

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

Thursday, June 27, 2024

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

I. Roll Call to Establish a Quorum

President Hartley called the meeting to order at 9:00 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

There was no public comment.

IV. Hearing on the Petition for Reinstatement of Revoked License of Michael Melgoza

This hearing was held on Thursday, June 27, 2024

V. 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. 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

NOTE: The Board met in Closed Session immediately following the Hearing on the Petition for Reinstatement of Revoked License to decide that matter, pursuant to

Government Code Section 11126(c)(3) and discussed pending litigation as noted above.

VI. Administration

A. Fiscal Year 2023/24 Budget Report

Mr. Moore reported that revenue is in the positive at over \$300,000 compared to two years ago primarily due to renewals and fee changes. Also, there is approximately a month and a half in reserve carrying forward into the next budget year.

Mr. Moore reviewed the age demographics and explained that since birth dates for the licensee population have been largely updated due to the Connect system, data can be collected with a better degree of certainty. He reported that the current value of the renewal revenue for licenses held by active licensees age 65+ is at 26% of the Board's overall license renewal revenue and that it is something to keep in mind as any changes to fees and continuing education requirements are discussed in the future. He also noted the rate of change in the licensee population. He asked the Board to consider the generational change whereas, you may not see an increase of licensees every year similar to what was witnessed in past decades. He believes renewals are already cresting and flattening out and as a result, perhaps a slight downward trend.

During Public comment, Mike Hank, Division Chief for Land Surveys with Caltrans District 11, introduced himself and welcomed everyone and reflected on the great partnership they have with the Board.

VII. Enforcement

A. Enforcement Statistical Reports

1. Fiscal Year 2023/24 Update

Ms. Criswell reviewed the Enforcement statistics. Ms. Mathieson commended Ms. Criswell.

VIII. Exams/Licensing

A. Examination/Licensing Updates

No report given.

IX. 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.
No action taken.

During Public Comment, an individual by the name of Bob DeWitt representing the American Council of Engineering Companies (ACEC) and an individual by the name of Ken Discenza, a representative of the National Society of Professional Engineers (NSPE) California, both support this bill.

2. **AB 2862** - Licenses: African American applicants.
No action taken.
3. **AB 3176** - Professional land surveyors: surveying practices: monuments and corner accessories.
No action taken.
4. **AB 3253** - Board for Professional Engineers, Land Surveyors, and Geologists: licensees

Mr. Moore referred to the last minute agenda addendum for the Board’s Sunset bill (AB 3253) which reflects amendments made by the committees on June 17 and subsequently on June 25, 2024. The first amendments were related to board member eligibility requirements and feedback from stakeholder groups on unlicensed practice. The second amendments were related to proposed language previously discussed by the Board under AB 1862 (limited-liability partnerships) and AB 3176 (land surveying monuments). Staff recommended that the Board confirm its previous position of Support for AB 3253.

Alan Escarda representing Professional Engineers in California Government (PECG) supports effort in reference to unlicensed activity and is pleased to see that public agencies are exempt from disclosure as there is a difference between public employees and the private sector.

Bob DeWitt representing American Council of Engineering Companies (ACEC) reported that they met with California Land Surveyors Association (CLSA) and discussed the language included in the bill and will likely support it.

MOTION:	Mr. Ruffino and Vice-President Wong moved to take a position of “Support” on AB 3253, as revised June 25, 2024.
VOTE:	8-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				

Khaesha Brooks				X	
Rossana D'Antonio	X				
Coby King	X				
Guillermo Martinez				X	
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	
Fermin Villegas				X	

X. Discussion to Rescind Proposed Rulemaking to Amend Title 16, CCR Section 404 (Traffic Engineers)

Mr. Moore explained that when a rulemaking package is assembled, it is the responsibility of the Board to prepare the documentation in concert with the Department's Regulations Unit and Legal office. Mr. Moore noted that staff continues to work on the preparation of this particular rulemaking package. At the request of the Board, the Traffic Technical Advisory Committee (TAC) met twice in 2015 and again in 2018 to discuss the concerns voiced by applicants about the overlap of traffic and civil engineering and their definitions. One of the primary items discussed at those committee meetings was that the Board regulates the practice of civil engineering, the use of the title, and that the definition appears in statute for civil engineering with a provision that expressly prohibits the Board from further clarifying or expanding on the definition of civil engineering in rulemaking. As for traffic engineering, the Board does not regulate the practice of traffic engineering rather only the use of the title. The Traffic TAC attempted to modernize the language and returned with recommendations which included a copy of the committee's original 2018 report on page 99 of the meeting materials. At that time, the Board agreed to begin the rulemaking process however, as of today, both the the Regulations Unit and Legal Office indicated that the Board does not have sufficient rationale to justify the changes.

Mr. Moore explained that the Board is not able to move forward with the Rulemaking as it stands as there is not sufficient rationale. He offered the Board options to consider. Regardless of how the Board chooses to proceed, this rulemaking package needs to be withdrawn as there is not sufficient evidence to support the need to make these proposed revisions.

After withdrawing, the Board can choose to either:

1. Do nothing.
2. Request a report from staff on how prevalent these concerns are with respect to a lack of understanding of the definition of traffic engineering, perceived or otherwise, with a plan for how best to address the concerns including what efforts staff has performed since 2015 when the concerns were first presented.

3. Form a new Traffic Engineering TAC with the sole purpose to reevaluate the current definition and bring forth any recommendations to the Board with the proper rationale.

During Public Comment Walter Okitsu, a licensed civil and traffic engineer and former member of the Traffic TAC, distributed a handout with a proposed definition that originated at the TAC meeting from 2018. He is not in favor of reassembling the TAC to produce the same result. Mr. Okitsu explained that he believes the rationale would be clear if the board utilized the definition he provided and would be able to obtain whatever support necessary.

MOTION:	Dr. Asgari and Mr. King moved to withdraw the rulemaking package.
VOTE:	8-0, Motion Carried

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

MOTION:	Dr. Amistad and Vice-President Wong moved to request a report from staff on how prevalent these concerns are with respect to a lack of understanding of the definition of traffic engineering, perceived or otherwise, with a plan for how best to address the concerns including what efforts staff has performed since 2015 when the concerns were first presented.
VOTE:	7-1, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				
Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				

Khaesha Brooks				X	
Rossana D'Antonio	X				
Coby King	X				
Guillermo Martinez				X	
Betsy Mathieson		X			
Frank Ruffino	X				
Wilfredo Sanchez				X	
Fermin Villegas				X	

XI. Executive Officer's Report

A. Rulemaking Status Report

Mr. Moore reported that staff is working with Legal to prepare language for the Board to review for the Applications, References, Computation of Qualifying Experience, and Schedule of Examinations (16 CCR sections 420, 427.10, 427.30, 3021, 3022.2, 3023, and 3032)

In addition, staff continues to work on Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists (16 CCR sections 3003 and 3003.1)

B. Update on Board's Business Modernization Project

Mr. Moore reported that the Agile Team is currently working on various fixes. He recently discussed maintenance and operations with DCA staff and communicating priorities for the next Fiscal Year such as completing the enforcement aspect which includes management and monitoring in the back office for the Enforcement Unit. There are three more license application types to complete: certified engineering geologist, certified hydrogeologist, and professional geophysicist. In addition, there is the renewal assessment for which staff is planning to begin work on content next month. Mr. Moore's current estimation is that it will be completed by the end of Fiscal Year 2024/25.

C. Personnel

Mr. Moore reported that currently there are five vacant positions, and staff is actively working to fill them. Previously, he reported that three positions were intentionally left vacant to demonstrate a savings, while continuing to evaluate the Board's needs with the Connect system. Staff responsibilities have evolved, and workflow had to be reevaluated. Mr. Moore reported that one of the Board's evaluators was recently promoted to an analyst position as they have taken on a more analytical role. They now have the ability to pre-qualify applicants before they even go into technical review. A vacant Office Assistant position was reclassified as a Staff Services Analyst position and was filled. Through the evaluation of the Board's vacancies, a Staff Services Analyst and an Associate Governmental Program Analyst were redirected from the Administration Unit as license renewals are now online and are actively recruiting for the vacant analyst position in the Enforcement Unit. In addition, staff is currently recruiting for the Senior Registrar and the Assistant Executive Officer positions.

D. ABET

No report given.

E. Association of State Boards of Geology (ASBOG)

ASBOG is kicking off a strategic planning discussion and have asked Mr. Moore to be a participant as a Member Board Administrator.

Ms. Mathieson reported that Josh Goodwin, Senior Geologist Registrar was nominated as a candidate for Secretary, and she previously expressed some concern as she was on the ASBOG nominations committee. She has since withdrawn from the committee as she was not comfortable. There are 3-4 additional candidates and one of the criteria is geographic distribution of officers on the executive board. Currently, there is no one on the west coast and two of the other candidates are from the west coast.

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

1. May 16-18, 2024 Western Zone Interim Meeting Report

Mr. Moore reported that it was a good meeting held in Bozeman, Montana. They received a preview of the motions that may come forward to the Annual Meeting. Additionally, there were the elections for the Zone Vice-president and the President Elect from the Western Zone. Aaron Blaisdell, PLS (WA Board) was elected as the Western Zone Vice President for 2024-26 and Elizabeth Johnston, PE (AK Board) was elected as 2024-25 President-Elect in a close vote.

3. 2024-25 President-Elect Nomination

Mr. Moore reported that former Board member Dr. Mohammad Qureshi is considering a floor nomination at the Annual meeting since he did not prevail at the Western Zone vote for this position. According to the NCEES rules, you must have a motion and four member boards must second that motion. Mr. Moore advised him that it would probably be best if the main motion did not come from the California Board as it would show more interest and strength if it came from another board and from multiple zones. Dr. Qureshi is currently talking to different boards and weighing his options.

Mr. Moore added that there were elections for the Assistant Zone Vice-President and that Scott Sayles, PE (AZ Board) was elected as the 2024-26 Western Zone Assistant Vice President.

2. Annual Meeting August 14-17, 2024

Report appears below in Summary of Motions.

4. Summary of Motions

Finance Motion 3 is a proposal to restructure the Annual membership fees. Mr. Moore reviewed the three-tiered fee structure. 95% of all the boards are paying the higher fee. While the proposal is not about producing revenue, it

is more about equity among the smaller member boards. The Board's membership fee will increase from \$6,500 annually to \$8,500 annually commencing January 1, 2026.

MOTION:	Mr. King and President Hartley moved to accept the restructuring of the membership fees even if it results in a nominal increase to California.
VOTE:	8-0, Motion Carried

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

Mr. Moore reviewed MBA Motion 1 and reported that this is a motion to send to the UPLG Committee for amendments to Model Law related to expungements for licensees. It does not directly impact the Board as we have not adopted Model Law. He brought it to the attention of the Board as it relates to enforcement and expungement of convictions that may result in a licensee's reinstatements. The Board of Directors endorsed it however did not place it on the consent agenda as it is expected to be pulled to be discussed further by the council. Ms. Criswell further explained that California does not expunge convictions so it is somewhat of a non-issue.

As for MBA Motion 2, Mr. Moore explained that within NCEES, expungement is related to Model Law Engineer, Model Law Surveyor, and Model Law Structural Engineer. If a licensee loses their Model Law status through NCEES, and the conviction results in an expungement with their licensing board, will the licensee restore their Model Law status? The NCEES Board of Directors does not endorse the return of their status and the motion is not on the consent agenda. He predicts it will be controversial as it has no effect outside NCEES.

Engineering Licensure Task Force (2 motions) ELTF Motion 1. Mr. Moore summarized that this motion is related to a prior New Mexico motion from several years ago related to if a licensee had ten years of uninterrupted

licensure without any disciplinary action in their home state and were seeking a comity license in New Mexico, licensure would be granted. The New Mexico Board presented it to the Western Zone and encouraged them to make a motion at the Annual Meeting and it failed. This motion is another attempt to establish some sort of comity in Model Law.

Northeast Zone Motion. Mr. Moore reported that there are engineering degrees that are accredited by the Engineering Accrediting Commission (EAC) of ABET. There is also a technical engineering commission under ABET known as the Engineering Technical Accrediting Commission (ETAC) which has been a controversial topic as other boards would not accept their degrees. In later years, it has been slightly more accepted but not without controversy. The California Board has accepted ETAC degrees for some time. The Northeast Zone is attempting to make it more widely accepted as the engineering technology degrees are very popular in the northeast part of the country. The NCEES Board of Director's endorsed it but placed it on non-consent as it will be open for discussion.

Ms. Mathieson expressed how impressed she was at the diligence of getting the wording consistent, and that NCEES is proceeding with gender neutral language.

Mr. Moore has been appointed to the UPLG committee next year, Vice-President Wong is on the Committee on Finances, Mr. King has been appointed to ACCA Committee and asked the Board to consider emeritus status for him at the next meeting. Ms. Criswell was reappointed to the Law Enforcement Committee, and Ms. D'Antonio was appointed to the Licensure Abstract Committee.

G. Update on Outreach Efforts

Mr. Moore reviewed outreach efforts. Vice-President Wong attended the MBA forum and reported that outreach was a topic of discussion, and it appears that some boards conduct outreach as early as high school and even middle school. Mr. Moore's observation is that many licensed members of boards are very active in their professional organizations, serving in dual roles. The Board has established a relationship with various professional organizations and with universities and colleges. Two of the more active colleges are Cal Poly Pomona and Fresno State as they have annual conferences in which Board staff will set up a booth and hold discussions on the licensing process.

During public comment, Alan Escarda reported that he attended the virtual presentation offered by the Board's Senior Geology and Geophysics Registrar, Joshua Goodwin, and also recommended the Board consider offering resources that target high school students on the Board's website. He believes the Board is progressing and evolving and urges the Board to continue.

XII. President’s Report/Board Member Activities

Vice President Wong announced that she is the 2024 inductee of the California Social Work Hall of Distinction for outstanding social workers in California with a focus on public and consumer protection.

XIII. Nomination and Election of President and Vice President for Fiscal Year 2024/25 (Possible Action)

MOTION:	Ms. Mathieson moved to elect Christina Wong as President and Guillermo Martinez as Vice President
VOTE:	8-0, Motion Carried

The Nominating Committee, consisting of Betsy Mathieson and Rossana D’Antonio, presented a recommended slate consisting of Christina Wong for President and Guillermo Martinez for Vice President. There were no nominations from the floor. Vice President Wong accepted the nomination and expressed her desire to continue the Board’s mission of consumer protection and since Mr. Martinez was unavailable, Ms. Mathieson read Guillermo Martinez’s candidate statement letter where he accepted the nomination and stated that the Board is an amazing organization and would be honored to have the opportunity to better serve the Board.

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

XIV. Approval of Meeting Minutes (Possible Action)

A. Approval of May 9, 2024, Board Meeting Minutes

MOTION:	Ms. Mathieson and Dr. Amistad moved to approve the May 9, 2024 Board meeting minutes.
VOTE:	8-0, Motion Carried

Member Name	Yes	No	Abstain	Absent	Recusal
President Hartley	X				

Vice-President Wong	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks				X	
Rossana D'Antonio	X				
Coby King	X				
Guillermo Martinez				X	
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez				X	
Fermin Villegas				X	

XV. Adjourn

The Board adjourned at 3:40 p.m.

PUBLIC PRESENT

Todd Traunero, Caltrans
Michael Melgoza
Alex Janecek
Alan Escarda, PECG
Robert DeWitt, ACEC-CA
Sergio Vasquez, Caltrans
Walter Okitsu