

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

Teleconference

Friday, July 23, 2021

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

I. Roll Call to Establish a Quorum

President Mathieson called the meeting to order at 9:08 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, Caleb McCallister, PLS, Caltrans Chief of Survey Standards, introduced himself as the liaison to the Board.

David M. Schwegel, PE Industry Oversight Consultant representing the US High-Speed Rail Association, is in support of promoting Traffic Engineering to a regulated practice.

Alan Escarda, representing PEEG, thanked Mr. Moore for the presentation that he gave in June.

IV. Administration

A. Fiscal Year 2020/21 Budget Report

Ms. Hall reported on the financial statement. There has been an increase in initial application volume in fees and an increase in revenue for delinquency fees. She anticipates having the full Fiscal Year 2020/21 and Fiscal Year 2021/22 projections available at the September Board meeting.

The Fund Condition reflects the current year projected results and the Governor’s Budget for the next Fiscal Year.

Mr. King thanked Ms. Hall for the report and noted that in the Governor’s budget year, there is a rather substantial increase in renewal fees. Ms. Hall acknowledged the significant increase and believes there are two factors. The fee increase will be in effect for the full Fiscal Year and the renewals are on a biannual cycle and next year renewal cycle represents an increase in volume.

Mr. Ruffino asked about the months in reserve and noted they are progressively declining. Ms. Hall explained that in the expenditures for the Fund Condition report are appropriated for months of expenses and not the actual expenses. By September she will be able to project the actual expenditures which are less than the appropriated amount. She does not predict that the Months in Reserve will continue to trend downward. Mr. Moore indicated that it is recommended by DCA that the Board maintain 3-6 months in reserve.

V. Legislation

A. 2021 Legislative Calendar

Ms. Eissler reviewed the legislative calendar. The Legislature is currently in their summer recess and will return in August.

B. Discussion of Legislation for 2021

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

MOTION:	Mr. King and Mr. Novak moved that the Board take a position of “oppose unless amended” on AB 107, as amended July 15, 2021, and to authorize a change in the position to support if AB 107 is amended as requested by the Board.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

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

MOTION	Mr. King and Mr. Amistad moved that the Board take a position of “watch” on AB 225, as amended June 28, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

3. **AB 646** Department of Consumer Affairs: boards: expunged convictions.
No action taken.

4. **AB 1273** Interagency Advisory Committee on Apprenticeship: the Director of Consumer Affairs and the State Public Health Officer.

MOTION	Mr. Ruffino and Mr. Amistad moved that the Board take a position of “watch” on AB 1273, as amended June 28, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				

Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

5. **AB 1291** State bodies: open meetings.
No action taken.

6. **SB 414** Land.
No action taken.

7. **SB 607** Professions and vocations.

MOTION	Mr. Novak and Mr. King moved to take a position of “watch” on SB 607, as amended July 6, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

8. **SB 826** Business and professions.

MOTION	Mr. Ruffino and Mr. Johnson moved to take a position of “support” on SB 826, as amended July 12, 2021.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	

Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the enforcement statistics. Mr. King noted that the aging is increasing rapidly into timelines that the Board has not seen in quite a while. Ms. Criswell noted that the number of cases have increased this last fiscal year. Much of it is attributed to the Connect system which has really provided ease of access within the last several months. While she agrees the cases are aging, she does not think there is a huge cause for concern, while the numbers increased, she did note that the average days of investigation from the last fiscal year remained consistent. While she prefers to see it decreasing, she does not see it as a cause for alarm but is mindful of that increase.

Ms. Criswell noted that the aging of formal disciplinary cases from the opening of investigations to the effective date of the decisions has dramatically decreased. The original goal set many years ago by the Department of Consumer Affairs was 540 days, and the Board’s average is now down to 541 days. She credited the Office of the Attorney General and the Office of Administrative Hearings for their concerted efforts to work on decreasing their timeframes as well as the Board’s Liaison Deputy Attorney General, Amie Flynn, and the Office of Administrative Hearings.

During public comment, Alan Escarda asked about the types of complaints, especially those related to unlicensed practice, being processed through the new Connect system. Ms. Criswell noted that while the complaints are similar, there may be an increase in unlicensed practice. She has not tracked it to any specific degree.

VII. Exams/Licensing

A. 2021 Examination Update – First and Second Quarter Examination Results

Mr. Kereszt reviewed the examination results for Quarter 1 and 2 for the State Specific Civil Engineering exams. He reminded the Board examinations were halted for the month of March as a result of Prometric working through some technical issues. Exams resumed April 1. Prometric announced that they will begin to evolve their test center operations to better align with COVID-19 restrictions while closely monitoring guidelines.

B. Update on NCEES Examinations’ transition to Computer-Based Testing (CBT)

The NCEES Civil, Control Systems, and Metallurgical engineering exams will be administered by paper and pencil this fall but will be transitioning to CBT next year. The Structural engineering exam will continue to be administered by paper and pencil for the foreseeable future.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reviewed the Rulemaking Overview and reported that staff is currently working with the DCA Legal Office to submit the Repeal of the Professional Engineer and Land Surveyor Appeals (16 CCR 443 and 444) rulemaking proposal to the Office of Administrative Law.

B. Update on Board's Business Modernization Project

Mr. Moore reported that since the last Board meeting, Phase 3 was launched which allows applicants for Professional Engineer licenses that do not require state exams to submit applications online and refinements to the ability for consumers to file complaints online.

C. Personnel

Mr. Moore announced there are two vacancies in the Board's Licensing Unit. Mr. Moore introduced the Board's Staff Registrars, Dallas Sweeney, (Professional Land Surveyor); Natalie King, (Civil Engineer); and Laurie Racca, (Geologist).

D. ABET

Mr. Moore recalled that ABET provided the Board with observer opportunities and announced they would be in a virtual format. So far, Dr. Amistad has offered to be an observer. If anyone else is interested, please let Mr. Moore know by the end of the month as it is a good opportunity to see how accreditation works. Dr. Qureshi encouraged all Board members to participate to understand the importance of accreditation.

Ms. D'Antonio asked about the observers' responsibilities and commitments. Mr. Moore explained that they are committed for the entire time. In-person visits start Sunday afternoon and continue until Tuesday evening. As an observer, you would follow along with the accreditation team. You are not in the role of being a reviewer and developing a report however, depending on the team's make-up, you will be asked questions to gain feedback.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore reported that the ASBOG Annual Meeting Out-of-State travel request for Arkansas was denied. However, the travel to the Spring 2022 meeting was approved.

- F. National Council of Examiners for Engineering and Surveying (NCEES)
The Out-of-State travel request to the Annual Meeting in New Orleans was approved, and all three delegates are registered. In addition, the Out-of-State travel request to the Western Zone Interim meeting in Stateline, Nevada, was also approved.

1. Resolution of Cooperation Update

Mr. Moore reported that as requested by the Board, a letter was sent to the Chair of the Member Board Administrators Committee documenting the Board's concerns. It is Mr. Moore's understanding that not all of the member boards have notified NCEES of their position, but 12 boards, including California, have stated that they have met and have taken no action or have met and decided not to sign the resolution and just as many boards have indicated they will sign it. He anticipates that there will be some discussion at the Member Board Administrator forum next week and possibly during the in-person Annual Meeting.

2. 2021 Annual Meeting – August 2021 - Expected Motions

Mr. Moore presented the motions and noted there are three motions that have been brought to the Board's attention that will be pulled from the consent calendar:

1. **ACCA Motion 2** related to associate and emeritus members.
2. **Education Motion 3** related to the evaluation of applicants with degrees in technology.
3. **UPLG Motion 3** related to Continuing Professional Competency.

G. Update on Outreach Efforts

Mr. Moore reviewed the Board's outreach report for the second quarter. President Mathieson thanked the registrars for their outreach efforts.

Mr. Moore reported that the September Board meeting will most likely be two days and may possibly be held in person or virtually as a contingency. The current Governor's emergency order that allows boards to meet virtually is scheduled to expire September 30, which is after the September Board meeting. There is approval to meet in person, in a limited capacity, if it is something the Board wishes to pursue. If the Board decides to meet in person, then all Board members must be present. While the meeting space is secured, there is a possibility that guidelines may change. If nothing changes, it is possible that the November Board meeting may be held as a teleconference with all locations noticed on the Official Notice and Agenda. These locations would need to be ADA compliant and open to the public. Staff will continue to monitor closely.

Mr. Novak expressed his preference to plan on holding the September meeting virtually.

Dr. Qureshi would prefer to be in person.

Mr. Sanchez prefers to meet virtually due to logistics and the state of the world.

During Public Comment, David Schwegel sees tremendous value in face to face meetings.

Mr. Moore proposed having a BPELSG Connect presentation at the next Board meeting.

IX. President’s Report/Board Member Activities

Ms. Mathieson reported that she registered her profile with BPELSG Connect to utilize the renewal portal. She participated in the DCA Board President orientation and has attended DCA Board/Bureau leadership quarterly meetings.

Dr. Qureshi registered with BPELSG Connect as well.

X. Approval of Meeting Minutes

A. Approval of the Minutes of the May 27, 2021, Board Meeting

MOTION	Mr. King and Mr. Ruffino moved to approve the meeting minutes.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Mathieson	X				
Vice-President D’Antonio	X				
Fel Amistad	X				
Alireza Asgari	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish				X	
Eric Johnson	X				
Coby King	X				
Paul Novak	X				
Mohammad Qureshi	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				

XI. 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

XII. 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

Caleb McCallister, Caltrans
David Schwegel, High Speed Rail Association
Alan Escarda, PECCG