

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Thursday, January 14, 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 1:22 p.m., Thursday, January 14, 2021, and commenced roll call.

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

Guests: Matt Blasini, Eustis Engineering (all virtual); Crystal Dunn, Injection & Mining Division, LDNR; David Elfert, Geological Section, Office of Conservation, LDNR; Steve Lee, Injection & Mining Division, LDNR; Corey Shircliff, Injection & Mining Division, LDNR; and Laura Sorey, Injection & Mining Division, LDNR.

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 November 10, 2020, meeting were reviewed. Williamson moved to approve the minutes; Schramm and Stiegler simultaneously 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 November and December. He explained that he would be summarizing accounts at two financial institutions: Campus Federal Credit Union and Capital One. In the Campus Federal Credit Union checking account, for November, deposits were \$10,797.87, and debits were \$9,774.37, for a total ending balance of \$52,832.43; in December, the Campus Federal Credit Union

checking account deposits were \$15,784.04, and debits were \$7349.22, for a total ending balance of \$61,267.25. The total in the Campus Federal savings account was \$50,647.74. At the end of November, the total in the Capital One checking account after bank charges of \$83.96 was \$11,782.37, and at the end of December, after bank fees of \$85.08 and a \$10,000 transfer to savings, was \$2,748.41; in November, the total in the Capital One savings account was \$147,886.98, and in December the ending balance in savings was \$157,972.48. The total in all accounts in November was \$263,149.52, and at the end of December, the total was \$272, 640.17. Schramm presented a graph that showed the total assets are trending upward at a gradual but steady course. As explained in previous meetings, 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, especially from renewals, than budgeted and is spending less than budgeted, primarily in budgeted travel expenses, which have not been used because of the pandemic. He mentioned that a problem with the online application system may have created issues for those who would have applied during December, which could have affected revenue from new license applications. However, because board members and staff have not traveled during the pandemic, travel expenses and related costs have been reduced. The report shows that revenue exceeded the budget projections by \$7,065.66; expenses were under the projections by \$15,836.16, for a total in excess of the original budget projections of \$22901.82. Finley reminded board members that, as the board is beginning to move toward actively enforcing continuing education compliance and creating outreach opportunities, these additional funds will be required.

Schramm then reported that he and the office staff are finding the Capital One checking account to be unwieldy and expensive. He recommended keeping the Capital One savings account and designating that account as the legal fund but returning to the credit union for checking account services. Macon pointed out that the account has already been reported to the state and to the IRS as a designated legal fund. Finley suggested that an official motion to designate the account as the board's legal fund would be more binding. Schramm moved to set aside the funds in the Capital One savings account as the Louisiana Board of Professional Geoscientists Legal Defense Fund; Williamson seconded the motion. Finley called for discussion; Hall suggested the fund be called the Legal Services Fund. Finley asked Schramm if he would like to amend his motion; Schramm agreed. Finley called for additional discussion; none was forthcoming. He then called for a vote; the motion to create the LBOPG Legal Services Fund passed. Additional discussion ensued. Williamson moved to accept the Treasurer's Report; Perry seconded. Finley called for discussion; none was forthcoming. He then called for a vote; the motion passed.

Standing Committees

Application Review Committee: Stiegler began by reporting on applications that had been reviewed. She reported that license candidates 1, 2, 4, 5, and 7 were recommended for approval. Further, she reported that GIT certificate candidates 1, 2, 3, and 4 were recommended for approval. Finally, she reported candidates 1, 2, 3, 4, and 5 were recommended for approval to take the ASBOG exams. Stiegler moved to approve these applications. Williamson seconded the motion. Schramm asked about the additional candidates on the list; Stiegler explained that those are the ASBOG examination candidates who have already been approved at previous board meetings. Finley then called for a vote; the motion passed.

Stiegler then explained that technical issues with the online application system had caused delays for people who were attempting to apply before the December 31, 2020 deadline. She then asked the board to authorize the Application Review Committee to review and make decisions regarding those late applications between the regular board meetings in January and March. Stiegler asked Macon how many late applications were currently close to being complete; Macon reported that one application for the ASBOG exam and three license applications were almost ready for review. Finley commented that he had been updated on the situation by Macon. He suggested the board give authorization to the Application Review Committee under these extenuating circumstances and called for a motion to provide that authorization. Discussion ensued, with Hall suggesting that the board give authorization to the committee to approve candidates for the examination but to have a brief Zoom meeting of a quorum of the full board to approve the candidates for licensure. Stiegler said she felt more comfortable with that suggestion. Schramm moved to have a special board meeting for the purpose of hearing and acting on the recommendation of the Application Review Committee regarding the license applications and to allow the committee the authority to act on the ASBOG examination applications. Stiegler seconded his motion. The motion passed.

Stiegler mentioned that the applicant who was requesting an examination waiver would be considered again at the regular March board meeting because the committee needed to meet again to discuss the waiver. She then asked Hall to provide the board with information on executive session rules. She asked specifically if asking the candidate to exit the meeting for the discussion of his request was an appropriate application of the executive session. Hall explained that there are a limited number of reasons a board can call an executive session. She said that, to call an executive session, the board must approve it with a 2/3 vote and then give notice that an executive session would be held at the *next* meeting. Alternatively, the board can go into executive session without prior notice if the vote is unanimous. The reasons for executive session are limited to: strategy discussions during collective bargaining or litigation after a written demand; personnel or security issues; investigations of misconduct; or discussions of the character, professional competence, or the physical or mental health of a person. She pointed out that the last reason is relevant to discussions of applicants, but in order to call an executive session for this reason, the board must give the applicant at least 24 hours notice and must give the person the opportunity to participate. She explained that the executive session is not intended to exclude the applicant; rather, it is intended to keep the discussion private. Stiegler asked if a committee could call itself into executive session; Hall said it could.

Stiegler then announced that her committee and the Examination Committee had met jointly prior to the full board meeting and had discussed standard operating procedures (SOP) for the waiver requirements. She said the final draft of the document would be ready to present to the full board at the March meeting. Schramm added that the document will be helpful for considering future waiver requests. He said strengthening the definition of "good cause" would provide essential guidance and would like for the committees to meet again prior to the March meeting to finalize that definition. Stiegler mentioned that the Application Review Committee was already slated to meet and asked if that meeting could be another joint committee meeting. Williamson, who is chair of the Examination Committee, and Macon agreed to facilitate that joint meeting. Finley then pointed out that a quorum of the board needed to meet as well and suggested that, when the committees meet, the board meet immediately afterward so that all business could be more efficiently conducted.

Stiegler then brought to the board's attention that those applicants who first paid application fees during the grandfather period but failed to complete the process are occasionally returning to reapply for

licensure. She said she was under the impression that the board had at one time implemented a three-year rule, which allowed for applicants to use their prior fee payment for a current application. She asked Macon if that applied in the current situation; Macon said the original fee was paid in 2013, far longer than three years. Hall indicated that the board's position of allowing an applicant up to three years to return to a previous application using the prior fee payment would be fine, but she pointed out that current circumstances may also be taken into consideration, namely the COVID pandemic, which has left many people struggling financially. Discussion ensued, with Macon and Schramm pointing out that the three-year rule was discussed but never officially entered into the board's written rules. Both Macon and Schramm explained that this is another reason for creating written SOPs for future guidance. In this particular situation, the consensus was to consider each case individually, with Schramm adding that the rule should be written into the board's policies. Schramm moved to accept the fee payment from 2013 for the current application; Williamson seconded the motion. Finley called for a vote; the motion passed.

License Examination Committee: Williamson reported that, as of this meeting, the board has approved 16 ASBOG examination candidates for the March 19, 2021, testing date. He asked Macon if the examinations will be administered at the Galvez Building again; she said they would.

Finley then mentioned the spreadsheet showing the numbers of licensees approved year by year and the numbers of renewals. Discussion ensued, with Schramm pointing out that a new wave of applications may be forthcoming as state employees seek to become licensed.

Compliance Committee: Perry asked Schramm to report on his January 5 meeting with staff at Louisiana Department of Natural Resources (LDNR). Schramm reported that LDNR personnel, including Steve Lee, Corey Shircliff, and Tom Harris, wanted to meet to discuss the recent Civil Service title changes at LDNR and the need for state employees to be licensed if they are directly responsible for overseeing geoscience work. He said LDNR has been encouraging their employees to become licensed, providing incentives such as pay increases and more promotion opportunities. He said LDNR is also willing to help the board reach the next step, which is to broaden the discussion to include the Louisiana Department of Environmental Quality (LDEQ). Schramm reminded board members that, as far as he can discover, only four state agencies employ geoscientists who participate in geologic reviews: Department of Health and Hospitals (DHH); Coastal Protection and Restoration Authority (CPRA); LDNR; and LDEQ. He said DHH and CPRA have one geoscientist each, so they will be easy to reach.

Schramm then suggested that the board open a short window of opportunity for unlicensed state employees to become licensed under the same requirements that were available during the original grandfathering period, essentially waiving only the examination requirement for only this small group of geoscientists. Discussion ensued, with Hall suggesting that the board create a simple form that the employees complete and have their supervisors sign. Williamson asked how many employees potentially are eligible; Schramm estimated around 50 people. Additional discussion ensued, with Stiegler asking if all state employees, including university faculty, who are geoscientists will be eligible. The consensus was that all would be eligible. Macon suggested that such an initiative would need to be communicated widely to state agencies and universities and asked how the original grandfathering period was advertised. Several board members said the geological societies were instrumental in getting the word out. The discussion continued.

Hall suggested opening the application period immediately. Finley agreed and proposed beginning January 15, 2021, and ending December 31, 2021. Discussion continued, with Corey Shircliff (LDNR)

asking if the applicant would need to have five years of work experience as of the January 15 date or some other date. Schramm responded that, as long as the person had five years of experience at some point during the application period, that would count. He then mentioned GITs who may fall into this category. Hall and Finley pointed out that the only requirement that would be waived is the examination requirement. The applicants would still need to meet the five-year experience requirement. Schramm then asked if applicants with less than five years experience could be included and called GITs. The consensus of board members was not to expand the program to include those with less than five years experience. Schramm asked Shircliff how many employees at LDNR have less than five years of experience. She said each group may have four or five employees with less than five years, but, she added, having a GIT is not an incentive at LDNR, only the license. She explained that having a license provides an estimated additional \$2 per hour, which can translate into a \$4,000 annual pay increase. She said the employee must renew every year to continue receiving that benefit. Perry asked if this type of program would create any legal difficulties for the board; she said the board has authority to waive a requirement, and this program would be within that authority. Schramm moved that, beginning January 15, 2021, and ending December 31, 2021, the board initiate a one-year grandfather period for current state employees to apply for a professional geoscientist license with only the examination requirement waived. Finley then called for additional discussion. Stiegler said she would abstain from voting because of a potential conflict of interest. Shircliff asked for clarification of whether the employees would be required to take the ASBOG Fundamentals of Geology exam under this program; Finley explained that the examination requirement in its entirety, both exams, would be waived – no examination would be required at all – though all other requirements would have to be met. Williamson seconded the motion. Finley called for a vote; the motion passed.

Perry then asked Schramm to provide an update on the 2021 trial audit process. Schramm explained that, of the 24 licensees contacted, 11 have already responded. He said seven of those had an incorrect number of courses, and only three of the 11 (28%) passed. Schramm suggested to Perry that he would like the committee to meet to discuss the quality of the continuing education courses he has seen in the audit materials. Perry agreed that the committee should meet and reported that he has had positive feedback on the list of courses on the website and the guidance provided there. Schramm then pointed out that the rules require that all continuing education courses must be geoscience-related and then list three categories of continuing education courses: technical, ethical, and *managerial*. He said he wants guidance on what constitutes a managerial geoscience course and feels the board needs to define what content would be included in such a course. Schramm also said the SOPs need to be completed and approved. Finley said the final drafts need to be submitted prior to the board meetings so that the board can quickly approve those documents.

Outreach Committee: Finley reminded the board that the new project coordinator positions will allow board members to hire potential assistants in their geographical areas and encouraged them to take advantage of this opportunity to make connections with area universities.

Office Committee: Macon reminded board members that, as previously reported, Dovetail Digital is working on the migration of the board's online application system from Adobe Business Catalyst to the Treepl platform and on redesigning the board's website. An issue in Business Catalyst was discovered in December when Adobe, the software company that owns Business Catalyst, suddenly – and apparently without warning – required all forms to have a Recaptcha component. Because the forms used for the online applications are not timed, Recaptcha began arbitrarily timing out users and preventing the forms

from being saved to the database. The board's contact with Dovetail, Mason Broussard, worked to resolve this issue and reassured us that Treepl will not have this problem.

She also reported that promotional items have been purchased in anticipation of student events and other upcoming activities. The preliminary items are water bottles, "sticky notebooks," and tote bags with the board's seal imprinted on them. She explained that these items will be used first when she meets with the LSU Geology Club on January 27. She said the club president expects about ten people to attend this in-person meeting, and she plans to show the presentation on licensure in Louisiana and ASBOG examinations.

She further reported that she had continued McCreary's Civil Service position for 2021 at the same rate of pay as in 2020. She said, because they are not yet sure how much the new project coordinator position may cost, both she and McCreary decided both their positions should continue at the 2020 pay rate.

She explained that the Project Coordinator position was determined not to require Civil Service designation as long as the position is filled by someone enrolled full time at a state university. In talking with state university career services departments, Macon said she discovered an online application posting service that allows potential employers to advertise the position (or positions) with several universities in areas of the state where board members reside. This discovery has led to the idea that the board may employ more than one project coordinator, providing potential support to board members on a day-to-day schedule. The position has been advertised at LSU, LSU Shreveport, ULL, Tulane, and UNO; Macon reported that the board has also been accepted to advertise at Southern University in both Baton Rouge and Shreveport. She said she already has two interested students in the New Orleans area, at least one in Lafayette, and three in Baton Rouge. The next step will be to have board members interview applicants in their local area to select students to work directly with them. These employees can be paid by direct deposit through the Campus Federal ACH payment system, and Macon said she is working with the staff at the various universities to assure that all rules are followed in hiring students. She asked board members for their feedback on this plan. Finley reiterated his earlier statement regarding the potential to employ students to assist with board projects in the various districts represented by the board. Discussion ensued.

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

Other business

Schramm reported that Michael Simms has expressed interest in becoming a board member and asked what he needed to do. McDade and Finley said Simms simply needs to apply. McDade said the application is on the Governor's website. Finley suggested he get the endorsement from the Baton Rouge Geological Society. Discussion ensued, with McDade reminding the board of the work done to find a board member from District 2.

Schramm then mentioned that he, Hall, and George Losonsky are working on a panel presentation on professional development in geoscience, and he and Losonsky are working on a new ethics presentation. Finley mentioned that the Lafayette Geological Society is interested in hosting the panel discussion.

Adjourn

The date of the next regular meeting of the board is scheduled for Tuesday, March 9, 2021, at 1:00 pm. Schramm moved to adjourn; Williamson seconded the motion. The motion passed. Finley adjourned the meeting at 3:53 pm.