

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS
9643 Brookline Ave., Baton Rouge, LA 70809



COMPLIANCE COMMITTEE MEETING

Tuesday, March 2, 2021, 12:00 p.m.

The Louisiana Engineering Center

9643 Brookline Avenue

Baton Rouge, LA 70809

Also offered as a Zoom virtual meeting

MINUTES

Committee Chair Todd Perry called the meeting to order at 12:40 pm and commenced roll call. Present were Todd Perry, Lloyd Hoover, and William Schramm, Board members and Compliance Committee members. Also present were Brenda Macon, LBOPG Executive Secretary, and Machel Hall, Assistant Attorney General and LBOPG legal counsel. Guest: Lisa Pultz, LDEQ.

Perry asked Pultz if she had any comments; she did not.

Perry began the meeting with discussion regarding the newly board-authorized license application period for state employees that would allow qualified employees to become licensed without being required to take the ASBOG exams. Macon explained that the webpage for this new program originally had language that apparently caused confusion among those who visited it. She, Hall, and Schramm then edited the program description to be clearer. Macon explained further that the program was intended to benefit state employees rather than penalize them. Perry agreed, adding that, during the period in which the original legislation was being considered to create the board, discussion indicated the intent was to exempt state employees from being required to be licensed. He suggested going back to the original legislation to determine if the intent was to exempt state employees. Hall said she has studied the statute and could not find any mention that state employees were to be exempt; she said federal employees are clearly mentioned, so, if the intent were to exempt state employees, she would have expected to find the same clear mention in the statute. She said, regardless of what was intended, the statute does not mention exemption for state employees. Schramm mentioned that the majority of states that require licensure also require state employees to be licensed. Perry commented that opening a window of opportunity for state employees to become licensed should be seen as a good faith effort on the part of the board. He commended Schramm for reaching out to state agencies to discuss licensure.

Schramm then asked Hall if she had met with Civil Service. Hall then reported on her meeting with a representative from Civil Service. She said she and the Civil Service representative were in agreement that the statute does not provide an exemption for state employees. She said the representative had been told that

LBOPG would be overseeing state employees with licenses more than other licensed geoscientists, and Hall explained that was not the case. The two ended their meeting with the understanding that they agreed on licensing state employees. Discussion ensued.

Perry then turned the discussion of item 4 of the agenda: “Discussion of PDH courses -Acceptable/Non-acceptable.” Schramm explained the spreadsheet showing the types of courses that are appearing on the continuing education logs and asked the other committee members to help determine if these courses meet the requirements as they see them. He explained further that he felt the board would need to consider courses that were not so much pure geoscience as work-related content in accepting units for PDH credit. Discussion ensued regarding the course content, with Perry using as an example the difference in content between a course in bioavailability of contaminants and a course in risk assessment. Perry further pointed out that some of the courses on the list are good courses for being a professional but not for being a geoscientist. Schramm agreed, explaining that many of the people licensed work in the environmental field and that Texas, as an example, is much more lenient on the types of courses they will accept. Hall suggested allowing a certain number of environmental courses that are not specifically geoscience. Schramm agreed and then said he would work on something to present to the full board. Discussion regarding other topics ensued, with the general consensus that allowing non-geoscience topics that will improve a licensee’s professionalism can be a reasonable approach. Schramm then explained his review methodology for investigating unfamiliar courses. He also pointed out that, if the license does not agree with his assessment, that person has the opportunity to contest it. He then presented the spreadsheet for responses from those who were audited and pointed out where courses are being found. He told the committee that LAPELS accepts the LBOPG ethics presentation, but he does not know if LBOPG can accept LAPELS’ ethics presentation since it does not include geoscience. He asked the committee for their opinions. Perry suggested talking with the director of LAPELS to see if a geoscience component could be added to the engineering ethics course. Schramm mentioned that he had already written letters to all the auditees who had responded so far, but he was a bit disappointed with the number of respondents who sent the wrong materials and had difficulty filling out the log sheet. He then summarized the findings from his review and pointed out that, so far, five have passed and eleven have failed.

Schramm then turned to the draft “Louisiana Penalties and Sanctions for Complaints and Audits,” explaining that he followed the Texas Board’s list of penalties and sanctions in developing the list for Louisiana. He said the board needs to have this in place by 2022. He also reminded the committee that the majority of the work involved in processing violations will fall on the administrative office, i.e., Macon. Perry said the document is a great first pass and mentioned that being in close proximity to LAPELS may be helpful as the board moves toward this phase of its authority. Macon reminded the committee that LAPELS does not retain the funds derived from penalties; instead, those penalties go into the state’s general fund. Hall explained that may be because they are avoiding collecting penalties that exceed the constitutional limits. Hall then suggested not being too rigid in establishing multiple stages for sanctions, pointing out that, if a violation is so egregious that it called for a stiff penalty, the board should have the flexibility to skip the lower stages and move to a higher one that more closely fits that violation. She also mentioned that the penalty matrix is already referenced in the SOP on enforcement that has already been approved by the board; Perry agreed. Discussion ensued.

Perry adjourned the meeting at 1:45 pm. Schramm, Macon, and Hall continued to work on the penalty matrix to be presented at the next full board meeting on Thursday, March 11.