

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

Teleconference

Thursday, May 7, 2020, beginning at 9:00 a.m.

Board Members Present:	Fel Amistad, President; Steve Wilson, Vice President; Natalie Alavi; Alireza Asgari; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Mohammad Qureshi; Frank Ruffino; and Robert Stockton
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Jeff Alameida (Administration Manager); Larry Kereszt (Examinations Manager); Celina Calderone (Board Liaison); and Anthony Pane (Legal Counsel)

I. Roll Call to Establish a Quorum

President Amistad called the meeting to order at 9:00 AM and a quorum was established.

II. Pledge of Allegiance

Mr. Ruffino led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Alan Escarda, representing PECG, thanked Board staff Brooke Phayer for his outreach efforts for June meetings, but with the ongoing constraints, those meetings will likely be cancelled. He also thanked the Board for hosting the meeting in this format.

IV. Consideration of Rulemaking Proposals

A. Approval and/or Adoption of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 416 and 3060 (Substantial Relationship Criteria) and sections 418 and 3061 (Criteria for Rehabilitation) to Conform to Statutory Changes Made by AB 2138 (Chapter 995, Statutes of 2018) (Possible Action)

Ms. Eissler reviewed the rulemaking proposal in which the Board is amending sections of the regulations for professional engineers, land surveyors, geologists, and geophysicists.

MOTION:	Mr. King and Ms. Alavi moved to adopt the proposed responses to the comments; adopt the final rulemaking proposal after the 15-day public comment period if no substantive comments are received; and delegate to the Executive Officer to finalize the rulemaking file.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

V. Administration

A. Fiscal Year 2018/19 Budget Status

Mr. Alameida reported that he has received communication from the Budget Office that the Board will receive the Fi\$Cal reports that will close out Fiscal Year 2018/19 this month. He will continue to monitor and refine the numbers for 2018/19.

He also reported that the Budget Analyst vacancy has been filled by Angela Yu.

B. Fiscal Year 2019/20 Budget Report

Mr. King inquired whether revenue would be impacted for the Business Modernization Project. Mr. Alameida reported that the budget letter noted that the Board may not enter into any new service contracts. DCA’s Project Director has been in communication with the Legislature with regards to the ongoing funding. There has been no indication that there is a lack of funding, but he will continue to track as a risk as it may impact future releases. Currently, he is waiting for the possible revision of the Governor’s budget and any updates that may arise throughout June. He will then confirm with the Board in June as to the status of the project going forward.

VI. Legislation

A. 2020 Legislative Calendar

Ms. Eissler reviewed the Legislative Calendar. The Assembly returned this week, and the Senate will return next week, but it is still unknown what the actual schedule of committee hearings will be.

Ms. Eissler reported on items that required action.

B. Discussion of Legislation for 2020 (Possible Action)

AB 2028 State agencies: meetings

MOTION:	Mr. King and Ms. Irish moved to take a position of “Oppose Unless Amended” on AB 2028 and request that the bill be amended to exempt materials relating to budgetary, legislative, and regulatory matters.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

AB 2113 Refugees, asylees, and immigrants: professional licensing.

MOTION:	Ms. Alavi and Ms. Irish moved to take a WATCH position on AB 2113, as amended May 4, 2020.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

AB 3334 Professional Land Surveyors' Act.

MOTION:	Mr. Wilson and Mr. King moved to take a position of "Oppose Unless Amended" position on AB 3334, as amended May 4, 2020, and submit the language included with the staff analysis as the amendments it is requesting. The Board also delegated to Board Members Steve Wilson, PE, PLS, and Andrew Hamilton the authority to change the Board's position on the bill should it be amended to address the Board's concerns prior to the next Board meeting.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

SB 1057 Land.

MOTION:	Ms. Mathieson and Mr. King move to change its position to "Oppose Unless Amended" on SB 1057 to amend the definition of "cadastral surveying" to the language included with this analysis. The Board also delegated to Board Members Steve Wilson, PE, PLS, and Andrew Hamilton the authority to change the Board's position on the bill should it be amended to address the Board's concerns prior to the next Board meeting.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				

Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

AB 2185 Professions and vocations: applicants licensed in other states: reciprocity.

During public comment, Kevin Johnston noted current law states that PE comity applicants must go through the same application process as those seeking licensure for the first time. He stated that a simpler comity application process should be looked into.

MOTION:	Ms. Alavi and Mr. King moved to take a position of WATCH on AB 2185, as amended March 16, 2020.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

AB 2454 Department of Consumer Affairs: retired or inactive status license: discipline.

MOTION:	Mr. Hamilton and Ms. Alavi moved to remove the position of SUPPORT and take a NO POSITION on AB 2454, as amended March 16, 2020, since it no longer has any impact on the Board or its operations.
VOTE:	14-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

AB 1263 Contracts: consumer services: consumer complaints.
No action taken.

AB 1616 Department of Consumer Affairs: boards: expunged convictions.
No action taken.

AB 2549 Department of Consumer Affairs: temporary licenses.
No action taken.

AB 2631 License fees: military partners and spouses.
No action taken.

SB 865 Excavations: subsurface installations.
No action taken.

SB 878 Department of Consumer Affairs Licensing: applications: wait times.
No action taken.

VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2019/20 Update

Ms. Criswell reported on the Enforcement statistics. She provided an update on how the Enforcement staff is adapting to the new normal. She thanked Anthony Pane for assisting in enforcement matters.

During Public Comment, Mr. Kevin Johnston indicated that he has submitted complaints to the Board's Enforcement Unit, and he has been advised several times to complete the complaint form and provide more information. The form is not applicable for internet advertisement for engineering services being offered. He has made several attempts to contact the Board and feels the validity of his complaints has been downgraded. He encourages the Board to modify the form.

VIII. Exams/Licensing

A. Update on 2020 California State Examinations

Mr. Kereszt provided an update on the 2020 State Specific exams. He acknowledged his staff dealing with the ongoing changes and closures of exam sites.

The administration of the March 2020 CSE was held on March 17. Also, on March 17, Prometric made the decision to temporarily close their test centers globally. They have extended their closure date until June 1, 2020, which remains tentative.

In reference to the physical distancing requirements for candidates choosing to sit for the exams, Prometric is accommodating the concern by scheduling candidates with alternating seats within the test centers to ensure 6 feet of distance. The result of this accommodation is that the test centers will be at 50% capacity. The concern is the amount of exam candidates who have been waiting to take the test and are eligible will want to schedule. We must ensure that they have that opportunity along with all of the other clients that Prometric has who have also been waiting. It becomes problematic with various candidates trying to take exams at an exam site with 50% capacity. For those candidates hesitant to sit for the exam, they will have an opportunity to postpone or request a refund.

Ms. Mathieson would like to make sure that there will not be a penalty to candidates who arrive at the site and then decide they do not feel comfortable sitting for the exam even with the 6 feet of distance. Mr. Kereszt said that they can contact the Board to reschedule to a different date and time or request a refund.

B. Update on 2020 NCEES and ASBOG Examinations

The NCEES exams that were scheduled for April will be held in October to ensure everyone has an opportunity to sit for the examinations. Scheduling will start June 1.

ASBOG's March 20 exams that were scheduled to take place in Long Beach will also be rescheduled for October. Mr. Kereszt will share additional information as it becomes available.

During Public Comment, Kevin Johnston commented on the state specific civil exams. He stated that, because the end date of the pandemic is unknown, there should be consideration given to other test methods such as a remote assessment, which Prometric offers. There would be a webcam on the test taker during the administration of the exam.

During Public Comment, Alan Escarda asked for clarification of exam cycles.

During Public Comment, Jennifer Kirby expressed her appreciation to merge Quarters 3 and 4 into one window. She is recommending that the Board hold off approving any and all new authorizations and provide Quarter 1 and Quarter 2 examinees an opportunity to secure their exams over Quarters 3 and 4 candidates.

During Public Comment, Chase Hemming also recommended prioritizing Quarter 1 and 2 candidates.

Mr. Moore clarified that the following week's Authorization To Test notices are for Quarters 1 and 2 candidates.

During Public Comment, JC expressed his appreciation of combining Quarters 3 and 4 candidates and said that it does not appear that Prometric has all days open.

Asha Lang left the meeting at 12:00 PM

IX. Executive Officer's Report

A. Rulemaking Status Report

Mr. Alameida reported that the fees and certificates rulemaking package is currently at agency for review. The requested effective date is July 1, 2020.

The rulemaking package regarding repealing the sections that address appeals of engineering and land surveying examinations is currently under pre-notice review by DCA Legal.

The other rulemaking packages are pending and will be attended to by staff.

B. Update on Board's Business Modernization Project

Mr. Alameida noted that this is a high-level overview. The project is moving forward as planned and will meet the Minimum Viable Product (MVP) scope that includes the Board's online Engineer-In-Training and Land Surveyor-In-Training application submission as well as online complaint submission and

back office workflow. There are currently four sprints and are projecting a Sprint 5 for testing.

C. Personnel

Angela Yu has been hired as the new Budget Analyst.

D. ABET

There will not be any ABET visits to campuses this year.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore reported that the Board is moving towards the fall for ASBOG exam administration and will provide updates as they become available.

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

Mr. Moore reported that, at the March meeting, the Board voted to support Karen Purcell, from Nevada, for the position of NCEES Western Zone Vice-President. The Board has since received a letter and information from the Utah Professional Engineers and Professional Land Surveyors Board recommending Mr. C. Scott Bishop as a candidate for the office of the NCEES Western Zone Vice President. Mr. Moore is anticipating that some time close to the Annual Meeting, NCEES will find a way to conduct necessary business, such as the election of officers.

1. Presentation from Western Zone Vice President Brian Robertson, P.E.

Mr. Robertson, NCEES Western Zone Vice-President, provided a presentation on the mission, vision, functions, and the organizational structure of NCEES.

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach efforts.

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

Mr. Moore recalled that at the March Board meeting the Board requested to have the Land Surveyor TAC meet and discuss the language regarding the definition of cadastral survey. The meeting has not been scheduled but staff has reached out to the sponsors of AB 3334 and are waiting to see where the sponsors go with the definition.

B. Appointment of TAC Members

No report given.

C. TAC Appointment

No report given.

D. Reports from the TACs

No report given.

XI. President’s Report/Board Member Activities

As President Amistad nears the end of his term, he thanked the Board. Ms. Irish thanked President Amistad for his leadership. Ms. Alavi thanked him as well.

XII. Nomination and Election of President and Vice President for Fiscal Year 2020/21

Dr. Qureshi announced that he and Mr. Johnson served as the Nominating Committee and are nominating Steve Wilson for President and Andrew Hamilton for Vice President. President Amistad asked if there were any other nominations from the floor.

MOTION:	Mr. King and Mr. Friel moved to close the nominations.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

MOTION:	Mr. Friel and Ms. Irish moved to elect Steve Wilson as Board President and Andrew Hamilton as Board Vice President.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi	X				
Alireza Asgari	X				
Duane Friel	X				
Andrew Hamilton	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				

Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

XIII. Approval of Meeting Minutes

A. Approval of the Minutes of the March 12, 2020, Board Meeting

MOTION:	Ms. Mathieson and Mr. King moved to approve the March 12, 2020, Board meeting minutes.
VOTE:	10-0-3, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Fel Amistad	X				
Steve Wilson	X				
Natalie Alavi			X		
Alireza Asgari	X				
Duane Friel			X		
Andrew Hamilton	X				
Kathy Jones Irish			X		
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Robert Stockton	X				

XIV. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Ms. Alavi suggested discussing alternate methods to conduct exams and outreach during the current isolation period.

Legal Counsel Anthony Pane stated the Board will return to open session only for the purpose of adjourning.

XV. Closed Session – The Board met 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)]

XVI. Adjourn

The meeting adjourned at 4:14 PM

PUBLIC PRESENT

Alan Escarda, PEEG

Kevin Johnston

Jennifer Kirby

Chase Hemming

Brian Robertson, NCEES

JC