

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



APPEALS HEARING 2

Tuesday, November 9, 2021, 12:00 p.m.
Virtual Public Meeting Hosted on Zoom

MINUTES

Chair William Schramm called the meeting to order at 12:10 pm, Tuesday, November 9, 2021, and commenced roll call.

Present: William Schramm, Todd Perry, William Finley, Melanie Stiegler, David Culpepper, Elizabeth McDade, Michael Simms, and David Williamson, Board Members; Machel Hall, Legal Counsel; Mallory Pilié, Project Coordinator; and Brenda Macon, Executive Secretary.

Absent: Lloyd Hoover, Board Member.

Guests: Holly Lejeune, appellant; Gary Fulton, Underground Storage Tank Division Administrator, Louisiana Department of Environmental Quality.

Quorum was established. Roll Call is part of the meeting registration record on Zoom.

Public Comment Period

No comments.

Statement from Board Chair and Legal Counsel

Schramm informed those present that the proceedings were being recorded. He then began by providing background on the board's mission. He pointed out that the board works toward this mission by following the statutes and published rules. He reminded those present that licenses granted under the state waiver program exempt the applicants from the examination requirements but that applicants are expected to have the required courses and work experience. He also stated that a license granted would allow the licensee to practice in all areas of geoscience, not just in one particular area, so it is imperative that someone granted a license have sufficient education and training. He said that, when the examination requirement is waived, only education and work experience can be used to determine if the applicant has the minimum competency to practice. He then asked if those present had questions.

Hearing none, Schramm then introduced Hall to explain the process for this hearing. Hall explained that the hearing would be informal and that her role in the hearing is to assure that proper procedures are followed and that the appellant had ample opportunity to provide information to the board. She called attention to the agenda and explained the three sections outlined in it: In section 1, the appellant would present information relevant to her appeal; in section 2, the board would either go into executive session to discuss the information presented with the appellant or remain public, depending on the will of the

appellant; finally, board members only would go into executive session to deliberate on the appeal. She explained that the board would then reconvene on the record after this final executive session and could ask her to provide additional information, defer making a decision until a later date, or make a decision right away. Hall pointed out that, though the agenda did not mention public comment period, two such periods would be provided, one before the applicant's appeal statement and one after the final executive session before the board votes.

Public Comment Period

Gary Fulton, representing the LDEQ, said the department is working hard to help its geoscience employees get their skills and professional credentials up to standard by paying the fees associated with becoming licensed. He said the department is concerned about the perception of the changes in requirements.

Appeal Statement from the Applicant (Holly LeJeune)

The applicant/appellant introduced herself to the board and thanked the board for allowing her to present herself, her education, and her experience in geoscience work. She said she had not originally intended to apply because she was under the assumption the licensure was for Professional Geologist and she is not a geologist; however, she was explained that she believes she is a Professional Geoscientist. She said that, though she had problems attending the September 14 board meeting, she was informed by a coworker that during said meeting the board member who reviewed her application stated he thought she had great experience and great references and that she was originally recommended for licensure. However, after her coursework was discussed, this recommendation was withdrawn.

She explained that her undergraduate degree from McNeese is in Natural Resource Conservation Management. The required courses in this curriculum included topics in ecology, air pollution, water resource management and systems, topography and mapping, dendrology, and soil science.

She said she subsequently researched the definition of "geoscience" and found this definition: "the science of the earth and its origin and history, the investigation of the earth's environment and its constituent soils, rocks, minerals, solids and fluids, and the study of the natural and introduced agents, forces, and processes that cause changes in and on the earth." She reviewed multiple sources that provided definitions of geoscience that include environmental science. She also cited the LBOPG meeting held on March 11, 2021, in which "a discussion of continuing education course was held specifically discussing environmental courses to be considered as continuing education courses. It was stated in the meeting that continuing education courses must be geoscience related. The legal counsel present stated that after reviewing the statutes, she found environmental courses did meet the requirements under the law for continuing education courses."

She then provided a detailed description of her work, past and present, with LDEQ. She cited significant work experience in Underground Storage Tank (UST) closures, including soil and water analyses and remediation plans. She said she currently oversees about 30 of these sites, under the supervision of a licensed Louisiana Professional Geoscientist. She referenced a list of criteria the board sent earlier in November and said her experience meets many of those criteria. She mentioned that R.S. 37.711.15 states, "The board may accept qualifying work experience in lieu of the education required by Subsection A of this Section." She also mentioned that, "of the 32 states that require licensure for geoscience work, ten have exemptions for state employees. Of the four states that Louisiana has reciprocating licensure with, two have exemptions in place for state employees."

At the end of her statement, Schramm thanked her and complimented the comprehensiveness of her comments. He asked her to send a copy of the statement to the board; the appellant agreed.

Public Discussion (Applicant elected to allow a public discussion of her appeal)

Hall recalled that the appellant mentioned the tasks she performs in her work meets many of those tasks described on the ASBOG Task Analysis list for professional geologists. Hall asked her to specify which of those tasks she performs. LeJeune said she would have touched on each of the 43 topics but did not receive the list until November 4, 2021 and did not have time to adequately prepare such a review. She said she decided to describe her field experience and education instead. Hall then read the ASBOG description of what constitutes an education in geology: mineralogy; structural geology; stratigraphy and sedimentation; igneous and metamorphic petrology; and interpretation of maps. LeJeune pointed out that she has experience with topographic maps, geological cross sections, soil borings, and water. She said she has little experience with rocks and formations.

Schramm asked LeJeune if she had ever conducted a slug test or an aquifer test. LeJeune said she had not. She said all of her experience has been in working for LDEQ. She said they rarely perform any of the tests but are on site when such tests are conducted to assure that all tests are performed in accordance with the guidance that has been developed for those tests. Schramm then asked how she evaluated an aquifer test when it was presented to her. She said she uses RECAP, makes sure the pump times are set up properly for whatever is being evaluated, and stays on site to ensure that pump volumes are kept at steady rate and to monitor water levels and other information. Schramm asked if LeJeune had ever collected and tested soil samples. LeJeune described collecting and testing soil samples as part of her college course work; she said she had observed testing in the field but had not actually performed those tests herself. Schramm then asked her if she had ever constructed a groundwater potentiometric surface maps; she said she had reviewed them but had not ever constructed one. Schramm asked several more questions related to geologic work, and LeJeune repeated, "I am not a geologist. I am an environmental scientist, and I feel like my environmental science degree plan fits the criteria of geoscience."

Hall then asked board members if they had anything they wanted to discuss with LeJeune in executive session. Finley said he had such a question; Hall reminded the board that the decision to go into executive session was LeJeune's. Both LeJeune and the board decided at this point to go into executive session.

Return from Executive Session

Upon the end of the executive session, Perry moved to extend the appeal for 60 days to provide time for LeJeune to provide the board with her statement, to ask any additional questions of the board, and for the board to consider the case and to ask additional questions of LeJeune. He further moved to return in January to continue consideration. Simms seconded the motion. Schramm called for a vote; the motion passed unanimously.

Adjourn

With the decision on this appeal deferred until January 2022, when a second hearing will be scheduled prior to the full board meeting, Perry moved to adjourn the meeting; Williamson seconded the motion. The motion passed, and the meeting was adjourned at 12:59 pm.