

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

Teleconference

Thursday, February 4, 2021, beginning at 9:00 a.m.

<b>Board Members Present:</b>	President Alireza Asgari; Vice-President Natalie Alavi; Fel Amistad; Rossana D'Antonio; Duane Friel; Michael Hartley; Eric Johnson; Coby King; Asha Lang; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez
<b>Board Members Absent:</b>	Kathy Jones Irish
<b>Board Staff Present:</b>	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 9:00 a.m., and a quorum was established.

President Asgari congratulated Board Member Coby King on his reappointment and welcomed the newest Board Member, Paul Novak.

## II. Pledge of Allegiance

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

9:05 a.m. Board member Michael Hartley joined the meeting.

## III. Public Comment for Items Not on the Agenda

During Public Comment, Rob McMillan, representing CLSA, announced he will be serving as the CLSA Board Liaison for the meeting until Annette Hovorka joins the meeting later. He welcomed the new Board members and expressed his appreciation to the Board.

## IV. Administration

### A. Fiscal Year 2020/21 Budget Report

Mr. Moore reported on the current financial statement which is current through Fiscal Month Five. There are no real changes from the projections except for one line item, Information Technology. There was an increase from our original Fiscal Month One projection which was due to the

Business Modernization Project. Each of the four programs signed a contract for the SLP (Software licensing program) platform for years 2-5. This was the cost of our share of the software.

9:10 a.m. Board member Mohammad Qureshi joined the meeting.

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

At the December 10, 2020, Board meeting, Mr. Moore reported on Budget Letter 20-37 which was requested by the Governor's office for a permanent 5% reduction scheduled to begin next Fiscal Year. Initially, it was determined by DCA's Budget Office that 5% is equivalent to just slightly under \$300,000 which must be identified. Subsequent to this meeting, the Board was notified that DCA and the Department of Finance had defined which portions of our funds were subject to the 5% reduction which reduced the target amount from \$300,000 to \$180,000. Staff identified the savings could primarily come from transitioning the Exam Development meetings for the State exams to a virtual setting. This method of exam development was initiated in April 2020 when the pandemic began. Most of that savings was already realized and has been working very well. Overall, staff is feeling very optimistic about this method with the least amount of disruption to any of the operations or public services.

V. Legislation

A. 2021 Legislative Calendar

Ms. Eissler reviewed the Legislative Calendar.

B. Discussion of Legislation for 2021

1. AB 29: State Bodies: Meetings

<b>MOTION:</b>	Mr. King and Vice-President Alavi moved to take an "oppose unless amended" position and ask that AB 29 be amended to include clarifying language regarding exemptions for Closed Session materials and legislative, regulatory, and budgetary materials.
<b>VOTE:</b>	14-0, 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				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

Ms. Eissler added that Bill AB 339, regarding the Bagley-Keene Open Meeting Act, was introduced last week and will be brought to the Board at the April meeting.

**VI. Enforcement**

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the Enforcement Statistics.

Mr. King inquired if the pandemic has affected enforcement. Ms. Criswell noted that there was a period of adjustment in the beginning while looking for more electronic means of communications and handling complaints. There were some delays in being able to assist the public and maintaining communication. Complaints, in general, have not really changed. She reported that the public has been very patient and understanding. At times, there is a higher level of emotions in dealing with the public in terms of enforcement related issues but is indicative of what everyone is going through currently. The Attorney General's Office and the Office of Administrative Hearings had to adjust heavily to teleworking and the administrative hearing process. There were delays in the beginning but have leveled off. She believes the pandemic has had no affect on the discipline process; in fact, they have improved greatly.

**VII. Exams/Licensing**

A. 2020 Examination Results

Mr. Kereszt shared the exam results for 2020. He noted that as a result of the pandemic, Prometric test centers were closed for exams for three months which impacted the statistics for the end of quarter 1 and quarter 2 in its entirety. Testing resumed July 1, which was the first day of quarter 3.

The CSE exam for the spring was administered since it was at the beginning of March, while the land surveyor exam had to be cancelled as it was scheduled in April. The statistics for the land surveyor exam are only for the October exam administration. NCEES and ASBOG all had to cancel their spring exam administration. The statistics presented are just for the fall 2020 exam administration.

As for 2021, the pandemic continues to impact the administration of the exams, both state and national. NCEES had scheduled a civil engineer exam for California candidates that was supposed to have been administered on January 29th in Pomona. This was an effort to offset the limited number of examinees that they could have for the fall but due to the pandemic, they had to cancel that exam. As for ASBOG, they were supposed to administer the Fundamentals of Geology and the Practice of Geology in Long Beach in March, but it was moved to Sacramento because of the ongoing challenges in Southern California. The state specific civil exams are also being impacted by cancellations, closures, and reschedules partly due to Prometric testing centers closing for pandemic related issues. Staff is working daily with Prometric to identify and contact affected exam candidates. At this point, staff does not solely rely on Prometric to contact any of the candidates that are impacted. Staff also follows up with them just to ensure that they understand that their exam has been affected and to help them reschedule. Prometric also has been overwhelmed with their own pandemic concerns.

Mr. Kereszt expressed how important communication is during these times and assures that there is ongoing communication with Prometric, NCEES, and ASBOG to relay changes that occur and to attempt to mitigate the effects on exam candidates.

**B. 2021 Examinations Update**

During Public Comment, Rob McMillan thanked Board staff for continuing to assist candidates.

Alan Escarda, representing PECG, asked if the changes made for the pandemic will permanently change the examination process. Mr. Kereszt noted that for the state exams, it is difficult to say. He would like to see more consistency and stability and does not foresee many changes at this point.

**VIII. Executive Officer's Report**

**A. Rulemaking Status Report**

Mr. Moore reported on the various Rulemaking items. The Repeal of the Professional Engineer and Land Surveyor Appeals regulation has been approved by DCA and sent to Agency on December 17, 2020. If Agency comes back without comments, then it will proceed to the public comment period.

Substantial Relationship Criteria and Criteria for Rehabilitation regulatory package is under final review by Office of Administrative Law (OAL) as of December 2020

Board staff is working with DCA Legal to prepare documents for initial

notice for the definition of traffic engineering regulatory proposal.

Staff continues to work on the Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists.

B. Update on Board's Business Modernization Project

Product Increment 2 (PI2) of the Business Modernization Project launched January 20, 2021. Refinements were added to the current EIT and LSIT application process which enabled access to the external user and to our office staff. License renewal process for all licensees who are eligible for renewal was enabled. The former online electronic renewal process that the Board utilized for approximately 5 years was disabled. There was a transition time when the former renewal processes were offline for about 2 weeks before PI2 of the Connect system launched. For the most part, the changes are working very well and have received positive feedback from most of our licensees that the overall process was a little bit smoother than with the former version. Licensees encountered some issues which were anticipated mainly due to when a licensee registers in Connect, they are offered the opportunity to link to any other licenses in our current databases. Once those links are established, they see the status of the other licenses they hold. However, we use certain criteria in the information they used to register to ensure that linking is accurate. Due to the manner in which data was collected over the last few decades in our former systems, specifically date of birth, some licensees would encounter issues. Staff has been able to resolve those issues very quickly which is enabling everybody to renew their license. Mr. Moore reported that since its launch on January 20 through January 30, 260 licenses were renewed which was expected for that portion of the month based on previous years. On February 1, there were over 200 licenses renewed in one day due to licenses that are set to expire at the end of March. Staff is very excited and are already in the planning stages for the next sprint to further the application and enforcement processes.

Mr. King congratulated staff on the progress so far and looks forward to reports on the next phase which will include professional level application processes and refinements to the Board's online complaint submittal and monitoring processes. He inquired what is to come in Product Increment 3 and 4. Mr. Moore reported that Product Increment 3 has begun and will end sometime in April and Product Increment 4 will begin shortly after the completion of PI3 and run through August when the four programs that are in this project's initial development contract is scheduled to end. There is Maintenance and Operations option after that to allow us to develop, build, and refine our system over the next few years. At the end of the initial contract, part of the project scope is to transfer knowledge and expertise from the developer to DCA Project Management Staff and the

Office of Information Services (OIS). The other programs participating in the process are experiencing success as well. Mr. Moore noted that along with our Board, Bureau for Private Post-Secondary Education is similarly complex based on the licensee population. DCA currently has Project Management Staff working with other boards that were not in the BreEZe transition and not in this cohort, that are now in various stages in their own Business Modernization Process.

C. Personnel

Mr. Moore reported that the vacant receptionist position has been filled by Francesca LaFleur. Mr. Moore announced that a number of applications were received for the Administrative Unit Manager position, and it is anticipated that interviews will be held soon.

D. ABET

Last summer it was reported that the Board was invited to virtually participate in two ABET reviews. The second visit was cancelled as it was not deemed necessary to have an observer when no one can be there.

E. Association of State Boards of Geology (ASBOG)

Staff continues to work with ASBOG to continue exam administrations.

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

1. Report from 2021 Board President's Assembly

NCEES has been experiencing the impact of the pandemic and the effect it has on their exam candidates. In the fall of 2020, there was one site open in California (Visalia) and most of the remaining California examinees were afforded an opportunity to travel to Nevada at two locations (Las Vegas and Reno) to take the examinations. This was in no small part due to NCEES's efforts and the Nevada Board's efforts to arrange for those sites. NCEES also arranged for an additional 15-20 regional locations around the country to administer exams in late January. One site was in Pomona for approximately 500 candidates for the NCEES Professional Civil Engineering exam. Mr. Kereszt spent quite a bit of time in communication with NCEES and the Los Angeles County Department of Health. It was a late decision, but the exams were cancelled for California. Currently, the April paper and pencil exams are scheduled and NCEES has reported that registration for the California sites filled up quickly and they are working diligently to accommodate everyone.

The Western Zone interim meeting will be held virtually and is scheduled for mid-May. Details will be provided as they become available.

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach report.

**IX. 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.

**X. President's Report/Board Member Activities**

President Asgari participated in the Structural Engineering Licensing and Regulation meeting between California, Oregon, Washington, Alaska, and Hawaii. Topics discussed were structural engineering exams transitioning to CBT (Computer Based Testing), structural licensing requirements, applications from other states and countries, and the possibility of establishing similar policies throughout the states.

President Asgari attended the NCEES Board President's Assembly and indicated it was very informative.

**XI. Approval of Meeting Minutes**

A. Approval of the Minutes of the December 10, 2020, Board Meeting

<b>MOTION:</b>	Mr. Ruffino and Mr. Sanchez moved to approve the meeting minutes as amended.
<b>VOTE:</b>	14-0, 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				
Paul Novak			X		
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

**XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting**  
During public comment, Rob McMillan commended President Asgari and the moderator. Additionally, Mr. Moore mentioned that he would like to discuss dates for a future strategic planning session with the Board.

**XIII. 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)]

**XIV. Adjournment**

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

**PUBLIC PRESENT**

Rob McMillan, CLSA  
Alan Escarda, PECG