

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, September 11, 2018, 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 1:08 p.m., Tuesday, September 11, 2018. He commenced roll call.

Present: William Finley, Lloyd Hoover, Thomas Klekamp, L. Todd Perry, William Schramm, Melanie Stiegler, and David Williamson, Board Members; Harry Vorhoff, Legal Counsel; and Chantel McCreary, Assistant Executive Secretary

Absent: Brenda Macon, Executive Secretary

Guests: Elizabeth C. McDade, NOGS; Donna Sentell, LAPELS; Paul Laverty, Fugro; Joe Austin, Earth Measurement Corporation.

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

Public Comment Period

Joe Austin asked about seminars that the board may host; Hoover responded that the board does not host seminars. Finley concurred, explaining that geological societies and organizations host seminars. Williamson mentioned, as an example, the Shreveport Geological Society (SGS) is hosting the 2018 annual convention of the Gulf Coast Association of Geological Societies (GCAGS), September 29 through October 3. He added that several short courses and two field trips will be offered during the convention and that details are available on the SGS and GCAGS websites. Williamson recommended checking the websites for the state geological societies. Austin, who is in Baton Rouge, mentioned that he was having trouble finding information. Schramm invited him to the Baton Rouge Geological Society (BRGS) meeting to be held on Friday, September 14, which would include a presentation (continuing education). He and Perry suggested that Austin join the society, and he said that people are always needed to help organize events and courses. Finley mentioned that two board members also provide ethics training as part of their professional service to other organizations. Perry asked about the BRGS website; Schramm explained that the website is being revamped with a new address, which he did not know. Finley further explained that most of the local geological societies meet once a month, except in the summer, and usually have at least nine meetings a year; he also mentioned that universities offer seminars and meetings, usually focused on students, but frequently valuable for practicing geoscientists as well.

Paul Laverty mentioned that he is the licensee who brought up the question in 10a on the agenda: "I'm proposing to do a magnetometer survey for a state client. The RFP is asking for the survey to be certified by a PLS; however, I believe it should be certified by a Professional Geoscientist with geophysical training (such as myself). Do you have any documentation to support this?" Finley invited him to contribute to the discussion when that agenda item is taken up later in the meeting.

Meeting Minutes

Meeting minutes of July 17, 2018 were reviewed. McDade mentioned that she was not actually present at the July meeting but was listed in the minutes as having been present. Williamson moved to amend the minutes to correct the list of board members present. Hoover seconded Williamson's motion; the motion passed.

Treasurer's Report

Klekamp presented the July 2018 / August 2018 treasurer's report and reported that the balance at the end of July was \$221,729.29, and the reporting period ending balance, as of August 31, 2018, was \$212,291.76. Perry asked about the \$25 gateway charge; McCreary explained that this fee is for the online payment system. Finley added that the company charges the flat \$25 fee plus a per-transaction fee. Perry also asked about the Dovetail Digital charge of \$5,000; McCreary was unsure but said she thought the charge was a one-time charge for Internet security protocols. Perry moved to approve the treasurer's report; Stiegler seconded; the motion passed.

Standing Committees

License Examination Committee: Williamson reported that the next ASBOG testing date is Friday, October 5, 2018. Louisiana has five candidates approved for the Fundamentals of Geology (FG) exam and three candidates for the Practice of Geology (PG) exam. One of those candidates is taking both exams. Finley mentioned that he did not have a copy of the list. Discussion ensued regarding whether the list needed to be approved. Just in case, Finley called for a motion to approve. Williamson moved to approve the list; Perry seconded. No vote was taken.

Application Review Committee: Williamson presented the list of candidates for licensure and examination. One applicant was recommended for licensure; one applicant was recommended for approval to take the ASBOG FG exam in March 2019. Williamson moved to approve both applicants; Perry seconded the motion. The motion passed.

Complaint Review Committee: Perry reported that no official complaints have been filed to date. He explained that three major items are in development:

1. First, the ethics complaint review process, which has already been approved by the board, has been established.
2. The second item is to create proposed rules for using the Professional Geoscientist seal. Once the rules are developed and approved by the board, they must be published in the State Register for public comments; after the public comment period, the final rules will be published in the State Register and made permanent. Perry then went through recent revisions to the originally drafted rules and explained those changes in detail. Finley asked that the revisions be distributed to the full board; Perry concurred. Discussion of the revisions ensued, with additional changes incorporated. The question regarding the exemption of oil and gas geoscientists who present data in reports was discussed; Perry explained that, as long as the document reports on oil and gas work only, no seal is required; however, if the report contains environmental work in addition to

oil and gas, then a licensed Professional Geoscientist must seal the document. Additional discussion ensued, including the protocol for approving the draft as presented, though the version is not yet final. Hoover moved to accept the changes as presented; Williamson seconded. Finley called for discussion, which focused on the steps required to get the draft published in the Register for public comment. The motion passed unanimously. Finley asked Vorhoff to handle the process for having the document published for comment.

3. The final item on which the committee is working is to develop a system for auditing licensee continuing education compliance. Perry directed attention to the randomized list of license numbers provided by the LBOPG staff. The committee proposes sending letters to each of the licensees represented on the initial list of 2% of the license numbers; the licensee will be asked to provide documentation of the required 15 hours of continuing education. GITs will be asked to provide documentation of five hours of continuing education. Discussion ensued, particularly on the schedule for auditing the licensees. Finley suggested spreading the audit out on a monthly basis, rather than making the process annual. Finley suggested using the report showing the total number of licensees by month of anniversary date to determine the number to be audited each month. He used January and February as examples: The report shows that 107 licensees are active in January, so 2% of that number would be two, which would be number to randomly audit for that month. Additional discussion ensued, with consensus deciding to use the original list of 26 randomly selected license numbers and determine, for each number, the month of renewal; during each month, the licenses on the list to be renewed that month will be audited. Perry recapped the board's discussion and said the committee would move forward with the board's sanctioned direction for the audit. Hoover suggested that all the licensees on the list should be notified immediately that they are to be audited in their month of renewal; the board discussed this suggestion and decided to modify the notification process to 30 days prior to renewal and review. Schramm brought up the possibility that the audit process could potentially prevent a licensee from practicing if issues arise with the audit; the board discussed this possibility and decided that a grace period will be allowed for the licensee to comply with the audit. Hoover reiterated that ample notice should be sent to those licensees on the random list; Perry agreed that ample notice should be given. Discussion of the best way to provide notice ensued, with the consensus deciding to provide 60 days' notice to those to be audited.

Office Committee: McCreary reported that ACH transactions are now enabled through Campus Federal Credit Union. She added that the minor glitches in direct deposits through ACH transactions have been rectified by providing additional documentation. Finley suggested creating ACH transactions for each transaction rather than lumping them together.

McCreary mentioned that she and Macon have discussed the need for continuing training for McCreary in QuickBooks operations. She said she had done research on training programs and provided the board with information regarding one program in New Orleans.

McCreary reported that the contract to renew the office space lease has been finalized. The contract, which had been approved at the July meeting, has already been signed by the chair of the Louisiana Engineering Foundation (LEF) and was signed by Finley and witnessed by Hoover and Perry prior to this meeting. The contract renews the lease for five years, until April 2024.

McCreary further reported that L.A. Champagne had submitted the Annual Fiscal Report in August and that the annual L.A. Champagne contract for accounting services is in process and should be completed

prior to the November meeting. Also, the representative of the Office of the Legislative Auditor will begin his audit during the week following this meeting. She reported that Macon hopes to be back for that audit.

McCreary relayed Macon's request for items to be included in the fall newsletter to licensees.

Legal Opinions

Vorhoff stated that all legal issues had already been covered. Later in the meeting, he disclosed that he had been asked to provide legal counsel to LAPELs during administrative hearings. The board congratulated him on this additional service to the state's professional boards.

Other Business

a. Nomination and election of board officers for 2018-2019

Finley opened the floor to nominations for chair, vice-chair, treasurer, and secretary. Williamson nominated Finley to be chairman; Perry seconded the nomination; no other nominations were forthcoming. Hoover nominated Perry to be vice-chairman; Klekamp seconded the nomination; no other nominations were forthcoming. Perry nominated Stiegler to be secretary; Hoover seconded the nomination; no other nominations were forthcoming. Hoover nominated Klekamp to be treasurer; Perry seconded the nomination; no other nominations were forthcoming. All nominated officers were elected unanimously to their respective offices: Finley, chair; Perry, vice-chair; Stiegler, secretary; and Klekamp, treasurer.

b. Administrative question: Should the CEU audit include only active licensees? Some licensees did not renew for the 2017-2018 renewal period but may eventually bring their licenses up to date. While it seems that, by not renewing, the licensees are already not in compliance, should those licensees be required to supply audit records for years in which they haven't renewed (for some, the CEU requirement is the reason they haven't renewed)?

Board response: During the audit process, the reviewers will be looking only at the current year credits for continuing education; the audit is not to be retroactive to previous years unless the current year reveals some anomaly or deficit. Also, the audit will only consider those licenses that are currently active.

New Business

a. Licensee question: "I'm proposing to do a magnetometer survey for a state client. The RFP is asking for the survey to be certified by a PLS; however, I believe it should be certified by a Professional Geoscientist with geophysical training (such as myself). Do you have any documentation to support this?"

Board response: Finley introduced the licensee who posed this question and asked for his assistance in clarifying the issue. The licensee explained the details involved in the situation. He noted that, in the most recent case, the PLS and he decided to split the tasks, with the PLS positioning the survey and the PG interpreting the results. However, he foresees future situations that will not be so easily resolved. Discussion ensued, with Perry pointing out that this is an example of the types of situations that should be covered by the new rules on seal use that were just approved at this meeting. Perry said that future RFPs should require that surveys of this type be sealed by both a PLS and a PG. The licensee also asked about the boundary between PLS and PG responsibility regarding topographic surveys; discussion focused on the complementary nature of the work, and that both professionals should be responsible for their parts of the work. Board members agreed that the PLS should be responsible for positioning, and the PG should be responsible for interpretation of the data. Perry assured the licensee that the rules that are about

to be published will provide him with the documentation he needs to argue for inclusion of PGs in future RFPs.

- b. Licensee question: "I work at Tulane (in the earth and environmental sciences department) and we have a weekly seminar with an invited speaker, usually from another university or from industry that presents an hour-long lecture on their research somewhere in the field of geology. It's free and it's open to all on campus, so what would be the best way to track that, as there is no paper trail? Could I have a department faculty member sign/initial that they saw me there with the date/title/etc? Or does keeping a log with seminar information on the honor system count?"
Board response: Finley suggested that proof of attendance could be a receipt, notes taken at the event, a signed document from the organizer, or a copy of the sign-in sheet from the event verified by the organizer. The board concurred with this suggestion. McDade suggested contacting state universities to announce the need for documentation of attendance at academic presentations; this announcement could include a template for such documentation. Discussion ensued, including the difference between professional development hours (PDH) and continuing education units (CEU).
- c. Texas State Sunset Commission recommendation to abolish the Texas Board of Professional Geoscientists
Klekamp reported on the comments posted on the website provided by the Texas State Sunset Commission regarding the recommendation to abolish the Texas Board of Professional Geoscientists. He stated that most (about 500) of the comments were in favor of keeping the board; only about 60 were in favor of abolishing the board. He said most of those in favor of abolishing the board were highly emotional and provided no substantive argument in support of their position. He mentioned that, while those in favor of retaining the board were much more coherent, many seemed to have been copied from a template. He noted that a decision by the Texas legislature has yet to be announced. Williamson mentioned that the Texas board sent out a newsletter earlier in the day announcing that a Sunset Commission decision hearing would be held November 14 and 15, 2018.

Adjourn

The date of the next regular meeting of the board will be Tuesday, November 13, 2018. Perry moved to adjourn the meeting; Williamson seconded. The motion passed. Finley adjourned the meeting at 3:01 p.m.