

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, May 8, 2018, 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 1:16 p.m., Tuesday, May 8, 2018. He commenced roll call.

Present: William Finley, Lloyd Hoover, Thomas Klekamp, Elizabeth C. McDade, William R. Meaney, and Melanie Stiegler, Board Members; Harry Vorhoff, Legal Counsel; and Brenda Macon, Executive Secretary.

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

Guest: Donna Sentell, LAPELS.

Quorum established. Roll Call sheet was circulated for signatures.

Public Comment Period

No public comments were made.

Meeting Minutes

Meeting minutes of March 8, 2018, were reviewed. Stiegler moved to accept the minutes; Klekamp seconded. The motion passed.

Treasurer's Report

Klekamp presented the March 2018 / April 2018 treasurer's report and reported that the balance at the end of March was \$216,394.88, and the reporting period ending balance, as of April 30, 2018, was \$210,330.41. He presented a graphic illustration of the monthly beginning and ending balances, as well as expenses and deposits, from November 2014 through April 2018. He explained that the decrease in revenue in April is reflective of the ebb and flow of applications that were approved in the early days of the board's history. He said he anticipates that revenue will increase soon as the numbers of renewals also increase throughout May and June and again in the fall months. Finley acknowledged the first quarter numbers are low because of fewer renewals and asked if the balance is remaining steady. Klekamp explained that the goal is to have a significant buffer, preferably around \$200,000. Finley noted that expenses are tracking income and the balance had held steady at \$175,000 for several years. He said since September 2017, the balance has risen steadily to the current balance, which is over \$200,000. Klekamp distributed copies of a spreadsheet that showed the actual numbers of beginning and ending balances. Meaney moved to approve the treasurer's report; Stielger seconded. The motion passed.

Finley then called upon Klekamp to present the proposed budget. Klekamp pointed out that the board has traditionally included a large sum for potential legal proceedings related to enforcement. Discussion ensued regarding the appropriate amount to set aside for this budget item. The consensus was to set aside \$20,000 for this item. Finley then asked about other items and the amounts allotted to those items: New license fees: actual revenue in 2017-2018 was \$4,050; \$6,000 was projected for the new fiscal year; discussion ensued regarding this projection, and the consensus was to allot \$5,000 for this item. Other items were also discussed. Postage, in particular, generated discussion; Macon suggested sending email renewal notices as a means to reduce postage costs; Finley indicated that this option is possible. The consensus was to allot \$1,200 for postage. Finley then addressed the issue of per diem hourly payments to board members for board-related work and suggested that the board member per diem category (5010) should be increased to \$12,000. He requested that board members estimate the hours they currently spend on board business outside of meetings and be prepared to discuss this issue later in the meeting. Meaney suggested deferring a decision on the budget until after that discussion; Finley agreed. Vorhoff mentioned, since the next meeting is in July, it would be a good idea to have an approved budget before the end of the fiscal year; Finley said he hoped to have one before the end of the meeting.

Standing Committees

Application Review Committee: Stiegler announced that eight candidates for full licensure were reviewed, and all, 1 through 8, were recommended for approval. She reported the committee had six applications for GITs during this period, and all, 1 through 6, were recommended for approval. She also added that one person had applied to take the ASBOG Fundamentals of Geology exam in October 2018, and that application was also recommended for approval. Klekamp moved to accept the recommendations of the committee; Meaney seconded. The motion carried. Stiegler reported that the recent changes to the online reference form have been helpful; no other changes are currently anticipated to the online application process. Finley mentioned the amended renewal chart that was included with the Treasurer's Report and asked if the data could be organized into a format that will provide useful information. He suggested looking at distributions throughout the year for trends. Macon reported that she had attempted to establish a method for determining attrition rates over time. She suggested that, rather than looking at attrition historically, the board begin to track attrition beginning now.

License Examination Committee: Meaney reported that, of the 12 candidates who sat for the ASBOG FG exam on March 16, 2018, eight passed; of the three candidates who took the ASBOG PG, two passed. He directed board members to the graphic in their packets that shows the trends among those taking the exams and the rate of success. He pointed out that the rate of success has improved among those taking the FG.

He mentioned that the one person who had failed the PG in March had indicated an interest in an option offered by ASBOG called "proctored review." He explained that ASBOG allows candidates who do not pass the exams to apply for a couple of different options: one is a manual re-grade; the second option is the proctored review, which allows the candidate to review one of the unmarked test documents in a proctored environment along with a score sheet that indicates whether the candidate got the answers right or wrong. While the review does not provide the answers to the questions, it does provide the candidate with the information regarding which questions were answered correctly and which were not. He further explained that ASBOG leaves the decision of whether to allow candidates to take advantage of these options to each member state. He reported that, of the states that don't allow the options, most are in the west; most of the states in Louisiana's region – among them Texas, Mississippi, and Alabama – do allow both options. He also explained that ASBOG charges a fee of \$75 for the proctored review, and some states also charge fees in addition to the ASBOG fee to cover local costs. He outlined the process involved

in a proctored review and then asked the Board to make a decision on whether to allow the proctored review option. He asked for responses to these questions: Are proctored reviews to be allowed? If so, will a fee be charged? How much should be charged? How much time will be allowed for the candidate to review the materials? He recommended that proctored reviews be allowed, that the candidate be charged a \$25 proctoring fee (the same as the original exam proctoring fee), and that the candidate be allowed a maximum of two hours to review the materials. Discussion ensued. Hoover then moved to accept Meaney's recommendations; Klekamp seconded. The motion passed. Vorhoff asked if the motion to charge a \$25 fee accounted for the cost for postage. Finley explained that this initial procedure as approved will be evaluated and adjusted according to that evaluation. Meaney suggested that Macon report on the process at the next meeting so the board could make that determination; Macon agreed.

McDade asked if anyone had ever discovered that they had actually passed the exam after either a proctored review or a manual re-grade. Meaney mentioned that may be the case with a manual re-grade and explained that process. Meaney asked if he should amend the original motion to include allowing manual re-grades; Finley responded that it would be better to wait until that issue arises. He suggested that the board needs additional information about that option before committing to allow it. Meaney added that candidates requesting the proctored review relinquish their right to challenge their scores.

Klekamp asked how many candidates participate in study groups and how that affected the participants' outcomes; Macon mentioned that anecdotal experience indicates that participation in such groups helps and gave as an example the high scores of two candidates who studied together in spring 2017. She then suggested that perhaps local geological societies could be encouraged to help their younger members organize study groups for the exams.

Finley then brought up the ASBOG fall workshop in November 2018. He suggested that at least one board member attend the workshop. Macon also asked to attend the annual meeting that is held in conjunction with that fall workshop. The meeting and workshop will be held in Monterey, CA, October 29 – November 3, 2018. She suggested that having board members at the meeting and workshop will be highly beneficial. Finley encouraged board members to check their availability and determine if they would be able to attend.

Finley then mentioned that the board has made efforts to contact Louisiana universities about familiarizing their students with the ASBOG exam and suggested, since the board members represent different areas of the state, that each could approach geological societies and universities in his or her local district. Macon added that ASBOG has indicated the organization would be very happy to have one of their representatives meet with faculty and heads of departments of geology from Louisiana universities to encourage the use of the ASBOG exam as a teaching tool. Stiegler mentioned that some smaller state universities are hurting financially, and geology departments cannot afford to teach all the areas covered by the ASBOG exam. Discussion ensued. Finley asked board members to go back to their local universities and geological societies and talk with them about organizing study groups for the students and about the possibility of a meeting with Randy Kath from the University of West Georgia, who had made the original presentation about the benefits to students of taking the ASBOG FG exam as an exit exam. Macon offered to send the slides from Kath's presentation to the board; Finley accepted that offer.

Complaint Review Committee: Perry, though absent, sent an email outlining the progress on the complaint review process and the proposed rules for using the PG stamp. He mentioned that Senate Bill 260, which would allow a person who has a disciplinary action brought against him or her by a state licensing board to elect to have the matter resolved by an administrative law judge, could have an impact

on the proposed rule. Macon pointed out that the legislation had been considered earlier on the day of the meeting (May 8) and asked Donna Sentell, who had attended the discussion of SB260, to update the board. Sentell said all boards except the dental board, the board of medical examiners, and the auctioneers board were exempted from the legislation. The decision was to sunset the law after three years, perform a study, and revisit it at the end of the sunset period. Discussion ensued, with Vorhoff emphasizing that the bill was prompted by concerns about boards without proper processes in place to protect the due process rights of licensees.

Macon explained that Perry had attached the text of the proposed rule in its latest version and that she would send that new version to all board members after the meeting for their review prior to final discussion at the July board meeting. Perry noted that he would be out of the state on business on July 10, the regularly scheduled board meeting date, and gave the board three optional dates on which he would be able to attend; the board selected Monday, July 9, as the new meeting date.

Office Committee: Macon reported that the upgrade to Enhanced Business services with Campus Federal Credit Union has been accomplished and a training session to set up ACH transactions (electronic transfer and direct deposit) are being scheduled for Finley, Klekamp, Macon, and McCreary.

She also reported Allison Alesi and Shannon Lynd are currently working with the Louisiana Office of Procurement and the Louisiana Department of Revenue to resolve snags that have prevented the contract with their company from being approved. Also, she noted that Usable Creative is now Dovetail Digital.

As the Board decided at its March meeting, \$1000 was added to the postage meter after that meeting. Macon estimated that the office staff is spending approximately \$150 per month on postage. Macon commented that staff at Dovetail Digital are working on a way to allow renewing licensees who pay online to print their pocket license cards themselves, thereby reducing the need to mail those cards.

In response to the printer problem reported in March, the staff created a second letterhead template with the logo and masthead on the right side of the page to use window envelopes for the renewal notices. To further improve efficiency, a label printer was purchased.

Macon then related that, on Tuesday, April 3, 2018, *The Advocate* published an article by Elizabeth Crisp that erroneously overstated the Louisiana Board of Professional Geoscientists salaries in 2017. Ms. Crisp and her supervisor were contacted immediately; Ms. Crisp admitted that she made an error, and a correction was published in the Wednesday, April 4, edition of the paper.

Macon stated that a licensee called on April 12 to report that someone had fraudulently claimed to be calling from the board to demand renewal payment that was not due. In response, a fraud alert to all LBOPG licensees was sent on April 17. Macon then asked the board if this message should be added to the website and included in the upcoming journal. Meaney agreed that the alert should be added to the website; other board members expressed their agreement as well.

On April 30, Macon received notice from Donna Sentell regarding Senate Bill 260. Macon monitored the activity of this bill in the legislature.

Macon also stated that another ASBOG member state had initiated a discussion on the ASBOG email list regarding continuing education and audit procedures. Macon offered to collect the responses and forward them to the appropriate board committee.

Macon updated the board on the office space lease through Louisiana Engineering Society (LES). According to the LES director, the issue of the lease and the additional five-year extension will be on the

agenda for the LES board meeting in June, but Macon was assured that the lease and extension should be approved without a problem.

Macon then reminded board members to complete the state ethics training and to submit their financial disclosure statements for 2017.

As approved by the board at its March meeting, LBOPG became an institutional member of FARB in mid-March. Macon announced that the next FARB Forum will be held in New Orleans, January 24 - January 27, 2019.

Macon reported that on April 30 she attended one of the Department of Justice civil law training sessions for boards and commissions members and staff. She stated that all board members are encouraged to attend one of the sessions. A copy of the invitation to attend was included in the board members' packets.

Finally, Macon called for suggested topics for the next journal to be sent to all licensees. She noted that topics already slated to be included are: a reminder about board policy not request sensitive information by phone; online payment option reminder; and CEU audit reminder.

Finley called for suggestions from the board on ideas for which committee would be most appropriate to handle CEU audits. Discussion ensued. Additionally, board members discussed the optimal percentage of licensees to be included in the audit. The consensus was that 2% would be a good number to start. Klekamp moved to delegate authority for conducting audits to the Complaint Review Committee and to cap the audit at 2% of licensees, at least for the initial audit; Hoover seconded. The motion passed. The issue generated an additional issue regarding a member of the Complaint Review Committee who has not attended recent meetings.

Other Business

Hoover mentioned that the board for professional surveyors is considering a rule to require that a licensed professional surveyor locate wells for the "Green Book" (DEQ). He asked if LBOPG has an opinion on such a rule. Finley commented that geologists have no authority in making such a rule; Meaney agreed. Both Finley and Meaney stated that their opinion is the survey should be conducted *after* the well is drilled. The board expressed no objection to such a rule by the surveyors' board.

Legal Counsel Comments/New Business

Vorhoff provided information from his research into the issue of compensating board members on an hourly basis for work performed in support of board business. He pointed out that the maximum allowed by the legislation is \$100 per day, but he suggested that the board should approve a schedule by which board members are compensated for work performed outside of meetings if the board wants to deviate from a single per diem rate. Finley asked board members if the rate should be hourly or by task. Discussion ensued. The consensus was that more study is needed to determine the amount of time spent on outside work; Finley appointed an ad hoc committee to conduct such a study.

The board then returned to the discussion of the budget for FY 2018-2019. Klekamp moved to accept the proposed budget with previously agreed-upon amendments (from earlier in the meeting) as the working budget for the new fiscal year; Stiegler seconded. The motion passed.

Finley then asked the members to review the revised committee assignments; the members agreed with the changes. Finley then mentioned the need to replace a board member who has missed several meetings; Vorhoff offered to contact the director of Boards & Commissions and find out the process for

replacing a board member. Discussion ensued. Macon offered to contact the Baton Rouge Geological Society to see if they have nominated someone to represent the sixth congressional district.

Macon introduced board members to the FARB website, working through the login process to show them where to find information on the site. She explained the example of the North Carolina Dental Board and how FARB used the case as a teaching tool.

Adjourn

The date of the next regular meeting of the board was announced as Monday, July 9, 2018. Meaney moved to adjourn the meeting; Stiegler seconded. The motion passed. Finley adjourned the meeting at 4:20 p.m.