

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, April 11, 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 1:03 p.m., Tuesday, April 11, 2017. He then commenced roll call.

Present: William Finley, Lloyd Hoover, Art Johnson, John Johnston, Thomas Klekamp, William Meaney, and L. Todd Perry, Board Members. Harry Vorhoff, Legal Counsel; and Brenda Macon, Executive Secretary.

Guests: Donna Sentell, Executive Director, and Richard Savoie, Deputy Executive Director, LAPELS

Absent: Daisy Pate, Board Member.

Quorum established. Roll Call sheet was circulated for signatures.

Public Comment Opportunity

Finley implemented a new item on the agenda, adding an opportunity for those present to address the board with comments, suggestions, and announcements. Johnston noted that Bill Schramm, professional geoscientist licensee and retired DEQ employee, wanted to offer the ethics class he teaches as the official ethics course to fulfill the board's one-hour ethics training requirement. Finley asked if the intent is to restrict the required ethics training to this one course. Johnston explained that, by "official," the course would serve as an authorized course. Vorhoff suggested that this issue be deferred until the June 13, 2017, meeting, added to that meeting's agenda, and be discussed then. Klekamp mentioned that ethics issues are always changing and evolving and expressed reluctance to make just one course the "official" course for the board. Finley reiterated Vorhoff's suggestion to continue the discussion at the June meeting.

Meeting Minutes

Meeting Minutes of February 14, 2017 were reviewed. Johnson initially moved to approve the minutes and Meaney seconded. Meaney mentioned that he felt the minutes were thorough and accurate; Johnson agreed. Johnston commented that a statement that he made regarding the ad hoc committee to work with LAPELS was omitted from the minutes and asked that it be included. Johnson moved to accept the

minutes with the addition of that statement in which Johnston moved to establish the ad hoc committee with the stipulation that he will not serve on that committee; Hoover seconded the motion.

Treasurer's Report

Johnson presented the February 2017 / March 2017 Treasurer's Report. The bank account was reconciled for both February and March 2017, and all is in order. A graph was presented that shows the account balance is stable. Renewals are good, with 116 out of 124 in December, four months prior to the meeting. Finley asked about the way renewals are counted and why some people don't renew. Johnson explained that renewals are added as they come in, so the count changes over time. He and Macon explained that the large majority of current licensees grandfathered when the board was first created and that those licensees are aging, which means that many are retiring. Some have also indicated that they are no longer working in the field and see no reason to renew their licenses. Johnston asked about the process when licensees fail to renew. Macon explained that licensees are sent reminders at 30 days and 60 days; for those who fail to renew after 60 days, a letter is sent to inform the licensees that their licenses have lapsed and that after three years, their licenses will no longer be in effect and they will have to reapply for licensure. Johnston cited the example of a former licensee who commented that he did not renew because he did not want to pursue continuing education. Johnson added that many licensees from the grandfathering period were unsure when the legislation was first presented if they would need a license, and in many cases, they found that they did not. He reiterated that the monthly renewal percentages are generally in the 90% range, though every month is different. Johnston moved to accept the Treasurer's Report; Klekamp seconded the motion. Motion carried unanimously.

Standing Committees

Application Review Committee: Johnson reported that twenty-five candidates for licensure were reviewed; the committee is awaiting additional information from several who are on the list. He read the numbers of applicants recommended by the Licensing Application Review Committee for a Louisiana Professional Geoscientist license as follows: 2, 3, 8, 9, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 of the Licensing Review Committee List for April 11, 2017. Johnston moved to accept these candidates; Johnson seconded the motion; the motion carried.

License Examination Committee: Committee chair Meaney reported that seven of the eight people approved to take the ASBOG Fundamentals of Geology exam and the two candidates who were approved to take the ASBOG Practice of Geology exam were on hand for the exams on March 17, 2017. The exams were administered at the Medical Training College across Airline Highway from the Brookline Avenue office. Meaney raised the issue of whether the proctoring fee of the candidate who could not attend to take the exam because of work responsibilities could be transferred to cover the exam in October. He stated that he was of the opinion that it could transfer. He said that the candidates who took the exam are now awaiting their scores from ASBOG. Johnston asked when those scores are expected to be available. Meaney said that the scores are usually available within 60 days after the testing date, which would be in mid-May.

Complaint Review Committee: Perry reported that a meeting would be held with the guests from LAPELS immediately after the board meeting to discuss future ad hoc committee meetings. He also reported that the flowchart has been updated. Finley suggested that all complaints should be brought to the attention of the full board, regardless of outcome. Johnston moved to require that every complaint be brought to

the attention of the board; Johnson seconded the motion. Discussion ensued. Perry pointed out that the reporting process is included in the flowchart. Meaney suggested that the board should be careful about how much is reported in the full board meeting to protect the privacy of those involved. Perry suggested that all such reports should be made in executive session. Johnston amended his motion: Every complaint should be brought before the full board in executive session. Johnson seconded the amended motion. The motion passed.

Office Committee: Johnston reported that a new lateral filing system is in place in the administrative office. The new cabinets provide more file capacity and take up less space than the old system. In the process of setting up the new file system, the staff discovered the original letters of intent that had never been filed. Those documents have been matched with current licensees and grandfather applicants who have not yet applied for licenses. The rest have been flagged to go to state archives. All the materials that had been stored under the desks have been inventoried and reassigned to more appropriate storage areas.

A new wireless color printer has been set up in the office; and the wireless reception problems that have plagued the office and prevented wireless set up in the past have mostly been resolved. The office staff has also upgraded to QuickBooks 2017 since the version they were using, QuickBooks 2014, is no longer supported by Intuit, the software company that makes QuickBooks.

The AT&T bill has been substantially reduced -- from a monthly bill of over \$100 to just over \$65. The next step will be to take advantage of the phone upgrade that is now available. The old phone is a Samsung S3. Finley mentioned that the executive secretary should be given a maximum allowance for office expenses. Johnston pointed out that Dr. Kumar had established a \$100 limit; Finley suggested raising the amount to \$200 and suggested adding this issue to the agenda for the June meeting.

While a testing facility for the Friday, October 6, 2017, ASBOG testing day has not yet been determined, the conference room at the Brookline Avenue location has already been reserved for both testing days in 2018. ASBOG testing on March 17, 2017 was held at the Medical Training College, which was a more than adequate space for accommodating the needs of our testing candidates. The MTC site is one that Macon is hoping to use again in October.

Macon has been working with Usable Creative to improve the online application process and to develop more appropriate status designations that will accommodate both PG and GIT applicants. Issues that were recently discovered with reference links are being addressed by the analysts at Usable Creative.

Macon has been invited to attend the Saturday, April 29, 2017, field trip sponsored by the New Orleans Geological Society. The trip begins at the SELFPA-W headquarters in Marrero, Louisiana, at 8:30 am and ends at 4 pm, and will include three stops showing geological effects on critical engineering structures. Johnston requested board approval to cover the \$35 fee. Johnson moved to approve the field trip fee; Meaney seconded; the motion passed.

Finley asked about a contract with Macon. Johnston stated that a contract had not been signed. Macon said she thought the contract had already been signed. Neither Johnston nor Finley recalled. Johnston requested that he be given authority to sign the contract since he is in Baton Rouge. Todd Perry moved to approve that authority; Johnston seconded the motion. Motion carried. [The contract had, in fact, already been signed on February 19, 2017, when Finley was in Baton Rouge to sign other documents.]

Legal Counsel's Comments

Vorhoff had been asked at the February meeting to research the feasibility of allowing two-year renewals. His research revealed that nothing in Act 974 prevents two-year renewals, but the rules promulgated by the board state that renewals will be annual. To allow for two-year renewals, the rules would have to be changed. Vorhoff recommended revisiting this issue when wholesale changes are made to the rules. Perry agreed and suggested keeping a log of the issues to be addressed at such time when enough changes to rules are required that value of making changes exceeds the expense incurred as a result of those changes. Finley concurred with that suggestion.

Other Business

Progress on the MOU with LAPELS: Perry reported that he and Klekamp are in the process of arranging to meet with LAPELS staff and board members. Finley asked about the membership of the ad hoc committee. Board members had decided among themselves about the membership of that committee after the February meeting had adjourned, and Finley pointed out that the names of those members should be recorded in official minutes for future documentation. Perry, Klekamp, and Hoover volunteered to serve on the committee, and Perry moved that the board recognize these three as members of the committee. Johnston seconded. The motion passed.

Perry continued his report on meeting with LAPELS, with an official meeting with representatives of that board in June after the next LBOPG meeting. Once representatives of both boards have reached an agreement on the terms of the MOU, the LBOPG ad hoc committee will bring that agreement to the LBOPG board meeting for discussion and possible approval.

License plate: Perry reported that the previously approved design for the license plate had been slightly amended by the Louisiana Office of Motor Vehicles (OMV) because the designation "PG" had already been assigned to another entity. Instead, the OMV assigned the letters "GO." Finley asked if the board could change the characters; Macon reported that the OMV representative who has been assigned to the board's account indicated that no further changes can be made without starting over. Perry argued that GO suits the profession and its forward movement. Johnston moved to accept the plate as it is; Johnson seconded; the motion passed.

New board member: Finley asked about the progress toward adding the ninth board member to bring the board to full membership. Johnston mentioned that he had heard a person had been nominated but not yet confirmed. He added that the new appointment will be a woman from New Orleans who is not a professional geoscientist. Discussion ensued regarding the length of time it takes in general to be confirmed, and the members estimated that the process could take from two to four months.

Questions for Discussion: Several questions arose prior to the board meeting that required board discussion and responses. These questions and the ensuing discussion follow:

1. Some companies bring in experts in a variety of areas to present information on new techniques, equipment, and research to their employees. The question has arisen again whether these "lunch-and-learn" activities can count as continuing education. Does the board stand by its statement that licensees can choose to record activities such as these as continuing education but that they must prove that the activities are professionally worthwhile if the licensees are audited? Or does the board dismiss these activities, regardless of content, as not being worthy of being counted as continuing education?

Response: Finley commented that, since the board does not endorse any course, then none can be rejected out of hand. Johnston disagreed, stating that continuing education courses should get the licensee out of his/her place of employment. Johnson said that he would not want all of the licensee's continuing education to be in-house but suggested that some of those training experiences may be of value. He said the license could put those items on the list to be considered, but the board would have the final decision regarding whether to count them or not. Hoover mentioned that many of the training sessions provided in-house are valuable and agreed with Johnson that the final decision regarding whether the course could be used to fulfill the continuing education requirement should reside with the board. Klekamp gave examples of educational sessions provided in-house that would be acceptable and others that would not and argued that some types of courses offered in-house should be considered. Johnston then offered a compromise: Just as the number of continuing education hours received at geological society meetings is limited, the number of in-house education should be limited. He proposed allowing three hours of in-house education, with the understanding that, to count, the session must be by a certified instructor and must be directly related to geoscience. Vorhoff recommended providing specific information regarding the types of activities that will be acceptable in future reworking of the rules. Johnston moved to add the specific information regarding continuing education requirements when the rules are updated and to specify that no more than three hours can be from in-house training. Perry disagreed, saying that no in-house training should be counted unless the training is already certified. Johnston then withdrew his motion.

Audit process: Johnson brought up the need to begin auditing licensees' continuing education logs. Johnston moved to begin randomly auditing continuing education logs in mid-May, starting with two each month. Meaney commented that the staff need more time to send notice to the licensees and to help in preparing the audit process and suggested waiting two months to begin auditing. Finley suggested drafting a letter to all licensees to announce the audit process with examples of the types of activities that are acceptable and the kinds of documentation that will be required so that they are forewarned and prepared. Discussion ensued regarding the timeline for approving this letter, with Johnston arguing for beginning immediately, and several others (Finley, Hoover, Johnson, Meaney, and Perry) suggesting a slower start that would include a testing period. Johnston suggested sending an email blast to all licensees to announce the audit is about to begin. Finley suggested that a letter be drafted that would be sent to all board members for edits, comments, and suggestions that will then be finalized for approval at the June meeting. Johnston withdrew his original motion and deferred to Finley's suggestion; Perry seconded Finley's suggestion. Macon was asked to draft the letter with Johnston's assistance.

2. If an applicant's work experience has been spent almost exclusively working for small engineering firms that have only one geoscientist (the license applicant) on staff and has met all other requirements for licensure, are the licensed engineers for whom he/she works allowed to serve as references? Keep in mind that any references speak for the character, ethics, and competence of the license applicant and not for specific geoscience expertise.

Response: Finley commented that, in the past, exceptions were made when no licensed professional geoscientists are available, either in other states or in Louisiana. Perry argued that, if someone is working in the field, then that person should be able to find three qualified geoscientists to serve as references; Johnson concurred. Johnston added that engineers who have

geoscience experience are qualified to serve as references since they are also eligible to be licensed as professional geoscientists. Hoover reiterated that engineers with geotechnical experience should be considered to be qualified to serve as references.

3. (from Tom Klekamp) In a recent conversation with the executive secretary, these questions arose: First, if we allow applicants to use an electronic signature to sign their initial applications for licensure, could we also allow licensees to sign the acknowledgment of completing the continuing education requirements electronically? If licensees don't have to send a paper acknowledgment, that acknowledgment can then be filed digitally and not as a paper copy, which will cut down on file space.

Response: Johnson asked if anything in the rules or law prevented the use of electronic signatures. Vorhoff reassured the board that neither the law nor the rules included such restrictions. Johnston moved to allow electronic signatures for acknowledging that the continuing education requirements have been met; Perry seconded the motion. Motion carried.

And if licensees can sign the acknowledgment electronically, then can we also allow them to pay online? The ability to pay online is the #1 request (at a rate of about six renewing licensees each week) from licensees to the executive secretary. Usable Creative has approached the executive secretary about ways to enable online payments at little or no cost to LBOPG.

Response: Finley prefaced the discussion by explaining that the board wanted to take advantage of online technology but that his primary concern is maintaining the security of the board's bank accounts. Johnston asked Macon about the preliminary conversation with Usable Creative about ways to make sure that the online payment system creates little or no cost to the board. Macon explained that Usable Creative works with a ".net" company to create a shopping cart for collecting payments and that any costs incurred would be passed on to the user as a convenience fee. She also explained that licensees have expressed the need to have this option to prevent late fees and to accommodate those who do not use paper checks. Johnston asked about the specific costs, and Macon explained that, once the concept of online payments has been favorably discussed by the board, then she will research the system in depth with the help of Usable Creative. Hoover pointed out that the costs should be completely borne by the user. Macon explained that there would be an initial cost to set up the payment page and system with Usable Creative. Johnson asked for a legal opinion from Vorhoff whether anything in the rules or law would prevent the board from creating an electronic payment system, to which Vorhoff responded that neither the law nor the rules prevented it. Johnson moved to gather the details on all aspects of the online payment system, including the third-party shopping cart company and the cost of setting up the process to be presented at the June 13 board meeting. Johnston seconded the motion. The motion carried.

4. At a recent BRGS meeting, a licensee requested information on taking the ASBOG exams despite already being licensed. He would like to have the ASBOG scores so that he can more easily apply for licensure in states with which we don't have reciprocity. Bill Meaney, chair of the License Examination Committee has indicated that this is a reasonable request, but we are wondering what the procedure for applying to take the exams should be for those who have already been approved and licensed in Louisiana. Does the board waive the requirement that such an individual be specifically approved by the full board? Should he simply send in a request form and the

applicable proctoring fees, at which point, we would send him the ASBOG request form for him to send to ASBOG? And what if he fails the exam? What happens then?

Response: Finley pointed out that the board is in the business of licensing, not testing; however, in a case such as this, an exception could be made. Meaney commented that his initial thought was to consider why the board approves testing applicants, and he had determined that the testing candidates are deemed to be qualified as geoscientists to stand for the certification exam and if they pass, they are deemed qualified to be licensed. This particular person has already been determined to be qualified to be licensed Professional Geoscientist in Louisiana, and if he wants to take the exams, then he should be allowed as long as he pays the fees and follows the procedure for taking them. Perry asked what happens if the licensed candidate fails the exam. Discussion ensued. Hoover pointed out that the engineering board maintains if a license holder takes the exam and doesn't pass, then the licensee still maintains the license. Other board members agreed. Perry called for a motion; Johnston moved that if someone who holds a Louisiana license wants to take the exams, then that person is automatically approved to do so; Johnson seconded the motion. Discussion ensued; all agreed that only those holding Louisiana licenses would be allowed to do so. The motion passed.

Meaney then asked for the board's opinion regarding whether the one testing candidate who was unable to be at the testing session would be able to transfer the proctoring fee to the fall date instead. Meaney explained that whatever obligations he would have to ASBOG for re-ordering the exam are separate from the board. The board consensus was that the proctoring fee would be transferred to the fall date.

New Business

Johnston brought to the board's attention that Michael Merritt, a licensee and retired levee board member, has asked to address members of the board regarding license issues. Johnston suggested a meeting on April 27 at 1 pm in the conference room at the Brookline Avenue with four members of the board. Johnston suggested that the four board members who live locally would attend.

Finley reminded board members to take the required online state ethics course. The group also discussed the need to submit financial disclosure documentation by mid-May each year.

Adjourn

The next regular meeting of the board will be held on Tuesday, June 13, 2017, at 1:00 p.m. in the conference room at the Brookline Avenue building. Johnston moved to adjourn the meeting, seconded by Johnson. Motion carried unanimously. Finley adjourned the meeting at 2:13 p.m.