

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

Department of Consumer Affairs
1625 N. Market Blvd., Hearing Room #102
Sacramento, CA 95834

Thursday, January 16, 2020, beginning at 9:00 a.m.

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| Board Members Present: | Fel Amistad, President; Steve Wilson, Vice President; Natalie Alavi; Alireza Asgari; Duane Friel; Andrew Hamilton; Kathy Jones Irish; Eric Johnson; Coby King; Betsy Mathieson; Frank Ruffino; and Robert Stockton |
| Board Members Absent: | Asha Lang; Mohammad Qureshi |
| Board Staff Present: | Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Jeff Alameida (Administration Manager); Larry Kereszt (Examinations Manager); Celina Calderone (Board Liaison); Laurie Racca (Senior Registrar); Dallas Sweeney (Senior Registrar); and Reza Pejuhesh (Legal Counsel) |

I. Roll Call to Establish a Quorum

President Amistad called the meeting to order at 9:01 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

Kim Kirchmeyer, Director of the Department of Consumer Affairs, introduced herself and reported that some of her main focuses include collaborating with the boards and bureaus to improve client service and satisfaction; data transparency within the department to aid in turn-around times and to improve various processes; decrease the timeframe and streamline the regulation process; the ability to retrieve Fi\$Cal reports in an efficient and usable manner; decrease investigation times; working to improve ADA compliance issues; and insuring legislation that is passed is actually implemented by all boards and bureaus within the department.

She reminded Board members that they are required to re-take the Board Member Orientation course within one year of being reappointed and they are also required to complete the Form 700.

Annette Hovorka, current President of the California Land Surveyors Association (CLSA), advised that she was appointed by CLSA to serve as its liaison to the

Board. She works for Caltrans and has extensive experience in land surveying and looks forward to working with the Board. She was pleased that the pass rate for the California Professional Land Surveyor examination has improved and believes it is in part due to a well-developed test plan and outreach that has greatly enhanced the test taking experience.

Jarrold Ramsy-Lewis, Civil Engineer, representing Professional Engineers in California Government (PECG) is looking forward to working with the Board by increasing communication between its members and the Board by promoting licensure and the profession.

Robert DeWitt, representing the American Council of Engineering Companies – California (ACEC-CA), is looking forward to working with the Board to assist in legislation.

IV. Consideration of Rulemaking Proposal

A. Approval and/or Adoption of Rulemaking Proposal to Amend Title 16, California Code of Regulations sections 407 and 3005 (Fees); to Amend Title 16, California Code of Regulations section 410 (Certificates); and to Adopt to Title 16, California Code of Regulations section 3010 (Certificates)

Mr. Alameida presented the rulemaking proposal to seek approval to pursue an additional 15-day noticed public comment period for the regulatory fee package and direct staff to finalize the rulemaking package.

He indicated that the effective date of the new license renewal fees needs to be changed from January 1, 2020, to July 1, 2020. In an effort to remain transparent, an additional 15-day public comment period should be provided due to this change. Mr. Alameida noted that the Board received two additional comments beyond the comment period that were identified and responded to as well. The next step is to publicly notice the new modified text and seek direction to adopt the changes and pursue final rulemaking upon completion of the comment period if there are no substantive comments received.

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| MOTION: | Mr. Stockton and Ms. Alavi moved to approve the proposed modification to text to change the effective date for the new license renewal fees and to direct staff to notice the change for the required 15-day public comment period; to adopt the responses to the comments with the change to indicate that the Board based its determination of estimated cost impacts to public agencies on all data available to the Board; to adopt the final rulemaking proposal after the 15-day public comment period if no substantive comments are received; and to delegate to the Executive Officer to finalize the rulemaking file. |
| VOTE: | 12-0, Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Fel Amistad | X | | | | |
| Steve Wilson | X | | | | |
| Natalie Alavi | X | | | | |
| Alireza Asgari | X | | | | |
| Duane Friel | X | | | | |
| Andrew Hamilton | X | | | | |
| Kathy Jones Irish | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Asha Lang | | | | X | |
| Betsy Mathieson | X | | | | |
| Mohammad Qureshi | | | | X | |
| Frank Ruffino | X | | | | |
| Robert Stockton | X | | | | |

V. Administration

C. Fiscal Year 2019/20 Budget Report

Mr. Alameida continues to work with the Department’s Budget office on the fund condition. He provided an updated version of the financial statement that includes an activity log through December 24, 2019. One of the benefits of the Fi\$Cal reporting system is that information can be obtained at any point in time versus monthly reports.

A. Fiscal Year 2017/18 Budget Status

B. Fiscal Year 2018/19 Budget Status

Mr. Alameida is also working with the Budget Office on year-end reports for 2017/18 and 2018/19. He is happy to report that the 2017/18 reports were received the day prior to the Board meeting and the 2018/19 reports will be available in February.

VI. Legislation

A. 2020 Legislative Calendar

Ms. Eissler reviewed the legislative calendar. It is the beginning of session and because it is the second year of a two-year session, bills from last year are being brought back, as well as new bills being introduced. There are currently no bills for the Board to discuss.

VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2019/20 Update

Ms. Criswell reviewed the statistics. Mr. King commended staff for the significant drop in the number of days from the opening of a complaint investigation to the date of the final decision. Ms. Criswell also credited the

Attorney General's Office as they have made a very concerted effort to be more efficient.

2. Unlicensed Activity Enforcement Statistics

Ms. Eissler advised the Board that additional statistics regarding outcomes other than citations had been added, as the Board had requested at the last meeting.

VIII. Exams/Licensing

A. 2019 Examination Results

Mr. Kereszt reported that there are nine state exams that have undergone a thorough occupational analysis over the course of the last few years which have resulted in new test plans. The state civil engineer exams are now offered year-round and candidates may take them up to four times per year.

He noted that the geology candidate numbers have increased, resulting in the need for larger facilities to administer the exam. In addition, ASBOG continues to administer the national exams using paper and pencil.

Mr. Kereszt reported that Alternate Item Types have been introduced on some of the examinations.

During public comment, Carl Josephson, representing the Structural Engineers Association of California (SEAOC), reported that there has been a lot of discussion regarding NCEES's plans to convert the structural exam to computer-based testing by 2024. As far as he is aware, there is no discussion about making it less than a 16-hour exam with two 8-hour components.

Mr. Moore explained that when the Board used to administer the paper and pencil examinations, the no-show rate was between 18-20%, but since the introduction of computer-based testing, the no-show rate has fallen into the single digits.

IX. Executive Officer's Report

B. Update on Board's Business Modernization/PAL Process

Mr. Alameida introduced Sean O'Connor, Chief of Project Delivery and Administrative Services for the Office of Information Services (OIS) with DCA. He, along with OIS staff, have assisted the Board in the PAL process. Mr. O'Connor announced that the project was approved by the California Department of Technology (CDT) last Friday. The market research that was conducted early on in partnership with the Board about cost to complete the project was very helpful; the cost proposed actually came in at or below budget. On-boarding is currently taking place with the systems integrator, InLumon. Mr. O'Connor noted that, throughout the procurement process, the Department's confidence in InLumon grew, from the quality of their work to the cost perspective. As a project director, he is excited to move forward and feels that

the level of commitment that InLumon has shown will result in the success of the project.

A. Rulemaking Status Report

Mr. Alameida reported that until a Budget and Legislative/Regulatory Analyst is hired Ms. Eissler will assist in the legislative oversight aspect and he will manage the rulemaking and budget oversight aspects.

C. Personnel

Mr. Moore reported that there are currently three vacancies, a Budget and Legislative/Regulatory Analyst, an Enforcement Analyst, and an Office Technician. In addition, he announced that Patty Smith will be retiring at the end of the month and staff will begin the recruiting process for her vacancy as well.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

No report given.

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

1. Member Board Administrator Committee – Draft Resolution of Cooperation
Mr. Moore was expecting an updated document based on the response that the Board and other boards provided to the Committee. He anticipates having an updated document at the Zone meetings for all to consider and discuss further at the Annual Meeting in August.

G. Update on Outreach Efforts

Mr. Moore reported that most of the Board's interaction with the public is through the Board's website. New and important updates that are added to the Board's website are shared to the Board's social media platforms, such as Facebook and Twitter, as well as to the Board's email subscriber list.

X. Technical Advisory Committees (TACs)

A. Assignment of Items to TACs

Mr. Moore reported a possible restructuring of the TACs to be discussed at the next meeting.

B. Appointment of TAC Members

No report given.

C. Reports from the TACs

No report given.

XI. President's Report/Board Member Activities

President Amistad mentioned that he intends assist in outreach at universities in the Bay Area along with Board staff. Mr. Moore will provide a schedule of upcoming outreach events to the Board.

XII. Approval of Meeting Minutes

A. Approval of the Minutes of the November 21, 2019, Board Meeting

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| MOTION: | Mr. Stockton and Ms. Alavi move to approve the meeting minutes as amended. |
| VOTE: | 8-0-3, Motion Carried |

| Member Name | Yes | No | Abstain | Absent | Recusal |
|-------------------|-----|----|---------|--------|---------|
| Fel Amistad | X | | | | |
| Steve Wilson | X | | | | |
| Natalie Alavi | X | | | | |
| Alireza Asgari | X | | | | |
| Duane Friel | | | X | | |
| Andrew Hamilton | | | X | | |
| Kathy Jones Irish | X | | | | |
| Eric Johnson | X | | | | |
| Coby King | X | | | | |
| Asha Lang | | | | X | |
| Betsy Mathieson | | | X | | |
| Mohammad Qureshi | | | | X | |
| Frank Ruffino | X | | | | |
| Robert Stockton | X | | | | |

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)]
 - 1. Executive Officer Performance Evaluation
- 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)]

Eric Johnson arrived at 12:30 p.m.

XV. Open Session to Announce the Results of Closed Session

During Closed Session, the Board took action on two stipulations, two proposed decisions, and one petition for reconsideration and discussed personnel matters as noticed.

XIII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Ms. Irish recommended discussing the matter of the Executive Officer classification level.

XIV. Adjourn

The meeting adjourned at 12:54 p.m.

PUBLIC PRESENT

Jarrod Ramsey-Lewis, PEGC

Carl Josephson, SEAOC

Robert DeWitt, ACEC-CA