

# LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



## REGULAR MEETING OF LBOPG

Thursday, May 13, 2021, 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 1:02 p.m., Thursday, May 13, 2021, and commenced roll call.

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

Absent: Lloyd Hoover, Board Member; Chantel McCreary, Assistant Executive Secretary; Mallory Pilié, Project Coordinator.

Guests: Gary Fulton, LDEQ, director, in person; Noelle Chalona, LDEQ, license applicant (virtual); Danielle Duhé, LDNR, license applicant (virtual); Krista Jankowski, CPRA, license applicant (virtual); Steven Kampfen, Essel Environmental, license applicant (virtual); Karen Marchal, LDEQ, license applicant (virtual); Janet Meaux, license applicant; and Mason Broussard, Dovetail Digital (virtual).

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

No comments were forthcoming.

### Meeting Minutes

Minutes of the March 11, 2021, meeting were reviewed. Schramm moved to accept the minutes; Williamson seconded the motion. Finley called for a vote, and the motion passed.

### Treasurer's Report

Schramm presented the treasurer's report for March and April 2021. In the Campus Federal Credit Union checking account, for March, deposits were \$12,157.18, and debits were \$10,397.29, for a total ending balance of \$67,852.13; in April, the Campus Federal Credit Union checking account deposits were

\$11,815.30, and debits were \$9226.89, for a total ending balance of \$70,440.54. The total in the Campus Federal savings account at the end of April was \$50,668.68. The total in the Capital One savings account at the end of March was \$161,533.25, and in April, the ending balance in Capital One savings was \$161,619.55. The total in all accounts in March was \$280,049.90, and at the end of April, the total was \$282,728.77. He then focused attention on the graph accompanying the report, pointing out that the important takeaway from the graph is the upward trends in revenue and total income.

Schramm then suggested that the board should consider earmarking the preponderance of the funds on hand for expenses related to enforcement. He and Macon explained that the state recognizes two types of accounts: restricted and unrestricted. Restricted accounts are dedicated funds for specific expense; unrestricted accounts are funds for expenses related to normal (daily) operations. Schramm pointed out that the funds in the Capital One savings account have already been recognized as restricted funds, and he suggested increasing the funds in that account to at least \$225,000. Discussion ensued, with Finley proposing using the Capital One savings account to segregate the restricted funds from the remaining funds and calling it the "Enforcement Account." The final consensus was to reduce the Campus Federal Credit Union checking account to \$5,000 and to increase the Capital One savings account to \$225,000.

Schramm then asked board members to consider the fiscal year 2021-2022 draft budget included in the board members' packets. Macon explained that the only changes to the draft from the previous version discussed in March were suggested by the board accountant. Neal Fortenberry, with L.A. Champagne, LLC, suggested an increase in the amount budgeted for Social Security taxes to take into consideration the addition of a new employee and potential salary increases at the beginning of 2022. He also suggested adding a simple balance sheet at the bottom of the budget form to show the split between restricted and unrestricted funds. Finley suggested increasing the amount in the restricted account shown on the balance sheet to reflect the immediately preceding discussion about the "Enforcement Account" (see previous paragraph). Macon agreed to make that change. Schramm pointed out that funds for travel would be shown under a different object code. Schramm moved to accept the budget; Williamson seconded the motion. Finley called for a vote; the motion passed.

Schramm then turned to the report on actual expenses in relation to the current budget. He reported that, because travel had been severely restricted during the fiscal year, the board had not spent at the level provided in the budget. He cautioned that expenses will most likely increase as restrictions are eased, so the board should be prepared. Williamson moved to accept the treasurer's report; Schramm seconded the motion. Finley called for a vote; the motion passed.

Macon reported that renewals are up for 2021, and new applications have increased over previous years.

### **Standing Committees**

Application Review Committee: Because the reviews had been completed just before the board meeting, a short delay occurred in the proceedings. The committee discussed a waiver request based on military service; McDade asked that the committee meet to consider the waiver request rather than bringing this issue before the full board. Committee members agreed.

Returning to the original agenda order, Stiegler reported that sixteen applications for license had been reviewed. Numbers 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 16 were recommended for approval. She reported that six applications for GIT certification were reviewed, and all six, numbers 1, 2, 3, 4, 5, and 6, were recommended for approval. Finally, she reported that two applications to take ASBOG exams in

October 2021 were reviewed, and both, numbers 1 and 2, were recommended for approval. She moved to approve these applications; Williamson seconded the motion. Finley called for a vote; the motion passed.

License Examination Committee: Williamson reported that the next ASBOG exam will be administered on October 1, 2021, and that so far, three candidates will be sitting for the Fundamentals of Geology exam only, and two will be taking both the Fundamentals of Geology and the Practice of Geology exams.

He also reported that the scores of those who took the exams in March 2021 have been received. Of the 12 candidates who took the Fundamentals of Geology exam, seven passed; both candidates who took the Practice of Geology exam passed.

Williamson then reported that he and Schramm attended the ASBOG Council of Examiners Workshop in Madison, Wisconsin. He said it was the first in-person ASBOG meeting since the beginning of the pandemic. He explained that he and Schramm took the Practice of Geology exam as part of the process of discussing and improving the exam, and both passed. They reported on the process and, Williamson and Schramm submitted a jointly written report on the meeting for the record.

Compliance Committee: Macon pointed out that one of the virtual attendees had a question regarding continuing education: "The LDEQ is organizing monthly remediation training in which we will be extending the invitation to consultants. Would these hours count for continued education credits for PGs?" Schramm commented that the training sessions potentially could count as continuing education. He said the board would need to see the information on the program, the credentials of the presenter, and the content of the training session. A general discussion of continuing education opportunities ensued. Hall asked that the public attendees offer suggestions to the board for ways to make the continuing education requirements easier to understand and fulfill; she said the board is willing to do what it can to help.

On a related topic, Schramm reported on the ongoing continuing education audit and pointed out that of the 17 responding auditees, most included courses that did not apply. He said the board had published information on its website regarding the types of courses that would apply, but apparently, the list still is not clear. He asked Gary Fulton, a director with LDEQ, if, as someone who is outside the board, he would find it to be beneficial to include a list of specific courses that do not apply. Fulton said such a list could be helpful. Schramm gave as an example "Introduction to Rotary Drilling"; he said water well drilling certification requires this course, but it does not specifically include geology, though hitting a particular layer of rock and being able to determine the type of layer (sandstone, shale, etc.) could potentially be considered geology. He and Fulton agreed that such a course is somewhere in the middle, in a "gray area," for the purposes of continuing education for the professional geoscience license. Schramm commented that many of the courses licensees take are necessary for their jobs but may not be directly related to geoscience and, therefore, may not meet the board's current requirements. He said the board is attempting to take a broader view of those courses and to include as many as they can, specifically by allowing hours that may be more related to engineering or environmental than to geology. Discussion ensued.

Perry reported that the penalty matrix has been published on the website for public comments and that no comments have been received. He asked Hall what the next step would be. She said the board could now move forward to accept the matrix as part of the enforcement policy. Perry then opened this topic for discussion by the board. Williamson suggested adding the words "per day" to each of the Stage 2 Penalty Sanctions; discussion ensued; and the rest of the board members and Hall agreed to Williamson's proposed changes. Board members then discussed whether to retain the footnotes at the end of the

matrix, with the consensus agreeing to retain those notes. Perry called for action on whether to accept the penalty matrix. Williamson moved to accept the penalty matrix with the proposed change; McDade seconded the motion. Finley called for a vote; the motion passed.

Schramm then presented a brief report on the March 24 interagency meeting, explaining that the group expressed concern that requiring state reviewers to sign off on work under their review would impede already well-established processes that work well for the agencies. Specifically, the representatives from LDNR and LDEQ expressed interest in a fiscal impact statement and supportive documentation to show how licensing will affect their agencies. A productive discussion of ways to ensure compliance with state regulations while also protecting the agencies' reviewers from civil liability ensued. Supervisors with both agencies indicated their support of licensure in general and said that they are encouraging as many of their employees who are eligible to take advantage of the recently opened waiver program for state employees. All parties seemed to agree that asking the legislature to clarify the current statute and to state specifically whether state employees are or are not exempt from the licensure requirement would be the best long-term solution. In the interim, the participants discussed the possibility of developing a Memorandum of Understanding (MOU) to outline a phased-in approach that would set out policies for short-term solutions and strategies for having the legislation amended. Schramm added that the agencies expressed support for licensure and offer incentives to their employees to become licensed. Fulton agreed, and reported that LDEQ will pay for employees' licensing fees. Fulton stated further that the agencies are in favor of developing the MOU but that reviewers cannot open themselves to liability by sealing documents that are not their own. Board members agreed. Additional discussion ensued.

Outreach Committee: Williamson reported that the Shreveport Geological Society had Wilcox Stratigraphy Fieldtrip on May 8, 2021. He pointed out that the fieldtrip was announced on the LBPOG website and in the recent journal issue. As a result, several people expressed interest in the trip. A group from LSU attended as well.

Schramm reported that the professionalism panel is ready to go and is looking for venues to present. Finley mentioned that the Lafayette Geological Society is looking for presentations and that the professionalism panel would be a good fit.

Office Committee: Macon began by introducing Mason Broussard, with Dovetail Digital, and asking board member to attend to the related document in their packets that updates the progress on the database migration and new website. Broussard explained that, though the migration is taking longer than expected, the process is going well. He pointed out that the group is testing the data as it moves over from the old database to the new. He said the staff will have a training session soon. Macon mentioned that she has a form to be added to the new site as soon as the production group is ready. She also said that some glitches had occurred in the application packets and told Broussard she would contact him after the meeting.

Macon then reported that she had created a draft public records request form and a related certification form to be added to the board's website and asked the board and Hall to review the draft. Hall suggested some changes to the certification form; Macon agreed to make the changes.

Macon then explained that, in mid-April, in anticipation of purchasing a color printer that would be more cost efficient than the currently used printer, she decided to see if the other people in the Engineering Center building would be interested in having this inefficient but still useable printer in the conference room as a backup in case someone needed copies during a meeting. She reported that the offer she

received from LAPELS was unexpected: LAPELS offered to allow LBOPG staff to use one of their surplus printers for the rest of its more than 2-year contract. The color Xerox printer is made for high-volume daily use, unlike the board's current color printer, and can also perform a variety of other functions.

Macon continued by reporting that the office staff decided to purge unused and broken items in the administrative office to make room for the Xerox printer. She contacted the Louisiana Property Assistance Office, which is part of the Louisiana Division of Administration. In addition to finding a home for the unwanted and/or broken furniture and equipment, Macon discovered that she is required to report purchases of items over \$1,000 to be tagged as state property and that board members and staff can only be reimbursed for travel in private vehicles for distances of 99 miles or less. Discussion of these revelations ensued.

She announced that the FARB Regulatory Law Seminar is scheduled for September 30 through October 3, 2021, in Nashville, Tennessee. She also announced that the Louisiana Department of Justice is once again offering in-person training sessions. She asked board members who are interested in attending to contact her.

Schramm asked Macon to report on the April 29 ASBOG meeting on computer-based testing (CBI). She reported that the current date for the initial implementation of CBI will be spring 2022. She said LBOPG will have very few changes to make to prepare for the new testing system. Whereas some boards are scrambling to end contracts for proctoring and testing facilities and change legislation to adjust to the shift to CBI, Louisiana has never had the luxury of third-party vendors to provide these services nor is the Louisiana legislation that created the board restricted to paper exams. Therefore, all changes will be in the way approved candidates order their exams. She reported that the board will continue to review applications and approve candidates just as they always have. Then Macon, instead of sending the candidates order forms to send to ASBOG, will send the candidates a "key" or password to access the testing vendor's website to set up an account, order and pay for the exam, and select a time slot to take the exam. While the tests will still be administered twice each year, four time slots for each exam, FG and PG, will be offered over a two-day period. She added that both Schramm and Williamson also attended the virtual meeting. Discussion ensued.

Williamson then mentioned the recent journal, and Macon thanked the board for approving the hire of Mallory Pilié. She reported that Pilié had been instrumental in putting together the latest journal at the end of April and had also made other significant contributions to the office workflow in her time with the board.

## **Legal Comments**

Hall apologized for not getting assigned tasks completed during the last two months and asked if the board's contract with the Louisiana Department of Justice was due to be renewed. Macon said the LBOPG/LDOJ three-year contract was renewed in June 2020, so it has two more years before it must be renewed. Hall then mentioned that a couple of online attendees had commented on names of applicants mentioned during the board meeting and cautioned board members not to mention applicant names.

## **Other Business**

Finley then asked if any other business needed to be discussed. Williamson mentioned that the Geological Society of America (GSA) held a webinar on April 15; the subject was "Professional Geologist Licensure Requirements." He said it was well-attended and pointed out that one of the topics was that sometimes applicants have difficulty paying the application fees and added that GSA offers "scholarships" for various fees, such as exam costs. He said the someone mentioned during the webinar discussion that local

geological societies also offer these types of scholarships for various fees. He also reported that at least one licensee from California mentioned that continuing education is not required there. Macon added that several states do not require continuing education and do not feel that such a requirement adds value to a license. Discussion ensued.

Macon announced that the board will be nominating officers at its July meeting and asked board members to be thinking about that process. Schramm asked about Macon's progress in contacting the Office of Boards and Commissions; Macon reported that she had a productive conversation with Director Roz Moore, and they are agree that new board members are necessary.

### **Adjourn**

The date of the next regular meeting of the board is scheduled for Tuesday, July 13, 2021, at 1:00 pm. Hall informed the board that a motion is not required to adjourn a meeting. Finley adjourned the meeting at 3:30 pm.