

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

9643 Brookline Ave., Ste. 101, Baton Rouge, LA 70809



REGULAR MEETING OF LBOPG

Tuesday, January 8, 2019, 1:00 P.M.

Louisiana Engineering Society Building Conference Room
9643 Brookline Avenue, Baton Rouge, LA 70809

MINUTES

Chairman William Finley called the meeting to order at 1:12 p.m., Tuesday, January 8, 2019. He commenced roll call.

Present: William Finley, Lloyd Hoover, L. Todd Perry, William Schramm, Melanie Stiegler, and David Williamson, Board Members; Brenda Macon, Executive Secretary; Chantel McCreary, Assistant Executive Secretary

Absent: Harry Vorhoff, Legal Counsel

Guests: Donna Sentell, executive director, LAPELS.

Quorum established. Roll Call sheet was circulated for signatures. Guest sign-in sheet was also circulated.

Public Comment Period

Meeting Minutes

Minutes of the November 13, 2018 meeting were reviewed. Williamson moved to approve the minutes; Perry seconded; the motion passed.

Treasurer's Report

Schramm mentioned that the December bank statement was not available until the day before the meeting. However, the office staff was able to reconcile the account from online data, which was then verified by the statement upon receipt. Schramm reported that the starting balance on November 1, 2018, was \$230,292.53. November deposits totaled \$16,454.18; November expenses were \$7,740.45. The ending balance on November 30, 2018, was \$239,006.26, which is also the beginning balance for December 1, 2018. December deposits were \$11,875.36; expenses were \$15,275.67. The ending balance on December 31, 2018 was \$235,605.95. He mentioned that about \$4,000 more was spent than was deposited. Finley pointed out that a large part of the expense in the month of December were related to travel expense reimbursements to board and staff members who attended the annual ASBOG meeting. Macon added that the budget report also reflects the impact of those reimbursements. Schramm mentioned that, even with the added travel expenses, the board is about \$2,400 below budget. Finley asked if any budget item needs to be addressed; Schramm explained that the board should budget more funds to the travel category to allow the board to participate in the ASBOG Council of Experts and other

activities, as discussed at the November meeting. Finley said the decision to participate more in outside activities is new and that the amount budgeted in this category should be increased for the next budget year. Schramm suggested that this category be monitored to be sure that the board can afford to implement the proposed increase in travel, adding that any decision should also incorporate the balance the board decides to keep in the account. Discussion ensued, with the consensus concluding that the board should be able to afford the extra travel, as long as funds are set aside for long-term planning and legal expenses.

Macon directed attention to the spreadsheet with renewal totals by month and year and pointed out that renewals for December were low because licensees know they have a 60-day grace period. She explained that she will present the 2018 total renewals at the March 2019 meeting so that all renewals will be included. Finley said, in light of the recent request from the Office of Boards and Commissions for a “self-evaluation report,” as mandated in Act 683 of the 2018 Regular Session of the Louisiana Legislature, the information in this spreadsheet may be useful in determining how many licensees maintain their licenses over time. Schramm asked if a list is kept of those who have voluntarily relinquished their licenses and of those who are deceased, as opposed to those who simply don’t respond or renew. Macon answered that she flags those she hears about, because that information is usually anecdotal – licensees call to say they are retiring, or family members report that licenses are deceased – and she also conducts Internet obituary searches for those licenses for whom the board has lost all contact. Schramm pointed out that not renewing one’s license is a form of non-compliance and could be grounds for a complaint; Perry concurred. Both suggested this may be an area to be considered by the Complaint Review Committee. Macon pointed out that several licensees have not renewed since their licenses were granted, and some of those date to 2015. She further pointed out that those licenses are no longer valid after three years. She asked the board what should be done with those files. Perry suggested archiving them; Finley agreed. Finley mentioned that those archived files could be used in evaluating requests for reinstatement. Sentell explained that LAPELS keeps license files as far back as the 1920s – no files are ever destroyed – and once an engineer is licensed, that person retains the same license number for life. Macon asked board members if lapsed LBOPG licensees retain their same number if reinstated; board members agreed that they do. She also asked if licensees who petition to be reinstated must take the ASBOG exams; Finley responded that they do unless they qualify for reciprocity. Discussion ensued. Perry moved to accept the treasurer’s report; Williamson seconded. The motion passed.

Standing Committees

Application Review Committee: Chair Melanie Stiegler reported that nine candidates applied for Professional Geoscientist licenses; all (1–9) are recommended for approval. She further reported that the committee had two candidates (1 and 4) who applied to take the ASBOG Practice of Geology exam and two (2 and 3) who applied to take the ASBOG Fundamentals of Geology exam; she said all (1–4) are recommended for approval. She added that the committee reviewed one candidate who applied for Geoscientist-In-Training (GIT) certification, and that certification is also recommended. Stiegler moved to approve these candidates for licensure, certification, and testing; Williamson seconded the motion; the motion passed. Stiegler mentioned that the application now provides the information the committee needs, and she has asked Macon to make sure the requirements for references are in a more prominent location on the website, and that change has been made. Williamson asked Stiegler to explain one aspect of references that recently arose. She explained that two license applicants had the same three references at the same company, and even their fourth reference from outside the company was the same. She said that, at first, this raised a red flag, but then she realized that these applicants were of the same cohort: both had recently passed the exams, had only been out of school for a short time, worked for the same

company, and had never worked anywhere else, so the similarity of references made sense. She and Williamson both pointed out that the references indicated different strengths, different work areas and experiences, and provided individual information specific to each applicant; they were not “cookie-cutter” references.

License Examination Committee: Williamson deferred to Macon, who reported that, with the board’s approvals at this meeting, six people will be taking the Fundamentals of Geology exam, and two people will be taking the Practice of Geology exam. She also reported that, thanks to Board Member William Schramm, she contacted the office coordinator for the Louisiana Department of Environmental Quality, who has reserved a conference room in the Galvez Building in downtown Baton Rouge for the ASBOG testing day, Friday, March 15, 2019. Schramm mentioned that he will be serving as a proctor, along with Macon. Macon told the board that the office coordinator had offered to validate parking for the testing candidates. Finley reminded the board that information on the numbers of those taking the exams should be part of the Self-Evaluation Report; Macon mentioned that former Board Member William Meaney had maintained a spreadsheet and graph of testing over time, and that spreadsheet is still available.

Complaint Review Committee: Perry reminded board members that the process flowchart has been finalized and sent to all board members for their information. He acknowledged that the process is yet untested because the board has not received any complaints yet.

Perry then turned to the newly proposed rules for seal use and asked Macon if those rules are official yet. She responded that she thought the rules were currently in the public review period, but she did not know if they had yet been published in the *Louisiana Record*. She said she did not yet have specific information on the exact date of publication. Perry summed up the discussion by stating he felt confident the process would be approved and through comment period would be adopted before the next meeting in March; he indicated that he will work with DNR and DEQ on introducing and enforcing those rules.

Then Perry turned to the third committee charge, implementing continuing education audits. He reported that audit letters have been sent to randomly selected licensees since November. He and Schramm described the one response they have received so far and indicated that some problems were evident. To address the issues, Schramm created a checklist form to be used in response to deficiencies. Schramm also pointed out the difficulty of working on the audits when the board only meets every other month, and committee members cannot make decisions outside of a public meeting. Schramm said the board needs to adopt a policy and a specific procedure for the audit. Board members agreed, and Finley mentioned that the board has, in the past, declined to provide licensees with specific courses that will satisfy the continuing education and ethics requirements. Schramm suggested giving examples of courses and activities that will pass the audit; Perry agreed, adding that logs of successful audits could be posted as examples. Discussion ensued. Schramm suggested that the Complaint Review Committee should be renamed the Compliance Review Committee. Perry explained that the committee names were listed in the legislative act that created the board and cannot be changed easily. Discussion ensued regarding committee charges, committee membership rotation, and procedures. Schramm brought the discussion back to the problems with the auditee’s PDH log. Perry moved to give the committee authorization to send a certified letter to the auditee notifying the person that his continuing education hours are deficient; Schramm seconded the motion. Finley noted that this is a temporary motion that will be replaced in future by developing a proper procedure for handling audits. The motion passed.

Office Committee: Macon reported that she is still working on a revised travel policy and hopes to have a draft to the board by the March meeting date. She also reiterated that a testing site has been confirmed for the 2019 ASBOG exam dates in March and October. She reminded board members of their discussion at the November meeting regarding the need to establish a legal fund separate from the checking account and relayed the information that legal counsel had provided the opinion that establishing a legal fund is appropriate. She also explained that Campus Federal Credit Union offers a savings account that links directly to the checking account so that funds can be transferred between the two accounts as the need arises. She presented a draft resolution that would give the board chair the authority to initiate a transfer of funds to a linked savings account that would allow the board to create a separate legal fund. Board members considered the resolution. Hoover moved to accept the resolution with one change; Schramm seconded the motion; the motion passed.

Macon then mentioned that during late November and all of December, the office staff experienced a further decline in the already spotty wireless Internet connectivity in the office. The IT staff member for LAPELS and LES investigated the problem and suggested that LBOPG would be better served with an Internet account of its own, rather than piggybacking off the LES account with Cox Communications. Currently, the board pays LES \$62.50 per month; a recent postcard from Cox suggested that the board can get its own account for \$74.99 per month with a 3-year agreement. She asked the board for permission to investigate further. Discussion ensued. Schramm moved to allow the office staff to investigate and to contract with the Internet provider that offers the best deal; Stiegler seconded; the motion passed.

As a reminder, Macon included copies of a letter from the Office of Risk Management regarding the state's limited liability in the event that a personal vehicle is damaged while being used for state business, and of the Department of Justice's civil law training schedule for 2019. Finley asked that board members consider attending the training session on the administrative hearing process. Schramm expressed interest. Macon also announced that Schramm would be representing the board at the annual FARB forum at the end of January. She further informed the board that the office space lease has been finalized, approved by the state, and notarized copies of the lease are now on file, both with LEF and LBOPG.

Finally, Macon notified the board that McCreary's position must be renewed in January and that, if the board elects to give her a raise, that raise must be included on the same form. She asked the board to consider all that the office staff has accomplished in 2018 and to consider rewarding those accomplishments with a salary increase. Finley asked for specific current salary amounts; Macon provided that information. Finley called for the board to go into executive session to discuss staff salaries.

Other Business

Finley read a question received from a licensee, "Is it illegal for a Professional Geoscientist registered in Louisiana to claim in a report prepared in and for clients in Louisiana to state that he is a Registered Professional GEOLOGIST?" He pointed out that, regardless of legality, the designation "registered professional geologist" is inappropriate in Louisiana. Discussion ensued, with the agreement that the correct designation is "Professional Geoscientist" but that calling oneself a registered professional geologist is not necessarily illegal. Board members agreed that the board does not determine the legality of calling oneself a geologist in the context of the report process. The discussion revealed that certain circumstances may arise in which this may happen under completely benign conditions. Perry pointed out that, if a Louisiana Licensed Professional Geoscientist uses his or her stamp on a report, the stamp, or seal, should include the words "Louisiana Board of Professional Geoscientists," the licensee's name, and the licensee's individual license number, and the licensee's signature should be written across that seal. Williamson added that, if the licensee works for a company and the licensee's official title within that company is, for example, Senior Geologist, then the

licensee may well sign the report with that title, though the seal would indicate “Professional Geoscientist.” Finley pointed out that at least one neighboring state (Mississippi) “registers,” rather than “licenses” its “geologists,” which could lead to confusion by a person who is registered in that state and licensed in this one and, hence, the mistake of signing as a Registered Professional Geologist, which is the correct designation in Mississippi, but not in Louisiana. He also quoted from the Louisiana Geoscience Practice Act, which describes the difference between a geologist and a geoscientist, defining that term as “a person qualified to engage in the practice of geoscience because of the person's knowledge, acquired through education and practical experience, of geoscience, mathematics, and the supporting physical, chemical, mineralogical, morphological, and life sciences.” No vote was taken on the matter as there were not enough facts to form an opinion.

New Business

Because item a on the agenda would require a lengthy session to complete the Self-Evaluation Report for the Office of Boards and Commissions before its January 15 deadline, the board considered item c first: leniency on the \$50 late fee in the case of a licensee who had never been late before and who had suffered an extended illness prior to being furloughed from her position with the Federal government. The board considered the request from the licensee, who was about two weeks beyond the 60-day grace period. Hoover moved to waive the late fee for this licensee due to being furloughed and other extenuating circumstances; Williamson seconded the motion; the motion passed unanimously.

Next, as indicated as item b, Finley reported on his takeaway from the recent ASBOG Annual meeting. He pointed out that, as populations grow and need housing, building developments are more frequently located in geologically unstable areas, including marshes and flood plains. The more heavily populated a state is, the greater the risk taken in developing properties. Finley sited this as an example of one of the ways human activity impacts geoscience practice. He mentioned that good geoscience practice can potentially save money, property, and lives in these situations. He emphasized the need to educate the public regarding the impact that licensing has on ensuring good geoscience practice. Discussion ensued on ways to support and/or provide this educational component. One suggestion forwarded is to assist in creating a geological hazards map, including Superfund sites. Williamson recalled seeing a USGS hazards map of Louisiana and agreed to try to locate a copy. Discussion also included whether or not to include oil and gas hazards, and board members agreed that those oil and gas hazards become environmental hazards and should be included. Board members discussed the appropriate purview of the board, its limits, and cooperation with other state units to accomplish larger goals. Hoover pointed out that, while these goals are noble, the mission of the board is to examine applicants for qualifications to be competent geoscientists and to license those who are. Board members agreed; Finley added, however, that the board also needs to be aware of what the hazards are in the state and to ascertain that those geoscientists who perform work on those hazards are qualified to handle them. He also suggested that the board should find ways to inform the public regarding the importance of geoscience in Louisiana. Schramm pointed out the importance of maintaining contact with early advocates for licensing in Louisiana who also have knowledge of the history of the board. Additional discussion ensued. This discussion segued into work on the self-evaluation report, which was identified in item a of the agenda. Edits were made, with the understanding that board members and staff would continue to add to the report during the following week. Perry moved to approve the report with edits at this meeting, giving the chair final authority to release the report and executive secretary authority to submit the finished report to Ellen Palmintier, director of the Office of Boards and Commissions, on January 15, 2019; Stiegler seconded the motion; the motion passed unanimously.

Adjourn

The date of the next regular meeting of the board will be Tuesday, March 12, 2019. Perry moved to adjourn the meeting; Schramm seconded. The motion passed. Finley adjourned the meeting at 4:10 p.m.