

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, October 10, 2017, 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, October 10, 2017. He then commenced roll call.

Present: William Finley, Lloyd Hoover, John Johnston, Thomas Klekamp, William R. Meaney, and Melanie Stiegler, Board Members; Harry Vorhoff, Legal Counsel; Brenda Macon, Executive Secretary; and Chantel McCreary, Assistant Executive Secretary.

Absent: Daisy Pate and L. Todd Perry, Board Members.

Guests: Donna Sentell, Executive Director, and Richard Savoie, Deputy Executive Director, LAPELS; Tammy Touns, Assistant Director, and Shelita Woods, Manager, Division of Administration, Office of State Travel.

Quorum established. Roll Call sheet was circulated for signatures. Visitor sign-in sheet was also circulated.

Public Comment Opportunity

Finley invited visitors to address the board with comments, suggestions, and announcements.

Meeting Minutes

Meeting Minutes of August 8, 2017, were reviewed. Johnston moved to accept the minutes; Stiegler seconded. The motion carried.

Treasurer's Report

Klekamp presented the August 2017 / September 2017 Treasurer's Report. Klekamp noted that Art Johnson was not paid per diem or reimbursed for his travel expenses for the August 8, 2017, meeting. Johnson passed away on August 9, 2017. Klekamp requested that the board approve payment of these expenses to Johnson's widow and asked for signatures on the forms authorizing payment. Johnston signed the forms. Klekamp then mentioned that the recent legislative audit cited the board for not having an approved budget and, since a budget had already been presented, reviewed, and discussed at the June 2017 meeting, he recommended that the board officially approve that budget for FY2017-2018. He also reported that the bank reconciliations have become more complicated because of the new online payment system and its associated fees and transaction reports. He mentioned that three of the first

online payments did not include the \$5 convenience fee because of an oversight. He explained that recouping the \$15 involved would be more costly than letting those three alone. Finally, he mentioned that he is attempting to recreate the graph file that Johnson had maintained over time. Johnson's file is lost, so the record will take some time to rebuild. Johnston moved to accept the treasurer's report; Meaney seconded; the motion carried. Finley asked when the budget would be approved; Johnston indicated that it would be approved during the office report. The order of the meeting was changed, moving the presentation by the speaker, Tammy Toups, to the end of the meeting.

Standing Committees

Application Review Committee: Stiegler reported that eleven candidates for full licensure were reviewed and all are recommended for approval. She read the numbers of applicants recommended by the Licensing Application Review Committee for a Louisiana Professional Geoscientist license as follows: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 of the Licensing Review Committee List for August 8, 2017; she also noted that one person had applied for GIT certification and to take the Fundamentals of Geology exam in March 2018 and was recommended for approval. Johnston moved to accept these candidates; Meaney seconded the motion; the motion carried.

License Examination Committee: Meaney reported that, of the fifteen candidates approved to take the ASBOG Fundamentals of Geology exam on October 6, thirteen were on hand; one opted to wait until March 2018, and one had a work conflict in another state and could not make the exam. He further reported that the five candidates who were approved to take the ASBOG Practice of Geology exam were in attendance for the exam. The results are expected in about 60 days, which will be around mid-December. Finley asked about the policy for those who could not take the exam. Macon reminded the board that they had decided at a previous meeting to allow those candidates to transfer the proctoring fees to the next testing date; however, ASBOG has a strict policy that exam fees are non-refundable under any circumstances.

Complaint Review Committee: Vorhoff reported that he had met with the attorney for LAPELS and that they had drafted a final version of the Memorandum of Understanding (MOU) that reflected the agreement of representatives of both LBOPG and LAPELS. He added that Todd Perry, chair of the Complaint Review Committee, had indicated he wanted the LBOPG board to move forward and accept the MOU so that it could, in turn, be taken to the LAPELS board for their approval. Donna Sentell, executive director, suggested that, if LBOPG approved the MOU, she could then take it to the next meeting of LAPELS' board. Johnston asked if Perry had officially communicated his intent that LBOPG approve the draft. Macon stated that Perry had sent an email that indicated that intent. Finley asked that board members be given copies for their review; Macon pointed out that the document was in the meeting packets. Finley set aside time during the meeting for those present to review the draft and called a break for this purpose. Hoover noted that the document allowed for future boards to rescind the MOU; Vorhoff explained that the MOU was intended to provide a bridge between the two boards; discussion ensued. Meaney asked how this agreement would work in terms of open meetings laws; Vorhoff explained that an individual from each board would meet to discuss cases of interest and would then report to their respective boards in open meeting on those discussions. Finley asked about parts of those cases that may be confidential; Vorhoff stated that discussions of particular complaints would be in general terms to protect the privacy of individuals. Hoover reiterated that engineers qualified to work in geoscience do not need a license; Finley clarified that those engineers still must follow the rules of geoscience; discussion ensued. Meaney moved to approve the MOU; Hoover seconded; the motion carried with Johnston dissenting. Finley then signed the MOU to be delivered to LAPELS.

Office Committee: Johnston reported that:

- The Louisiana Department of Justice three-year contract renewal for legal services has been approved by the state.
- Usable Creative has developed an online renewal and payment system. The payment system is implemented through Authorize.net, which provides a secure “shopping cart.” The system accepts all major credit cards, including American Express. The system also has the capability to accept e-checks, but that service comes with an additional charge – a minimum of \$10 per month, regardless of whether e-checks were used during the month or not. Johnston stated that he does not approve of having the e-check option; however, the issue was never referred to the full board.
- The legislative audit was conducted in late September by Michael Glover, CPA. Only three minor exceptions arose from the audit:
 - The need to have an approved budget for each fiscal year; Johnston then moved to approve the budget that was originally presented by Art Johnson at the June 2017 meeting, Klekamp seconded the motion, and the motion carried unanimously;
 - The need to have official time sheets signed for each administrative staff employee and to maintain time, attendance, and leave records more formally than a personal spreadsheet (Macon) or calendar notation (McCreary); Macon has since standardized the staff time sheets and leave records using templates from the LA Legislative Auditor’s Office website and is maintaining those sheets; and
 - The need to have the credit card statement officially signed by the board treasurer each month, just as is currently the procedure for the bank statement; Johnston pointed out that the appointed treasurer, currently Klekamp, and here Johnston emphasized “*at the moment,*” must sign the credit card statements in future.

The full audit report also includes suggestions that may help with future audits. Macon is incorporating some of these suggestions.

Also at issue was a form that the CPA insisted the board’s chair, secretary, and treasurer must sign. The board officers balked at signing because of the ambiguity of the references to rules, statutes, and constitutional passages with each item. Vorhoff had reviewed the form prior to the meeting and offered his opinion that the form was fairly innocuous, qualifying as it does that the signers are doing so “to the best of our belief or knowledge.” He mentioned that the form may be moot at this point because the form was supposed to be signed and submitted *before* the audit. Finley tabled this issue until he could speak with both Klekamp and Stiegler regarding the disposition of the form.

- The office staff has begun using a Pitney Bowes postage meter, particularly for large mailings. So far, the meter has worked well.
- The annual ASBOG administrative meeting will be held in Portland, Oregon, October 31, 2017, through November 4, 2017. Macon will be attending the meeting from Monday evening, October 30, through Thursday, November 2; Stiegler will be attending from Wednesday evening, November 1, through Saturday, November 4.
 - Because the business meeting is held on Wednesday, November 1, before Stiegler arrives, the ASBOG director has asked Macon to poll LBOPG and serve as proxy to vote on behalf of LBOPG at that business meeting. Macon is requesting that the board decide if this is appropriate. Johnston indicated that he does not feel it would be appropriate; Macon

pointed out that Georgeann McNicholas, the previous executive secretary, was given the board's proxy in the past because board members were not always present at the business meetings. Stiegler asked on what kinds of items are votes called; Macon explained that it was a standard business meeting, with votes on ASBOG's budget, minutes, and other administrative issues. Meaney asked if other state boards allow their administrative staff to vote in proxy; Macon answered that, while her counterparts in other states have the title "director," they routinely vote for their boards. Meaney then moved to authorize Macon to carry the proxy and vote for the board; discussion ensued, with Finley pointing out that he felt it would be reasonable to have someone affiliated with the board to vote on the board's behalf. Johnston amended Meaney's motion to require Macon to contact the chair, the vice-chair, or the treasurer if policy issues arose. Klekamp seconded Meaney's motion with Johnston's amendment. The motion carried.

- Also, as part of the ASBOG meeting, the association's ethics committee chair has asked for each member state to review a set of questions, sent to board members prior to this meeting, and to respond. The file included a spreadsheet that lists the penalties imposed by each member state for ethics violations. Johnston moved to refer the questions to the appropriate committee, Complaint Review, and respond after the committee studies them and reports at the next board meeting. Discussion ensued. Meaney seconded the motion. The motion carried.
- Johnston explained that other units in the building in which the LBOPG office is located are either closed or maintain short hours on Fridays, leaving Macon alone in the building after dark. He moved to change the office hours to be more in line with the other units, with hours from 9 am to 6 pm, Monday through Thursday, and from 9 am to 1 pm on Friday. Meaney asked Macon if the new hours work for her; she indicated that they do. Meaney then seconded Johnston's motion; the motion carried.
- Johnston then stated that the office computers, which both run Windows 8, are operating less than efficiently. He opined that the problem was with the Norton antivirus software and reiterated his opinion from the previous meeting that the office staff change software to Malwarebytes and Zone Alarm instead. He said if changing the security software doesn't work, he wants authorization to spend up to \$999 to buy a new computer. Discussion ensued. Meaney suggested that the board just go ahead and buy a new Windows 10 computer; Macon suggested that, given the problems with both computers that have nothing to do with simply being slow, it is more important to replace the one computer that runs the financial software than the one that handles other administrative tasks. Finley, too, suggested purchasing a new computer. Meaney then moved to replace the computer without updating the antivirus software. Johnston then moved to purchase a new computer; Meaney seconded it; the motion carried.

Legal Counsel's Comments

Vorhoff indicated that his comments had already been recorded and he had nothing further to report.

Other Business

Finley called for a moment of silence in tribute to Arthur H. Johnson.

Election of treasurer to replace Art Johnson:

Johnston explained that he and Finley temporarily appointed Thomas Klekamp, who had been elected secretary at the August meeting, to become the acting treasurer. He moved to make that appointment permanent; Meaney seconded; the motion passed. Melanie Stiegler was asked to become the acting

secretary. Johnston then moved to make her appointment permanent; Hoover seconded; the motion passed.

Change in committee assignments:

Arthur Johnson served on both the Office Committee and the Application Review Committee. To fill the vacancies created on those committees, Finley appointed Klekamp to serve on the Office Committee and Meaney to serve on the Application Review Committee. Finley pointed out that Klekamp, as treasurer, needs to have signatory authority with Campus Federal Credit Union to be able to sign checks and access the board's financial records. Macon commented that a letter was ready for Finley's signature. Klekamp suggested that he would like to take care of this matter as soon as possible; Johnston insisted that it wait until just before the next board meeting. Finley and Klekamp acquiesced.

Vanity plate update:

Macon reported that a change in the management of the LBOPG vanity plate process had recently occurred at the Department of Public Safety. The previous manager was replaced by a supervising manager, and the new contact has been in closer contact with the LBOPG office than before. The most recent development is that the plate has recently (early October 2017) been moved to coding, a move that was supposed to have happened in May 2017, with a projected availability date of August 2017. The new projected date for availability is December 2017.

Finley then suggested that the speakers make their presentation; Johnston, however, indicated that the presentation should wait until after new business had been completed. Finley allowed the change.

New Business

Question for discussion:

"Does the Board have plans to establish an advisory opinion page on its website as other state boards have done to address questions regarding the practice of geoscience in Louisiana? Also, is it the Board's opinion that Phase II Environmental Site Assessments performed by an individual or company for another within the State of Louisiana constitutes practicing geoscience within Louisiana, and that the Phase II Environmental Site Assessment report is to be signed and sealed by a Louisiana licensed geoscientist?"

Finley had asked board members with this experience to consider the question prior to the meeting, but no board members had that experience. He then called for discussion on the idea of creating an advisory opinion page on the board's website. The general consensus was that an advisory opinion page was not something that the board felt comfortable maintaining. Discussion ensued. Hoover asked Richard Savoie, deputy director with LAPELS, how the engineering board handles these issues. Savoie answered that LAPELS requires those who ask for an advisory opinion from their board make a formal request, a declaratory order, requesting a formal ruling on that order. Their attorney has advised them that they are under no obligation to provide an answer to those questions. Finley stated that, as the consensus of the board was that no page be established, nothing need be done at this point.

Application Review changes:

Johnston announced that three members of the Executive Committee met prior to the beginning of the meeting to discuss some previous irregularities in the review process that had been discovered. He suggested the Application Review Committee tighten its review of all applicants. Three aspects of the process in particular (decisions regarding when to substitute experience for education; accepting

references from questionable sources, such as family members, only from co-workers at the same company, and employees; and determining a deadline for accepting grandfathered applications filed three years ago and never completed) need to be reconsidered. Johnston moved to set the deadline for accepting grandfathered applications at December 31, 2017; to require references from outside the same organization; and to prohibit references from family members. Discussion ensued. Klekamp seconded the motion; the motion passed.

Finley asked Vorhoff if a mistake is made in recommending an applicant for licensure, what are the board's options in rectifying that mistake? Vorhoff asked to be given time to research the question, but he commented that, if an error is made in a contract, that contract becomes void and cannot be enforced. If the license is viewed as a contract, then, and an error is discovered, then that license can be rescinded. However, Vorhoff said, he wanted to be sure of that opinion before committing to it. Discussion ensued.

Johnston called for a break; Macon told the board that the speaker was about to have to leave; Finley called for continuing the meeting without the break. At this point, Johnston left the meeting. Finley asked if the board should adjourn. Meaney moved to adjourn, but Hoover requested that the presentation be part of the official record, and Meaney withdrew his motion.

Guest Speaker: Tammy Toups, Asst Director, Division of Administration, Office of State Travel

At the August 2017 meeting, Johnston moved to invite someone from the Division of Administration to speak with the board regarding travel regulations. Macon contacted the Office of State Travel, a unit within the Division of Administration, and Assistant Director Tammy Toups accepted the board's invitation to speak.

Toups introduced board members to PPM-49 and gave them information on the cell phone app and website. She mentioned that it changes every year on July 1. Board members were under the impression that, because the board is self-funded and the original chair had mentioned the board was exempt from following state travel regulations, PPM49 did not apply to them. Toups asked several questions that led them to reconsider that impression. She said that either the board is required to follow all regulations in PPM49 or none. She read, "These regulations apply to all state departments, boards, and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, or self-sustaining; federal funds; or funds generated from any other source." The definition seems to fit LBOPG.

She also introduced them to the state contracted travel agency for purchasing airline tickets and the vehicle rental agency through which board members can rent vehicles for travel to the board meetings. She explained that board members are exempt from the 99-mile rule for use of their own vehicles. They are reimbursed at actual cost rather than by the state limits. She explained that her office would need to set up the board with Short's Travel Management before the board could use the service. Stiegler and Macon had already booked their travel outside of the agency for the upcoming ASBOG meeting, so Macon offered to send a request for waiver to Tammy Toups for both of them. Board members asked a number of questions regarding the service, and Toups not only answered their questions but also gave them additional information on services available. Finley thanked Toups for her presentation.

Adjourn

The next regular meeting of the board will be held on Tuesday, December 12, 2017, at 1:00 p.m. in the conference room at the Brookline Avenue building. Meaney moved to adjourn the meeting, seconded by Hoover. Motion carried unanimously. Finley adjourned the meeting at 3:35 p.m.