

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

Office of the Attorney General
 1515 Clay Street, 20th Floor
 Conference Room 20-52
 Oakland, CA 94612

Thursday, October 13, beginning at 10:00 a.m.

Thursday, October 13, 2016

Board Members Present:	Coby King, President; Mohammad Qureshi, Vice President; Natalie Alavi; Fel Amistad; Chelsea Esquibias; Cynthia Guzman; Eric Johnson; Asha Lang; Betsy Mathieson; Karen Roberts; Jerry Silva; Robert Stockton; and Steve Wilson
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); Kara Williams (Budget Analyst); Laurie Racca (Registrar); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

President King called the meeting to order at 10:15 a.m., and a quorum was established.

II. Public Comment

No public comment.

V. Consideration of Rulemaking Proposals

A. Approval and/or Adoption of Proposed Amendments to Title 16, California Code of Regulations §425 (Land Surveyor Experience Requirements)

Ms. Eissler reported that the Board did not receive comments during the 45-day comment period.

MOTION:	Mr. Stockton and Ms. Lang moved to adopt the proposed amendments to Title 16, California Code of Regulations section 425 and direct staff to finalize the rulemaking file for submission to the Department of Consumer Affairs and the Office of Administrative Law.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish				X	
Asha Lang	X				
Betsy Mathieson	X				
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

MOTION:	Mr. Stockton and Mr. Johnson moved to delegate the authority to the Executive Officer to make any nonsubstantive grammatical changes that may arise during the finalization of the rulemaking file and to then finalize the actual rulemaking file for submittal.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish				X	
Asha Lang	X				
Betsy Mathieson	X				
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

VIII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2016/17 Update

Ms. Criswell reported on the enforcement statistics that included combined PELS and G&G statistics for prior years. She added that they are reaching their Strategic Plan goals in reducing the aging of

cases. Mr. Moore added that they are close to meeting and exceeding the performance measure goals that were established in the 1990's.

IX. Exams/Licensing

A. Fall 2016 Update

Mr. Moore reported on behalf of Larry Kereszt, Licensing Program Manager. He noted that the state civil engineering examinations will start next week on October 19 and continue for three weeks. The state specific land surveyor examination will take place on October 31. Changes are being promoted to the land surveyor application process as discussed in previous meetings which will provide more flexible opportunities to take the examinations and become licensed. Some of the changes are coupled with NCEES's movement towards Computer Based Testing (CBT) for the professional level examinations starting with the Professional Surveyor examination. NCEES started continuous testing October 3 across North America. Land Surveyor candidates are being instructed that if they have passed their Fundamentals of Surveying examination, they can continue to take the National Principles of Surveying examination without first applying to the Board. Once they have successfully passed the examination and have the required experience, they may then apply for California licensure.

Mr. Moore reported that Prometric has opened up a Stockton location to aid in accommodating examination candidates.

President King noted for the record that Ms. Jones Irish was absent as she was recovering from surgery, and her doctor advised against travel.

III. Hearing on the Petition for Reinstatement of Surrendered License of Shih-Weng Chiang, a.k.a. Steve Lin Chiang

IV. Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]

XVI. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), 11126(e)(1), and 11126(e)(2)(B)(i)]

A. Civil Litigation

1. Thomas Lutge v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Court of Appeal, Third Appellate District, Case No. C075779 (Sacramento Superior Court Case No. 34-2012-80001329-CU-WM-GDS)
2. Joseph Elfelt v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2015-80002130

3. Lawrence Allen Stevens v. Board for Professional Engineers, Land Surveyors, and Geologists, Department of Consumer Affairs, Sacramento Superior Court Case No. 34-2016-80002334

IX. Open Session to Announce the Results of Closed Session

During Closed Session the Board directed the Administrative Law Judge to prepare its decision on the Petition for Reinstatement of Surrendered License, took action on a proposed decision and a stipulation, and discussed litigation, as noticed.

VI. Legislation

A. Discussion of Legislation for 2016:

Ms. Williams briefly discussed important dates and noted that the Legislature will reconvene December 5, 2016, for the 2017-2018 session.

SB 1194 Senator Jerry Hill, Chair of the Senate Committee on Business, Professions, and Economic Development, carried SB 1194 related to the North Carolina Board of Dental Examiners Supreme Court case. This bill failed the deadline pursuant to Joint Rule 61 on August 31, 2016. Significant concerns from opposition arose in regards to the implementation and necessity of the bill as it relates to California law. However, DCA reported that this bill will return next year and will be in an amended form.

SB 1085 This bill, which was authored by Senator Roth, is needed to safeguard the public from unnecessary non-practice-related violations of the laws committed by California Professional Engineers, Land Surveyors, and Geologists. Based on the Board's experience, licensees fail to adequately and independently stay up-to-date with critical legal and regulatory changes that directly affect the manner in which they provide services to and for the general public. This bill would institute an online assessment relating to California laws and regulations under the Board's jurisdiction to reinforce licensee's knowledge of the relevant laws. This bill was chaptered September 25, 2016, by the Secretary of State, Chapter 629, Statutes of 2016, and will go into effect January 1, 2017.

SB 1165 This bill is authored by Senator Canella. It requires geologists and geophysicists to sign and seal documents and extends the delinquent reinstatement rights to a licensee from 3-years to 5-years after expiration of their license. In addition, this bill will allow an applicant for licensure as a geologist, instead of the graduation requirement, to have completed a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology and requires that at least 24 semester hours, or the equivalent, be in upper division or graduate coursework. This bill was chaptered August 29, 2016, by the Secretary of State. Chapter 236, Statutes of 2016, and will go into effect January 1, 2017.

SB 1479 This bill was authored by the Senate Committee on Business, Professions and Economic Development as the Committee Omnibus Bill. This bill makes nonsubstantive changes to the provisions of the Board's Acts. This bill was chaptered September 25, 2016, by the Secretary of State. Chapter 634, Statutes of 2016, and will go into effect January 1, 2017.

VII. Administration

A. FY 2015/16 Budget Summary

Ms. Williams reviewed the expenditures for Fiscal Year 2015-2016 and the prior 2014-2015 Fiscal Year. She outlined personnel services, prorata, general expense, examinations, and enforcement. She outlined the revenue report which included revenues from fees and fines, new license and application fees, license renewal fees, delinquent fees, income from surplus money investments and any unclaimed checks and warrants. The Board's revenue exceeded the expenditures resulting in a surplus of approximately \$1 million.

President King would prefer seeing actual expenditures for the current fiscal year, along with a comparison of the actual expenditures for the prior fiscal year for the same time period.

B. FY 2016/17 Budget Summary

Ms. Williams reported on the projected Governor's budget.

X. Approval of Delinquent Reinstatements

MOTION:	Mr. Stockton and Mr. Silva move to approve the delinquent reinstatements.
VOTE:	13-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish				X	
Asha Lang	X				
Betsy Mathieson	X				
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

XI. Executive Officer's Report

A. Legislation and Regulation Workgroup Summary

Ms. Eissler provided an update on the regulations staff is currently working on and indicated there are quite a few that have started the final review process. They have been submitted to DCA to be reviewed and once approved, they will go to the Office of Administrative Law. The regulation concerning Qualifying Experience for Land Surveyors was adopted by the Board earlier in the meeting; therefore, staff will begin finalizing the rulemaking file for submittal.

B. Personnel

Mr. Moore reported that recruitment for the Land Surveyor Registrar is still ongoing. Enforcement staff members, Tralee Morris and Donna Vaum, will be leaving the Board’s Enforcement Unit by the end of the calendar year, and the Licensing Unit is currently recruiting for a lead analyst.

C. ABET

Mr. Moore reported that the majority of the ABET visits for this year involved computer engineering programs in which the Board does not offer licensure.

D. ASBOG

1. Fall meeting motions

- a. Charter Amendment 2016-2: Article 3 related to Definition of Subject Matter Expert
- b. Bylaws Amendment 2016-17: Section 9.01 related to Committee on Nominations Members and Voting Rights for Member Boards

Ms. Racca explained that ASBOG’s Executive Committee is looking to define Subject Matter Expert for the purpose of exam development at the national level. This would give them the ability to approve subject matter experts who are not licensed. If they choose to allow this, it will then put the Board’s ability to participate in the national exam in jeopardy as it is an examination security issue and does not meet California’s standards. She also reviewed the other proposed amendments to the Bylaws and the staff recommendations on how the Board’s representatives should vote at the upcoming ASBOG meeting.

c.

MOTION:	Ms. Mathieson and Mr. Silva moved to approve all staff recommendations.
VOTE:	13-0, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				

Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish				X	
Asha Lang	X				
Betsy Mathieson	X				
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

c. Approve BPELSG Representative for Voting

MOTION:	Mr. Johnson and Ms. Lang moved to approve Betsy Mathieson and Laurie Racca as voting delegates at ASBOG.
VOTE:	12-0-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish				X	
Asha Lang	X				
Betsy Mathieson			X		
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

E. Discussion with Department of Conservation, Office of Mine Reclamation (OMR) and State Mining and Geology Board (SMGB) pertaining to the Surface Mining and Reclamation Act (SMARA) and future Rulemaking Efforts

Ms. Racca reported that there were several pieces of legislation regarding SMARA that the Board was tracking and recently SB 209 and AB 1142 were chaptered. The Board was contacted by the Office of Mine Reclamation (OMR) for assistance in developing regulations to implement these changes because they wanted to make sure that they had the Board's participation when drafting requirements for licensed professionals. They facilitated a meeting and included the Board's registrars and discussed training that they will be directing to the various counties. They will draft regulations and will meet back with staff and include them in their training endeavors.

F. NCEES

Mr. Moore reported that former Board member Patrick Tami was elected as the 2016-17 President–Elect.

The Structural Engineer position statement did not pass.

Mr. Moore added that the member boards approved an increase of \$25 for the CBT examinations for the professional surveying and professional engineering while decreasing the fees for the fundamentals examinations by \$50 to encourage more participation.

G. Outreach

Since the August Board meeting, Ms. Racca participated in two professional society presentations, two school visits, a visit to the Department of Water Resources, and the Regional Water Quality Control Board in Redding. She has an invitation to speak to employees at the California Energy Commission about licensure. Mr. Moore provided a presentation to the Los Angeles Department of Water and Power and participated in an enforcement presentation with Tiffany Criswell at Cal Poly Pomona’s Geomatics conference. Ms. Racca will be going to UC Berkeley November 9, 2016, Cal Poly Pomona November 17, 2016, and all three registrars will be at Cal Poly, San Luis Obispo at the end of November to provide outreach. Mr. Moore provided a webinar for CLSA regarding the land surveyor application process and another webinar is scheduled in November to discuss unlicensed practice.

XII. 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

1. Approval of 2016-2017 Geology and Geophysics TAC Workplan

Mr. Santiago requested that Number 5 in the workplan be struck. Mr. Moore recommended forgoing the adoption at this time so that appropriate language may be developed to properly reflect the role of the TACs relating to enforcement issues.

XIV. Approval of Consent Items

D. Approval of the Minutes of the August 18, 2016, Board Meeting

MOTION:	Mr. Stockton and Mr. Silva moved to approve the August minutes.
VOTE:	12-0-1, Motion Carried.

Member Name	Yes	No	Abstain	Absent	Recusal
Coby King	X				
Mohammad Qureshi	X				
Natalie Alavi	X				
Fel Amistad	X				
Chelsea Esquibias	X				
Cynthia Guzman	X				
Eric Johnson	X				
Kathy Jones Irish				X	
Asha Lang	X				
Betsy Mathieson			X		
Karen Roberts	X				
William Silva	X				
Robert Stockton	X				
Steve Wilson	X				

XIII. President’s Report/Board Member Activities

No report given.

XIV. Other Items Not Requiring Board Action

A. 2017 Board Meeting Schedule

Board members will review the proposed calendar and provide feedback so that it can be finalized at the December Board meeting.

B. Next Board Meeting:
December 8-9, 2016
San Diego, CA

The Board recessed at 4:40 p.m.

Friday, October 14, 2016

Board Members Present:	Coby King, President; Mohammad Qureshi, Vice President; Fel Amistad; Chelsea Esquibias; Cynthia Guzman; Asha Lang; Betsy Mathieson; Karen Roberts; Jerry Silva; Robert Stockton; and Steve Wilson
Board Members Absent:	Natalie Alavi; Kathy Jones Irish; and Eric Johnson
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); and Michael Santiago (Legal Counsel)

I. Roll Call to Establish a Quorum

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

Mr. Moore reminded the Board to download their meeting materials before each meeting and not use Wi-Fi or the internet during meetings.

XI. Executive Officer's Report (Cont.)

H. 2015-2018 Strategic Plan – Mid Plan Review

Mr. Silva indicated that licensees say they do not know when publications are available and suggested including a notice in the renewal. Mr. Moore indicated that he will look into whether an insert can be included and explained the Board does not disseminate the renewals and cannot modify the notice.

President King inquired about the Board's social media presence. Mr. Moore indicated that the Board is on both Facebook and Twitter and encouraged Board members to follow the newsfeeds.

Mr. Stockton addressed Objective 2.4, "Evaluate and identify ways to reduce the application process timeframes," and asked for clarification of the completeness of this objective. Mr. Moore explained that the assessment has been initiated, and staff is evaluating the current processes.

Mr. Stockton indicated that since many of the items are still in progress he suggested an abbreviated workshop to benefit the new Board members.

Ms. Eissler explained that the spreadsheet only shows what the Board had identified as the priorities for the first and second year and not the entire Strategic Plan. The plan in its entirety will be presented at the December meeting. Mr. Moore advised that a full workshop should take place in the spring/summer of 2017 in order to update the Strategic Plan.

Vice-President Qureshi indicated that the "In Progress" phase is nohelpful. He explained that the Strategic Plan is not a to-do list; the items are tasks that are ongoing and have a process to them. There has to be some level of completion to that process.

Mr. Moore explained that the Strategic Plan is a tool to aid in determining where we want to go and the plan helps justify requests to DCA, Agency, and Budgets.

President King suggested breaking down the objectives into more detailed sub-tasks to demonstrate progress. Vice-President Qureshi indicated that some of the tasks and objectives are ongoing while others are measureable.

President King noted that if an item is in progress, he would prefer more information on what has been completed and what is remaining. Mr. Moore suggested having an item on the agenda to report on what is in progress only.

President King added that for the remaining items, he would like to have a start date and a projected finish date. In addition, he would like a spreadsheet of the entire plan.

Mr. Moore provided an update to the BreEZe implementation and explained that it has been released to half of the boards. The remaining boards are no longer considered to be "Release 3" boards, and there is no BreEZe implementation plan for them. The Board has elected to proceed with its own business process improvement plan to determine what it will need in a new system, a process which has been encouraged by DCA.

Ms. Roberts inquired about Objective 4.6, with regards to the status of technical expert consultants. Ms. Criswell explained that she has been consulting with the Division of Investigations and the Attorney General's Office and other boards to get input on what they look for in an expert. SOLID has been contacted to help determine how best to present an effective training tool for the experts.

President King directed that the entire Strategic Plan, with status updates for the objectives, be presented at the December meeting for further discussion.

XV. Adjourn

The meeting adjourned at 10:25 a.m.

PUBLIC PRESENT

Craig Copelan
Warren Smith
Robert McMillan
Bob DeWitt