

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, November 12, 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 1:05 p.m., Tuesday, November 12, 2019. He commenced roll call.

Present: William Finley, Todd Perry, William Schramm, Melanie Stiegler, Lloyd Hoover, Elizabeth McDade, and David Williamson, Board Members; Harry Vorhoff, Legal Counsel; Brenda Macon, Executive Secretary; Chantel McCreary, Assistant Executive Secretary

Guests: Donna Sentell, Executive Director, LAPELS; Gary Fulton, LDEQ

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

Public Comment Period

Finley invited the guests to introduce themselves and to comment for the record. Both guests introduced themselves but declined to comment.

Meeting Minutes

Minutes of the September 10, 2019 meeting were reviewed. Williamson moved to approve the minutes; Hoover seconded; the motion passed.

Treasurer's Report

Schramm reported that the board had a total of \$9,777.48 in deposits and \$10,062.66 in expenses in September 2019; and \$15,074.72 in deposits and \$10,634.51 in expenses in October 2019. Schramm explained that the meeting packets included two budget-to-actual comparison reports because the September packets did not include the report for the period prior to that meeting. He pointed out that both revenue and expenses are under budget, but the net income is above that budgeted by about \$10,000. He explained that the board is making more than it spends. He cautioned, however, that travel and per diem expenses for attending the ASBOG meeting are still outstanding and will represent a significant increase in spending for the period covered by the next meeting. Finley asked why specific expenses that had been budgeted had not yet been used; Macon explained that the report is prorated for the period because the software that creates the report uses all funds budgeted for the entire year in its calculations. She explained that some amounts shown are not yet due or have not yet been billed but will eventually be expended. Schramm also pointed out that income is increasing because of the greater

number of renewals during the period of September through January; income exceeded spending in October by over \$4,000. He then presented a graph to show the beginning/ending balances, expenses, and deposits. The board discussed the interest rate on the savings account, and Finley mentioned the need to find a better rate. Perry moved to approve the treasurer's report; Williamson seconded; the motion passed.

Standing Committees

Application Review Committee: Chair Melanie Stiegler reported that two candidates applied for Professional Geoscientist licenses; both – 1 and 2 – were recommended for approval. She further reported that the committee had three applicants who were applying to take ASBOG exams in March 2020: two are applying to take both the FG and PG exams; one is applying to take only the FG. She said the committee is recommending all three for approval. She then asked Macon why one person appeared on the list but was not in bold; Macon explained that the person, who is one of the examination applicants, is applying for GIT certification pending successful completion of the FG exam. Macon put this person on the list to remind the board to discuss the procedure for approving applicants who are both applying to take the exams and for either PG licensure or GIT certification. If those applicant are recommended by the committee and approved by the board to take the exams, with the understanding that those applicants have met all requirements *except* completion of the exam, are such applicants then immediately eligible for either licensure or certification upon successful completion of the exams? Or must those applicants be re-reviewed after passing the exams? Stiegler explained that, up until the present, the committee had always re-reviewed applicants, but since the committee does review with the understanding that the applicants must have met all other requirements prior to taking the exams, she would entertain the idea of simply allowing applicants to be certified or licensed, unless the application is incomplete. Macon suggested adding successful examination candidates to the list for verification by the committee that their applications were complete when initially approved by the board; Stiegler agreed, as long as the rest of the committee also agreed. McDade asked for clarification regarding the additional requirements a GIT must meet to be approved for a license; Stiegler explained that the GIT must have two additional references, for a total of at least three, and five years of work experience to be considered for licensure. Perry suggested adding a selection under "Status" to indicate "Approved Pending Test Results." Stiegler agreed. Perry moved to approve these candidates for licensure and testing; Schramm seconded the motion; the motion passed.

License Examination Committee: Chair David Williamson reported that the ASBOG examinations (seven FG only, one PG only, and one for both exams) were administered on October 4, 2019 and that results are expected soon (about six weeks after the examination date). Finley mentioned that Schramm had just returned from attending the ASBOG Council of Experts meeting, at which this particular version of the exam was discussed and reviewed.

Compliance Committee: Chair Todd Perry reminded the board of the concern at the September meeting about the auditing process and the inability of licensees to satisfy the continuing education requirements. He also reminded them that the board had authorized the committee to work on this issue and develop a plan to resolve this issue. He then reported that the Compliance Committee met on October 16, 2019, with this in mind. He pointed out that minutes of that meeting were included in the board members' packets. He then recapped the highlights of that meeting, presenting the pages on the website that had been updated and revised. First, the committee developed a list of examples, taking care not to endorse any particular course or activity. Then, the committee revised the example log sheet to reflect both good and bad examples; in a related task, the existing log sheet was revised to clarify the types of activities and

the corresponding PDH credits. Finally, the committee drafted guidelines for licensees to educate them regarding the types of activities and courses that are acceptable and unacceptable. Perry said the guidelines have already made an impact and recounted an example from the most recent auditee responses in which the auditee read the guidelines on the website and realized he had included an unacceptable training course in his log. The auditee sent the committee a message to let them know he was aware of his mistake and to substitute an acceptable course instead. Perry pointed out that the licensees just didn't know what they were supposed to be doing and that the new guidance will give them that information. The committee expanded upon the new web pages and described their process. Board members asked questions, and the committee provided answers. McDade asked, for example, if providing STEM presentations at elementary and secondary schools counts as an activity that can be used; the committee indicated that such activities most likely would count but would need to be reviewed individually. The difference between CEUs and PDHs was explained, with the suggestion that the column for CEUs on the current version of the log sheet should probably be removed. Finley pointed out that a conversion table (converting CEUs to PDHs) is given at the bottom of the log sheet. Additional discussion ensued, with clarification and new ideas presented and explained.

Perry then brought up the possibility of collaborating with the Louisiana Department of Environmental Quality to put together a one-day seminar or series of presentations so that licensees could fulfill at least eight hours of continuing education, including the one-hour ethics course, for free. He explained he sees it as a low-cost (to the board) outreach opportunity. Vorhoff, who was available by phone, suggested asking the Ethics Board for an opinion to clear the way for such an undertaking. Finley spoke in support of the idea and added that this type of activity could become a traveling event and could include collaborating with state universities and involving students as well. Perry asked if Finley would entertain a motion that the Compliance Committee investigate doing a one-day seminar/conference, with the first step to work with legal counsel to ask the Ethics Board for an opinion on the legality and appropriateness of the endeavor. Williamson added to the motion to contact the local geological societies to see if they would also be interested in collaborating on the event. Discussion ensued. Williamson seconded Perry's motion. The motion passed.

Perry turned the board's attention to the recently published official seal use rules. He mentioned that he had sent the new rules to the Louisiana Department of Environmental Quality and to the Louisiana Department of Natural Resources so those departments would be aware of them. He explained that any document that has geoscience in it must be stamped by a licensed Louisiana Professional Geoscientist. A letter or figure that stands alone must also be stamped by a licensed Professional Geoscientist. Perry then invited Gary Fulton to join the discussion. Fulton said he and his staff want to understand what is expected and required of their department. He made clear that he and his staff do not want to be the "police" or to be the ones to turn people in. Perry provided background on the creation of the rules, pointing out that LBOPG members met with LAPELS early in the rule-making process to find ways to simplify and streamline the rules. Perry then asked Fulton to convey to his staff that all LBOPG expects is for DEQ staff to look for the seal on a document that should bear the licensed geoscientist's seal. If the seal is missing, DEQ staff would only need to remind the person who submitted the document that it must have a seal. If staff members find other issues, they should alert the board, and the board will take action if needed. Finley reassured Fulton that the board is not in the business of punishing licensees for unintended infractions or omissions. Finley further pointed out that, because the rules are new, the board will allow a transition period during which licensees can learn the rules and will not be penalized for lapses. Finley said that, if something rises to the level of a crime, however, the board will now be able to review the information and act upon it. Fulton agreed that a transition period is needed. He explained

that his staff is always under tight deadlines to return documents in a timely manner. Perry acknowledged the need to be timely and said the transition will most likely be the first year. He then asked Fulton to provide guidelines and feedback to the board for ways to make seal use more efficient and effective. Fulton agreed, calling the plan a good idea, and reiterated that he and staff want to be sure they know what is expected. Both Schramm and Perry mentioned the possibility of seminars to help with the transition.

Perry then mentioned the committee had received a question from a company that is putting together an in-house training course for its new geologists regarding whether such a course would be acceptable to count toward continuing education. Perry said he felt that the response should be that the company should share its curriculum with the board, let the committee review it, and the committee can then render an opinion. Finley was hesitant to qualify the course before it had been given, but he agreed with Perry that the company must share the content of the course with the committee before any decision can be made. Hoover added that, if geoscientists are creating the course, they should be fully aware of what constitutes a geoscience course and should be willing to share the curriculum with the committee.

Stiegler then pointed out that, though the board has a long-standing policy of not pre-approving continuing education courses and activities, the committee's guidelines state, "If you have questions about the validity of any course or offering for PDHs, contact the LBOPG (225-505-3766 or apply@LBOPG.org) for prior approval." She asked how the board could make this statement on the website but have a policy not to pre-approve courses. Discussion ensued, with Schramm providing this edited version of that statement: "If you have questions about a particular source offering PDHs, contact the LBOPG (225-505-3766 or apply@LBOPG.org) for guidance." Perry agreed. McDade suggested defining what continuing education activities are in the guidelines and offered this definition: "Any course/activity with a clear purpose and objective which will maintain, improve, or expand skills." The committee members agreed and thanked McDade.

Schramm brought up a final point: He had recently participated in the ASBOG field trip in Minnesota and received a certificate awarding him eight hours of continuing education credit for the trip. He then asked board members if the hours to and from the field location should be part of the credit hours and if the number of hours allowed for field trips should be limited. Discussion ensued. Finley asked the committee to consider the question and develop a response. The discussion continued. Perry agreed that the committee will consider this question and will bring a response back to the board.

Schramm offered to share the format of the response to those licensees who had submitted their continuing education log sheets. He explained that he is sending letters on letterhead as email attachments to all auditees, stating those continuing education activities that counted as well as those that did not and explaining that this audit will not count against the auditees. Stiegler asked if the official audits will begin in 2020; Perry responded that the official audits will not begin until 2021 because he feels the board should allow licensees time to be educated regarding the types of credits that will count; Schramm agreed. The board agreed unanimously with the intent to continue auditing informally during 2020. Then Schramm presented a sample audit response to the board. Discussion ensued with suggestions for edits to the response.

Finley suggested creating an online audit form in real time so that audits can be continuous. Schramm pointed out that Dovetail Digital is working on that concept to be incorporated into the new web design.

Office Committee: Macon reminded board members that the annual Legislative Audit was completed in late September, and the board had only one minor exception noted this time. This one exception was related to a travel regulation irregularity, an infraction that has already been remedied but which required board discussion and official recognition and adoption. Macon asked the board to either pass a motion or create a resolution stating that the board is committed to ensuring that expenses for alcoholic beverages are not reimbursed with board funds. Finley pointed out that alcohol is sometimes an allowable expense but not always in the state travel regulations, and he said he is in favor of disallowing reimbursement for alcohol in all cases instead of attempting to figure out when that expense is allowable. Hoover made a motion to disallow reimbursement for alcoholic beverages; Williamson seconded. The motion passed.

Macon announced that the board's contract with Dovetail Digital Marketing DBA Usable Creative for website redesign and database upgrade was finally approved by the state on September 27, 2019. It was initially submitted on May 15, 2019.

Macon reported that Donna Sentell, executive director of LAPELS, has invited Macon to join her for a visit to ULL on November 25 as an introduction to university presentations by boards.

Related to university presentations, Macon reminded the board that she will need approval to order items prior to setting up university presentations to students. At the last meeting, the board discussed cloth bags, sticky books, memory sticks, cups, carabiner keyholders, waterproof containers for phones, and t-shirts. Macon presented estimates for these products and asked for opinions on where to start. At the last meeting, Macon was asked about the LAPELS travel budget for presentations and for the giveaways their board purchases; she reported that LAPELS budgets \$1,000 for travel and \$5,000 for giveaways. Macon invited board members who are faculty members to take samples to show their students. Stiegler said her students prefer water bottles; Finley mentioned his students like flash drives. Discussion ensued. Sentell told Macon to contact her staff about order numbers and other information.

Macon reported the 3rd Annual Coastal Symposium was held on October 17 and 18 at LSU. She attended on October 17. Highlights from the symposium were: One of the people who had just taken both ASBOG exams made a presentation that day on a "transdisciplinary project" in the Port Fourchon area. Also, Chip Groat, the acting head of the Louisiana Geological Survey spoke on the Louisiana Geohazards Atlas Project, which has stalled because funding from an industry source was pulled. He compared the new project to the geohazards map created in 1980: While the 1980 map was a huge physical document, the new map will be electronic and will allow users to select information in a variety of formats. Chris McLindon gave the keynote address on the need for new research on subsidence along the coast.

Macon reminded board members of the notice received in early September from the Louisiana House Committee on House and Governmental Affairs that, according to Act 655, which passed in July 2018, the board must submit quarterly reports that give the number of complaints against the board for each quarter since the act's passage. This act is not addressing complaints against licensees; rather, it is specifically targeting complaints against the board itself. Discussion ensued, with the suggestion that Macon send a copy of the letter to the Office of Boards and Commissions and to Vorhoff and ask what is to be done and to find out what other boards are doing.

Macon then asked McCreary to report on her recent QuickBooks training. McCreary reported that she asked the instructor for advice on a couple of issues: First, QuickBooks offers an online version of its software, and the staff wanted to know if that version would be a better fit for the board; the instructor advised McCreary to stay with the desktop version primarily for security. McCreary also wanted to know if she could automatically download transactions from the bank website directly into QuickBooks; the

instructor explained that those transactions would not be compatible with the board's needs because of the way online payments are currently batched by EVO International. Finley asked if the batch system could be changed; McCreary was skeptical. Macon explained that the batch system is not one the board office controls. McCreary also reported that, among the new functions she learned, one included how to keep her timesheets through QuickBooks. She said this course was Part 1 of three levels of instruction. Finley asked her about Part 2; McCreary said that would depend. She reported that the company offering the instruction presented participants with an opportunity to pay a fee for unlimited training sessions online. Discussion ensued. Schramm moved to have McCreary research that opportunity to see if the participant discount was still valid; if so, to authorize the office staff to purchase the training package; if not, to have McCreary research the additional cost and report to the board in January. McDade seconded the motion. The motion passed.

Macon also reminded board members of the potential change in financial institutions because of problems with Campus Federal Credit Union's business services inadequacies. Macon reported that the top two institutions offering services to cover the board's needs are Capital One and Regions. Discussion ensued, with Finley suggesting that the board should transition to another financial institution by moving funds into a savings account at the new institution. Finley then called for a motion to authorize Schramm and Finley to meet with bank representatives and, if feasible, to set up accounts at another institution to begin the transition away from Campus Federal Credit Union. Additional discussion ensued. Hoover moved to authorize Finley and Schramm to meet with bank representatives from multiple financial institutions and open new accounts. Schramm seconded. Discussion ensued. The motion passed.

Macon then pointed out that LEF has had the flooring replaced in the common areas of the building and had the contractor create estimates for each of the tenant spaces as well. The vendor originally presented an estimate for our space that did not include a breakdown of costs, was difficult to decipher, overstated the amount of square footage in the room, and simply gave a \$1,250 cost at the bottom. Since then, the director of LEF asked the vendor to submit an estimate with the information Macon felt the board needed to make this decision. A copy of that amended estimate was presented to board members. Macon recommended against replacing the flooring, arguing that this was not a tenant-requested change and the flooring in the LBOPG office does not need to be replaced. Discussion ensued.

Macon announced that the Louisiana Department of Justice is offering civil law training two more times in 2019: Tuesday, November 19, and Wednesday, December 11. Both sessions begin at 1 pm and end at 4:30 pm. She also announced that the FARB Forum will be held January 23-26, 2020, in Colorado Springs, Colorado. Schramm spoke about the benefits – including regulatory updates, training sessions, and networking opportunities – to board members of attending the FARB conference and suggested that someone from LBOPG should attend. Discussion ensued. Finley asked Schramm to attend; Schramm agreed to attend.

Finally, Macon mentioned that she had just returned from the ASBOG annual meeting in Minneapolis, Minnesota. Issues, such as anti-regulation legislation proposed in target states by a particular outside group, were discussed. The field trip covered several topics, including recent landslides in the area and the geological history of the region. Lunch speakers spoke on topics ranging from preparing undergraduates for the job market to glacial influences on the geology of Minnesota.

Legal Comments

Vorhoff reiterated that he has submitted the requested AG's opinion for review, and that opinion is making its way up the chain of command. He expects to have the final opinion shortly and will call Finley as soon as it is done.

He also mentioned that he expects to be working with Perry on the request for an Ethics Board opinion on offering a seminar for continuing education credits for licensees.

Other Business

Williamson reported Helen Wood, whom he had approached about filling the Member of the Public vacancy on the board, has declined to apply because of her current workload. McDade updated the board on her efforts to work through NOGS to fill the District 2 vacancy. Discussion ensued.

New Business

Schramm mentioned that John Williams, a member of both the California board and the American Geosciences Institute (AGI) and chair of the ASBOG Ethics Committee, is coordinating an effort with AGI in an outreach effort. Schramm plans to work with Williams to learn more about the AGI efforts and to determine how to produce an online ethics presentation for the LBOPG website. Macon added that AGI has produced a number of webinars that are available for free on their website. She explained that she would like to find out more from AGI about how to make the best use of those webinars and to create webinars for LBOPG.

Finley presented a synopsis of the ASBOG annual business meeting. He mentioned that one topic he found helpful was a discussion of the definition of “public member” on the boards. He explained that all board members are “public members,” but some members come to the table with specific expertise. As an example, the Louisiana legislation specifically designates that some “public members” have geoscience expertise, and at least one must be an engineer with geotechnical expertise. However, the remaining “public members” *could* have a geoscience background; that expertise simply isn’t required. Finley said, however, that having board members from the general public could be helpful by bringing an independent view. Until now, the board has not actively sought such members, and he considers that to be a weakness. Discussion ensued, with board members expressing their support for finding members from the general public.

Finley then mentioned that boards need to do a better job of explaining what licensure means. He pointed out that a segment of the public believes state-required licensure is a form of extortion. Adding to this fear of licensure are those on the side of licensure who want to require both petroleum geologists and university faculty to be licensed, which exacerbates the misconception. He also distinguished between occupational (e.g., hairdressers, florists) licenses and professional (e.g., engineers, geoscientists) licenses. He explained that the only way to address public misconceptions is through education and outreach. He pointed out that the board needs to start with education and outreach to students to help them prepare for their careers. By reaching the students, he hopes to reach the universities. The next groups to reach would be the state regulators, the public, and the board’s own licensees. He then suggested forming a new committee that would be focused on outreach. He volunteered to chair such a committee (Outreach Committee) and called for two more volunteers. Williamson and McDade volunteered to serve. Discussion ensued.

Adjourn

Stiegler explained that she has a conflict on the regularly scheduled date of the January meeting and asked that the date of the next meeting of the board be changed to Thursday, January 16, 2019, at 1:00 pm. Macon verified that the conference would be available on that alternative date. The board agreed to meet on January 16. Schramm moved to adjourn the meeting; McDade seconded. The motion passed. Finley adjourned the meeting at 4:35 p.m.