

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, September 15, 2020, 1:00 P.M.

Physical meeting at

Louisiana Engineering Center

9643 Brookline Avenue

Baton Rouge, Louisiana

and

Virtual Public Meeting Hosted on Zoom

MINUTES

Chair William Finley called the meeting to order at 1:20 p.m., Tuesday, September 15, 2020, and commenced roll call.

Present: William Finley, Lloyd Hoover (virtual), Todd Perry (virtual), William Schramm, Melanie Stiegler (virtual), and David Williamson, Board Members; Mabelle Hall, Legal Counsel; Brenda Macon, Executive Secretary; Chantel McCreary (virtual), Assistant Executive Secretary. Elizabeth McDade (virtual) joined later.

Absent: None

Guests: Nicholas Ratcliff; Matthew Blasini; James Nix (all virtual)

Quorum was established. Roll Call and Visitor Sign-in are both physical and part of meeting registration record on Zoom.

Public Comment Period

No public comments were forthcoming.

Meeting Minutes

Minutes of the July 14, 2020 meeting were reviewed. Williamson moved to approve the minutes; Stiegler seconded. Finley called for discussion; there was none. He then called for a vote, and the motion passed. He suggested if any of those online would like changes, they can send them to Macon.

Treasurer's Report

Schramm presented the treasurer's report for July and August. In July, the board had total expenses of \$10,236.63 and total deposits of \$9,764.71, with a balance in the Campus Federal Credit Union checking account of \$205,776.66. In August, the board had total expenses of \$16,263.36 and total deposits of \$13,480.90, with a balance in the checking account of \$202,994.20. He pointed out that more was spent in these two months than was deposited. He presented a graph showing that this slight decrease does not

affect the overall financial well-being of the board. He then called attention to the two year-to-date budget reports included in the board members' packets. Macon pointed out that one of those reports is a correction to an expense category in the report submitted in July. The errors of incorrect credit card entries have been corrected. Schramm then indicated that, because of the way QuickBooks creates reports, some object codes (revenue and expense categories) are not included, causing discrepancies between the treasurer's report and the budget report. An example is a difference of \$1491.07 between the current budget report and treasurer's report. Schramm and Macon worked to resolve this discrepancy, recognizing part of the difference was a misallocation of the ethics video expense. This error has been corrected. Macon has arranged a meeting on Tuesday, September 22, with the board's accountant to help correct the remaining errors. Schramm expressed concern for making sure the records are as accurate as possible to avoid personal liability. He also requested the board's treasurer have greater access to the financial accounts.

Currently, only the board chair has complete access as inherited from prior Board personnel activity. Schramm suggested and Finley agreed that the board chair should not be the officer with access to the financial files. Schramm and Macon referred the board to the copy of R.S. 37:711.9(A) that states, "The treasurer or the executive secretary of the board, or other person or persons authorized by the board, shall receive, disburse, and account for all monies paid to or received by the board.... All checks disbursing funds of the board must be signed by any two of the following persons: the executive secretary, the deputy executive secretary, the treasurer, or any member of the board as directed by the board." Hall read this portion of the statute into the record. Schramm emphasized that the board chair does not need the exposure created by taking on this responsibility that was not assigned to the office of the chair. Finley agreed. Schramm then suggested that ACH transactions are not an efficient method of moving funds from Campus Federal to Capital One. He suggested, instead, writing one check to move the funds. Finley agreed. Schramm then asked the board to formally concur that Macon is authorized, both by the statute and in the by-laws to conduct financial transactions on behalf of the board. Finley asked Hall for her legal opinion of this action. She pointed out that the statute is the overriding authority and, since the statute gives the position of the executive secretary the authority to act on behalf the board in financial matters, then no further action is required; the executive secretary does, indeed, have authority. Schramm suggested that the board should formally acknowledge and recognize Macon's authority to act. Brief discussion ensued. Williamson clarified by asking if the board was formally acknowledging that three people are authorized going forward to sign checks for the board: the treasurer, the executive secretary, and the chair; Schramm and Finley answered affirmatively. Williamson agreed with that acknowledgment; Finley asked if there was any dissent on this issue. None was forthcoming. Schramm summed up the discussion by indicating additional errors may be corrected after meeting with the accountant and by suggesting that the board should operate like a state agency, with established policies and procedures.

Macon then introduced Julie Pleasant, the Capital One representative. Pleasant responded to the question of how the online accounts show up in signers' personal profiles. She said that, for security purposes, the accounts can only be viewed by those people who are authorized to have access. Therefore, if a signer already has a personal account with Capital One, the new board account will be viewable along with the personal account for signatory purposes only. However, no transfers or other transactions can be made between the accounts. She further explained that Capital One staff will be setting up the Intellix service for the board and its staff so that staff can set up transactions for signer approval and can view statements. She pointed out that the board has the option of electing to have dual control for the accounts, whereby all transactions must be approved by two people. Discussion ensued, with Pleasant

clarifying several points, including the flexibility to have three administrators, if necessary, and the availability of training opportunities and options. Finley pointed out that he wants to complete the paperwork after the meeting. Williamson moved to accept the treasurer's report; Perry seconded. The motion passed.

Finley asked about the count of renewals by month. Macon reported that, as of June 30, the board had lost 102 licensees who had not renewed in three years. Macon pointed out that she gets information on licensees from a variety of sources, and Williamson suggesting that the newsletters from geological societies could be a useful source. Macon agreed. Additional discussion ensued.

Standing Committees

Application Review Committee: Stiegler reported that two applications for license are on the list for consideration. Both, 1 and 2, are recommended for approval. Williamson moved to accept the recommendations; Schramm seconded. The motion passed. Stiegler mentioned that she has drafted standard operating procedures for application review, but her committee members have not had ample opportunity to review that draft. Williamson, a committee member, said that the draft was good start, but he has some comments he would like the committee to consider and will send those comments to the committee and Macon.

License Examination Committee: Williamson reported the board has a total of 19 approved candidates and that a total of 11 candidates have elected to take the ASBOG Fundamentals of Geology (FG) exam and six have elected to take the ASBOG Practice of Geology (PG) exam on October 2. The remaining five candidates for the FG and two candidates for the PG have elected to defer the exam until March 2021 because of pandemic fears and other issues. The October exams are scheduled to be administered at the Galvez Building (LDEQ) in downtown Baton Rouge. Macon explained that the proctors and candidates will be adhering to protocols for health safety, including masks required and social distancing.

Finley asked the online visitors if they had questions. Nicholas Ratcliff asked if presentations made during company educational meetings will count toward the continuing education requirement. He mentioned the company for which he works offers continuing education presentations every Wednesday and asked if this type of presentation would count toward continuing education. Perry asked Schramm to respond. Schramm asked if the presenter is from outside the company and explained that, in general, outside presentations that are geoscience-related and can be documented are acceptable; however, if the presentation and the participants are all internal to the company, then the presentation may not count. He said, if the presentation is given by someone at the company but at an outside venue – for example, at a local geological society meeting – the presentation would count. Ratcliff explained that LAPELS allowed the company presentations for credit and the Texas board allowed the presentations to a point – warning licensees not to get all their PDHs this way. He said keeping the Louisiana PDH log separate will not be a problem. Schramm warned that presentations on government regulations or permitting or laboratory-related do not have a geoscience component and do not count. He advised Ratcliff to be sure courses or presentations are directly related to geoscience. He also told Ratcliff he would welcome receiving information on sources for geoscience continuing education that can be added to the list the board already provides on its website.

Compliance Committee: Perry reported the committee has been continuing its work on the continuing education audits and that no complaints have yet been received. He called on Schramm to provide an update on the audit process. Schramm reported that all requests for log sheets were sent at the same time, and most – all but six – have been received and reported. Perry suggested the committee meet to

discuss the draft SOPs that have been created and to further discuss the audit process, including the need to follow up with the six remaining licensees who have not submitted their log sheets. Schramm and Hoover concurred. Schramm asked committee members when they wanted to meet. Hoover invited the committee to meet in Shreveport; Perry and Schramm accepted; discussion ensued, with the agreement to determine the time and place and create a public announcement as soon as possible.

Finley asked about the agenda item regarding the draft seal guidance document, particularly the electronic seal use guidelines. Perry reported that the committee had adopted language similar to language in the LAPELS rules allowing electronic seal use. Perry called upon Macon to recap the information on electronic seal use. Macon reported that the graphic design of the official seal, with the licensee's name and number included, must be uploaded into software, such as Adobe Acrobat Pro or DocuSign, that allows for creating a secure file. The graphic file is then saved in secure mode. Macon explained that the electronic format would be used in the same way as an embossed seal or a stamp but would not require anything more than access to the secure file to affix the seal to a document. An electronic seal would still need to have the licensee's signature and the date signed to be considered official. Perry said he thought the board had already covered this and approved the use of electronic seals at a previous meeting. Hall explained the board did not officially adopt the electronic seal language at the previous meeting. Perry asked if a motion was needed to adopt that language; Schramm asked the board to vote; Finley proposed approving the entire seal guidance document. Williamson moved to accept the seal guidance document, and specifically the electronic seal use description; Schramm seconded the motion. Finley called for a vote on the motion; the motion passed.

Perry, Hoover, and Schramm discussed meeting later to discuss the details of the guidance document and the Standard Operating Procedures (SOP) for enforcement and continuing education review; they agreed to meet in Shreveport before the next board meeting and to announce the date, time, and venue as soon as that information was available.. Schramm asked committee members if they had had an opportunity to review the two draft SOPs. He said he had changed the existing continuing education log sheet and the explanations of the PDH credits and how to get them as well as the original drafts of both SOPs. Hall explained that most of the process can be instituted as rules rather than as legislation. She also explained the issue of "prior knowledge" and warned that board members should have very little involvement in the initial stages of complaint investigation to avoid tainting possible hearings or preventing board members from serving on a potential hearing panel. She suggested assigning the initial stages of the investigation to staff members, with the board having no or very little knowledge of the investigation to avoid board members having to be recused. Schramm asked if she planned to attend the committee meeting in Shreveport; Hall said she did. Finley asked Hall how many board members need to serve on the hearing panel; Hall responded that a quorum of the board must serve as judges of the complaint if the issue cannot be resolved outside of a hearing. She said the hearing must be a public meeting of the board; outside parties can be present, but those parties cannot vote. Only board members can participate in making decisions regarding the complaint. Macon asked Perry if he recalled discussions at previous board meetings during which legal counsel at the time recommended appointing non-board members, outside people, to serve on the investigation committee so that board members were not involved in the investigation; Perry said that was his recollection as well. Hall explained that outside members can be former board members, licensed geoscientists in good standing, retired geoscientists, or anyone who is deemed competent to serve. Discussion ensued, with Williamson suggesting someone with knowledge of the area in which the complaint is filed, such as the state geologist or a state employee who works in that area, may be a good choice. Macon pointed that the geological societies may also be a good resource for

help in finding volunteers for complaint investigation. Hall reminded the board that, based on the board's experience thus far, very few complaints are likely to rise to the level of a hearing.

Hall also reported that she has been looking at the rules and processes other state boards have in place to cover complaints. She has been reviewing the Texas Board of Professional Geoscientists regulations in particular, and those of other Louisiana boards in general, and said she has some good ideas for adapting and developing regulations for LBOPG based on those existing regulations. She said the regulations from those boards allow for informal processes to resolve complaints, and those informal processes can prevent complications in complaint resolution. She asked the board to consider charging her to write regulations that allow these informal processes as well. She said the benefit of authorizing informal resolutions of complaints prevents both parties from becoming mired in formal hearings for minor offenses and allows for more amicable, flexible, and satisfactory resolutions. She gave as an example about 95% of the complaints handled by one Louisiana board she researched are resolved without requiring a hearing at all. On the other hand, she said, those boards without an informal process have more contentious outcomes. Discussion ensued, with board members generally agreeing with Hall's suggestions. Williamson suggested Hall check the complaint process used by the Kansas board as well.

Schramm asked the board to make a decision regarding the online ethics video presentation. He explained that the video includes an embedded code word to be sent to the board office via an electronic form attached to the webpage. He also pointed out that licensees are asking for this type of assistance to meet the continuing education requirements. Macon then introduced Mason Broussard, with Dovetail Digital, to explain what it would take to get the video on the website. Broussard said it can be added immediately if all that is required is an online form attached to the video page. Schramm asked if the page could have a counter to determine how many views the page receives. Broussard reminded the board that the video is actually pulled from YouTube, so the counter is available but is handled by that entity, not Dovetail Digital. He also pointed out that the filter on the administrative view can produce a report of all views of that page. The board agreed with this plan. Broussard reported that the other contract work on the database migration and website updates is progressing. Board members Finley and Schramm and Macon will be meeting with Dovetail Digital staff regarding that progress in early October.

Office Committee: Macon reported that, in response to the board's request for information on what would need to be done to have EVO International change the deposit of online payment funds from Campus Federal Credit Union to Capital One, she spoke with an EVO International representative. That representative explained that two forms and a voided check would be required. The first form, called a Starter Check Verification Form, must be completed by staff at Capital One. The second form must be completed by an authorized signer on the Capital One account and must be accompanied by a copy of the signer's driver's license and the voided check. Macon pointed out that, since the board does not yet have checks on the Capital One account, the form is moot at the moment but that it may be easier to move directly from EVO to Capital One as the underwriter when the board reaches that point.

Macon then brought to the board's attention a spreadsheet outlining the reports required by recent legislation and the bodies to which those reports are to be sent. She reported that, on August 4, Beth O'Quin, an attorney with the Louisiana Senate Committee on Commerce, contacted several of those who work as administrators for state boards. She sent a spreadsheet that explains recent legislation and what the boards are obligated to provide to the Louisiana Legislature and the legislative library. While the notice was at first intimidating, Ms. O'Quin has offered to keep the board administrator apprised of legislation affecting the board and to help navigate how to comply with such legislation. A copy of the spreadsheet and copies of the related statutes were included in board members' packets. Finley asked

why, after all this time, are these reports just now being required. Macon responded that, until Ms. O'Quin's message, no one from the legislature had ever contacted any of the board about where reports should be sent. She explained that she frequently receives requests from other state agencies for specific reports related to legislation, and she has always sent those reports as soon as possible after she gets the requests, but she had no idea until this contact that the reports should also be sent to other agencies as well. She then called attention to the statute that requires every board to have a five-year strategic plan that is updated at least every three years and suggested that the board add a review of its strategic plan to the regular meeting agenda to revisit this issue. Schramm suggested that the strategic plan should be developed by the executive secretary and approved by the board; Macon suggested that would work if the board collaborated in the process.

Hall suggested a discussion of items 3 and 4 on the agenda under "Office" would be in order at this point. Macon agreed and explained that she has found the need to have more authority to be able to operate the board administrative office with efficiency. She said she had researched the management structure of other boards, including the Louisiana Board of Housing Inspectors and LAPELS, that have been in operation longer than LBOPG. She found that the statutes that created those boards use very similar language as that in the statute that created LBOPG in defining the roles of the office administrators but the implementation of those statutes was far different in the authority granted to the office manager. She said those boards relegate the tasks associated with office management and day-to-day operations to the manager, with the managers keeping the boards apprised of those operations. She said board members need their own space to accomplish the larger missions of the board – for example, compliance, complaint review, and application review – rather than the minutiae of office operations. Macon said a review of this board's minutes reveals an extraordinary amount of time spent dealing with the administration of the office, and she felt a change was needed. Finley commented that the executive secretary position was affected by previous board direction but does not need to remain that way. Additional discussion ensued, with Finley summing up that the board will give Macon the authority to be the executive secretary. Macon said, with the board's agreement, she would begin operating as the position description defines the scope of her authority.

She then suggested that the board add a new position in the office. She said she and Hall have envisioned this position being part-time, and the ideal candidate would perhaps have a background in geoscience and may be either an upper level undergraduate or a graduate student. This person would be tasked with assisting the board committees to accomplish their missions. She gave as examples this person may assist the Outreach Committee in finding unique ways to connect with younger geoscientists, work with the Compliance Committee to research continuing education courses contained on log sheets to ascertain their validity, and represent the Examination Committee by serving as a proctor at ASBOG examinations. She said the benefit to the person in this position would be an inside look at licensing and its issues. Hall suggested this person could also help write the strategic plan. Schramm said the person does not need to be in geoscience. He said a knowledge of agency organization, management, and project design would be more helpful. Discussion ensued, with Hall pointing out that the board has been operating as a small non-profit rather than as a state agency, inasmuch as the board members are attempting to do most of the work themselves rather than assigning the work to a sufficiently staffed agency. She said that this position will help the board's projects move forward. Discussion continued. Hall asked what the board needs to give approval for this project. Finley called for the creation of a job description; Williamson agreed. Finley and Hall suggested board members send Macon their thoughts on qualifications needed and tasks that would be appropriate. Hall suggested that it would be possible to add internships at a point in the future. Finley agreed. One of the Zoom attendees suggested connecting with the LSU Geology Club for potential candidates for this new position. Finley and Williamson agreed, adding that contacting

student geology clubs and organizations at universities in the state with information on this position would be helpful. McDade commented that connecting with the students could also provide connections to the university geology programs.

The purchase of a new laptop, a Web camera, and the necessary equipment to connect for virtual meetings was discussed, with the board agreeing that these purchases would be appropriate.

Other business

Schramm suggested contacting management at state agencies, particularly DNR and DEQ, about licensure of employees. The board discussed the best approach for reaching out to these agencies about the importance of encouraging employees to become licensed. Schramm mentioned state Civil Service rules have changed, and geology positions may not require geology degrees; additional discussion ensued. Hall suggested that Finley draft a letter to the state agencies regarding this issue. Schramm volunteered to research the positions at each agency that are involved in geoscience work. Finley asked for a copy of Hall's responses to his questions on this topic from the July board meeting. Macon pointed out that the responses were in the minutes from the July meeting, which were in the packets. Finley said he would use them to draft the letter.

Board Officer Election

Macon reminded board members of the need for election for board officers. Finley called for any additional nominations; none were forthcoming. Williamson moved to close the nominations and accept those officers who had previously accepted nomination; Schramm seconded the motion. The motion passed unanimously. The officers for 2020-2021 are: Chair William Finley; Vice-Chair Todd Perry; Secretary Melanie Stiegler; Treasurer William Schramm.

New Business

On the proposal to pay the registration fee for Hall to attend the upcoming (October 1-3, 2020) FARB Regulatory Law Seminar, Finley called for a motion. Schramm moved to approve; Hoover seconded. The motion passed unanimously.

Adjourn

The date of the next regular meeting of the board is scheduled for Tuesday, November 10, 2020, at 1:00 pm. Schramm moved to adjourn; Williamson seconded the motion. Finley adjourned the meeting at 3:30 pm.