

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

Department of Consumer Affairs
1625 North Market Boulevard, Hearing Room, #102
Sacramento, CA 95834

Thursday, December 19, 2024

Board Members Present:	President Christina Wong; Vice-President Guillermo Martinez; Fel Amistad; Alireza Asgari; Khaesha Brooks; Rossana D'Antonio; Michael Hartley; Coby King; Betsy Mathieson; Frank Ruffino; Wilfredo Sanchez; and Cliff Waldeck
Board Members Absent:	Fermin Villegas
Board Staff Present:	Ric Moore (Executive Officer); Tiffany Criswell (Assistant Executive Officer); Brook Grabowski (Enforcement Manager); Dawn Hall (Administrative Manager); Larry Kereszt (Examination Manager); Celina Calderone (Board Liaison); Joshua Goodwin (Senior Registrar Geologist); Natalie King (Senior Registrar Civil); Dallas Sweeney (Senior Registrar Land Surveyor); and Christopher Pirrone (Legal Counsel)

I. Roll Call to Establish a Quorum

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

II. Pledge of Allegiance

Mr. Hartley led everyone in the recitation of the Pledge of Allegiance.

Due to complications with the audio, the meeting was paused and reconvened at 9:18 a.m.

III. Public Comment for Items Not on the Agenda

During Public Comment, an individual by the name of Waih Truong with Caltrans discussed the process for which licensure is obtained for civil engineers and the possibility of lifting certain requirements for the Seismic and Surveying examinations.

IV. Hearing on the Petition for Reinstatement of Revoked License of Adebowale Olujimi Sodipo

This hearing was held on Thursday, December 19, 2024.

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).

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. Crownholm et al. v. Moore, et al. No. 24-276, cert. pending (filed Sep. 9, 2024), Supreme Court of the United States, Crownholm, et al. v. Moore, et al. (No. 23-15138) (9th Cir. April 16, 2024)
 - 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

VI. Administration

- A. Fiscal Year 2024/25 Budget Report
Dawn Hall, Administrative Manager, reported that there are no changes with the projections from the last Board meeting. There were no real changes to the overall expense projections however, it is still early in the year.

There is an adjustment in the fund condition for the prior year. The beginning balance was adjusted which had a positive impact on the overall fund balance and the months in reserve.

- B. Status Update to Fee Change Rulemaking Proposal
Staff has revised the fiscal impact and workload tables that were included in the fee increase to support the proposed fees for the regulations package and it reflects the actual cost for the last Fiscal Year. At the time that the fee analysis was published, the actual figures for Fiscal Month 13 were not available.

VII. Enforcement

- A. Enforcement Statistical Reports
 - 1. Fiscal Year 2024/25 Update
Brook Grabowski, Enforcement Manager, reviewed the statistics and emphasized that since the introduction of Connect there has been an increase in complaints however, many are not pertinent to the Board and are closed quickly.

During Public Comment Alan Escarda representing PECG said that he has heard that renewal fees were subsidizing exams and asked how much is the Board subsidizing? Mr. Moore responded that the subsidized amount

technically is coming from the Board's budget, however, the revenue is primarily coming from license renewal fees.

VIII. Exams/Licensing

A. Examination/Licensing Updates

Larry Kereszt, Examinations Manager, reported that the Fall 2024 examinations have concluded. The only exams that are currently being administered are the civils as they are year-round. He is hoping to present the scores and statistics for all of 2024 at the next Board meeting.

He also presented a revision of the cover page of the California-Specific Professional Land Surveyor Examination Test Plan previously approved by the Board. The percentages were incorrectly placed on domain 5 and domain 6. The actual test specs were not affected, just the cover page.

C. Adoption of Test Plan Specifications (Possible Action)

1. Professional Geologist – Certified Engineering Geologist (CEG) Examination

MOTION:	Ms. Mathieson and Mr. King moved to approve the CEG Test Plan Specifications.
VOTE:	12-0, Motion Carried

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

Mr. Moore reported on an incident that occurred in November and provided some background on the process of how approved Civil Engineer applicants are notified to sit for the exam or were no shows, despite the fact that they are aware of their no-show status. The Board has always notified the candidates. It used to be by paper but is now through Connect. The Board provides Prometric with a list of candidates eligible to sit for the examinations so that they can upload the notifications via Connect. The pass and fail exam results

are automatically distributed via Prometric to Connect, however the no shows are not since the Board must confirm their no-show status and provide that information to Prometric for distribution. This time instead of the no show notifications going out to the candidates who legitimately no showed, it was distributed to thousands of candidates who legitimately had previously passed or failed. Consequently, staff was receiving calls and emails in the early morning hours of November 12, 2024. The Board's assessment provider, Prometric, identified a technical issue that sent unintended email communications that reflected a no-show examination status. By 9 a.m. a message was placed on the login page of Connect and the Board's homepage advising candidates to disregard the notification explaining that it was sent in error and that we were actively working to ensure that it is corrected. Staff continued to work diligently with the developers and Prometric to correct this and wanted to ensure licensees that they did not no-show despite some of them becoming licensed in the last few years. Over the next couple of weeks, corrected results replaced the inadvertently sent out no show results which made the previously correct results whole again. This incident caused a great deal of concern to those who were waiting for exam results and those who were already licensed, which staff understood and sympathized with the affected applicants and licensees.

B. Discussion on NCEES and State Examinations Related to Engineering Council U.K. Mutual Recognition Agreement (**Possible Action**)

Mr. Moore reviewed the U.K. Mutual Recognition Agreement (MRA) and noted that the Board needs to decide on the next step before we move forward as a Board to the rulemaking process. If the Board moves forward with rulemaking, it is for the Board to decide which second division engineering exam or exams will be allowed to be waived as it relates to this MRA and this pathway towards licensure in California. As part of the agreement, any Chartered Engineer who is licensed by the U.K. Engineering Council and obtains an International PE (IntPE) designation over and above that Chartered Engineer status can apply to a participating board in the United States and does not have to demonstrate passing the Fundamentals of Engineering (FE) exam or Principles and Practice of Engineering (PE) exams provided by NCEES. The MRA also recognizes that jurisdiction-specific exams may exist within certain U.S. states which could still be required. For California to participate, it would have to just make that distinction. The Board must eventually determine an equitable pathway for applicants under the MRA to do so, starting with the FE exam. The Board has had provisions of rulemaking for many years for different conditions on how one could waive the FE (first division) exam, (Board Rule 438(a) for engineers and 438(b) for surveyors). International PE requirements far exceed those currently required by the California Board. While it is likely that these candidates will meet one of the conditions already established under the current FE waiver, an additional condition with clarifying language under the current FE waiver will need to be established at a future meeting.

MOTION:	Mr. King and Ms. D'Antonio moved to approve waiver of the NCEES Fundamentals of Engineering (FE) exam for applicants who will qualify under the U.K. MRA agreement. Board staff will bring forth recommended language for the Board to consider in a future rulemaking proposal.
VOTE:	12-0, Motion Carried

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

Mr. Moore continued and explained that all applicants for a Professional Engineer license in California are currently required to pass the Principles and Practice of Engineering (PE) exam and/or any required state exams (collectively described as the second division examination in Board's laws) that most closely align with the discipline or branch of engineering for which the applicant is seeking a license. A waiver of any or all of the second division examination(s) currently does not exist in the Board Rules.

For each of the license types that the Board issues, there are either corresponding national and state exams, or just a national or state exam. The only state exams given that are applicable are civil (engineering surveying and seismic principles). If there are any candidates for traffic engineering, which is unique to California, there is no national exam for that purpose. There are many more participating organizations under the engineering council than we have branches of engineering.

There are 39 Participating Authorities (Professional Engineering Institution – PEI) from the U.K. listed in the ratified MRA, each of which appears to be separated in a similar manner based on specialty of engineering. Since California is only one of a handful of states that issue PE licenses by discipline or branch of engineering which could likely lead to confusion as to which California license would align with the future applicant's U.K. membership and

individual expertise, staff asked the Engineering Council for a breakdown of currently listed IntPE's as it relates to their respective PEI.

Currently, there are 360 International Engineers that the Engineering Council has qualified. As anticipated, the majority are engineers chartered by the PEI's associated with civil, electrical, and mechanical engineering.

Mr. Moore also pointed out that he did not list the Geotechnical Engineer or the Structural Engineer license types in that California is unique in this area, requiring a Civil Engineer license in California first. By the Board establishing a proper pathway towards the Civil Engineer license for IntPEs, the normal pathway for both the Geotechnical and Structural engineer licenses would remain as is.

Mr. Martinez commented that originally he had expected a larger number of interested engineers from the U.K. than 360.

Ms. D'Antonio added that this is meant to benefit both countries. There are workforce crises in both. Currently, there has never been a bigger boom in engineering projects globally, as the need is definitely there. While there are only currently 360 International Engineers, it does not dictate that there may be more people that sign up in either country.

Mr. Asgari asked if the Board would waive both of the California state civil examinations. Mr. Moore explained that for this Board to participate in the MRA, despite that fact that the Board voted and agreed to participate, the Board can always rescind its decision. Because the way the MRA is written you must waive the NCEES Fundamentals of Engineering and Professional Engineering exams. Both parties recognize that there can be jurisdictional standards and requirements and may require other actions. The Engineering Council of U.K. acknowledges the existence and importance of California's civil seismic principles exam. Board staff's recommendation for this pathway, if you consider waiving any state exams, is to not waive the civil seismic principles for people applying under a Civil Engineering license through this pathway and to not waive the required California laws and regulations.

During Public Comment, Michael Parolini, representing SEAOC, expressed that SEAOC advocates for equivalency, no double standards. If there is going to be state specific, seismic and surveying and rulemaking then it absolutely must be required. As an individual licensee, he indicated that you only hear from the people who do not pass surveying or say that it is a barrier to their employment. The fact that you can still practice, if you do not Sunset that, then you cannot take away the surveying exam. If you are going to eliminate a barrier, you need to also eliminate the practice portion of it as well.

Alan Escarda, representing PECG, announced that PECG does support maintaining the state specific exams and does not want to see waivers. They have been contacted by a member that was hired at Caltrans from the U.K. who has their International PE license and is in the process of applying through the MRA. He understands that this process will take place January 1, 2025. Does that mean that this person cannot request a waiver until then? Secondly, assuming the waiver is granted, will the applicant be able to apply for the state specific examinations?

Mr. Moore first addressed Mr. Parolini’s concerns. The details of the MRA will be in the Rulemaking. It is very critical for the Board to consider equivalency in terms of pathways in the Rulemaking process. For Mr. Escarda, the only thing that is becoming effective January 1, 2025 are the changes to the Board’s laws affected by the Sunset bill which allows the Board to consider this in statute and gives the Board the authority to do something in Rulemaking should they decide to do so. It is possible that the rulemaking process for this pathway is probably going take another 2-3 years as this is a new item and simply not modifying existing language.

MOTION:	Mr. King and Ms. D’Antonio moved for the purposes of establishing a future pathway for chartered engineers from the U.K. applying through the NCEES UK Mutual Recognition agreement (MRA), the Board approves waiving the NCEES national PE exams that are currently accepted in California as shown in the second column beginning on page 38 and continuing on page 39 and directs staff to come back with proposed rulemaking language.
VOTE:	12-0, Motion Carried

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

In separate public comment, Michael Parolini stated that we have a duty to our emerging engineers. This topic is not about technical components of exams, but the exam environment related to the structural exam. The NCEES national structural exam was the last exam to move to Computer Based Testing (CBT) as it was considered to be the most difficult to do so. The first administration was in April of 2024 and the results were not impressive. The technical content did not get more difficult and the examinees did not get less competent. The testing environment did not work for many candidates across the United States. The PE-Structural exam (new name for the CBT version of the NCEES structural exam) consists of multiple exams totaling a minimum of 21.5-hours which could extend over 4 separate days. Other states are currently engaging with NCEES, and NCEES has been less than forthcoming with their ability or desire to make changes and have indicated that they have no duty to do so. California should be a leader in forcing their hand. He would ask that perhaps the Board consider investigating what other states are doing such as Washington and Illinois who have interest in their structural exam. To be clear, Mr. Parolini explained that the manner in which it was administered is not equivalent to what it was in the written exam.

Mr. Moore explained that California state exams are computer-based-testing (CBT) format similar to NCEES, but unlike NCEES and many examination vendor clients, the Board currently allows examinees to bring in their reference materials for state specific exams. Pearson Vue, the CBT vendor for NCEES, and most Prometric clients do not allow for this. From what he understands, structural applicants who normally came into the traditional paper-based exams with wagons full of reference materials are now having to search for reference materials in the searchable screen provided by NCEES/Pearson Vue. He has discussed this matter with NCEES and has knowledge that NCEES is very aware of the concerns, and he has gone so far as to share the audio discussion that took place at one of our previous board meetings in reference to the concerns expressed. He is very interested to see what adjustments NCEES will make as it moves forward while understanding that multiple administrations of the new exam in the CBT format will likely have the most appreciable impact on how those adjustments occur.

IX. Legislation

A. 2025 Legislative Calendar

Mr. Moore reviewed the 2025 Legislative Calendar. He is not aware of any bills that may come before the Board, but staff continues to monitor.

X. Consideration of Rulemaking Proposal (Possible Action)

A. Approval of Rulemaking Proposal to Amend Title 16, California Code of Regulations section 425.

MOTION:	Mr. Hartley and Ms. Mathieson moved to approve the Rulemaking Proposal to Amend Title 16, California Code of Regulations section 425.
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VOTE:	12-0, Motion Carried
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Member Name	Yes	No	Abstain	Absent	Recusal
President Wong	X				
Vice-President Martinez	X				
Fel Amistad	X				
Alireza Asgari	X				
Khaesha Brooks	X				
Rossana D'Antonio	X				
Michael Hartley	X				
Coby King	X				
Betsy Mathieson	X				
Frank Ruffino	X				
Wilfredo Sanchez	X				
Fermin Villegas				X	
Cliff Waldeck	X				

XI. Executive Officer's Report

A. Rulemaking Status Report

Currently there are only two items: Applications, References, Computation of Qualifying Experience, and Schedule of Examinations; and the Definitions of Negligence and Incompetence and Responsible Charge Criteria for Professional Geologists and Professional Geophysicists. The Board should see the rulemaking for the fee change and the proposal to amend Title 16, California Code of Regulations section 425 on a future agenda.

B. Update on Board's Business Modernization Project

The remaining enforcement functionality related to back office is progressing well. The Enforcement Manager and Registrars have been actively working on the license renewal assessment content. They have concluded the assessment related to the Professional Land Surveyors' Act and related Board Rules and are now focusing on the Professional Engineers Act content. Mr. Moore expressed his excitement to demonstrate it to the Board.

During Public Comment, Mr. Escarda asked if there will be a fee involved in the renewal assessment and the length of time it will take to complete. Mr. Moore explained that there will be no fee involved and should take approximately 45 minutes to complete.

C. 2025 Board Meeting Schedule (Possible Action)

Mr. King requested that we maintain the May 29-30, 2025 dates as they are the only dates he is available in the month of May.

MOTION:	Dr. Amistad and Mr. Sanchez moved to approve the 2025 Board meeting calendar.
VOTE:	12-0, Motion Carried

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

D. Personnel

Mr. Moore reported that the Board staff maintains two vacancies. One in the Licensing Unit and the other in the Enforcement Unit. They will remain open unless the positions are eliminated or he is instructed to fill them.

E. ABET

No report given.

F. Association of State Boards of Geology (ASBOG)

1. Report from 2024 Fall Annual Meeting

Mr. Moore introduced Joshua Goodwin, Senior Registrar Geologist. Mr. Goodwin attended the ASBOG Annual Meeting in Fort Collins, CO in October as well as Ms. Mathieson representing on behalf of the California Board. ASBOG is working on a strategic plan and shared some of the processes and ideas. The current psychometrician is retiring so a committee has been reviewing RFPs (Request for Proposals). In addition to being involved in the psychometrician RFP committee, Mr. Goodwin has recently been appointed the Exam Committee Chair for ASBOG and he participated in the Council of Examiners workshop that was held October 25-26, 2024.

Ms. Mathieson added that in reference to strategic planning, one of the items was that they may work with ABET to use ASBOG's knowledge base to decide on school's qualifications for ABET accreditation. She added that Mr. Moore is on the Strategic Planning Committee.

She added that computer-based-testing (CBT) was implemented two years ago for the geology exams. There were a lot of early problems with testing centers and various other complications that they have worked through. The

organization is in great shape financially and the Executive Director said that Mr. Moore helped bridge the gap between ASBOG and NCEES to collaborate on implementing CBT.

They affirmed the slate of officers. As Mr. Goodwin mentioned, someone else was elected Secretary from Washington state, so now there is West Coast representation on the Executive Board. There were no proposed bylaw changes.

Mr. Moore congratulated Mr. Goodwin on being appointed as Exam Committee Chair for ASBOG.

- G. National Council of Examiners for Engineering and Surveying (NCEES)
 - 1. May 15-17, 2025, Western Zone – Central Zone Joint Interim Meeting, Albuquerque, NM – Funded Delegates (**Possible Action**)
Christina Wong, Michael Hartley, and Alireza Asgari volunteered to attend as funded delegates.

MOTION:	Dr. Amistad and President Wong moved to nominate Michael Hartley, Alireza Asgari, and Christina Wong to attend the Western Zone and Central Zone Joint Interim meeting.
VOTE:	12-0, Motion Carried

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

XII. President’s Report/Board Member Activities

President Wong reported that she is the Chair for the Nominating Committee for NCEES Western Zone. She noted a vacancy for the position of Western Zone Secretary that is available, and nominations for this vacancy will close February 15, 2025. She also participated in the DCA Leadership meeting.

Ms. D’Antonio was appointed to the NCEES Committee on Licensure which is a new committee. The charge of this committee is to review the models of licensure

and address gaps that exist, for example, with regards to the controversial Engineering Technology Accreditation Commission (ETAC) degrees, how to deal with licensure during emergencies, whether states will recognize the licensure from other states and how to deal with licensure with regards to emerging technology. The next meeting will take place February 7, 2025, and therefore she will not be able to attend the February Board meeting.

Vice-President Martinez attended the DCA leadership meeting as well.

XIII. Approval of Meeting Minutes (Possible Action)

A. Approval of October 16-17, 2024, Board Meeting Minutes

MOTION:	Michael Hartley Khaesha Brooks moved to approve the minutes as amended.
VOTE:	11-0-1, Motion Carried

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

XIV. Adjourn

The meeting adjourned at 4:47 p.m.

PUBLIC PRESENT

- Carl Josephson, SEAOC
- Waih Truong, Caltrans
- Debo Sodipo
- Rob McMillan, CLSA
- Michael Parolini, SEAOC
- Alan Escarda, PECG