

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

Teleconference

Thursday, May 27, 2021, beginning at 9:00 a.m.

<b>Board Members Present:</b>	President Alireza Asgari; Vice-President Natalie Alavi; Fel Amistad; Rossana D’Antonio; Michael Hartley; Kathy Jones Irish; Coby King; Betsy Mathieson; Paul Novak; Mohammad Qureshi; Frank Ruffino; and Wilfredo Sanchez
<b>Board Members Absent:</b>	Duane Friel; Eric Johnson; and Asha Lang
<b>Board Staff Present:</b>	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement 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. He announced that this would be Natalie Alavi and Asha Lang’s last Board meeting and thanked them for their service as their terms will expire June 30, 2021.

President Asgari observed a moment of silence to honor the memory of former Board Member Bob Stockton.

He also announced that this was his last Board meeting as Board President and thanked everyone for the opportunity to serve in this capacity.

**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**

No public comment.

**IV. Consideration of Rulemaking**

A. Adoption of Regulatory Proposal to Repeal Title 16, California Code of Regulations 443 and 444 (Inspection of Examination and Examination Appeal)

<b>MOTION:</b>	Mr. King and Ms. Mathieson moved to adopt the final rulemaking proposal; and delegate to the Executive Officer to finalize the rulemaking file.
<b>VOTE:</b>	11-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
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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				

**V. Administration**

A. Fiscal Year 2020/21 Budget Report

Mr. Moore referenced the addendum and noted a typographical error on the Renewal Fees section of the Fund Condition. Through staff assistance, it was determined that fiscal year FM1 Projections column was still considering the new fee structure for a full fiscal year when it only went into effect January 1, 2021.

He also noted that the current projections reveal less than Fiscal Month 1 Projections, approximately a 4% decrease. Traditionally, May is the largest volume month for license renewals. Since the report only reflects through the end of April, May's volume is not represented.

Mr. Moore introduced Dawn Hall, the new Administrative Services Manager. Through her assistance, Angela Yu, Bryan Lai, and Catherine D'Anna have come up with ideas on how to resolve the backlog related to cashiering of applications received due to staff being on leave.

There was an increase in C&P Services – External due to an increase in legal witness fees compared to prior fiscal months; credit card fees, although not substantial; and the renewal of several external contracts with Prometric that were finalized and executed.

**VI. Legislation**

A. 2021 Legislative Calendar

Ms. Eissler reviewed the Legislative Calendar. She reported that we are nearing the end when bills need to make it out of their house of origin for this year. This is the first year of a two-year cycle. Bills that do not make it out by the June deadline can be brought back as a two-year bill in January.

B. Discussion of Legislation for 2021

1. **AB 2** Regulations: legislative review: regulatory reform.

<b>MOTION:</b>	Ms. Mathieson and Mr. King moved to take a position of “Watch” on AB 2.
<b>VOTE:</b>	11-0, 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				

2. **AB 29** State bodies: meetings.  
No action taken at this time.

3. **AB 54** COVID-19 emergency order violation: license revocation  
No action taken at this time.

4. **AB 107** Licensure: veterans and military spouses.

<b>MOTION:</b>	Mr. Ruffino and Mr. Novak moved to take a position of “oppose unless amended” on AB 107, as amended April 20, 2021, and request that language be added to clarify that applicants for a license issued by this Board must pass the appropriate state-specific licensure examinations prior to the time period in which the temporary license must be issued.
<b>VOTE:</b>	11-0, 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				

5. **AB 225** Department of Consumer Affairs: boards: veterans: military spouses: licenses.

<b>MOTION:</b>	Mr. Ruffino and Mr. Amistad moved to take a position of “watch” on AB 225, as amended April 24, 2021.
<b>VOTE:</b>	11-0, 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				

6. **AB 339** Local government: open and public meetings.

<b>MOTION:</b>	Mr. King and Mr. Ruffino moved to remove the position of “watch” and take no position on AB 339, as amended May 4, 2021.
<b>VOTE:</b>	10-0-1, 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				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

7. **AB 646** Department of Consumer Affairs: boards: expunged convictions.

<b>MOTION:</b>	Mr. King and Ms. Alavi moved to take a position of “watch” on AB 646, as amended April 14, 2021.
<b>VOTE:</b>	11-0, 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				

8. **AB 885** Bagley-Keene Open Meeting Act: teleconferencing.  
No action taken at this time.

9. **AB 1026** Business licenses: veterans.

<b>MOTION:</b>	Ms. Mathieson and Mr. Novak moved to take a position of
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	“watch” on AB 1026 and also authorize staff to change its position to “oppose unless amended” if the bill is amended to require the Board to waive “any and all fees associated with obtaining a license” or similar wording, because the Board is concerned with who would be responsible for paying pass-through fees, such as those owed to the Department of Justice to conduct criminal background checks or ASBOG for the national geology examinations.
<b>VOTE:</b>	11-0, 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				

10. **AB 1030** Professional Land Surveyors’ Act and Professional Engineers Act.  
No action taken at this time.

11. **AB 1291** State bodies: open meetings.  
No action taken at this time.

12. **AB 1386** License fees: military partners and spouses.

<b>MOTION:</b>	Mr. Novak and Ms. Alavi moved to take a position of “oppose unless amended” on AB 1386, as amended April 28, 2021, and request that the language relating to examination fees be amended to clarify that it applies only to state-specific examinations administered by the board.
<b>VOTE:</b>	11-0, 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				

13. **SB 102** COVID-19 emergency order violation: license revocation.  
No action taken at this time.

14. **SB 407** Professional Land Surveyors' Act.  
No action taken at this time.

15. **SB 414** Land.

<b>MOTION:</b>	Mr. Ruffino and Mr. King moved to take a position of "support" on SB 414, as amended April 27, 2021, since the amendments requested by the Board were made.
<b>VOTE:</b>	11-0, 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				

16. **SB 607** Professions and vocations.

<b>MOTION:</b>	Ms. Mathieson and Mr. Amistad moved to take a position of “watch” on SB 607, as amended May 20, 2021, and direct staff to work with the author to clarify what fees are to be waived.
<b>VOTE:</b>	11-0, 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				

17. **SB 772** Professions and vocations: citations: minor violations  
No action taken at this time.

11:05 a.m. Ms. Alavi left the meeting.

**VII. Enforcement**

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell presented the Enforcement statistics.

Ms. Mathieson noted that the first half of the year there were more completed investigations than open investigations and noted there was a transition period and now there seems to be more open than completed cases. Ms. Criswell expressed that she is not overly concerned as one project may have many people involved which may cause a spike in complaints. There is no formula for why it occurs.

**VIII. Exams/Licensing**

A. 2021 Examinations Update

Mr. Moore reported that the Board is awaiting the results of the spring national exams and the state PLS exam results. The ASBOG results were



received as well as the state CSE last week. The state CBT exams are moving along more consistently now that Prometric has rectified their issues with the Civil exams. Mr. Kereszt should have a more detailed report at the next meeting.

## **IX. Executive Officer's Report**

### **A. Rulemaking Status Report**

Mr. Moore provided an overview of the rulemaking items.

### **B. Update on Board's Business Modernization Project**

Staff is currently in the midst of user acceptance testing for Product Increment 3. Staff has been working hard and has doubled the number of testers. They have provided detailed feedback and pertinent long-term ideas. The development team extended testing for another week due to the extensive testing and feedback received.

### **C. Personnel**

Dawn Hall was hired as the new Administrative Services Manager, Leijaira Swiggum was brought on board as a new Application Evaluator to process geology applications. The Exam Unit completed interviews for an analyst to replace Susan Baker who recently retired.

### **D. ABET**

No report given.

### **E. Association of State Boards of Geology (ASBOG)**

Several staff members attended an online presentation from ASBOG that outlined their plans to transition to Computer Based Testing (CBT). It appears that it will be a soft adoption of CBT meaning only the administration will be computer based. They are planning that the development and grading will continue to be performed in the same manner, at least for the foreseeable future. Board staff will still be responsible for supplying ASBOG with a list of eligible candidates, twice a year. The Board will be provided the results and continue to be responsible for the distribution to the candidates. The Board will no longer be responsible for collecting the ASBOG fees; the candidates will pay them directly to ASBOG. Because of this change, staff is currently evaluating the regulations for the fees and will bring a rulemaking proposal to the Board in the near future to begin the process to remove the National ASBOG related exam fees from our regulations. ASBOG is optimistic that they will begin offering the CBT administration as early as Spring 2022 examinations, but they are also flexible with extending this time if they need to accommodate member boards that may need to change rules or legislation.

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

1. 2021 Western Zone Interim Meeting Report – May 13, 2021

Mr. Moore reported that the Western Zone Vice-President, Scott Bishop from Utah, and Dr. Qureshi as the Assistant Vice-President for the Zone came to the Board office for the meeting, which was conducted virtually. Karl Tonander from the New Mexico Board was elected as 2021-23 Western Zone Secretary-Treasurer.

3. 2021 Annual Meeting – August 2021 - Additional Voting Delegate

<b>MOTION:</b>	Dr. Qureshi and Mr. King moved to appoint President Asgari as the additional voting delegate.
<b>VOTE:</b>	10-0, 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				

2. Resolution of Cooperation

Mr. Moore recalled that at the November 2019 Board meeting, the Board discussed the initial draft of the proposed Resolution of Cooperation, which the NCEES Member Board Administrators (MBA) Committee prepared and distributed in hopes that all member boards would sign. Many boards, including our own, had serious concerns with the language. At that time, the Board passed a motion that the Board would communicate with NCEES or the MBA Committee that California strongly objected to the draft of the resolution and California would not sign on to anything that does not explicitly recognize each state’s individual sovereignty over these issues. While California is in favor of increased comity and further cooperation across boards and licensure, this resolution needs significant changes before the Board would consider signing it.

Shortly after the conclusion of the 2021 State of the Council virtual sessions, a revised draft was distributed via email from the 2020-21 MBA Committee explaining that, as part of NCEES' 100-year anniversary celebration, the MBA Committee developed a resolution of cooperation for member boards to sign as a way to reaffirm their commitment to facilitating mobility and promoting uniformity of the licensure process. This is a nonbinding agreement that is designed to serve as guidance for member boards to find ways to reduce barriers to licensure and expedite comity licensure. The MBA Committee indicated its goal was 100% participation and invited each board to download, sign, and return the completed resolution form to NCEES.

Staff does not believe that the revisions that are reflected in the new draft substantially address the Board's previously-communicated concerns. Mr. Moore noted that there were no requests to provide further suggestions for revision. The deadline to return the signed resolution is December 31, 2021. All member boards that complete the signing process before August 1, 2021 will be recognized at the 2021 Annual Meeting and receive a wall plaque to recognize their commitment to licensure mobility.

<b>MOTION:</b>	Ms. Mathieson and Mr. Amistad moved to not sign the Resolution of Cooperation and to direct staff to draft a letter explaining the Board's reasons for not signing it.
<b>VOTE:</b>	9-0-1, 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				
Paul Novak	X				
Mohammad Qureshi			X		
Frank Ruffino	X				
Wilfredo Sanchez	X				

- G. Update on Outreach Efforts  
Mr. Moore reviewed the outreach efforts.

Mr. Moore thanked Ms. Alavi and Ms. Lang for their service and extended his appreciation to President Asgari for his efficiency, effectiveness, and his availability.

**XI. Discussion for an Increase in the Exempt Salary Level of the Executive Officer**

President Asgari reported that the Office of Human Resources reviewed the draft justification and has provided revisions, which are currently being reviewed. There was no further report.

**XII. President’s Report/Board Member Activities**

President Asgari participated in the NCEES Western Zone meeting.

**XIII. Nomination and Election of President and Vice President for Fiscal Year 2021/22**

Dr. Qureshi reported that there were no nominations or self-nominations, and, therefore, the Nominating Committee had to reach out to Board members to encourage participation.

The Nominating Committee nominated Betsy Mathieson to serve as President and Rossana D’Antonio to serve as Vice-President for the term beginning July 1, 2021.

<b>MOTION:</b>	The Nominating Committee and Mr. King moved to elect Ms. Mathieson as Board President and Ms. D’Antonio as Vice-President.
<b>VOTE:</b>	10-0, 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				

**XIV. Approval of Meeting Minutes**

A. Approval of the Minutes of the April 1, 2021, Board Meeting

<b>MOTION:</b>	Ms. Mathieson and Mr. Amistad moved to approve the April 1, 2021, minutes.
<b>VOTE:</b>	10-0, 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				

**XV. Discussion Regarding Proposed Agenda Items for Next Board Meeting**

Ms. Mathieson would like Laurie Racca, Geology Registrar, to be present for the next meeting so other members will have an opportunity to meet her.

Dr. Qureshi suggested having all the Registrars introduce themselves. Mr. Moore will ask them to see if they can make it happen.

**X. Strategic Plan Workshop – Discussion of Board’s Mission Statement, Vision Statement, and Values**

The Board engaged in a Strategic Planning Workshop to develop the Board’s Mission and Vision Statements and Values.

1:35 p.m. Kathy Jones Irish joined the meeting.

**XVI. 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)]
  - 1. Matt Aston, Freddy Espinal, Jesse Moorhouse, Ground Penetrating Radar Systems, LLC v. Board for Professional Engineers, Land Surveyors, and Geologists, Sacramento Superior Court Case No. 34-2020-80003553

**XVII. Adjournment**

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

**PUBLIC PRESENT**

No members of the public identified themselves.