

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Thursday, January 16, 2020, 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 1:17 p.m., Thursday, January 16, 2020. He commenced roll call.

Present: William Finley, Melanie Stiegler, Lloyd Hoover, Elizabeth McDade, and David Williamson, Board Members; Machel Hall, Legal Counsel; Brenda Macon, Executive Secretary; Chantel McCreary, Assistant Executive Secretary

Absent: Todd Perry and William Schramm, Board Members

Guest: Donna Sentell, Executive Director, LAPELS

Quorum was established. Roll Call and Visitor Sign-in sheets were circulated for signatures.

Public Comment Period

Finley invited the guests to comment for the record. Sentell declined to comment.

Meeting Minutes

Minutes of the November 12, 2019 meeting were reviewed. Williamson moved to approve the minutes; Stiegler seconded. Finley called for discussion; there was none. Finley called for a vote, and the motion passed unanimously.

Finley asked about getting the minutes on the website sooner since meetings are now two months apart. Macon asked Hall if putting draft minutes on the website would be legal; Hall replied that she wasn't sure but would check. Finley then introduced Hall as the board's new legal counsel, replacing Harry Vorhoff, who now works in New Orleans. Sentell offered that LAPELS posts its minutes, as LBOPG currently does, immediately following the meeting at which those minutes are approved. Discussion ensued.

Treasurer's Report

In Schramm's absence, Macon reported first on the number of renewals for 2019. She reported that the total number of licenses granted as of December 31 was 1295. The total number of expected renewals, taking out those licensees who are not yet due to renew or who have retired, are deceased, or have indicated the intent not to renew, for 2019 was 1082. The actual number of renewals so far is 987, and Macon pointed out that licensees with November and December expiration dates are still within the 60-

day grace period and may continue to renew into January and February 2020. She said she calculated an attrition rate of 8.8% but reminded board members that the other side of that number suggests that 91.2% of the original licensees remain active.

She then presented the account information for the previous two months. She reported that the total of deposits for the period of November 1, 2019, through December 31, 2019, was \$33,388.48, and the total of expenses was \$20,551.49. The beginning balance on November 1 was \$182,355.41, and the ending balance on December 31 was \$195,192.40. She reported that the balance in the savings was \$50,601.39 on December 31, and the interest earned during the two-month period was \$8.46. The total balance in both the checking and savings accounts was \$245,793.79. Macon pointed out that the highest balance the board has ever had was \$265,647.16 in December 2014; the current balance is within \$20,000 of that high point. She presented graphs to show the comparison of expenses and revenue and to show the steady increase in the balance of accounts over time since September 2017.

Macon presented the comparison of budget to actual revenue and expenses for the fiscal year to date. She reported that budgeted revenue was \$66,700.02 and actual revenue was \$80,455.76, exceeding expectations by \$13,755.74. Budgeted expenses were \$72,018.00, while actual expenses were \$59,566.83. Expenses were under budget by \$12,451.17. The total actual funds on hand exceeding the budget were \$26,206.91.

Macon then summarized how board funds are currently spent, remarking that most ongoing expenses are for daily office operations, that most expenses are currently paid online or automatically with the board's credit card, and that the highest expenses after staff payroll are for website maintenance, updates, and upgrades. Discussion ensued. She also reminded the board that legal expenses may increase as the board matures and disciplinary hearings are implemented. She pointed out that this information would be useful as the board begins to consider the 2020-2021 budget, which would first be introduced for discussion at the March 2020 board meeting and for final approval at the May 2020 board meeting. The new budget would then be in place for the fiscal year beginning July 1.

Macon then brought to the board's attention that January is the month in which McCreary's annual reappointment must be submitted to the Louisiana Civil Service Commission. She explained that she had forgotten about the need to submit the form until she returned from the holiday break and apologized for not apprising the board in advance of this reappointment and the need to include possible pay increases at the same time the WAE reappointment form is submitted. No pay increases can be implemented for WAE employees after their reappointment forms have been submitted to Civil Service for the year.

She then asked the board to consider a 2% raise for McCreary. She also reported that McCreary, who had also been working as a WAE employee for LAPELS had been made a permanent full-time employee in late December. She and Sentell brought up the possibility that McCreary may accrue overtime hours because of McCreary's new full-time status. If McCreary's hours exceed 40 in a week, she must be compensated at the rate of time and a half. Sentell explained that, since McCreary now accrues leave time in her full-time position, LAPELS will compensate overtime in their office with compensatory leave. However, LBOPG does not have that option since McCreary is still a WAE employee and does not accrue leave and is not paid benefits. Macon mentioned that, at most, McCreary will accrue two hours per week in overtime with LBOPG, for a possible total of four hours per pay period. Discussion ensued, with several questions arising and significant contribution from Sentell regarding the dual nature of McCreary's appointment. Stiegler moved to raise McCreary's pay by 2% with the understanding that, if the board must pay

overtime, then she would remain at her current pay rate and receive time and a half overtime pay. Finley called for discussion; none was forthcoming. He called for a second; McDade seconded the motion. Finley called for a vote; the motion passed unanimously. Additional discussion ensued regarding the situation and whether also to raise Macon's salary.

Standing Committees

Application Review Committee: Chair Melanie Stiegler reported that the committee reviewed six applications for full licenses; five of those (1,2,3,4, and 6) are recommended for approval. Application number 5 did not currently meet all qualifications for license but is being put on hold until the final qualification is met. Stiegler pointed out that this application will be discussed later in relation to questions that have arisen about work experience. She then reported that all six (1,2,3,4,5, and 6) GIT certification applications are recommended for approval. She further reported that the committee is recommending applications 1,2,4,5,7, and 8 for approval to take the ASBOG Fundamentals of Geology exam and applications 1,3,6,7, and 8 for approval to take the ASBOG Practice of Geology exam. She also pointed out that four previously approved applications for ASBOG testing are listed at the bottom of the report. Finley called for a motion to approve the list of applications. Williamson moved to approve the list; McDade seconded the motion. The motion passed unanimously.

Stiegler then brought to the board's attention questions from a current Louisiana GIT:

"Do I need 5 years of qualifying work experience before I can apply for the Practice of Geology exam? Or do I only need the 5 years of experience before applying for the PG license? I'm short about 10 months of the 5 years of experience and was wondering if I could take the exam before."

Stiegler commented that her opinion is that candidates can apply to take the ASBOG Practice of Geology exam whenever they feel qualified to pass it, but they must have the full five years of work experience to get a license. McDade asked if the board imposes a time limit between passing the exam and completing the work experience requirement; Stiegler responded that, once someone takes and passes the test, the exam requirement is complete, regardless of when the work experience requirement is met. Hoover asked about the requirements in Mississippi for a license; Stiegler stated that she did not know. Discussion ensued. The board consensus was that candidates can take the ASBOG Practice of Geology exam whenever they want, but they cannot qualify for full licensure until they have at least five years of experience.

Williamson brought up an issue that occurred with one of the candidates applying to take the ASBOG exams: This applicant was educated in Europe, and the transcripts were difficult for Williamson to evaluate, so he suggested the candidate have a third party credentialing service to evaluate the transcript. He asked if the board had suggestions regarding which companies should be recommended. Discussion ensued. Stiegler asked if the board wanted to make it required that international transcripts be evaluated, commenting that it seemed unfair not to require some applicants to have their transcripts evaluated while others are required. The board concurred with her suggestion so that the policy would be consistent for all applicants. Williamson pointed out that the candidate had listed several services as options and asked which one to use. Because he was unfamiliar with the services, he had no way to make a recommendation. Both he and Stiegler suggested that Macon check with area universities for recommended transcript evaluation services. Additional discussion ensued.

This discussion prompted Macon to report to the board that she had been talking with Bill Schramm about creating a policies and procedures document that provides access to all issues like this that have

been discussed by the board and consensus established. She added that no document of this type currently exists. She explained that similar situations are discussed at different times with different board members in place and that it would be helpful to be able to find previous decisions easily in one document so the board has precedent for its discussions and decisions. She suggested the board may want to create a policies and procedures guide for future reference. Discussion ensued. Hall asked if people apply for licenses in several states at the same time. Macon said they can and cited an example from Louisiana. Hall then asked if the requirements are standardized across states, specifically asking if other states require specific transcript evaluation services and if so, would Louisiana accept a transcript that had already been evaluated for another state. Board members agreed that they would need to make that determination on a case-by-case basis. Finley added that reciprocity only exempts an applicant from taking the examinations. Additional discussion ensued.

Macon reported that she had accompanied Sentell to ULL for a presentation on engineering licensure and was inspired. She suggested the possibility of starting similar presentations on geoscience licensure at either UNO (Stiegler) or ULL (Finley), one class at a time. She said she would like to find an appropriate venue for explaining to students the importance of licensure not only to the individual who holds the license but, even more important, to the State of Louisiana. Stiegler offered to speak at the next faculty meeting in her department at UNO to determine which class would be appropriate, adding that she thinks both graduate students and upperclass undergraduates should be included. Macon suggested that such a meeting with students could be held in April and asked board members to make a decision by March regarding what types of promotional materials they would like her to order for distribution at the student meeting. Finley added that he is in discussions with the department head at ULL to create a course that teaches job skills; he said such a course would be an appropriate venue for a presentation on professional licensure, probably in the fall 2020 semester.

Macon added that she would like to get the flyers discussed in previous meetings prepared in advance of meetings with students. Stiegler said she had not made progress on the flyers but is willing to work with Macon to get them completed.

Finley mentioned again the previously discussed policies and procedures document and suggested that such documentation is especially relevant for the Application Review Committee. Macon added that the upcoming database change will also necessitate at least one training session for all board members with Dovetail Digital once the change is completed, and documentation from that tutorial would be valuable. She also mentioned the need for reviewers to complete the review panel so that a historical record of each reviewer's decision is maintained and archived. Williamson mentioned that he had no success in attaching a Word file from a reference to the applicant's review panel; Macon offered to find a way to add the reference in another slot and ask Dovetail Digital to create a space for application materials that cannot be added otherwise.

License Examination Committee: Williamson reported that, for the March 20 testing date, six newly approved Fundamentals of Geology testing candidates and five newly approved Practice of Geology candidates have been added to the four FG candidates and two PG candidates who had been previously approved, for a total of ten FG candidates and seven PG candidates sitting for exams. He announced also that the exams would be given in the conference at 9643 Brookline Avenue.

Compliance Committee: Macon reported that she has generated a random list of license numbers for the next round of audits, reviewed the list to be sure that all licensees are active, and sent the list to the

Compliance Committee members for their review. Stiegler reported that a fellow faculty member at UNO was one of the 2019 auditees, and that person expressed concern that the Excel spreadsheet used on the website as the continuing education log is difficult to figure out and complete. Macon asked Stiegler to convey to the person that he is safe from the audit process for another year and that, if he has suggestions for improving the spreadsheet, to send them to the board. Macon reported that she thought this person was in direct contact with committee members with his suggestions already. She also asked board members to attend to the percentages Schramm had sent for their information. She reported that three licensees had not renewed because they had not completed the continuing education requirements, and only two licensees passed the audit with all the CEUs they needed. Discussion ensued, with Finley pointing out that this first round has been a valuable learning experience and McDade pointing out that the three honest people who did not renew because they had not completed the requirements were not very different from those who had taken the wrong courses. The consensus opinion was that the committee chair should contact those people who did not renew because they had not completed the requirements to let them know they would have a second chance.

McDade mentioned that NOGS has an ethics talk scheduled for their March 2 meeting. The presenter is a member of the Texas Board of Professional Geoscientists. She stressed that the presentation must be geoscience ethics rather than business ethics. She also mentioned that organizations in the New Orleans area often have conflicts when important continuing education opportunities are offered at the same time, and people have to choose which one to attend. Williamson reported that the Shreveport Geological Society had an ethics presentation scheduled for Tuesday, January 21, and that it would be geoscience based.

Office Committee: Macon reported that McCreary researched the QuickBooks training opportunities mentioned at the November board meeting and decided the training would not be cost effective. The initial cost would be \$659.98, with continuing monthly fees of \$29.99 for as long as the subscription was in force. The office staff determined that they could not justify the expense.

She then reminded board members to be thinking about the types of promotional materials they wanted her to purchase.

She reported that Machel Hall had represented the board at the December 12 House Committee on House and Governmental Affairs meeting that Macon could not attend. The board had been sent notice that they were to attend and explain why its Act 655 report on complaints against the board for the quarter ending September 30 had been late. Macon explained that she has attempted to comply with the details of this act and invited Hall to report on her experience. Hall reported that the law was apparently passed to address concerns about other boards that were not performing as they should; LBOPG was not even on their radar. However, the law has proved onerous even to the legislative staff who are tasked with receiving the reports generated by this act. Additionally, the law is not achieving the desired effect, and the rogue boards the law was supposed to affect have not been affected at all. Moreover, the law did not explain what kind of complaints it was targeting. Hall reported that the legislator/chair of the committee expressed a desire to repeal the law; the legislators/committee members who created the law indicated they plan to amend the law and resubmit it. They are currently requesting comments from the boards regarding the law; Hall has already submitted the comments from LBOPG, and she suggested that additional comments could be useful. Hall pointed out that the law allows for complaints to the House oversight committee, the Senate oversight committee, the board itself, and to the department or agency that oversee the board. The legislative staff were asked what happens with all those complaints; they

said, "Nothing happens." Hall said the committee understands the law as it is now is a nightmare for all. Discussion ensued.

Macon then mentioned that, on November 21, Finley, Schramm, and she met with representatives of both Regions Bank and Capital One. While the two institutions offer similar services, Capital One has the advantage of providing the board with individual assistance and an attractive interest rate for the savings account. She told the board Schramm had mentioned he would like to meet with Finley again when he returns to complete the change. She and Finley explained that, rather than providing one card for all uses, Capital One issues a main credit card and a number of additional credit cards connected to that main card for use by individual board members and staff. The cards could conceivably be used for board member and staff travel, functioning in a manner similar to the state's travel card, for which the board is not large enough to qualify.

Macon announced that the Louisiana Office of Risk Management is offering a two-day conference on February 12 and 13 at a cost of \$25 for one day or \$40 for both days. She pointed out that some of the sessions may be useful for board administrators, but the description of those sessions is not broken down by date, so it's hard to know whether to attend both days, just one, or neither.

Finally, Macon reminded board members that Schramm would be attending the FARB conference from January 23 -26, 2020, in Colorado Springs, Colorado.

Legal Comments

Finley asked Hall if she had any updates on the Attorney General's opinion the board is seeking and that Harry Vorhoff had prepared and submitted. She did not, but she suggested meeting with the Louisiana Department of Natural Resources (LDNR) and the Louisiana Department of Environmental Quality (LDEQ) to discuss their review process and the best way forward. Finley explained that the board is attempting to get an understanding of what geoscience means in Louisiana and how it affects the public. He said board members are trying to understand better what kind of reports are required. He said the board wants to work cooperatively with the agencies and to learn from them what kinds of reports licensees produce. Hall suggested that those reports are public documents that can be accessed through the agencies' databases (LDNR's SONRIS, or Sunrise, and LDEQ's EDMS). She suggested that the public records staff would most likely be willing to help the board access the relevant reports. Discussion ensued, with Hall concluding with assurance that the opinion document is working its way through the Department of Justice.

New Business

Finley brought up the topic of possible introduction of new legislation to authorize monetary penalties for offenses, as outlined in the Act, committed by licensees and others and asked Hall how the board would go about introducing this type of legislation. Hall explained that, if legislation is needed, it should be submitted in the next couple of months. Because this year's session is a non-fiscal session, legislators have more room to introduce new legislation, unlike in fiscal sessions that limit non-fiscal legislation to four or five bills. She suggested finding out what other boards have done first. Hoover suggested finding out from Sentell how LAPELS had created its penalties and fines schedule. Discussion ensued.

Adjourn

The date of the next regular meeting of the board is scheduled for Tuesday, March 10, 2020, at 1:00 pm. Stiegler moved to adjourn; Williamson seconded the motion. Finley adjourned the meeting at 4:02 pm.