

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

Teleconference

Thursday, December 14, 2023, beginning at 1:00 p.m.

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Board Members Present:	President Michael Hartley; Vice-President Christina Wong; Fel Amistad; Alireza Asgari; Rossana D'Antonio; Cristina Garcia; Coby King; Guillermo Martinez; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Fermin Villegas
Board Members Absent:	
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Celina Calderone (Board Liaison); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 1:00 p.m., and a quorum was established.

II. Pledge of Allegiance

President Hartley led everyone in the recitation of the Pledge of Allegiance.

III. Public Comment for Items Not on the Agenda

During Public Comment, Zachary Owens, Professional Geologist, expressed his frustrations in how a Professional Geologist and a Professional Engineer are viewed relating to employment by the State of California. Professional Engineers are eligible to accrue two years of necessary experience to be considered eligible for a promotion as a senior of a unit before they obtain their Professional Engineer license. He was not aware that there was a difference in how a Professional Geologist versus a Professional Engineer is viewed in the context of working with the State of California. He has contacted PECG, CalHR, and the Board, and there are no definitive statements being made by any agencies. He would appreciate communication to clarify these discrepancies.

IV. Approval and Adoption of the 2023-24 Sunset Review Report of the Board (Possible Action)

Ms. Eissler presented the final draft of the 2023-24 Sunset Review Report that must be submitted to the Legislature by January 4, 2024. She explained that the Board needs to approve and adopt the report as the Board's final report to submit it. Staff continues to work on some formatting issues, especially with the tables to ensure ADA compliance, but does not believe that any of the data or content will

change. She and Mr. Moore met with the subcommittee, which consists of Vice-President Wong and Mr. Martinez, following the November meeting and reviewed all of the comments and discussion points and made the necessary changes to ensure clarity. In addition, there was a fourth new issue included in Section 11. Mr. Moore explained that considering the collaboration with the Engineering Counsel of UK and British Consulate, it would be advantageous to include it as a fourth new issue in the event there be any legislative or regulatory changes that arise from this collaboration.

Mr. King expressed his amazement of how much work goes into these reports and how detailed they are. He noted that on page 39 there appears to be a word missing such as “release” or “phase III.” Mr. Moore agreed that it probably would read better if it said, “launch the Maintenance and Operations phase”. Mr. King pointed out that at the top of page 48, the word “Interim” is underlined. Mr. Moore tried to emphasize the word. Also, on page 50 there is a sentence that starts with the word “historically” that does not read right to him. Ms. Mathieson suggested including, “as are received”.

Ms. Mathieson is impressed with the improvements made from the previous draft and offered her amendments.

She noted that the text box on page 19 was different from the subheading before page 19. Ms. Eissler noted that it should be in a different position.

Ms. Mathieson made the following comments:

First paragraph on page 21 references, “almost as many as in San Francisco's great fire and earthquake” should say, “great earthquake and fire”.

Page 39, first sentence, “The success of the BMC 1 effort for the Board resulted in BPELSG Connect” should be clarified to say, “resulted in the selection and implementation of BPELSG Connect.”

Page 48, first full paragraph should read, “Factors that impact processing timelines *include*”, instead of includes.

Page 49, the sentence, “There was an 26% increase” should be “a 26% increase.”

Page 52, the last heading before the table was “**Licensing Program Performance Targets**.” However, she believes the table is a new topic and, therefore, should have a new heading as it no longer discusses performance targets. Mr. Moore explained that the table in the section is what came from the committees. Ms. Mathieson indicated that the Table 6 is not cited in the text and it would probably be helpful. Ms. Eissler said that they will review it. Mr. Moore explained that the contents of that section has to do with licensing performance measures, and it is the Board’s response. Ms. Eissler further explained that the tables represent active

licenses, not applications for licensure. It is data regarding active licenses. The heading would be licensee population. She believes the issue is what comes after it appears to go into another topic.

On page 72, “All information reviewed to determine if the crimes or acts were substantially related” should say, “All information is reviewed”.

Page 73, “in 2001, the Board updated these regulations to conform to the statutory changes made by AB 2138.” AB 2138 was passed in 2018 and should reflect 2021. Also, on page 73, fifth line from the bottom should reference *submit* not *submitted*.

Page 92, second full paragraph should say, “demonstrated incompetence” instead of “demonstrated incompetency.”

Page 120, she believes there should be a heading that references “customer satisfaction survey” following the chart. Mr. King indicated that it is a continuation of the previous information. The narrative is in regard to initial applications and discusses a customer satisfaction survey as part of the process, but it is within a larger narrative about initial applications.

Ms. Mathieson has noticed that the data in the table reflects that with every category, satisfaction has been decreasing which is stated after the table and the efforts that the Board is making to improve. However, before the table, the last sentence says, “Satisfaction with the application submittal and review process has generally trended in a positive direction.” Mr. Moore explained that when he looks at the results of the survey in its entirety, and not solely on initial applications, that was his intent. He will consider rewording it so that it is clear. Ms. Mathieson suggested adding a sentence right before the table that says, “the following results are specifically for initial applications.” Mr. Moore would prefer to reword the existing sentence and suggested, “satisfaction with the application submittal and review process while positive, has trended in a downward direction.” Mr. King disagreed and noted that the 2022-2023 numbers in two of the categories are higher and suggested, “indicates general satisfaction with the application submittal and review process.” Mr. Moore and Ms. Mathieson agreed with Mr. King’s suggestion.

On page 121, starting with the fifth paragraph and continuing with the following five paragraphs, Ms. Mathieson believes these are actions that the Board is taking to improve customer satisfaction. She believes it needs a transition sentence at the beginning outlining the information within this section. Ms. Eissler reported that the intent is to discuss what the Board does to help individuals with the application process, not a customer satisfaction survey. We do not create jobs for licensees but through the application process, such as processing applications in a timely manner and outreach, lead to helping individuals become ready to get jobs in the profession.

Page 122 bottom of page, clarify the term, “increased authenticity.” Mr. Moore received this information from discussions with the psychometricians and suggested simply deleting it.

Page 140, last sentence, “The Board believes the information contained in this report supports the continued operation of the Board”, she would prefer, “in the interest of public protection” or “to protect the public”. Ms. Eissler indicated this issue was raised in the last Sunset Review, so it is an update of what was previously reported regarding the last Sunset Review.

Page 145, the Fourth New Issue is the only new issue heading that is underlined.

Page 157, the dates of the Strategic Plan are different than the Strategic Plan in the table of contents. Ms. Eissler explained that the date will be updated to match that of the table of contents.

Mr. Martinez thanked Mr. Moore and Ms. Eissler and staff for compiling the data for the Sunset report; he stated learned so much going through the process. Ms. Eissler will share his sentiments with Board staff.

Legal Counsel Pirrone listed his amendments:

- Page 27 First paragraph, B&P code Section 6728 should be 2726
- Page 42 (2) 3005(c) should be 3005(b)
- (3) 3005(e) should be 3005(d)
- 7887 should reference (b) and (c)
- (4) 7887(i) should be 7887(g) also, 407(f) should be 407(d) and 3005(h) should be 3005 (g)
- (5) 407 should have subdivision (g)
- 3005(f) should be 3005 (e)
- 7887(f) should be 7887(d)

Ms. Eissler will ensure that all of the references are appropriate.

MOTION:	Mr. King and Dr. Amistad made a motion to adopt the 2023-24 Sunset Review Report with changes noted and any nonsubstantive changes that may need to be made and submit it to the legislature.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D’Antonio	X				
Cristina Garcia	X				

Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

Ms. D’Antonio inquired as to the process once the Sunset Report is approved by the Board. Ms. Eissler explained that the deadline to submit the report to the Senate Business, Professions and Economic Development Committee and the Assembly Business and Professions Committee is January 4, 2024. Typically, staff for both committees will review the report and discuss it with the chairs. Generally, it is assigned to one staff person at one of the committees to conduct the majority of the review. They will prepare a background paper that summarizes what was included and poses issues and questions that they will want the Board to address. The hearings are typically scheduled in March and sometimes pushed to April depending on legislative business. During the hearing, they will likely request that the Board give a brief overview of the Board’s operations and select some of the issues they have raised that they will want the Board to address at the hearing. The members of the committees are allowed to ask questions, as well. From there, the Board will prepare a written response to the background paper and the issues that is typically due 30 days after the hearing date. She recalled at the last Sunset Hearing, the Board had 8 issues and they discussed 2-3 of the issues at the hearing. At that point, there is a bill that is introduced to extend our Sunset dates, hopefully, and if we asked for any changes to statutes that would typically be included in the bill, as well. That bill will go through the legislative process which include hearings with the committees and going through both houses.

V. Discussion on Mutual Recognition Agreement between the Engineering Council in the United Kingdom (ECUK) and National Council of Examiners for Engineering and Surveying (NCEES) (Possible Action)

Mr. Moore explained that when the Board met in October of this year and reported on the Annual Meeting for NCEES, it was announced by NCEES and the British Consulate that they, in cooperation with the ECUK, were working on a mutual recognition agreement (MRA) to streamline bidirectional licensing between the two countries. At that time, the Board was advised that NCEES was working on the draft agreement, and we would wait to see what would develop. Mr. Moore introduced the two individuals from the British Consulate, Gregor Catto and Lucy Campbell, who have been working on the MRA, which is close to completion. He expects that any of the U.S. licensing boards that would be participating would be referred to as a Participating Member Board. It is intended to establish a streamlined, consistent application and comity pathway to gain a license in either jurisdiction. It would require the use of an NCEES record formally known as a council record. The differences in how

they will be recognized will be dependent on the language in the agreement as it relates to the International Engineering Alliance (IEA) criteria. California statutes are already open to cross-jurisdictional licensure and is unique in the manner in which it licenses engineers by discipline or branch of engineering. It is important to understand which type of examination they are taking and the area of expertise. There are multiple states that allow waiver of the Fundamentals of Engineering (FE) examination under certain provisions. The Board also has authority to establish a rule to waive the FE examination which is established under Board Rule 438. The Board also has statutory authority to establish a similar rule for waiver of the NCEES Principles and Practice engineering (PE) examination and in the case of the civil engineer the two California civil exams yet has never exercised that statutory authority.

Subsequent to the NCEES Annual Meeting, the Board was recently invited to attend a delegation in London to meet with the Engineering Counsel of the UK (ECUK) to discuss licensing requirements and to see what their requirements consist of for their Chartered Engineers and learn about engineering practice in the UK while considering the MRA process.

This Board has the option to determine whether or not they want to be a participating member board of the MRA. Mr. Moore's understanding of the few applications that have come from the UK to seek licensure in California, it is because they have a specific level of expertise. He offered an example of engineers working on the High-Speed Rail design and development. It will also allow California licensed Professional Engineers to seek licensure in the UK if they have specific expertise to offer.

Mr. Moore reported that there are approximately 70 active licensed engineers with an address of record in the UK, which is comprised of Britain, Wales, Northern Ireland, and Scotland. He sees it as a positive to show that we can collaborate with other countries.

Initially the UK offered to fund one representative to attend but has recently acquired funding for two representatives from the Board. Mr. Moore's recommendation is that if the Board wishes to explore this level of detail about licensure criteria, education, experience, and examinations that it would be appropriate to have an engineer Board member be one of the representatives and suggests that he also attend to aid in the discussions. The Board has submitted an out of country request to DCA and Agency in preparation for this action and are receiving positive feedback considering the funding being provided. Mr. Moore recommends Ms. D'Antonio as a possible delegate.

Lucy Campbell, Deputy Counsel General, thanked Mr. Moore for inviting her and Gregor Catto, Senior Trade Policy Officer from their Embassy in Washington, for an extremely comprehensive overview of what their goal is for the Mutual Recognition Agreement. She also introduced Sean Kagan, their

Senior Trade Policy Officer from the Council in Los Angeles. Mr. Catto expressed his appreciation for the Board’s consideration and they are very excited for the opportunity, not only to streamline the process, but to also gain some of the expertise California has to offer. He echoed Mr. Moore in that he believes they have the same high standards when it comes to licensing, just in a slightly different manner and this is part of why they have invited the Board to this delegation in February.

Ms. D’Antonio reported that a quarter of all NCEES candidates nationwide seek licensure in California, which is powerful leverage. If the Board wishes to have any influence, we need to be present. She also discussed the workforce crisis not only in the U.S. but worldwide. She is on the Board of the American Society of Civil Engineers (ASCE) and they have conducted research on workforce issues. The Bureau of Labor Statistics projects a need for 25,000 new civil engineers each year through the end of the decade. She believes if we can leverage our international partnerships and strategic relationships, we can reduce the gap and believes this is timely and necessary.

During Public Comment, an individual by the name of Gareth I. Mills, P.G., C.E.G. from Southern California, stated he believes the Board has a great opportunity to also include geologists as they are a part of the Board. He asks and encourages the Board to discuss the possibility to include geologists as well.

Mr. Moore explained to Mr. Mills that while this is an agreement between NCEES and the Engineering Counsel of the UK, it is focusing on engineering; however, it does not mean that it is not something that national societies and representatives from the UK could collectively discuss in the future.

Mr. Moore expects that he and Ms. D’Antonio will spend a great deal of time understanding everything there is to know about the agreement and engineering practices in the UK. Updates will be placed on a future agenda, possibly for the March 2024 meeting. He has already informed both Mr. Catto and Ms. Campbell that if the Board should need to move forward with regulation changes, that it will be at least a year process.

MOTION:	President Hartley and Vice-President Wong moved to accept the UK invitation to the February meeting and delegate Ric Moore and Rossana D’Antonio as delegates and commit to explore this effort based on the information that we know at this time.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				

Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio	X				
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

VI. Approval of Meeting Minutes (Possible Action)

A. Approval of October 3, 2023, Board Meeting Minutes

MOTION:	Mr. King and Ms. Mathieson moved to approve the October 3, 2023 Board meeting minutes.
VOTE:	11-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Rossana D'Antonio			X		
Cristina Garcia	X				
Coby King	X				
Guillermo Martinez	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas	X				

VII. Adjourn

Meeting adjourned at 2:53 p.m.

PUBLIC PRESENT

Lucy Campbell
Gregor Catto
Gareth I. Mills, P.G., C.E.G.
Zakary Owens