

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, January 11, 2022, 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 Schramm called the meeting to order at 1:08 p.m., Tuesday, January 11, 2022, and commenced roll call.

Present: William Schramm, William Finley, Melanie Stiegler (virtual), Lloyd Hoover, Michael Simms, and David Williamson (virtual), Board Members; Machel Hall, Legal Counsel; Brenda Macon, Executive Secretary.

Absent: David Culpepper, Elizabeth McDade, and Todd Perry, Board Members; Chantel McCreary, Assistant Executive Secretary; Mallory Pilié, Project Coordinator.

Guests: Chase Cromwell (virtual), employee with LEAAF Environmental and license candidate; Elizabeth Levy, employee with LDEQ; Holly Poston, employee with Tetra Tech and license candidate; Oliver Navo, employee with CK Associates and license/examination applicant.

Quorum was established. Roll Call and Visitor Sign-in are documented on paper and as part of the meeting registration record on Zoom.

Public Comment Period

Schramm welcomed the guests and asked them to introduce themselves. Two guests, Holly Poston and Elizabeth Levy, did so. Schramm then called for public comments. Levy addressed the board regarding the need to bring state employees who are environmental scientists serving in geoscience roles into compliance with Louisiana R.S. 37:711, the statute that created LBOPG. She pointed out that these employees have been moved into these roles because of shifts at the state agencies for which they work, and some have been serving as long as 20 years in these positions. She suggested that the state develop its own professional exam and use it, instead of the ASBOG exams, to determine the eligibility of these employees to be licensed as geoscientists. Hall asked Levy why these employees, who were unable to answer basic geoscience questions, should be licensed as geoscientists. Levy suggested that the candidates were most likely caught off guard by the questions and said that at least one of the candidates had been her mentor when she first began her career with LDEQ. She said this candidate is highly

qualified in the area of soil science and RECAP. She argued that the candidate is, however, not performing soil science, which cannot be considered by the board for licensing, but instead is practicing geoscience. She then referenced the ASBOG Model Law to support her argument. She argued that no geoscientist uses all areas of geoscience in their work and that some areas are closely related to soil science. She said her mentor exhibited extreme competence in the area geoscience he was called upon to practice. Levy called upon Cromwell for support; Cromwell corroborated her assessment of her mentor.

Schramm explained to Levy that the board does not have the resources to build its own professional exam at the level of the ASBOG exams. Stiegler and Williamson agreed, adding that the board is fortunate to be able to work with ASBOG, an organization that works diligently to create and maintain a fair, equitable, and representative professional exam for geoscientists across the country. Williamson added that the board has no way of knowing what a person working in one area of geoscience may be doing in the future, so it would not be wise to allow someone with very limited geoscience experience and no geology education to become licensed based on that one area of expertise. He said administering the ASBOG exams is a proven method to demonstrate someone's competency in basic geological fundamentals and principles. He said he doesn't have the same confidence that the state of Louisiana could come up with an exam that would provide that level of professionalism.

The discussion then turned to ambiguities in the law, such as areas left at the discretion of the board. Schramm pointed out that the program to waive testing for state employees ended on December 31. He asked Levy if she thought the board should make all the proposed changes for only the two people who remain. She responded that the changes would be intended to benefit anyone who hold positions defined by the Louisiana Civil Service as geoscientists. Schramm then asked if she expected the board to change to accommodate Civil Service. Levy responded that she thought the board already had. Hall turned the discussion toward what the current statute charges the board to do. She said Levy's proposals imply that the board should be licensing a much broader group of people, something the current statute does not allow or authorize. She said the current statute indicates that the legislature intended the definition of "geoscientist" to be much closer to "geologist" than the definition Levy uses. She said the board must be very careful about mission creep, which expands far beyond the scope authorized in the legislation. She also said the board must also be careful that the license is not state-employee-specific because the license must move across to industry as well. Levy complained that the legislation exempts almost every geological category except environmental geoscientists and specifically denies board representation to employees of the two agencies, Louisiana Department of Environmental Quality and Louisiana Department of Natural Resources, that employ the largest number of geologists. Williamson pointed out that those licensed to practice geoscience in the state of Louisiana are not limited to environmental geoscience; he said some are employed in mining and other areas, including and oil and gas, even though they may not have to be licensed. Schramm wrapped up the discussion, reminding Levy that the board did not write the statute; it is simply charged with interpreting and implementing it. Schramm agreed that additional meetings with the agencies would be the best way to find common ground. Hall added that the issue seems to be a Civil Service issue rather than a licensing issue. She pointed out that, on a multidisciplinary team, the management structure should not require that all geologists must be supervised by geologists. Additional discussion ensued.

Meeting Minutes

Minutes of the November 9, 2021, regular board meeting and two appeals hearings were reviewed. Williamson moved to accept the minutes; Stiegler seconded the motion. Schramm called for a vote, and the motion passed.

Treasurer's Report

Finley presented the treasurer's report for November and December 2021, summarizing the balances of the board's accounts and reporting the total balance in all accounts is \$275,962.07 and displaying a graph of the board's historical financial trends. He pointed out that the revenue ebbs and flows in a cyclical manner throughout the course of the fiscal year because the number of renewals fluctuates from season to season. He then showed, using the overall revenue and expenses in November that ended with a loss of about \$350 and the overall revenue and expenses in December that ended with a gain of about \$5500, how this fluctuation works in real time. He said the one-time expenses related to fulfilling the board's contract with Dovetail Digital in November 2021 created a slight loss, while fewer expenses and the ramp-up of the renewal cycle in December 2021 yielded a significant increase in the board's bottom line. He explained in detail how these fluctuations affect the year-to-date budget report, which assumes equal expenses and income from month to month. He said the overall annual budget is on target, though the monthly report seems slightly out of sync. He pointed out one revenue line item and two expense line items on the monthly report as examples: In the category of renewals, the report shows a deficit of more than \$10,000; however, this deficit has already been erased by increased renewals in late December and early January. In the category of legal expenses, the budget shows that \$4,000 budgeted in this category remains unspent because the board has yet to receive invoices from the Louisiana Department of Justice for those expenses. Likewise, a \$7,000 deficit in the category of IT services reflects the payment of the three-year contract to Dovetail Digital, which was divided in the budget over the entire three years (2019-2021) but not actually paid until 2021. He explained he and the board's staff will use the data indicated by these trends to divide the monthly budgeted revenue and expenses more accurately. Williamson asked about the revenue line item for the Department of Motor Vehicles. Macon explained the revenue comes from the sales of personalized licensed geoscientist license plates. Discussion then ensued. Schramm called for a motion to accept the treasurer's report. Hoover moved to accept the report; Simms seconded the motion. The motion passed.

Standing Committees

Application Review Committee: Stiegler reported that twelve applications for license, four applications for GIT, and eight applications for ASBOG examination had been reviewed. She reported that one license application was to be discussed, but because all members of the Application Review Committee were in favor of recommending that application for approval, all twelve, numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, were recommended for approval; all GIT applications, 1, 2, 3, and 4, were recommended for approval; and all eight ASBOG examination applications, 1, 2, 3, 4, 5, 6, 7, and 8, were recommended for approval. Stiegler moved to approve these applications for Louisiana Professional Geoscientist license, Louisiana GIT certification, and ASBOG examination. Finley and Williamson simultaneously seconded the motion. Schramm called for any additional discussion; none was forthcoming. He then asked if all education credentials of state employees had been checked; Stiegler assured him they had. Schramm called for a vote; the motion passed.

Schramm then moved to the next agenda item, which was discussion of recent appeals of license application decisions. Schramm asked Hall if the board needed to go into executive session. Hall explained that the appellants could elect to have their appeals discussed in executive session; also, the board could discuss the process for making a decision regarding the two appeals. Schramm said he would like the board to discuss the approach for making a decision regarding the appeals in executive session. Finley moved to go into executive session to discuss the decision-making process; Stiegler seconded.

Schramm took a roll call vote: voting for the motion were Schramm, Finley, Stiegler, Hoover, Simms, and Williamson; no one voted against.

After the board returned from executive session, Schramm moved to defer granting licenses to the two appellants for two years to provide these applicants an opportunity either to take both the ASBOG Fundamentals of Geology and Practice of Geology exams or to acquire sufficient coursework to fulfill the board's requirement of at least 30 hours of geology, 20 hours of which must be upper-level courses. Simms seconded the motion. Schramm then called for discussion. Levy asked for clarification. She said the two appellants had received degrees within the geoscience departments of their respective universities. She asked, if the appellants submitted detailed descriptions of the courses they took as undergraduates and provided information that shows these courses would satisfy the board's geology course requirements, whether the board would reconsider their degrees. Hall indicated that may be possible. Schramm explained that the recent waiver program allowed qualified applicants who are state employees to become licensed without taking the exams; however, the two appellants' educational backgrounds do not meet the board's requirements, so they are, in effect, requesting waivers from both the education requirement and the examination requirement. The board cannot grant waivers for two of its four fundamental requirements. He reiterated that the board would like to provide these two appellants with the opportunity to fulfill one of these two requirements and to have the other waived. Discussion ensued. Schramm then called for a vote on the motion; the motion passed unanimously. Schramm and Hall said that a response explaining this decision would be sent to the appellants on board letterhead. Discussion ensued regarding the need for the board to meet with the agencies to come to an understanding on licensing requirements.

License Examination Committee: Williamson reported on the results of the ASBOG exams administered on October 1, 2021. He said ten candidates took the Fundamentals of Geology exam; eight passed. Of those who passed, the high score was 89 and the low was 71, for an average score of 81.5. Nine took the Practice of Geology exam; seven passed. Of those passing, the high score was 82, the low was 70, for an average score of about 74.5. He reminded the board that, as of this meeting, with eight additional candidates approved, twelve are now scheduled to take the exams in March 2022.

Schramm asked Williamson if he planned to attend the spring ASBOG Council of Examiners meeting; Williamson said he was planning to attend. Schramm said he, too, would be attending. Stiegler expressed interest in attending the fall COE meeting.

Schramm then turned the board's attention to the first item on the agenda under part 6.b., "Waiver of ASBOG FG exam request." He called on the chair of the License Examination Committee to address the applicant requesting the waiver of examination. Williamson asked Oliver Navo to introduce himself and explain the nature of his request to the board. Navo explained that he passed the ASBOG Practice of Geology (PG) examination in October 2021 but did not pass the ASBOG Fundamentals of Geology (FG) examination. He argued that he felt, by passing the PG exam, having multiple references in support of his application for license, graduating with a degree in geology from LSU in 2013, and working for eight years in various areas of geoscience, he has already met the requirements of licensure and requested a waiver of the FG exam. He pointed out that the statute allows the board to waive the examination requirement if it finds that the applicant is otherwise qualified for licensure. Williamson asked him if he had applied to take the FG exam again; Navo said he had. Williamson asked, if Navo had already applied to take the exam again, why he was requesting a waiver rather than simply retaking the exam. Navo said

that he would rather “move forward with continuing education... rather than spending [his] free time on weekends and nights studying for the exam.” Williamson asked why he felt that he should not be studying for the exam, as others who had not passed it would be. Navo said he felt that passing the PG exam should show that he has the knowledge necessary to pass the FG exam; Williamson said, as a board member, he disagrees with that assessment. Williamson said Navo still needs to demonstrate, by passing the FG, that he has that knowledge. He suggested that Navo continue with his plan to retake the FG and wished him well. He said, if Navo needs to find study resources, he and the rest of the board would be happy to help him. Navo reiterated that he had graduated from LSU in 2013; he said that the board had mentioned in 2016 the need to reach out to university geology programs to let students know they could take this exam before they graduate. Williamson pointed out that the degree and references are necessary requirements, in addition to the examinations, and are not, by themselves, a means of replacing the examination requirement. Schramm asked Navo if he would mind letting the board know his score on the FG exam; Navo said the score was 63, and he was shocked himself that it was so low. Hoover disputed the Williamson’s opinion, arguing that the state employees who were recently granted licenses didn’t have to take the exams; other board members reminded Hoover that Navo is not a state employee and not eligible for the waiver program. Levy also pointed out that the board already has an SOP in place for examination waiver, and that SOP stipulates that a person seeking a waiver of examination must have at least 15 years of work experience; she said Navo only has eight years. Poston commented that she, too, felt it would be unfair for the board to allow a waiver in this case, pointing out that she had worked hard to pass the FG herself. Navo responded that the board has previously said candidates should take the FG right out of school, and he didn’t know about it. He added that the GIT is granted to candidates who pass the exam as a stepping stone to licensure as they gain work experience, and he already has that work experience. Schramm then asked Williamson if his opinion is that of the License Examination Committee (Williamson, McDade, and Schramm); Williamson said the opinion is his own. Discussion ensued, with Schramm adding that the committee could not meet. Hall explained that a committee meeting is not required, but Schramm offered to meet; Hall disagreed, arguing that having such a meeting would impair the candidate’s ability to prepare for the exam if the decision to disallow the waiver was ultimately supported by the rest of the committee and the majority of the board. Schramm then asked if he should call for a vote of the board members; Hall asked the board members present if they needed the committee’s recommendation before they vote on the matter; no one did. With that, Schramm called for a vote. Williamson moved that the board recommend the candidate go forward with his plan to retake the FG exam and deny the waiver request. Finley seconded the motion. Schramm then called for additional discussion. None was forthcoming. Schramm then called for vote on the motion; the motion passed with Hoover dissenting. Schramm thanked Navo for appearing and wished him well on the exam, and Navo thanked the board for its time.

Compliance Committee: Schramm reported that thirteen auditees have responded so far, with three passing. He said some did not pass because they did not submit documentation. He said Mata de Leder, Pilié, and Macon had been assisting in collecting the documentation, meeting to discuss the logs and other audit materials, and creating responses to these auditees. Schramm pointed out that, while the pass rate is very low, the audit process was begun early enough for those who do not pass to come into compliance with the requirements before or near their renewal dates. He reminded the board that those who fail the audit and are not in compliance on their renewal dates will have a suspended license, but they will still have an additional 60 days to come into compliance. He also pointed out that licensees who fail the audit,

even if they later come into compliance, are automatically added to the audit for the next year. He stated the performance is not good so far, and he is not sure why. Discussion ensued.

On the second agenda item under the Compliance Committee (6.c), "Discussion of unqualified licensees," Schramm made a motion to go into executive session to discuss these unqualified licensees. Finley seconded the motion. Schramm then took a voice count: those in favor were Schramm, Finley, Stiegler, Hoover, Simms, and Williamson; none were against.

Outreach Committee: No report. Schramm suggested that Finley talk with Mata de Leder, who has an interest in working with his committee. Finley agreed to do so. Schramm also mentioned that Riley Milner has expressed an interest in volunteering his help with outreach. Macon mentioned that Pilié has been talking with LSU students about the ASBOG exams and licensure.

Office Committee: Macon reported that she had attended the DOJ Civil Law Training session on December 7 and will be implementing what she learned over the next few months to be sure we're in compliance with the law.

She reminded board members that Louisiana Legislative Act 270 stipulates that all state agencies must adopt policies to prevent sexual harassment in the workplace, including a requirement to have employees take the state online training course. She said Schramm had requested a video that can be presented at a future board meeting to fulfill this requirement. So far Civil Service has not responded to that request.

Macon reported that she would like to hire Luzma Mata de Leder as a part-time employee. The position would be for ten hours per week at \$20 per hour. Macon has already contacted the board's Civil Service representative and discussed the feasibility of adding this new WAE position and asked the board to consider her request. Finley moved to create the position that would allow Macon to hire Mata de Leder; Simms seconded the motion. The motion passed.

Macon asked Hall if outside members of the public are allowed to serve as committee members on board committees. Hall said she knows of no prohibition that would prevent a member of the public from serving. Macon said at least one other outside person has expressed an interest in serving on board committees.

Macon reminded the board that she would be attending the FARB conference in January as a presenter, which means that most of the expenses associated with the conference would be paid by FARB. She explained that she would be presenting jointly with Shannon Lynd, a partner in Dovetail Digital Marketing, on developing websites and databases collaboratively to meet the needs of boards like LBOPG.

Finally, Macon reported that Mark Varhaug, who is on the Texas Board of Professional Geoscientists, called yesterday (January 10) to ask how LBOPG would handle a situation in which an applicant failed the ASBOG FG but passed the ASBOG PG. Macon told him we were about to find out. He then asked how the board would feel about collaborating in some way, either through a joint meeting or by having LBOPG members attend Texas board meetings and vice versa. Macon reminded the board that this question has been posed before, and board members have previously expressed interest in such a collaboration. She said she will contact Varhaug for information on how to proceed.

Legal Comments

Hall had nothing additional to report at this meeting.

Other Business

In reference to the first item on the agenda under Other Business, Schramm asked who would write the letter informing the recent appellants of the board's decision. Hall said Macon should draft the letter, Hall would review it, and Schramm should sign it. Schramm agreed.

Schramm then turned to the next two items on the agenda, discussion of the Strategic 5-year Plan and potential rules changes. Schramm reminded board members that, at the November meeting, an ad hoc committee had been formed to work on the planning document. Those who had volunteered to serve on the committee were Culpepper, Finley, McDade, and Simms. Schramm asked who was chairing the committee; Simms said he would act as chair. Board members then discussed what should be accomplished in this document and in the rules changes. Hall said two items that had already been discussed were the need to clarify the geoscience educational requirements and the need to define what exactly the board is licensing people to do. Hall suggested using the ASBOG Task Analysis as a foundation for developing that definition. Hall asked if the board wanted to add the SOPs that had already been developed into the rules or if they wanted to keep them at the level of guidance only. The discussion continued.

The board then discussed standing committee assignments. Serving on the Application Review Committee are Stiegler (chair), McDade, and Williamson. Serving on the Examination Committee are Williamson (chair), McDade, and Schramm. Serving on the Compliance Committee are Perry (chair), Schramm, and Simms. Serving on the Outreach committee are Finley (chair), Culpepper, McDade, and Williamson. Macon pointed out that members of the public can serve as committee members as well. She reminded the board that she and Pilié are also working on outreach.

Adjourn

The date of the next regular meeting of the board was tentatively scheduled for Tuesday, March 8, 2022, at 1:00 pm. Finley moved to adjourn; Stiegler seconded; the motion passed. Schramm adjourned the meeting at 5:18 pm.