

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

Thursday, June 23, 2022, beginning at 9:00 a.m.

## Thursday, June 23, 2022

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

### I. Roll Call to Establish a Quorum

President Mathieson called the meeting to order at 9:00 a.m., and a quorum was established.

### II. Pledge of Allegiance

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

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

During Public Comment, an individual by the name of Hannah Camp inquired about the civil engineering licensure process after experiencing long delays for application review. Mr. Moore indicated that the Board will be discussing this matter later in the meeting.

### IV. Administration

#### A. Fiscal Year 2021/22 Budget Report

Mr. Moore reviewed the budget report. He noted there is not much of a change since the May meeting. There is a slight change in revenue in the positive direction. He explained that we will not see changes until Fiscal Month 13 closes. It has been trending in the direction projected.

### V. Consideration of Rulemaking Proposals

#### A. Amendments to, Adoption of, and Repeal of Title 16, California Code of Regulations sections 3005, 3024, 3024.5, 3026, and 3031 relating to ASBOG Examination Fees, Abandoned Applications, Postponements, and Examinations

Ms. Eissler reviewed the amendment as it relates to the ASBOG examinations specifically for the Fundamentals of Geology and the Practice of Geology national examinations. Beginning in the spring of 2023, ASBOG will be

administering the examinations rather than the Board, and they will collect the examination fees directly. There are changes that need to take place in regulation that references examination fees to remove those references as the Board will no longer be collecting them. In addition, updating the regulations relating to abandoned applications and postponements will bring them in line with the current operating procedures of the Board.

<b>MOTION:</b>	Dr. Qureshi and Dr. Amistad moved to approve the proposed regulatory text for Title 16, California Code of Regulations sections (16 CCR) 3005, 3024, 3024.5, 3026, and 3031 and direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review. If no adverse comments are received, the Board authorizes the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for a hearing if requested. If no adverse comments are received during the 45-day comment period and no hearing is requested, the Board authorizes the Executive Officer to take all steps necessary to complete the rulemaking and adopt and repeal the proposed regulations at 16 CCR 3005, 3024, 3024.5, 3026, and 3031, as noticed.
<b>VOTE:</b>	9-0, 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				
Christina Wong	X				

- B. Amendments to and Adoption of Title 16, California Code of Regulations sections 420, 3021, 3023, and 3032 relating to Applications, Computation of Qualifying Work Experience, and Schedules of Examinations

Ms. Eissler announced this item would be discussed at the August meeting.

- C. Amendments to and Adoption of Title 16, California Code of Regulations sections 427.10, 427.20, and 427.30 relating to References for Professional Engineers and Land Surveyors, Soils Engineers, and Structural Engineers

Ms. Eissler announced this item would be discussed at the August meeting.

## **VIII. Exams/Licensing**

### **D. Examination/Licensing Updates**

Mr. Moore reported that, during the transition to Connect, the Board publicized a deadline of September 30, 2021, to receive all paper applications related to Civil Engineer and Professional Land Surveyor licenses. After that date, all new applications would need to be submitted in the Connect system upon the November 10, 2021, Product Increment (PI) 3.5 release. There were far more paper applications by the end of September than the Board had previously received for civil engineering applications. When the transition to Connect took place, there was a significant change to the licensing application process. Staff had to process legacy (paper) applications while simultaneously processing the applications through Connect.

In addition to the new civil engineering and land surveying applications being submitted through Connect, PI 3.5 also included the ability for applicants to register and pay for the state-specific civil engineering and land surveying examinations through Connect. Legacy applicants who still needed to pass a state-specific examination needed to be able to create an account in Connect and register and pay for the examinations. Staff initially identified about 40,000 applicants in the legacy system who still needed to take a state-specific examination. This total was a result of the number of applicants who had submitted civil engineering and land surveying applications within the last two decades who have yet to complete the application process. It was eventually narrowed down to approximately 7,000 as many had not ever attempted to take a state-specific examination. If there is no activity on their application for 24 months, the applications are considered abandoned, and the applicant must start the application process over. This timeframe was extended to allow those who had not taken an examination the ability to do so. Staff along with the Connect developers came up with a method to allow these applicants an opportunity to access Connect for the first time to register and pay for the state-specific examinations without having to go through the application process again. Consequently, overall application processing timeframes were extended.

Applicants are currently experiencing a 4-5 month processing timeframe for reviewing and approving applications. While this timeframe is consistent with many of the Board's previous application process timeframes prior to Connect, it is not the timeframe staff expects with the new system once the transition is fully complete. Applicants and staff are accustomed to a 30-60 day processing timeframe. Dawn Hall and the Administrative Unit identified trends in common deficiencies, such as missing fingerprints, transcripts, and references. The application timeframe is no longer increasing the way it had been, and staff is getting a much better handle on the volume of applications.

The legacy applications are still being reviewed, and the timeframes are shortening to about 3 months. The goal is to get through technical review, identify deficiencies, and allow applicants to sit for the exams. As of January, there have been close to 800 professional engineer and land surveyor applications approved in the legacy system and the scheduling of over 1,700 state exam requests in both Connect and transferred legacy applicants. Board staff is working diligently to process those requests. Mr. Moore is optimistic that the processing time will return to the 30-60 day timeframe by the end of the year.

During Public Comment, Ms. Camp thanked the Board for their time and asked additional follow-up questions.

## **VI. Legislation**

### **A. 2022 Legislative Calendar**

Ms. Eissler reviewed the Legislative calendar. Summer recess occurs in July, and the Legislative Session ends at the end of August.

### **B. Discussion of Legislation for 2022**

1. AB 646 (Low) Department of Consumer Affairs: boards: expunged convictions.  
No action taken.
2. AB 1662 (Gipson) Licensing boards: disqualification from licensure: criminal conviction.  
No action taken.
3. AB 1733 (Quirk) State bodies: open meetings.  
No action taken.
4. AB 1795 (Fong) Open meetings: remote participation.  
No action taken.
5. SB 1120 (Jones) Engineering, land surveying, and geology.

<b>MOTION:</b>	Mr. Novak and Ms. Irish moved to take a position of “Support” on SB 1120, as amended June 15, 2022.
<b>VOTE:</b>	9-0, 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				
Christina Wong	X				

6. SB 1237 (Newman) Licenses: military service.  
No action taken.

7. SB 1365 (Jones) Licensing boards: procedures.  
No action taken.

8. SB 1443 (Roth) The Department of Consumer Affairs.

<b>MOTION:</b>	Dr. Qureshi and Dr. Amistad moved to take a position of “Support” on SB 1443, as amended May 19, 2022.
<b>VOTE:</b>	9-0, 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				
Christina Wong	X				

- 9. SB 1495 (Committee on Business, Professions and Economic Development) Professions and vocations.  
No action taken.

**VII. Enforcement**

A. Enforcement Statistical Reports

A. Fiscal Year 2021/22 Update

Ms. Criswell reviewed the enforcement statistics. Ms. Wong pointed out an increase in licensees who are subject to discipline. Ms. Criswell explained that there may be one subject with multiple projects, so separate complaint investigation cases are opened; when the investigations are referred to the Office of the Attorney General for formal disciplinary action, they are combined into one case.

**IX. Executive Officer's Report**

A. Rulemaking Status Report

Mr. Moore reviewed the status report and noted that Item 4 (Definition of Traffic Engineering) and Item 5 (Definitions of Negligence and Incompetence and Responsible charge Criteria for Professional Geologists and Professional Geophysicists) have lower priorities than the rulemaking packages relating to the ASBOG examination fees and application processing.

B. Update on Board's Business Modernization Project

The Board is currently in the warranty period of the project. Some clean-up remains before the vendor receives payment prior to transitioning to the maintenance and operations phase which is expected to start July 1, 2022. Mr. Moore reviewed feedback received from the users of the Connect system.

C. Personnel

Mr. Moore reported that two licensing evaluator vacancies have been filled. Staff is currently working on the recruitment process to back fill the front desk vacancy which is a result of a promotion. Staff Geologist Laurie Racca's retirement will create a vacancy. Interviews for that vacancy will take place next week.

D. ABET

ABET usually contacts the Board mid- to late summer about potential visits and observers. Mr. Moore will reach out to Board members to see if anyone is interested in attending once we receive information about potential visits.

E. Association of State Boards of Geology (ASBOG)

Mr. Moore is finalizing an out-of-state travel request to attend the ASBOG Annual Meeting in North Carolina. The request will likely be denied as ASBOG offers the ability to participate virtually and North Carolina is on the banned

travel list. President Mathieson reported that she participated in the ASBOG Nominations Committee for officers to be elected in the fall.

- F. National Council of Examiners for Engineering and Surveying (NCEES)
1. Report on Western Zone Interim Meeting, May 19-21, 2022, Stateline, NV  
Dr. Qureshi was elected as NCEES Western Zone Vice-President and will be running for President Elect in 2024. Also, Ms. Eissler was awarded the NCEES Western Zone Distinguished Service Award.
  2. Annual Meeting, August 23-26, 2022, Carlsbad, CA – Summary of Motions  
Mr. Moore presented the summary of draft motions and reviewed several for the 2022 NCEES Annual Meeting.

ACCA (Advisory Committee on Council Activities) Motion 1 has an effect on the NCEES budget and is not on the consent agenda. There was some discussion regarding adding a past president slot to each standing committee or task force. The discussion included costs involved for travel associated with those committees.

ACCA Motion 5 references diversity, equity, and inclusion. There were some language changes, and it is currently on the consent agenda.

ACCA Motion 9 and ACCA Motion 10 are similar in what they are attempting. Mr. Moore reported Motion 9 was not endorsed by the Board of Directors and is not on the consent agenda as they believe ACCA Motion 10 better covers the subject matter related to who is eligible for board membership and terms of office. Dr. Qureshi further explained that Motion 9 was to create representation for public members on the Board of Directors and Motion 10 is allowing public members to run for office of president and vice-president which they currently cannot do.

Mr. Moore reviewed the EPS (Examinations for Professional Surveyors) motions. The EPS committee had draft motions related to the number of divisions for the Principles and Practice of Surveying (PS) examination. After feedback from all four zones and the Board of Directors, the committee has chosen to pull back those motions and wait until the current occupational analysis study is completed later this summer to be evaluated fully by the committee.

Finance Motion 3 – Mr. Moore reported on the change of the fees going forward to be sustainable as a not-for-profit organization and to cover the costs for the exams. This was highly debated at the zone meeting.

Finance Motion 4 – Mr. Moore explained that the two structural exam sections did not have any revisions as they are still in paper form. Currently, the exam fee is \$400.00 per section, totaling \$800.00 to sit for the full two-day structural exam. When the structural exam converts to CBT, the fees

will be \$350 per section, totaling \$1,400.00 for four sections which will be spread out as an applicant can schedule for each section separately.

Finance Motion 5 – The new NCEES Chief Financial Officer has pointed out that even the not-for-profit organization must be able to remain sustainable and make enough profit to remain sustainable for its mission.

UPLG Motion 6 – Mr. Moore brought this motion to the Board’s attention as it garnered a lot of discussion at the zone meeting. It was in reference to office and field experience for land surveying applicants whether it should be combined to simply indicate *experience*.

Policy Statement 35 - Ms. Eissler discussed and recalled that there was a lot of discussion about what ultimately became the “BS+30” Policy Statement/Policy Statement 35. The idea was they would not require a master’s degree for licensure as a Professional Engineer; they would require a bachelor’s degree plus 30 additional units. It was originally in the Model Law, which for many member boards would be a mandated requirement that would be difficult to implement. Therefore, it was removed from the Model Law and ended up being a Policy Statement. The Engineering Model Task Force was assigned to review it and has proposed a complete revision. There was some discussion of it at the zone meeting because it was difficult to discern the actual wording due to the way it was presented via PowerPoint. Ms. Eissler noted that it is currently on the consent agenda, but considering the discussions that have occurred in the past about it, it may likely be pulled from consent. It has never affected our Board; however, our Board has never supported it.

Western Zone Motion 1 – Mr. Moore reported that the New Mexico Board proposed adding a third pathway to comity licensure to the Model Law and requested that it be a Western Zone Resolution to be presented at the Annual Meeting for consideration. There were discussions at the zone meeting with varying opinions. The Zone did vote in favor of it being presented as a Zone Resolution. The NCEES Board of Directors does not support the proposal, and it is not on the consent agenda. Mr. Moore believes it is not beneficial to pursue this pathway.

G. Update on Outreach Efforts

Mr. Moore reviewed the outreach efforts.

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

President Mathieson prepared the message from the President for the new Strategic Plan.

**XI. Nomination and Election of President and Vice President for Fiscal Year 2022/23**



President Mathieson reported that Board Members Fel Amistad and Alireza Asgari both served as the Nominating Committee. Dr. Amistad reported that they are nominating Rossana D’Antonio for the Board President position and Mike Hartley for the Vice President position.

<b>MOTION:</b>	Mr. King and Ms. Irish moved to close nominations.
<b>VOTE:</b>	9-0, 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				
Christina Wong	X				

<b>MOTION:</b>	Dr. Qureshi and Dr. Amistad moved to elect Rossana D’Antonio as Board President and Mike Hartley as Vice-President for Fiscal Year 2022/23.
<b>VOTE:</b>	9-0, 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				
Christina Wong	X				

**XII. Approval of Meeting Minutes**

A. Approval of the Minutes of the May 2, 2022, Board Meeting

<b>MOTION:</b>	Mr. Novak and Dr. Amistad moved to approve the minutes.
<b>VOTE:</b>	7-0-2, Motion Carried

<b>Member Name</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Recusal</b>
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				
Christina Wong	X				

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

Mr. Moore proposed changing the October meeting date from October 13-14 to October 20-21, 2022. There was one scheduling conflict with Board member Paul Novak.

**XIV. 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)]

**XV. Open Session to Announce the Results of Closed Session**

During Closed Session, the Board took action on two stipulations and three proposed decisions.

**XVI. Adjourn**

The meeting adjourned at 3:32 p.m.

**PUBLIC PRESENT**

Hannah Camp