

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, November 10, 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 1:07 p.m., Tuesday, November 10, 2020, and commenced roll call.

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

Absent: Lloyd Hoover

Guests: Marcus Guidry, applicant; Sam Bentley, LSU Vice President for Research and Economic Development (both virtual)

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

Public Comment Period

Sam Bentley, who is also a Louisiana Professional Geoscientist, addressed the board regarding the upcoming search for a director of the Louisiana Geological Survey (LGS); the position also includes the role of Louisiana State Geologist. He had previously asked Elizabeth McDade to serve on the search committee for the director position and wanted to notify the board of the search and enlist the members' assistance in the process. Stiegler asked when the position would be advertised; Bentley said the plan is to have the advertisement out within two months. He added that professional geological organizations will be included when the advertisement is released. Finley asked about the qualifications required for the position. Bentley replied that, traditionally, the basic qualifications are those professional credentials that would qualify one for professional licensure in the state. He added that, because the position is deeply embedded within the academic community at LSU, someone with a PhD is preferred. He said the ideal person in the position will be able to work with faculty and researchers across units and at other state agencies to build the research and development program at LSU, so having a PhD would make sense. He mentioned that he had been involved in a review of the LGS in the recent past and had become

familiar with the survey and both its successes and areas that needed improvement. That experience had given him insights for the future direction of the survey. Stiegler asked if the person in the position will be an academic since academics are exempt from licensure. Bentley agreed that academics are exempt and pointed out that he is licensed because he wants his students to be licensed. He then explained that the position will be a research faculty position, which is contractual and not tenured. Stiegler asked if the need for a Professional Geoscientist license would be written into the position requirements. Bentley said the position description will not require licensure, but he said the description will require the candidate to have the professional credentials that would qualify for licensure. Stiegler then asked how many employees are currently with LGS; Bentley said the unit has about ten employees, both full-time and part-time.

Finley asked Marcus Guidry if he would like to address the board. Guidry asked if the board was aware of why he was in attendance (to request a waiver of the five-year requirement to have held a license in the state [in this case, Texas] for which reciprocity was requested); Finley assured him that they were. Guidry declined to address the board beyond this statement at this time. Finley welcomed him.

Meeting Minutes

Minutes of the September 15, 2020 meeting were reviewed. Williamson moved to approve the minutes; Schramm seconded. Finley called for discussion; there was none. He then called for a vote, and the motion passed.

Treasurer's Report

Schramm presented the treasurer's report for September and October. He pointed out that having two new accounts (since creating savings and checking accounts at Capital One) complicates the reporting process. In the Campus Federal Credit Union checking account, for September, deposits were \$9594.37, and debits were \$106,629.16 (which included a \$100,000 transfer to the Capital One checking account), for a total ending balance of \$105,959.41; in October, the Campus Federal Credit Union checking account deposits were \$14,776.59, and debits were \$68,927.07 (which included a \$57,000 transfer to the Capital One checking account), for a total ending balance of \$51,808.93. The total in the Campus Federal savings account was \$50,643.59. The total in the Capital One checking account after bank charges of \$24.80 was 10,563.34; the total in the Capital One savings account after \$57.47 interest collected was \$147,808.23. The total in all accounts was \$260,824.09. The surplus funds are earmarked for future expenses related to required activities (enforcement, outreach, examination, etc.) mandated by the statute.

Schramm then explained the report on budget versus actual expenses and revenue, pointing out that the board is bringing in slightly more revenue than budgeted and is spending less than budgeted, primarily in budgeted travel expenses, which have not been used because of the pandemic.

He turned the board's attention to the graph of funds over time, which indicates a slight but steady trend upward. He cautioned the board regarding the importance of maintaining financial equilibrium while still moving forward with new projects, including the addition of a project coordinator position in the administrative office.

Finley asked about the final page of the report that outlined the numbers of new licenses and renewals. Macon reported that the board is doing well on applications and renewals, but she added that the board should be aware that many licensees are struggling because of the current economic climate. She pointed out that many are renewing despite being out of work. She also reported that several licensees have

expressed appreciation that the board offers a free online ethics presentation so they can fulfill that requirement more easily. Finley asked if anyone had heard feedback regarding the online presentation. Macon reported that the presentation has been well received, attracting even geoscientists who are not licensed in Louisiana. Finley stated that providing opportunities like the online presentation, providing access at minimal cost so licensees can fulfill their obligations, are part of the board's responsibilities and that he feels this first step is a move in the right direction. Schramm also reported that several licensees have provided positive feedback on the presentation. Finally, he reported that the chair of the ASBOG ethics committee, John Williams, specifically mentioned Louisiana's online ethics presentation in his remarks to ASBOG on positive developments in this area. Schramm said, if the board is willing, other opportunities of this type can be forthcoming.

Finley called for a motion to accept the treasurer's report. Williamson move to accept the report; Stiegler seconded the motion. The motion passed with no discussion.

Standing Committees

Application Review Committee: Stiegler reported that one application for license on the list for consideration, number 3, is recommended for approval. She continued, three applications — 1, 2, and 3 — to take the March 19, 2021, ASBOG exams are also recommended for approval. She said these three testing candidates, upon approval, would then be added to the seven already listed on the sheet for a total of ten candidates who have so far completed applications to take the examinations. Stiegler moved to approve these applications. Perry seconded the motion. The motion passed. Schramm asked what exams the testing candidates were to take; Stiegler said all three are applying to take the ASBOG Fundamentals of Geology exam.

Finally, she explained that two applications for license on the list need to be discussed by the board. Finley explained that the applicants are requesting waivers under Rule 707: D (1). Finley read the rule into the record:

With the initial filing of an application or at any time that the application remains open, an applicant may request, in writing, licensure by the waiver of one or more qualifications for licensure. Upon written request and a showing of good cause, if the board determines that the applicant is otherwise qualified for a license, the board may waive a licensure requirement except for the payment of required fees.

Finley asked Guidry if the waiver was for the testing requirement. Guidry replied that the waiver he is requesting is the five-year waiting period for reciprocity. Finley asked for details; Macon offered to print the original letter from Guidry; Finley asked Stiegler for her comments; Stiegler deferred to Williamson, who had taken the lead on this request. Williamson asked Guidry if he had taken the ASBOG exams in Texas prior to being granted a license in that state; Guidry answered that he had not taken the exams and explained that Texas offers exemption from the exams based on experience, and he qualified there for that exemption. Williamson asked about the Texas Board's process. Guidry explained that, when he found out Texas offered the waiver, he applied. Williamson asked on what basis the exemption was granted. Guidry explained that a person with twenty-plus years of experience can be exempted from taking the exams. Stiegler asked if most of his work is in soils and ground water; Guidry said that was correct. Schramm asked where most of his work is performed; Guidry answered that he works throughout Louisiana. Williamson asked in what state he works most and what type of work he performs most often; Guidry replied that most of his work is in Phase I Environmental Assessments (ESAs) and permit

compliance in Louisiana. Stiegler asked if Guidry employs other PGs; he said he does not, but he has agreements with other licensed PGs to seal documents when necessary. Finley asked why Guidry waited so long to apply; Guidry said he missed the grandfathering period, but he had applied later (in 2018) to take the exams and was approved. However, a family illness and subsequent death prevented him from following through at the time. Williamson asked for clarification that very little of his work is actually performed in Texas. Guidry said that was correct. Williamson then asked if he had begun to prepare for the exams; Guidry said he made it through a study guide he had purchased but had not taken the practice exam. Williamson asked him if he felt the study guide was helpful; he replied that it was. Williamson asked if anyone had given him feedback regarding his chances of passing the exam; Guidry replied that he had explained to one of the presenters for the company that sold the study guide he had been out of school for nearly 35 years, and the presenter then told him it would be very difficult for him to pass both exams in one day.

Finley then wrapped up the interview with Guidry by explaining this issue is one the board has not encountered before. He said he would like some time to talk about the situation and come up with a solution that would be acceptable to everyone. Finley said he felt the board needed some space to discuss the issue; Stiegler added she wanted to discuss the rule itself as well. The board asked Guidry to leave the meeting briefly to give the members time to talk about his request; Guidry agreed and exited the meeting.

Stiegler began the discussion by asking Finley, since he was on the board when the rule was promulgated, what the thinking of the board had been. She pointed out that two people were now asking for exceptions based on the rule, and she said the rule itself is quite vague. Discussion ensued, and Hall pointed out that the ASBOG exam will, in the near future, be much more accessible for applicants, so the lack of accessibility to the examination sites may become moot. Schramm, Stiegler, and Williamson agreed that more information is needed before a decision can be made. Hall clarified that the Application Committee will request additional information and either make their decision for a formal recommendation based on that information or defer to the full board for additional discussion and guidance in making that recommendation. Stiegler indicated that the committee would make a recommendation at the next full board meeting.

Stiegler presented the Application Committee's draft of its Standard Operating Procedures (SOP), with the understanding that procedures regarding waiver requests will need to be added once the committee and the board are clear on how to proceed on this newly introduced development. Finley pointed out that all of the SOPs will be evolving documents as new items arise. Hall reminded the board that the state's recently legislated waivers for military personnel and their families should also be considered in developing this new procedure; Stiegler agreed.

Guidry was invited to return to the meeting. Finley explained that his request is a new one for the board and that the members of the board need to gather additional information and give his request additional consideration. Finley said the board would try to have a response for the next meeting in January 2021. Guidry thanked the board members for their consideration.

License Examination Committee: Williamson reported that, as of this meeting, the board has approved three more FG testing candidates for the March 19, 2021, testing date, in addition to the two FG and six PG examination candidates who had been previously approved. Schramm mentioned that the examinations taken on October 2, 2020, were reviewed and scored at the recent ASBOG Council of Experts meeting. He reported that results will be forthcoming soon.

Compliance Committee: Perry asked Hall to report on the SOPs for complaints and enforcement; she explained that the majority of the procedural steps are to establish guidelines for holding formal hearings. However, she pointed out that the first step and the very last couple of steps needed to be reviewed carefully.

The first step regards the initial handling and investigation of complaints by the staff. This procedure was designed to allow licensees to come into compliance whenever possible without resorting to a formal hearing. The staff would be tasked with investigating complaints to determine if a violation has occurred. Hall explained that, if a violation has occurred, the staff may enlist the assistance of an outside investigator to evaluate the complaint. She said the board may preapprove a list of potential investigators. Once the investigation is concluded, the staff, based on the evidence, can recommend several courses of action, ranging from closing the complaint to convening a formal hearing and including mediation and calling upon outside entities to adjudicate.

She then summarized the rest of the steps, paying special attention to steps for allowing informal hearings and mediation. Hall stressed that these are standard operating procedures, not rules, so they can be amended as needed, which will allow the board to adjust the procedures to adapt to changing circumstances. She also added that these procedures can go into effect as soon as the board approves them. Brief discussion ensued. Williamson moved to accept the Complaint and Enforcement SOP document as written; Schramm seconded. Finley called for additional discussion. Stiegler asked if it was typical for the board not to have any awareness of a complaint until after it had been investigated; Hall responded that this is not only typical but necessary. She explained that any board member with prior knowledge of a complaint would automatically be recused from a potential formal hearing. Additional discussion ensued. Perry thanked Hall for her contribution to the document. Finley called for a vote; the motion passed unanimously.

Perry then introduced the Compliance Committee's second set of SOPs for conducting the continuing education audit. He called upon Schramm, who had drafted the original document, to present the draft to the board. Schramm explained that he had developed the audit process during the ongoing trial audits, which began in 2019. He pointed out that the document, reflecting both the statute (RS 37:711.21) and the rules (Title 46, Part LXII, Chapter 13), calls for continuing education, including ethics, to be **geoscience** related. He emphasized this point because, in his experience, auditees often did not understand and were submitting documentation for non-geoscience PDHs, which cannot be counted toward the 14 hours of professional geoscience professional development and one hour of geoscience-related ethics. He then requested approval by the board. Perry commented that this document may also help to clarify for licensees the types of professional development experiences the board will accept. Finley called for motion. Schramm moved to accept the SOP document as presented. Williamson seconded. Finley called for additional discussion; none was forthcoming. Finley then called for a vote; the motion passed unanimously.

Perry then asked if the board would like to post all of the SOPs on the website so licensees can see how the committees operate or if the SOPs would be considered internal documents. Perry asked Schramm to share his opinion; Schramm explained he thinks all the documents should be shared so that licensees are familiar with how the board works. He also pointed out that sharing the documents publicly would, for example, help licensees better understand what the board will accept as continuing education hours. Schramm also mentioned the SOPs will allow the board to maintain continuity, should someone new be asked to perform the tasks outlined in the procedures. Perry asked Hall if posting the documents publicly

would create any legal issues; she said, on the contrary, posting the documents will provide essential transparency and clarity in the board's procedures. Finley added that having the documents available will also allow licensees to offer suggestions for improvements.

Perry mentioned that the 2021 random audit list of 2% of active licensees has been generated and will begin soon.

Outreach Committee: Finley said he was impressed that Sam Bentley became licensed (though, as an academic, he is exempt) to help his students see the importance of licensure. He mentioned that he would like to meet with Bentley to talk about ways to work together.

Schramm mentioned that during the recent trip to Shreveport for a meeting of the Compliance Committee, he and Hall had discussed the possibility of creating a one-hour panel presentation on professional development in geoscience that could be presented at local geological society meetings and eventually videoed for inclusion on the website. Finley asked for details; Schramm described several topics that could be included. Finley agreed, and encouraged Schramm to develop the concept and arrange for venues to make the presentation. McDade said she thought there would be strong interest in such a presentation at a New Orleans Geological Society meeting. Additional discussion ensued.

Office Committee: Macon reported that, as previously reported, Dovetail Digital is working on the migration of the board's online application system from Adobe Business Catalyst to the TreepI platform and on redesigning the board's website. On Thursday, October 22, Finley, Schramm, and she met with Dovetail Digital's staff to review their progress. The interface with the new software appears far better than the old one and will allow for more flexibility for searches, report creation, and updates. Dovetail also added the online ethics presentation to the website in late September; as of November 5, 20 licensees had completed the ethics presentation and submitted their acknowledgment forms. The current database allows for tracking who has completed the ethics presentation and when, and the new one will allow this reporting as well.

She also reported that, during October, Finley, Schramm, McCreary, and she participated in training sessions to use the online Intellix portal to access Capital One banking services. A check scanner has also been installed in the office to make remote deposits. So far, eight remote deposits have been successfully made and other online services, such as user management and transfers have been used.

Additionally, she said, in response to Schramm's request at the September meeting, Bill Finley has transferred access to the Campus Federal accounts to Schramm and Macon. Schramm, as board treasurer, now has access to the accounts to view transactions, make online bill payments, and perform other financial functions as needed.

As suggested at the September board meeting, Macon said, she purchased a laptop for, among other uses, setting up virtual meetings, a webcam to make virtual meetings more accessible, and the necessary cables to connect the new equipment. Bill Tripoli, the IT manager for LAPELS, was invaluable in advising Macon regarding the types of equipment needed and in setting up the equipment when it arrived. All the new equipment is currently working as it should. Hall pointed out that online participants were having difficulties with audio; McDade and Stiegler agreed; Macon thanked Hall for making the point and said she will work to find a solution to that problem.

Macon reminded board members that, at the September meeting, the board agreed to add a project coordinator, a new intern-like position, in the administrative office. This part-time staff member,

preferably someone with a background in geoscience and perhaps either an upper-level undergraduate or a graduate student, would be tasked with helping each of the board committees with relevant projects. Macon said she had created a draft position description that was included in the board member packets. She said she anticipates the salary to be between \$15 and \$20 per hour, depending on experience, and the hours to be 10 to 20 per week, depending on workload. She requested board approval so she could begin the process of advertising the position around the first of the new year. Finley agreed that the position is necessary. Discussion ensued, with Williamson suggesting the addition of “resourcefulness” under “preferred skills.” Schramm moved to proceed with creating the position; Williamson seconded the motion; the motion passed.

Macon then reminded the board that the next FARB meeting is scheduled for January 27 – 29, 2021, as a live virtual conference. Williamson has expressed an interest in attending. She asked other board members to contact her if they also wanted to attend.

Finally, she reported that, on November 4, Schramm, Hall, and she attended the virtual ASBOG Annual Meeting. Highlights of that meeting included:

- o A presentation on the newly available National Disciplinary Database, which is now ready to be used by member boards: This new database will allow boards to report final disciplinary actions against licensees with the intent to form a network of information among all boards.
- o A presentation on the progress in migrating the examination to a computer-based format. ASBOG released an RFP several months ago and has heard presentations from four different vendors to create the computer-based testing (CBT) service. Of those vendors, one was clearly superior to the rest. That one was asked to submit a proposal and timeline for implementing CBT. The initial CBT is projected to be in fall 2021 at the earliest or fall 2022 at the latest, with the most likely date spring 2022. CBT will free the boards from having to provide testing facilities and proctor the exams. ASBOG will be freed from having to assure the security of paper exams and collect payments for exams. Testing candidates will have more freedom in selecting test dates and locations. The vendor, which was not named, will be responsible for providing secure testing facilities and equipment, collecting fees for the exams, and transmitting the testing results to Test, Inc., the company that has long provided ASBOG with psychometric services and data.

She also reported that Schramm participated in the Council of Experts (COE) meeting on November 5 and 6 and then asked him to report on his participation. Schramm explained that 12 invited members of the COE met via Zoom to evaluate the latest exams, and he reported on the process. The COE took the exam in its computer-based format for the first time, which revealed some glitches that will be corrected in future versions. Overall, he said, the computer-based exam performed well and seemed very secure.

Nationwide, Schramm reported, over 1,100 candidates took the ASBOG Fundamentals of Geology (FG) in October, and over 500 candidates took the ASBOG Practice of Geology (PG). He also reported that the average passing rate for candidates taking the FG for the first time is about 70%; the passing rate for candidates taking the PG for the first time is about 80%.

Other business

Schramm reminded the board that at least one state agency has successfully petitioned Louisiana Civil Service to have positions previously described as various levels of “Geologist” changed to other titles. He reported these findings: Of those employees in “Geologist” positions, 17 are licensed and 20 are not. Of

the 37 filled “Geologist” positions in the state, 35 (16 licensed; 19 unlicensed) are employed at the Louisiana Department of Environmental Quality (LDEQ), one (licensed) is with the Louisiana Department of Health and Hospitals, and one (unlicensed) is with the Louisiana Coastal Protection and Restoration Authority (CPRA). The Louisiana Department of Natural Resources (LDNR) has no “Geologist” positions, having changed the titles of their positions to “Petroleum Scientists.” He said he also reviewed the job descriptions for these “Petroleum Scientists,” and those job descriptions include duties that a geoscientist must be licensed to do. LDNR employs 10 licensed Louisiana Professional Geoscientists among those titled “Petroleum Scientists” and 57 unlicensed “Petroleum Scientists.” Williamson asked about the positions at the Louisiana Geological Survey; Schramm said he did not investigate that agency or LSU since academic positions are generally exempt. The issue of whether someone in an academic position who consults would be legally required to be licensed arose. Discussion ensued. Perry suggested the situation regarding state positions with geoscience duties needs further investigation before actively pursuing a solution. Finley agreed. Additional discussion ensued. Schramm suggested meeting with a representative with Louisiana Civil Service to continue the investigation; Finley and Perry agreed and authorized Schramm to continue to gather data.

New Business

Finley mentioned that another meeting with Dovetail Digital is scheduled in December.

Schramm reported that statements from Capital One have been late in arriving – and, in fact, one of those statements had not yet arrived by the date of this meeting. Additionally, he and Macon explained that, to perform activities online with the Capital One accounts, the staff must use two different online systems, which complicates their work and impedes the reporting process.

Adjourn

In view of the difficulty in getting bank statements from Capital One, the date of the next regular meeting of the board was discussed. Rather than the second Tuesday of January, board members agreed to schedule the meeting for Thursday, January 14, 2021, at 1:00 pm. Schramm moved to adjourn; Williamson seconded the motion. Finley adjourned the meeting at 4:00 pm.