

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

Teleconference

Thursday, December 10, 2020, beginning at 9:00 a.m.

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

I. Roll Call to Establish a Quorum

President Asgari called the meeting to order at 9:03 a.m., 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, David Woolley, representing the Orange County Chapter of the California Land Surveyors Association, indicated that they recently authored a letter to Board member Mike Hartley. In that letter, they asked the Board to consider utilizing the Land Surveyor Technical Advisory Committee (LS TAC) to help shape policies. He recalled speaking at the last meeting about policies needing to be peer reviewed and believes the proper venue would be to use the LS TAC.

IX. President's Report/Board Member Activities

A. Discussion on Change in Exempt Salary Level of the Executive Officer

President Asgari provided some background and noted that in October of 2020, DCA introduced a step-by-step process for boards to use when considering the submittal of a request to change the Exempt Salary Level for the Executive Officer and a new Performance Appraisal Process.

Nicole Le, Chief of the Office of Human Resources for DCA, outlined the current levels and the corresponding pay scales.

In order to change the level of an exempt position, the Board will need to demonstrate that the work has changed significantly. Ms. Le provided examples of what would be considered major changes and noted that it is not about the incumbent in the position, but what has changed in the Board's operations that would result in the level increase.

The Board President would need to provide a justification and include the changes that have occurred which would warrant a level change for the Executive Officer position. There are multiple stages of the approval process. When the justification is received by Ms. Le, she will prepare a request package and forward it to the DCA Director for review and approval. From there, the package will go to the Business, Consumer Services, and Housing Agency for review and approval by the Agency Secretary before proceeding to the Governor's Office and the California Department of Human Resources. Once approved, they can provide the Exempt Level to be increased. Through this request, the Board would also have the opportunity to increase the salary of the incumbent in the position. Typically, when an incumbent salary increase is requested, no more than 5% is requested.

9:45 a.m. Rossana D'Antonio joined the meeting

MOTION:	Mr. Ruffino and Vice-President Alavi moved to pursue an Exempt Level increase for the Executive Officer position and to adjust the current salary by providing the incumbent a 5% increase.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	

Dr. Qureshi added that the decisions being made are not only for the Board's current Executive Officer, it is about the appropriate level of the Executive Officer of the Board regardless of who that person is in that position. Because of the level of detail that is required in this justification, he suggested forming an AdHoc Committee of two Board members.

Dr. Qureshi and Mr. King were selected by the President to be on the AdHoc Committee.

IV. Administration

A. Fiscal Year 2019/20 Summary Report

Mr. Moore reviewed the updated financial statement for Fiscal Year 2019/20. The total revenue for 2019/20 ended up about 4% less than the original projections of the beginning of the Fiscal Year and total expenses ended up approximately 2% higher.

B. Fiscal Year 2020/21 Budget Report

Mr. Moore noted differences in the current financial statement for Fiscal Year 2020/21 and noted that we were still on track in comparison to projections. He did report that there are still delays in receiving complete updates on the revenue, which is not surprising at this time due to the pandemic and staffing.

The current fund condition reflects a possible 6.6 months in reserve. Mr. Moore expects to see changes later in the budget year as the Board moves forward with some of the revenue trends.

C. Budget Letter 20-37 – Permanent 5% Budget Reduction

The Board was notified on November 6, 2020, that the Governor's Office had requested a permanent 5% reduction, beginning Fiscal Year 2021/22, referred to as Budget Letter 20-11. With the introduction of new Budget Letter 20-37, Mr. Moore included the email that was received from DCA with some key details. Final plans of where the Board believes it can accomplish the 5% savings must be submitted to the DCA Budget Office by December 28, 2020. DCA anticipates submitting the final plans to the Department of Finance by February 1, 2021.

Mr. Moore reported that managers and staff are working on identifying what are the best areas to target that that would not disrupt operations and have minimal impact on the Board's customer base. At the Director's meeting, it was clarified that the 5% reduction only applies to the Board's operating expenses and equipment budget less DCA pro-rata. The Board is looking at a proposed \$300,000 in savings beginning Fiscal Year 2021/22. Through the experience with the pandemic, the Board has learned that exam development meetings can be facilitated through a virtual format in lieu of in person, saving on the travel expenses that come from meeting in person.

In addition, the Board also has two open analyst positions that managers are trying to determine the cost savings while weighing the impact it would have on the customer base if the positions are not filled. Mr. Moore will be able to provide more detailed information at the next Board meeting.

10:45 a.m. Board Member Wilfredo Sanchez joined the meeting.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the enforcement statistics. Mr. King noted that the reduction in the time frames in the statistics were quite dramatic and assumes it is due to lengthier cases being closed. Ms. Criswell noted that some of the pitfalls of successfully completing several older cases does result in some longer time frames.

VI. Exams/Licensing

A. 2020 Examinations Update

Mr. Kereszt reported that exams were successfully administered during their scheduled testing windows in October and November. The land surveying and traffic exam results were recently released while results for the rest of the exams are currently still being finalized and should be released within the next two weeks. A chart of all exam candidate totals and results for the year will be provided at the next meeting along with more detailed information about the exam results and the challenges faced during 2020.

He also noted that the Examination Unit now has a dedicated phone line and email address that is allowing for more direct communication with approved exam candidates. This information can be found on the Board's website on the Contact Us page.

Ms. Mathieson recalled that at the last meeting some candidates elected to postpone their exams. She inquired if they will have an opportunity of postponing again. Mr. Kereszt reported that they are working on an alternative for the candidates, whether it is postponements or refunds. He is optimistic that an announcement will be made within the next couple of weeks.

B. Presentation from Prometric, Inc. – Remote Proctoring

Patrick Cheicante representing Prometric provided a presentation on remote proctoring. Mr. Cheicante reviewed some of the available security measures Prometric has to offer which include dedicated readiness agents, secured login controls, candidate authenticity checks, 360-degree environmental checks, proprietary locked down browsers, keystroke anomaly detections, one-way exam access, and live video review.

Mr. King and Ms. Irish thanked Mr. Cheicante. Ms. Irish asked about the security of the testing environment. Prometric has a cyber security officer and staff that monitors all aspects of the testing network which include remote proctoring. Ms. Mathieson appreciated the movement detection software. Mr. Cheicante replied that in addition to the software, there is a ratio of 8 to 1 which is in addition to security agent monitoring everything. If there is a distraction of any kind, there is a method in place to notify the candidate that they are being monitored. Mr. Cheicante reported that on Prometric's website, there is a link for test takers that advises candidates on how their environment should be set up. On the day of the exam, they conduct a room scan. The candidate would use their camera and conduct a full sweep of the room. If there are any questionable items that may look suspicious, they will be asked to make modifications.

During Public Comment, Alan Escarda, representing PEEG, thanked the Board for the presentation and noted that they support remote testing. In reference to the 5% cost reduction, he suggested that one method would be through the Board's partners and contractors. He asked if there would be any cost savings for the Board if the remote proctoring is implemented. Also, he added if there would there be an opportunity for cost savings through the Connect process that was implemented.

Mr. Moore expressed his appreciation to Mr. Cheicante and noted that there have been situations in the Board's current exam administration formats where there was exam subversion, ultimately resulting in questions having to be archived and additional funds spent to replace them. He is curious if Prometric has had any experience with exam subversion related to remote proctoring. Mr. Cheicante reported that as individuals are checked in, they check for devices, clothing, glasses, etc. Everything that is done in a Prometric examination center is done through remote proctoring. They have not had issues with exposure of items or test content. They make sure that no devices other than their computer is available or within reach.

Mr. Moore added that the Board allows for the candidate to bring personal reference materials into the exam. Those reference materials are usually checked in by the CBT center staff to ensure that those items are appropriate and comply with the Board's examination guidelines. Mr. Cheicante reported that just like in the test center, they would allow for materials to be managed virtually.

Mr. Moore also sought confirmation on whether candidates will continue to pay a "seat fee" as they are still being proctored whether in a test center or remotely. Mr. Cheicante confirmed that would be the case.

Mr. Cheicante noted that Prometric provides a guided implementation process to their clients. As for candidate communication, they would make

sure that the outreach to the testing candidate is clear and provides a good overview of what to expect.

VII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that the fee regulations were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on November 18, 2020 and will become effective January 1, 2021. Board staff continues to collaborate with DCA's IT team to ensure that all software platforms will be updated in time for the effective date. Mr. Moore pushed hard with DCA to get this taken care of by this date. DCA's Executive Leadership supported the Board from the Rulemaking team all the way to the Executive Leadership.

The Substantial Relationship Criteria and Criteria for Rehabilitation package has been submitted to OAL for review on December 2, 2020.

B. Update on Board's Business Modernization Project

Mr. Moore reported on the Business Modernization Project. Currently in the later stages of the Product Increment 2 phase, Sprint 8 is scheduled to be completed soon. The implementation of UAT (User Acceptance Testing) for the product increment phase will take place December 18-21, 2020. The priority for this phase is implementing renewals for all license types and preparing refinements to support the next level of applications. Ms. Irish expressed her appreciation and suggested the development of a paper on the approach and delivery of this project to share with other boards and bureaus that may not have gone through this process but could benefit from an example of best practices.

Mr. Moore reviewed a notice that was shared on the Board's website and shared with those who subscribe to the Board's emails that referenced the change in the upcoming license renewal process. There is another state agency that assists DCA boards and bureaus with mailing the license renewal notifications, but they have notified DCA that they are discontinuing this service next year because of other responsibilities. The Board has begun the campaign and will continue to advise license holders to create a profile and register so that they will receive notification via email or text message notifications.

During Public Comment, Mr. Escarda noted his appreciation for the Board's efforts and wanted to encourage recognition of the team members for their efforts.

Mike Sheahan, from Caltrans, inquired if it has ever been discussed to have renewal fees be automatically deducted in lieu of the licensee paying for their renewals and then submitting a travel expense claim for reimbursement. Mr. Moore noted that this has been discussed. The issue is that the license

renewal is for an individual and since the Board does not license companies or agencies there is nothing in place to bill their agencies or companies. There is also the possibility that the licensee wants to change their status and may not want to renew, or a licensee may be subject to other fees that are not pertinent to the agency to be involved.

C. Personnel

Mr. Moore reported that the receptionist position is still vacant, but he is expecting to make an announcement at the next Board meeting that it will be filled. The application acceptance process is closed for the Administration Manager, and staff will work with DCA's Human Resources Office to determine eligibility. The Board currently has analyst vacancies in the Licensing Unit and the Enforcement Unit.

D. ABET

Dr. Amistad reported that he had a productive experience with his ABET observation. Ms. Mathieson is scheduled to attend another visit in February 2021.

E. Association of State Boards of Geology (ASBOG)

1. Annual Meeting Report

Mr. Moore reviewed the Annual Meeting Report. The meeting was held virtually. Ms. Mathieson officially represented the Board and staff member Laurie Racca participated as Chair of the ASBOG Examination Committee.

Ms. Mathieson reported that ASBOG has a new disciplinary database portal intended to facilitate communication among individual state boards. If one board disciplines a licensee, the other boards are able to view the information. It is password protected and not accessible to the public. Once this database is in place, the Board will select a member of its staff as an authorized person who will have access to the information.

She added that the Professional Ethics Committee continues the development of useful ethics questions.

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

Mr. Moore reported that he is a consultant on the Examinations for Professional Surveyors (EPS) Committee. They held their first meeting of 2020/21 virtually to discuss what their charges are.

President Asgari reported on the grading of the structural examination.

Dr. Qureshi reported that NCEES has cancelled the in-person meetings for the spring. He is also reported that the Advisory Committee on Council Activities (ACCA) meeting will be held virtually later in January.

Ms. Mathieson followed up on the letter to ASBOG that she reviewed encouraging them to implement Computer Based Testing. Since the pandemic, there no longer appears to be any push back from ASBOG for CBT. Ms. Racca is Chair of the Examination Committee, and she presented a report about the organization's progress toward CBT.

Mr. Moore reported that he is in the middle of his third term as Secretary/Treasurer for NCEES Western Zone. At the last Board meeting, Dr. Qureshi proposed re-nominating Mr. Moore. However, Mr. Moore does not intend to seek another nomination and needs to concentrate on Board priorities for the foreseeable future. While his involvement with NCEES will continue, he will no longer seek to serve as Secretary/Treasurer of the Western Zone.

G. Update on Outreach Efforts

Mr. Moore reviewed the Board's outreach efforts.

H. Board Meeting – Format for Virtual Meetings

Mr. Moore discussed possible video conferencing for Board meetings. By incorporating video, the Board needs to consider whether everyone has the same bandwidth, the platforms used, and members of the public. He reviewed some options. He suggests making it an option and not mandatory and only consider the panelists, such as Board members, and staff or invited speakers when they are making presentations. Sarah Irani, the Board's moderator, clarified that cameras cannot be turned on for attendees, only for panelists. Mr. Moore included that the advice and guidance being provided by DCA at this time is that all boards plan on continuing virtual meetings until at least July 1, 2021.

Mr. Moore noted that there will be a practice session scheduled prior to the next Board meeting to ensure a successful experience with video conferencing.

VIII. 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.

Mr. Moore provided a brief explanation of the functions of the TACs to Mr. Hartley.

During Public Comment, David Woolley, representing the Orange County Chapter of CLSA, would like to see policy issues and topics that govern the practice of land surveying brought to the LS TAC. He indicated that there are practice issues throughout the state, and it would be nice to have a balance of contributions.

X. Approval of Meeting Minutes

A. Approval of the Minutes of the August 20, 2020 and October 15-16, 2020 Board Meetings.

MOTION:	Ms. Mathieson and Mr. King moved to approve the August 2020 minutes.
VOTE:	11-0-2, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel	X				
Michael Hartley			X		
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino			X		
Wilfredo Sanchez	X				

Ms. Irish commented that on page 71, under Enforcement, there is a record of the report on San Bernardino County and the alleged company, Group Land Surveyors. She noted it was confusing and vague, but not to the extent that she would want to change the language. If there are no other concerns, then she will not make an issue of it.

MOTION:	Dr. Amistad and Ms. Alavi moved to approve the October minutes as amended.
VOTE:	12-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				

Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino			X		
Wilfredo Sanchez	X				

XI. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Mr. King requested a copy of the 2021 Board meeting dates.

XII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Personnel Matters [Pursuant to Government Code sections 11126(a) and (b)]
 - 1. Executive Officer Performance Evaluation
- 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)]

XIII. Adjournment

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

PUBLIC PRESENT

Mark Sheahan
 David Woolley
 Alan Escarda