

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

Thursday, March 7, 2024

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; and Wilfredo Sanchez
Board Members Absent:	Frank Ruffino and Fermin Villegas
Board Staff Present:	Ric Moore (Executive Officer); Tiffany Criswell (Enforcement Manager); Dawn Hall (Administrative Manager); Larry Kereszt (Examination Manager); Celina Calderone (Board Liaison); Natalie King (Senior Civil Engineering Registrar); Joshua Goodwin (Senior Geology and Geophysics Registrar); Dallas Sweeney (Senior Land Surveyor Registrar); Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 10:00 a.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, G.V. Ayers of Gentle Rivers Consulting, a representative of the Association of Environmental and Engineering Geologists and a former consultant with the Senate Business and Professions Committee, said that he plans on attending a portion of the Sunset Hearing and expressed his support of the Board.

IV. Administration

A. Fiscal Year 2023/24 Budget Report

Dawn Hall, Administrative Manager, reported that the Board is on pace with the comparable past fiscal period for 2021/22 through Fiscal Month 6. Expenses have increased in pro rata and a new printing contract which the fully encumbered contract amount has been added to the expenses for the current year. The Board does not expect to see those expenses until later in the year. The Board is trying to reduce the printing expenses significantly. Mr. King expressed his concern about the projected reserves. Ms. Hall explained that it is another high-volume renewal year and staff has been waiting to be able to evaluate the level of revenue that the Board will be able to sustain after the January 1, 2021 fee increase. Subsequent to that fee change, there was a

significant impact on revenue and an increase in wages in salaries due to the state's general salary increases and also in the state operation costs. She reported that it is still premature as there is no data for a full year of revenue. Staff will continue to evaluate closely and will make appropriate recommendations.

VI. Exams/Licensing

A. Examination/Licensing Updates

No report given.

B. 2023 Examination Results

Mr. Kereszt, Examinations Manager, reviewed the 2023 examination results and results over the last six years for comparison. He has observed that the civil examinations have the greatest volume of candidates and that the pass rates are higher now than before the pandemic.

The number of candidates taking the examinations has increased. He noted the state specific Professional Land Surveyor examination numbers have increased to 257, the traffic examination is at 100 candidates, and the Geotechnical examination has over 100 candidates. The Fundamentals of Geology for ASBOG and the state geology examination have increased as well. The Certified Engineering Geologist, Certified Hydrogeologist, and Professional Geophysicist numbers are small but consistent.

C. Adoption of Test Plan Specifications

1. California Professional Land Surveyor Examination (Possible Action)

Mr. Kereszt introduced Vania Sevilla, Analyst with the Examination Unit, who oversees the Professional Land Surveyor examination development efforts. Ms. Mathieson offered some suggestions to make the Test Plan more consistent. On the bottom of page of page 40 item Y. it reads, *Earth movements (e.g., landslides, subsidence, plate tectonics)* however, in other areas, it also indicates, *earthquakes*. She would suggest adding earthquakes to item Y.

On page 42, item M. there is a similar list that reads, *(e.g., earthquakes, landslide, subsidence, continental drift)*. Continental drift is the old name for plate tectonics.

At the bottom of page 43 under item 8. should read, *Recognize risks*, instead of *Recognize risk awareness*.

On page 44, item E. should read *oral and written* instead of verbal and written.

Mr. King suggested that in the future, it would be helpful if the report identified what changes were made to the test plans overall. Not specifics, just overall modifications.

Ms. Sevilla noted that there were minor changes in the task area. Mr. King believes it would be useful to see what was updated.

MOTION:	Mr. King and Ms. Mathieson moved to adopt the suggested changes to the California Professional Land Surveyor Test Plan.
VOTE:	10-0, 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	

- Professional Geologist - California Specific Examination (Possible Action)
Mr. Kereszt introduced Cheryl Guidi, Analyst with the Examination Unit, who oversees the state specific geology examination efforts. Ms. Guidi noted that in general the test plan offers the same basic outline. Some of the knowledge statements and task analysis have become more detailed.

MOTION:	Mr. King and Dr. Amistad moved to adopt the California Specific Examination Test Plan.
VOTE:	10-0, 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	

VII. Legislation

A. 2024 Legislative Calendar

Mr. Moore reviewed the Legislative calendar.

B. Discussion of Legislation for 2024 (**Possible Action**)

1. **AB 1862** - Engineering, land surveying, and architecture: limited liability partnerships.

This is ACEC’s bill to eliminate the sunset date on limited liability partnerships (LLPs) for engineers and land surveyors. The Board previously supported the elimination, but the sunset date was extended during the Judiciary Committee hearing. The Board is unaware of any concerns from consumers with engineers and land surveyors being able to form Limited Liability Partnerships (LLPs).

During Public Comment Bob DeWitt representing ACEC explained that ACEC is sponsoring this bill and finds that there are few firms that are organized under LLPs due to sunset and noted, why would you organize a firm under an LLP if you are aware that in seven years you will have to repeat the process? He appreciates the Board’s support of the bill.

MOTION:	Mr. King and Ms. Wong moved to take a position of “Support” on AB 1862, as introduced January 18, 2024.
VOTE:	10-0, 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	

2. **AB 2269** - Board membership qualifications: public members.

No report given.

3. **AB 3176** - Professional land surveyors: surveying practices: monuments and corner accessories.

Mr. Moore reported that this bill is sponsored by the California Land Surveyors Association (CLSA) and related to how monuments are recovered or rehabilitated and perpetuated for the benefit of the public. It is amending Business and Professions Code section 8773.3. This bill is attempting to ensure when land surveyors find and use monuments in various forms of disrepair that they are rehabilitating that monument to withstand time and still be found. The concern is the use of the word permanent. Rob McMillan representing CLSA suggested that rather than the word permanent, durable would be a better descriptor of the monument or corner. Mr. Moore noted there are complaints related to whether people are setting durable monuments and he is not aware that the Board can enforce the setting of a permanent monument as the definition of permanent has not been established. Mr. King suggested asking staff to engage in conversation with CLSA to aid in the development of language. He is concerned that it is changing the fundamental purpose of the section. Dallas Sweeney, Senior Land Surveyor Registrar, provided some insight and explained that if a monument is placed in the ground with a plastic cap on it and it is located in an area prone to wildfires, the cap will ultimately melt. In addition, if you place an iron pipe in the ground that is prone to heavy rain or floods, they are prone to rust and will disintegrate. This is why the word durable should replace permanent as it varies where you are in the state as to what is truly a durable monument. Mr. Moore explained that the current language is limited to when a corner record is filed, and that the way the proposed language is written rehabilitation (if necessary) would be required anytime a survey is done, whether it requires a corner record, record of survey, or any map to be filed and further expands into corner accessories.

MOTION:	Mr. King and Ms. Mathieson moved to take a position of "Oppose Unless Amended" on AB 3176, with direction to staff to discuss with the Author and Sponsor of the bill the concerns discussed by the Board.
VOTE:	10-0, 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	

4. **AB 3253** - Board for Professional Engineers, Land Surveyors, and Geologists: appointments: removal.

This bill repeals a section of the PE Act relating to removal of Board members that is already covered in the general Business and Professions Code.

MOTION:	Mr. King and Vice-president Wong moved to take a position of “Watch” on AB 3253, as introduced February 16, 2024.
VOTE:	10-0, 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	

VIII. 2023-24 Sunset Review of the Board (Possible Action)

A. Background Paper Prepared by the Assembly Business and Professions Committee and the Senate Business, Professions and Economic Development Committee

Mr. Moore noted that the Background Paper was not available at the time of distribution of the meeting materials however, it just became available and will be distributed and placed on the agenda for the next Board meeting. Staff has been working closely with the Assembly and the Senate committee representatives.

B. Sunset Review Hearing

A mock hearing with DCA took place last week in preparation for the Sunset hearing. The hearing is scheduled for March 12, 2024, at 9 a.m. and a link will be provided to the Board members if they wish to tune in.

C. Sunset Review Legislation

During Public Comment, Alan Escarda, representing Professional Engineers in California Government (PECG), reviewed the Sunset Report and inquired whether the Board plans to conduct a renewal assessment since the Board has had the statutory authority since July 2017. Mr. Moore indicated that it is part of the Connect development for 2024/25, it may be toward the end of the calendar year. Mr. Escarda also inquired about the continuing education survey results. Mr. Moore explained that the information will be evaluated and presented at the May or June Board meeting. Mr. Escarda informed the Board that there may be someone present at the Sunset hearing to discuss issues regarding a change in policies in reference to the Geologist-in-Training (GIT) and the geologist examination and the varying field experience requirements which has caused problems for members in meeting application requirements. He also stated that PECG supports continuing education but does not believe it should be mandatory. Mr. Moore explained that the field experience is not a policy, but in regulation that was established approximately 7 years ago after a 2-year process. Education criteria was established in regulations because it was vague in statute as to what constituted a geological sciences degree. The Board went through a rulemaking process taking input from the public, licensees, and universities. The Board is limited by the rulemaking and regulations and will adhere to them.

President Hartley was not an advocate for mandatory continuing education however, being a part of the Board, it has become apparent that those who come before the board for disciplinary actions are not undergoing continuing education. He now believes in the importance of continuing education.

Another public comment came from G.V. Ayers. He explained that he participated in writing the Sunset legislation in 1993 and expressed how excruciating the process can be. He plans on being at the hearing in support of the Board.

Wayne Low, representing Structural Engineers Association of California (SEAOC), is very supportive of the Board's efforts of continuing education and the significant structures initiative.

Bob DeWitt, representing ACEC also noted that he will be at the Sunset hearing in support of the Board.

V. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2023/24 Update

Ms. Criswell, Enforcement Program Manager, reviewed the enforcement statistics. Ms. Mathieson noted and congratulated the Enforcement Unit on the large increase in completed cases. Ms. Criswell noted that it was a large grouping of related cases that closed together. Ms. Mathieson also noted

that on page 25 in the upper right chart, there is a typographical error in that the current Fiscal Year is missing. Mr. Martinez noted that on page 21, Fiscal Year 21/22 indicated 364 opened cases and 375 completed cases however, on page 27, the same data was collected and indicates 336 opened cases and 350 completed cases.

B. Overview of Enforcement Complaint Process

Ms. Criswell provided a general overview of the complaint process and if needed, can focus on any particular part of the process at a future meeting.

IX. Executive Officer's Report

A. Rulemaking Status Report

No changes. Staff has been focused on Sunset.

B. Update on Board's Business Modernization Project

Mr. Moore noted that on February 29, 2024, the Maintenance and Operations Structural Engineering application was released. Staff is currently working on testing of the geotechnical engineer and traffic engineer applications slated for April 2, 2024. Mr. Moore thanked Board Member Christina Garcia for assisting with the testing.

C. Personnel

The Board maintains three vacancies as a cost savings measure and is looking to recruit for the vacant Senior Registrar position.

D. ABET

Mr. Moore reported that the Board established education criteria for geologists and geophysicists in regulation. The Board included a provision that if a geological science degree program obtained ABET accreditation, it was automatically accepted. At the time there was only one program in Little Rock, AR. Now there are also the South Dakota School of Mines and two international programs, one in Columbia and the other in United Arab Emirates.

E. Association of State Boards of Geology (ASBOG)

Senior Geology and Geophysics Registrar Joshua Goodwin is scheduled to attend the examinations meeting in April in Texas. It has been approved and it is considered mission critical. Ms. Mathieson added that she will also be attending on her own.

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

1. May 16-18, 2024 Western Zone Interim Meeting, Bozeman, MT – Funded Delegates

Approval has been granted for Mr. Moore, Ms. Eissler, Vice-President Wong, and Mr. Ruffino to attend.

2. Update on Elections at Western Zone Interim Meeting

There are two new nominations for NCEES Western Zone Assistant Vice-President, Scott Sayles from the Arizona board and Sean St. Clair from the Oregon board.

G. Update on Outreach Efforts

Mr. Moore reported on the Board's outreach efforts. Virtual or local in-person outreach is being encouraged as a means to reduce travel expenses.

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

3. Engineering Council of UK – Update on Mutual Recognition Agreement (MRA)

Mr. Moore reported on his and Rossana D'Antonio's visit to the Engineering Council of UK, and he sees the MRA as an alternate pathway to licensure. In accordance with the Engineering Council's requirements and standards for licensure, those institutions recommend the member to be a charter engineer to the Engineering Council. The Engineering Council is similar to our Sunset committees and to ABET in that every five years they reassess these institutions to ensure they are meeting the standards, requirements, and the assessment of their members, or licensees as we know them.

The reason why NCEES and the Engineering Council of UK made the effort is they did not want this to be a long process over many years like that of the national architects MRA. A chartered engineer is equivalent to a PE license in the US. Any US jurisdiction license PE will have to obtain an international PE approval that has been in place for years. NCEES is the authority that can bestow international PE for the US engineering licensees. The International PE requirements are higher in many respects than any of our requirements. You must have a minimum of a master's education, and you must have a minimum of seven years of experience in responsible charge. During this discussion, we learned that not all chartered engineers are going to be eligible for this until they obtain international PE status. There are approximately 800 US licensees that have an international PE. Since this visit, NCEES Board of Directors met and approved the agreement. He has seen the draft agreement, but it has not been publicized. The Engineering Council of UK is supposed to approve it at their March 28 meeting to make sure all of the institutions are on board. At that point it is anticipated to be noticed publicly and discussed in the zone meetings. Mr. Moore has been able to distill pertinent information from that agreement into the write up provided in the meeting materials.

Mr. Moore explained that the Board needs to decide whether to participate or not. It does not need to be decided on now. There may be some states that do not want to participate and others that will consider it at a later time.

This is not a reciprocity agreement. The actual agreement itself is between NCEES and the Engineering Council of UK, as they are the ones executing the agreement. If the board decides to participate, it will be to establish an alternate pathway to PE licensure and knowing that the Board will have to consider some legislation and future rulemaking for changes to regulations. The process could take at least a year, possibly two. The Engineering Council of UK is fully aware of the process and completely understands that each state would have their own path to determine for acceptance. They have written the agreement to allow flexibility for jurisdictional requirements like our state exam, our state rules, etc.

Ms. D'Antonio expressed her excitement over several of the site visits during the delegation's visit. They visited a high-speed rail construction site where they were able to implement such a project in half of the time that we would be able to due to their streamlined permitting process. They visited the McLaren Technology Center where they toured their manufacturing process for their Formula-1 race cars, which highlighted the robotics and automation features and operations. Their headquarters is a LEED certified building surrounded by artificial lakes where they pump the water from the lakes to cool down the building to offset the impacts of the wind tunnel where they test aerodynamics. They have energy and water conservation efforts, their sustainability elements for water quality and recycling, cutting edge technology and design elements. They visited the Battersea Power Station, which is a former coal powered station that has been converted to a mixed-use development which includes commercial, retail, and residential use while still maintaining the original power station functions and elements to give it a more cultural feel. They showcased their abilities to convey that they are worthy of this MRA. They met with the UK engineering community that included the Engineer's Council and the professional organizations. These are all global engineering organizations that have offices here in the United States. The discussions with high level government officials focused mainly on the unique opportunities of the MRA for trade and economic growth for both countries. It was born out of the agreement between President Biden and Prime Minister Summit with regards to the framework of the Atlantic Declaration. She believes we can still maintain our mission in consumer protection with regards to health and welfare and still entertain participating within the MRA. We have a licensee shortage that is driven by the aging workforce and declining interest in STEM education every single year. Ms. D'Antonio believes there is a lot to be said for considering this going forward and recommended to be a part of the MRA. She believes if someone is a chartered engineer and their NCEES record confirms that the information provided is vetted then the Board can feel comfortable in not requiring the national exam.

Ms. Garcia asked what about the risks associated with taking action now or waiting until later. Ms. D'Antonio expressed that while there may be

risks, there are risks in not participating in the MRA. During the pandemic, graduated doctors and nurses were immediately put into practice, which is something that never would have happened had it not been for COVID. As the world begins to encounter more of these high-level hazards, we may need to be more flexible in having our professionals go back and forth between our countries and be ready to practice in a moment's notice, allowing for flexibility should there be an engineering crisis down the line.

President Hartley asked if it would be beneficial to wait until March 28, 2024, to review the ratified agreement. Mr. Moore said that the agreement is not lengthy and can be included in the May meeting materials. The information he provided in the meeting materials summarizes what is contained in the actual agreement.

MOTION:	Ms. D'Antonio and Vice-President Wong moved that the Board should commit to becoming a participating member of the MRA by accepting the agreement as a future additional pathway to PE licensure and pursue legislation and rulemaking in the future to implement.
VOTE:	8-1-1, 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	

X. President's Report/Board Member Activities

Ms. D'Antonio reported that she is on the board of the American Society of Civil Engineers (ASCE) and at the end of February, she participated in a legislative event in Washington DC to advocate for several infrastructure initiatives including workforce development.

XI. Approval of Meeting Minutes (Possible Action)

A. Approval of January 11, 2024, Board Meeting Minutes

MOTION:	Ms. Mathieson and Dr. Amistad moved to approve the January minutes.
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VOTE:	9-0-1, Motion Carried
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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	

XII. Closed Session – The Board met in Closed Session to discuss, as needed:

- A. Deliberate on a Decision(s) to be Reached in a Proceeding(s) Required to be Conducted Pursuant to Chapter 5 (commencing with Section 11500), as Authorized by Government Code Section 11126(c)(3).
- B. Confer with, or Receive Advice from, Its Legal Counsel Regarding Pending Litigation Pursuant to Government Code Section 11126(e)(1) and (2)(A), on the following matters:
 - 1. Ryan Crownholm, et al. vs. Richard B. Moore, et al., United States District Court, Eastern District of California, Case No. 2:22-cv-01720-DAD-CKD
 - 2. Roy Allen Olsen, et al. v. California Board of Professional Engineers, Land Surveyors and Geologists, et al., Sacramento County Superior Court. Case No. 34-2022-00328379
 - 3. Victor Rodriguez-Fernandez vs. California Board for Professional Engineers, Land Surveyors, and Geologists, San Diego County Superior Court, Case No. 37-2023-00053465-CU-WM-CTL

XIII. Adjourn

The meeting adjourned at 4:39 P.M.

PUBLIC PRESENT

Jeanne Marie Tokunada, NSPE – California
 G.V. Ayers, AEG
 Alan Escarda, PECG
 Judie Bucciarelli, DCA – BBR
 Sergio Vazquez, Caltrans
 Joel Leong
 Bob DeWitt, ACEC-CA