mills, P.G., C.E.G. from Southern California, stated he believes the Board has a great opportunity to also include geologists as they are a part of the Board. He asks and encourages the Board to discuss the possibility to include geologists as well.

Mr. Moore explained to Mr. Mills that while this is an agreement between NCEES and the Engineering Counsel of the UK, it is focusing on engineering; however, it does not mean that it is not something that national societies and representatives from the UK could collectively discuss in the future.

Mr. Moore expects that he and Ms. D’Antonio will spend a great deal of time understanding everything there is to know about the agreement and engineering practices in the UK. Updates will be placed on a future agenda, possibly for the March 2024 meeting. He has already informed both Mr. Catto and Ms. Campbell that if the Board should need to move forward with regulation changes, that it will be at least a year process.

MOTION:	President Hartley and Vice-President Wong moved to accept the UK invitation to the February meeting and delegate Ric Moore and Rossana D’Antonio as delegates and commit to explore this effort based on the information that we know at this time.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				

Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

VI. Approval of Meeting Minutes (Possible Action)

A. Approval of October 3, 2023, Board Meeting Minutes

MOTION:	Mr. King and Ms. Mathieson moved to approve the October 3, 2023 Board meeting minutes.
VOTE:	11-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio			X		
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

VII. Adjourn

Meeting adjourned at 2:53 p.m.

PUBLIC PRESENT

Lucy Campbell
Gregor Catto
Gareth I. Mills, P.G., C.E.G.
Zakary Owens

XII. Closed Session – The Board will meet 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

XIII. Adjourn
