

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

Teleconference

Thursday, October 15, 2020, beginning at 9:00 a.m., and continuing
Friday, October 16, 2020, beginning at 9:00 a.m.

Thursday, October 15, 2020

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

I. Roll Call to Establish a Quorum

President Asgari welcomed new Board members Rossana D'Antonio, Wilfredo Sanchez, and Michael Hartley to the Board.

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

II. Pledge of Allegiance

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

III. Public Comment for Items Not on the Agenda

During Public Comment, David Woolley, PLS, discussed practice issues. He stated that staff does good job with outreach. However, with practice issues regarding professional discretion, he would feel more comfortable with a written or practice guide that has been peer-reviewed.

Mr. Hartley joined the meeting at 9:10 a.m.

Don Schinske, representing SEAOC, would like to alert the Board to a request made to get affirmation from the Board of an engineer's right to perform inspections. There has been difficulty in some jurisdictions with planning departments allowing them to conduct inspections and check conformance with construction documents. These are general construction inspections that do not

require special certifications. He looks forward to working with the Board on this issue.

Christoph Lohr, P.E., representing the ASPE (American Society of Professional Engineers), advised that ASPE currently has an initiative with NCEES to implement a plumbing engineer exam option under the mechanical engineer discipline. NCEES has stated that they need 10 states to send letters of recommendation with a rough number of potential test takers. Currently, there are only three exam options for mechanical engineers to acquire their PE. There are no questions that covered plumbing. Over the years, it has progressively become more complex. This includes water chemistry, waterborne pathogens, medical gas systems, and natural gas. They have also seen a shift in the demographics from typically non-degreed individuals to degreed engineers who have focused their efforts on the matter of plumbing. Without an exam, there is a barrier in the way for these engineers to not have an exam that tests them on the knowledge that they are specializing in.

He is requesting that a letter of support be sent to NCEES indicating that the Board is in favor of having an exam that tests engineers on plumbing issues to allow them to get a license, which is a big part of their careers as a professional engineer to aid in promoting public health and safety.

IV. Administration

A. Fiscal Year 2019/20 Summary Report

Mr. Moore reported that the Board continues to wait on Fiscal Month 13 reports. The expenditure portion of the report was available but not the revenue. He is hoping to have the final numbers for Fiscal Month 13 for Fiscal Year 2019/20 by the next Board meeting.

B. Fiscal Year 2020/21 Budget Report

The Budget Report is current as of Fiscal Month 2 based on the September 28th activity log. The Board is relying on the Fi\$Cal reports that DCA has worked on tremendously over the last few years. DCA has implemented a reporting technology system that is referred to as QBIRT. Staff is merging the Fi\$Cal reports with the QBIRT reports which reflect the new fees anticipated to go into effect January 1, 2021.

Based on the figures provided, FY 2019/20 has about six months (6.8 months) in reserve going at least through the next couple of years. Mr. Moore reiterated that this is based on resolving the final actual numbers for Fiscal Year 2019/20 and upon our fees becoming effective January 1, 2021.

Mr. King appreciates the Guide to Reading the Financial Statement and has asked for additional bubbles of all five columns and not just the three that are currently noted. Dr. Qureshi noted it would be more useful in the beginning of the report.

Ms. Mathieson requested a tag or balloon to notate the situation where the Board is waiting for the final FY2019/20 figures where the expenses exist but not revenue.

V. Legislation

A. 2020 Legislative Calendar

Ms. Eissler reported that the legislative session has ended for the year.

B. Discussion of Legislation for 2020 (Possible Action)

There was no discussion or action on the following items:

AB 1616 Department of Consumer Affairs: boards: expunged convictions.

AB 2028 State agencies: meetings.

AB 2113 Refugees, asylees, and immigrants: professional licensing.

SB 865 Excavations: subsurface installations.

SB 878 Department of Consumer Affairs Licensing: applications: wait times.

SB 1474 Business and Professions

VI. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2020/21 Update

Ms. Criswell reviewed the Enforcement statistics. She reported that there has been a very lengthy investigation on an unlicensed company that got the attention of the San Bernardino County District Attorney's Office. Earlier in the month, criminal charges were filed against a company originally known as Group Land Surveyors. Previously, the Board had cited individuals, and took disciplinary action against licensees for their involvement in aiding and abetting. However, more evidence was obtained indicating that they were offering their services through the internet, taking money, and then providing no services whatsoever, which are considered financial crimes. Business names were created that mimicked legitimate land surveying companies and then they went to the extent of actually taking over and creating a website of a legitimate licensed land surveyor's company. The company suffered greatly having clients calling, accusing them of services not being rendered. There were seven felony counts related to grand theft and identity theft filed against two individuals. Those counts were just filed, and Ms. Criswell is hopeful to be able to announce better news at such time as they move through the criminal process.

VII. Exams/Licensing

A. 2020 Examinations Update

Mr. Kereszt, Exam Development Manager, reported on the Fall 2020 Exam Administration. All of the Geology program exams have already been administered for the Fall, and the Engineering and Land Surveying exams will

be administered in the next coming weeks. The Traffic Engineer examination began today with a 15-day testing window that will end on October 30th. The Geotechnical Engineer examination, which has a 15-day testing window, will be administered November 1 through November 15. The Land Surveying examination will be held on October 27. The national ASBOG examinations for the Practice of Geology and the Fundamentals of Geology were both administered on October 2nd. As a result of social distancing and the restrictions on large gatherings, the exams were administered in four locations in Sacramento, whereas typically there are only two.

Mr. Kereszt reported that there were 335 candidates who were eligible to take the Fundamentals of Geology examination. Of those candidates, 190 chose to postpone until March 2021. That left 145 candidates who took the examination. For the Practice of Geology, there were 135 eligible, and 60 postponed to March 2021, leaving 75 to take the exam. For the California specific exam for Geology, there were 106 candidates eligible and 32 of those candidates chose to postpone.

The March 2021 ASBOG exam administrations are the only examinations the Board continues to physically administer in paper/pencil format, and a location for the exams to be administered will need to be secured in Southern California.

Mr. Kereszt noted an amendment to the first quarter results for the seismic principles are incorrect. The total number of candidates should have been 319, and the number passed should have been 177. The passage percentage rate remains correct at 55%.

During Public Comment, Christoph Lohr expressed his interest in the NCEES numbers for the Mechanical Engineering examination.

During Public Comment, Alan Escarda, representing PECG, noted that there were discussions at the previous Board meeting on a presentation for alternate testing methods and added that there are members who are very interested in these methods, especially those in rural areas.

Mr. Moore reported that staff attempted to coordinate with Prometric but were not able to finalize details in time for this meeting. Mr. Kereszt is attempting to schedule the presentation for the next Board meeting.

VIII. Executive Officer's Report

A. Rulemaking Status Report

Fees and Certificates (404, 410, 3005, and 3010) - Rulemaking file was provided to the Office of Administrative Law (OAL) for final review and approval on October 6, 2020. Mr. Moore is anticipating that the fees will become effective January 1, 2021.

Repeal Professional Engineer and Land Surveyor Appeals (443 and 444) - Board staff is working with DCA Legal to finalize documents for initial notice.

Substantial Relationship Criteria and Criteria for Rehabilitation (416, 418, 3060, and 3061) – The Board approved the final language and the responses to comments at the June 25, 2020, meeting, and the rulemaking file has been submitted to DCA for final review.

Definition of Traffic Engineering (404) – Board staff is working with DCA Legal to prepare the documents for initial notice.

During Public Comment, Alan Escarda reported that Caltrans has initiated a Lean 6 Sigma team to make travel expense claim reimbursements for exam registration and renewal fees through a mass program. He explained the current manner in which these fees are reimbursed and noted that the Lean 6 Sigma team has identified a potential savings of up to \$3 million dollars if they are able to process claims through a mass reimbursement. He is aware that this was not identified during the implementation of the process improvement online portal but would like contact information to forward to the Lean 6 Sigma team at Caltrans to discuss this possibility. Mr. Moore noted he would be the primary contact.

Mr. Woolley, PLS, recalled that at the last meeting he expressed his concerns about professional misconduct being a part of the proposed amendments to Board Rule 418 and not being defined. He conducted some research and discovered the California State Bar has a definition of misconduct and provided examples. He noted that if this makes it through the rulemaking process, and he hopes that OAL will not approve it, the Board will need to provide its staff with specific direction as it would be not be good to be cited and have to explain misconduct when it is not defined.

B. Update on Board's Business Modernization Project

Mr. Moore reported that BPELSG Connect launched September 16, 2020, which incorporated the functionality for the first Minimum Viable Product (MVP). Since the launch, the Board has processed approximately 300 Engineer-in-Training (EIT)/Land Surveyor-in-Training (LSIT) applications, in various stages. He is very pleased with its functionality.

Ms. Irish congratulated staff and appreciated Mr. Moore's briefing.

Ms. Mathieson echoed Ms. Irish's comment and thanked Mr. Moore for the good news.

D. 2021 Board Meeting Schedule (Possible Action)

Mr. Moore introduced and reviewed the 2021 Board meeting schedule as recommended by staff.

C. Personnel

Staff is continuing to work with Human Resources to recruit for the Administrative Unit Manager. Recruitment has started for an additional evaluator, and an Associate Governmental Programs Analyst (AGPA) for the Enforcement Unit.

E. ABET

Mr. Moore recalled that at the last meeting, there were two visits at which the Board was invited to be an observer. Board Members Fel Amistad and Betsy Mathieson both volunteered. Outreach Coordinator Brooke Phayer has been in communication with ABET and is in receipt of the information that they need.

F. Association of State Boards of Geology (ASBOG)

1. Fall 2020 Annual Meeting

The November 4 Annual Meeting will be held virtually.

Mr. Moore requested that the Board delegate a voting representative who will attend the Annual Meeting virtually.

MOTION:	Mr. King and Dr. Qureshi moved to nominate Ms. Mathieson as Board representative.
VOTE:	12-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
Alireza Asgari	X				
Natalie Alavi	X				
Fel Amistad	X				
Rossana D'Antonio	X				
Duane Friel	X				
Michael Hartley	X				
Kathy Jones Irish	X				
Eric Johnson	X				
Coby King	X				
Asha Lang				X	
Betsy Mathieson	X				
Mohammad Qureshi	X				
Frank Ruffino				X	
Wilfredo Sanchez	X				

F. Association of State Boards of Geology (ASBOG) (Cont.)

Mr. Moore reported that one of the items ASBOG has been discussing, is migrating their examinations to computer-based testing (CBT), comparable to that of NCEES. We would like to see them expedite the process given the issues that the Board had with having to arrange for in-person proctors, the number of examinees postponing, and meeting in large groups. Not only are

we responsible for administering the paper and pencil exams, but to his knowledge, they are the only paper and pencil exams left under the Department of Consumer Affairs in California. He would like to strongly encourage ASBOG to move forward at an accelerated pace to migrate towards CBT. It was agreed that Mr. Moore will compose a letter to ASBOG encouraging them to accelerate the pace and if the Board is comfortable with that request, it would be signed by the Board President and delivered soon in time for discussion at the Annual Meeting to reinforce that notion.

- G. National Council of Examiners for Engineering and Surveying (NCEES)
Mr. Moore reported that NCEES hosted a virtual Annual Meeting on August 27, 2020. In summary, Brian Robertson, a professional engineer from the Colorado Board, who was serving as the most recent Western Zone Vice-President, was elected as President Elect for 2020/21 and will serve as President of NCEES in 2021/22. Paul Tyrell, land surveyor from the Massachusetts Board was elected as Treasurer for the term 2020 - 2023.

As for Western Zone, Scott Bishop, land surveyor from Utah, was elected as Western Zone Vice-President 2020-2022, and Dr. Qureshi was elected as Western Zone Assistant Vice-President 2020-2022.

The Board had approved nominating Steve Wilson, former land surveyor Board Member, as an Emeritus member of the California Board. As an Emeritus Member, he would be able to represent the California Board for NCEES committee assignments. The nomination was ratified during the August 2020 NCEES Board of Directors' meeting.

Ms. Irish congratulated Dr. Qureshi and extended congratulations to Mr. Wilson.

- H. Update on Outreach Efforts
No report given.

IX. Technical Advisory Committees (TACs)

- A. Assignment of Items to TACs (Possible Action)
No report given.
B. Appointment of TAC Members (Possible Action)
No report given.
C. Reports from the TACs (Possible Action)
No report given.

X. President's Report/Board Member Activities

President Asgari reported that the Structural Engineer Item Writing and Grading for NCEES was cancelled due to the April examination being cancelled. The October exam will be held October 22-23, 2020, and the grading is anticipated to take place virtually.

Dr. Qureshi reported on the NCEES Executive Leadership meeting between Scott Bishop, Mr. Moore, and himself. They discussed the May Zone meeting scheduled to be held in Montana. It is not certain if it will be held in person or virtually.

XI. Approval of Meeting Minutes (Possible Action)

A. Approval of the Minutes of the August 20, 2020, Board Meeting

Ms. Mathieson questioned the wording of the comments made by Mr. Woolley as she did not think they clearly expressed his intent. Mr. Moore advised that staff will review the audio recording of the meeting; however, staff generally does not reword comments made by the public. The minutes will be brought back to the December meeting.

XII. Discussion Regarding Proposed Agenda Items for Next Board Meeting

Dr. Qureshi suggested including the nomination for Western Zone Secretary-Treasurer on the next agenda.

XVI. 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)]

Friday, October 16, 2020

Board Members Present:	President Alireza Asgari; Vice-President Natalie Alavi; Fel Amistad; Rossana D’Antonio; Duane Friel; Michael Hartley; Kathy Jones Irish; Coby King; Betsy Mathieson; Mohammad Qureshi; and Wilfredo Sanchez
Board Members Absent:	Frank Ruffino, Eric Johnson; and Asha Lang
Board Staff Present:	Ric Moore (Executive Officer); Nancy Eissler (Assistant Executive Officer); Tiffany Criswell (Enforcement Manager); Celina Calderone (Board Liaison); Anthony Pane (Legal Counsel) and Joseph Chin (Legal Counsel)

I. Roll Call to Establish a Quorum (Cont.)

President Asgari called the meeting to order at 9:02 a.m., and a quorum was established.

III. Public Comment for Items Not on the Agenda (Cont.)

There was no Public Comment.

XIII. Hearing on the Petition for Reinstatement of Surrendered License of Claude M. Keissieh

This hearing was held on Friday, October 16, 2020, beginning at 9:00 a.m.

XIV. Hearing on the Petition for Reinstatement of Revoked License of David Hal Platt

This hearing was held on Friday, October 16, 2020, immediately following the hearing on Petition for Reinstatement of Surrendered License of Claude M. Keissieh.

11:32 Ms. Mathieson joined the meeting.

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

NOTE: The Board met in Closed Session immediately following the Hearing on the Petition for Reinstatement of Surrendered License and Hearing for Petition for Reinstatement of Revoked License to decide those matters.

XVII. Adjournment

Due to technological limitations, adjournment was not broadcast. Adjournment immediately followed Closed Session, and no other items of business were discussed.

PUBLIC PRESENT

David Woolley

Don Schinske, SEAOC

Alan Escarda, PECG

Christoph Lohr, ASCE