

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

Teleconference
Thursday, August 20, 2020, beginning at 9:00 a.m.

Board Members Present:	Natalie Alavi; Fel Amistad; Alireza Asgari; Duane Friel; Kathy Jones Irish; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Mohammad Qureshi; and Frank Ruffino
Board Members Absent:	
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Larry Kereszt (Examinations Manager); Celina Calderone (Board Liaison); Anthony Pane and Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum

Mr. Moore called the meeting to order at 9:10 a.m. and a quorum was established.

II. Selection of Temporary President

MOTION:	Mr. Friel and Mr. Ruffino moved to appoint Eric Johnson as Temporary President.
VOTE:	11-0, Motion Carried

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

III. Pledge of Allegiance

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

IV. Public Comment for Items Not on the Agenda

During Public Comment, an individual by the name of Michael asked the Board to consider online or at home testing methods.

Rouhi El-Rabaa would like the Board to consider opening the fourth quarter testing window for those who failed one or both of the California Civil Engineering examinations during the third quarter.

David Woolley discussed the rulemaking process, in reference to the amendments proposed to be made to Board Rule 416. He is concerned with the term "Professional Misconduct". If someone is pursued under a professional misconduct allegation, it may cause a financial burden. His plan is to pursue this through the Office of Administrative Law as an underground regulation.

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

MOTION:	Dr. Qureshi and Ms. Irish moved to nominate Dr. Asgari as Board President and Ms. Alavi as Vice-President
VOTE:	11-0, Motion Carried

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

9:40 a.m. Dr. Qureshi left the meeting.

VI. Administration

A. Fiscal Year 2018/19 Year-End Summary

Mr. Moore reported on the Fiscal Year 2018/19 budget summary and noted a net of about \$40,000 in positive revenue. There were no significant changes from the previous projections reported by staff.

The financial statement for Fiscal Month 1 projections for the current fiscal year represented anticipated changes to the fees that are moving through the Office of Administrative Law that will become effective the latter half of this year. It is anticipated that the new renewal fees will become effective January 1, 2021 and all other fees effective with the adoption of the rulemaking.

B. Fiscal Year 2020/21 Budget Report

Mr. Moore reported that it is estimated there will be 4.9 months in reserves at the end of Fiscal Year 2020/21 and those reserves should remain at a consistent level for a couple of years beyond. This estimate is predicated on the aforementioned fee regulations becoming effective as anticipated and subject to final closing of FY 2019/20 numbers.

VII. Legislation

A. 2020 Legislative Calendar

Ms. Eissler reviewed the legislative calendar.

B. Discussion of Legislation for 2020

AB 1263 Contracts: consumer services: consumer complaints.
This bill is dead.

AB 1616 Department of Consumer Affairs: boards: expunged convictions.

MOTION:	Mr. King and Ms. Alavi moved to take a position of watch on AB 1616, as amended July 7, 2020.
VOTE:	10-0, Motion Carried

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

AB 2028 State agencies: meetings.

MOTION:	Mr. King and Ms. Alavi moved to take a position of watch on AB 2028, as amended July 28, 2020.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Natalie Alavi	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Kathy Jones Irish	X				

Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				
Mohammad Qureshi				X	
Frank Ruffino	X				

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

MOTION:	Ms. Alavi and Mr. King moved to take a position of watch on AB 2113, as amended August 4, 2020.
VOTE:	10-0, Motion Carried

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

AB 2549 Department of Consumer Affairs: temporary licenses.
This bill is dead.

SB 865 Excavations: subsurface installations.

MOTION:	Mr. King and Mr. Ruffino moved to take a position of watch on SB 865, as amended July 27, 2020.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Natalie Alavi	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang	X				
Betsy Mathieson	X				

Mohammad Qureshi				X	
Frank Ruffino	X				

SB 878 Department of Consumer Affairs Licensing: applications: wait times. Ms. Eissler reported that this bill is currently on the Assembly floor on the consent calendar for consideration.

SB 1474 Business and Professions

MOTION:	Mr. King and Ms. Irish moved to support SB 1474, as amended August 10, 2020.
VOTE:	10-0, Motion Carried

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

II. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell presented the Enforcement statistics. Mr. King asked if there have been any changes brought about by the pandemic. She reported that, for the most part, they have maintained a level of normalcy. Board staff is very efficient, and delays have been minimal. The Office of Administrative Hearings came to a brief halt but is back on course. Hearings are not currently being scheduled until January.

During public comment, Mr. Woolley referenced the 2019/20 statistics. He is part of a peer group in Orange County that files complaints against professionals. When they file a complaint, it goes through a peer group that reviews them as they do not want to waste the Board's or professional's time with anything that is not substantial. Licensees who file complaints are discouraged when the case is considered a wash, and that is disheartening. He wanted to offer the Board members a different perspective. It is difficult on both parties.

III. Exams/Licensing

A. Update on 2020 California State Examinations

Mr. Kereszt reported that exam administration for Prometric exam centers resumed in July for the California Civil Seismic Principles and Engineering Surveying exams with 262 Seismic Principle candidates and 291 Engineering Surveying candidates scheduled. Considering the circumstances, there are 2,500 candidates scheduled for the remainder of the year for these two examinations, which is on trend with last year. The number of no-shows are minimal at this time. The scheduling numbers are increasing as more people become eligible for the exams. There have been minimal scheduling conflicts. The exam staff is currently working with ASBOG to secure exam locations and are presently in the contract phase for the October 2, 2020, exam administration.

NCEES has found it difficult to secure exam sites in order to accommodate as many candidates as they can while also considering social distancing guidelines. Mr. Kereszt explained that they are still moving forward with all the examinations that are scheduled and will adjust as changes arise.

Mr. King inquired about remote proctoring. Mr. Kereszt expressed his concern with examination security with remote exam administration. Ms. Irish suggested a presentation provided by Prometric for the next Board meeting to discuss remote proctoring, exam security, and what options are available in our current climate as we continue to consider how to move forward with exam administration. Mr. Kereszt will be in communication with Prometric to prepare a presentation for a future Board meeting.

During Public Comment, Jason Woodward expressed that he would like the Board to move forward with online testing and would like more examination communication.

Rouhi El-Rabaa inquired whether the Board has active plans to allow candidates who failed one or both of the California Civil Engineering examinations during the third quarter to take the examinations during the fourth quarter. He presented his points and encouraged the Board to consider his request.

B. 2019-20 Application and Licensing Update

Mr. Moore reviewed the licensing statistics.

IV. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that staff is finalizing the Fees and Certificates rulemaking file for submittal to DCA to begin the final review process before it is submitted to the Office of Administrative Law.

The Professional Engineer and Land Surveyor Appeals rulemaking file has been submitted for review by DCA Legal. Ms. Eissler added that DCA provided comments that included changes to some of the forms. Once this is complete, the formal process can begin.

Board staff is finalizing the rulemaking file for submittal to DCA to begin final review process for the Substantial Relationship Criteria and Criteria for Rehabilitation. Ms. Eissler will assemble the documents that make up the final rulemaking file to submit to DCA to start the final rulemaking process.

Board staff is preparing the rulemaking file for the Definition of Traffic Engineering for submittal to DCA for the initial review.

B. Update on Board's Business Modernization Project

Mr. Moore reported that remote communications and collaboration have been going well. User acceptance testing began on July 23, 2020. He commended staff for their dedication and being able to identify several issues. The vendor, the DCA Office of Information Services (OIS), and the project management team have been working together to resolve them. Testing will end this week in terms of the initial review. Next week, regression testing will take place to ensure everything is working. The focus of this stage is EIT and LSIT application submission and submission of a complaint to the Enforcement Unit. He is optimistic that it will go live in early September. As for the budget, Mr. Moore reported that they are at 88-90% of the scheduled budget. He thanked the Project Management Team and the vendor.

Mr. King, Ms. Irish, and Ms. Mathieson expressed how well this has been managed and commended everyone involved.

During Public Comment, Alan Escarda commented on the Business Modernization Project. He is interested in knowing why the project was so successful, brought in on time, and under budget. Was it the people, process, project management techniques, smaller in scope? He suggested developing a presentation on why it was so successful. He also asked where he could find more information on the Board's website about the Business Modernization Project.

Mr. Moore advised that he would consult with the project management team regarding a presentation. He explained that the motivation was to improve how the Board conducts business, to ensure that Board staff has the most effective tools to conduct work in a reasonable, timely manner, and to improve communication with the applicants and licensees. The applicants and licensees will have their own user profile and have the ability to submit their information online during the application process, and it will provide a more effective method of renewing licenses.

C. Personnel

Mr. Moore reported that they are in the process of recruiting for the vacant receptionist position and are assembling the duty statement to replace the Administrative Unit Manager.

D. ABET

1. Fall 2020 and Winter 2021 Board Observer Opportunities

Mr. Moore previously reported that ABET had cancelled any observation visits; however, the Board has received requests for two virtual sessions in November 1-3, 2020, and February 7-9, 2021. He cannot disclose which universities. Ms. Mathieson expressed interest in the February session, and Dr. Amistad expressed interest in the November session.

E. Association of State Boards of Geology (ASBOG)

The examination staff is working to secure a suitable location in Sacramento to administer the geology exams while maintaining social distancing requirements.

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

1. Nomination of NCEES Emeritus Member

MOTION:	Ms. Mathieson and Mr. King moved to nominate Steve Wilson to NCEES Emeritus Member.
VOTE:	10-0, Motion Carried

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

2. Annual Meeting Update

Mr. Moore worked with Dr. Qureshi, Mr. King, and Mr. Wilson to ensure that the Board's intent was expressed in the voting. He submitted the ballot July 20 and will provide a summary at the next meeting.

G. Update on Outreach Efforts

Mr. Moore reported that the amount of in-person sessions have dramatically dropped off while online communications have increased. The Board has begun to post upcoming land surveying and geology related webinars to the Board’s website.

He added that the 2020 Certificates of Recognition are ready to be distributed. There were 249 certificates for Professional Engineers who have been licensed for 50+ years and in good standing, 80 certificates issued for Professional Land Surveyors who have been licensed for 40+ years, and 77 certificates issued for Professional Geologists who have been licensed 35+ years.

V. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

No report given.

B. Appointment of TAC Members

No report given.

C. Reports from the TACs

No report given.

During Public Comment, Mr. Woolley reiterated his concern with the rulemaking related to AB 2138 and inquired as to the availability to the public of the webinars presented by Board Staff Land Surveyor Dallas Sweeney.

VI. President’s Report/Board Member Activities

President Johnson expressed his appreciation to both Dr. Qureshi and Ms. Irish for the Board President and Vice-President nominations.

VII. Approval of Meeting Minutes

A. Approval of the Minutes of the June 25, 2020, Board Meeting

MOTION:	Ms. Mathieson and Ms. Irish moved to approve the minutes, as amended.
VOTE:	10-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Natalie Alavi	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King			X		
Asha Lang			X		

Betsy Mathieson	X				
Mohammad Qureshi				X	
Frank Ruffino	X				

VIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

No items discussed.

IX. 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)]

X. Adjournment

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

PUBLIC PRESENT

Michael Michael
Rouhi El-Rabaa
David Woolley
Alan Escarda