

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Tuesday, November 13, 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 1:09 p.m., Tuesday, November 13, 2018. He commenced roll call.

Present: William Finley, Lloyd Hoover, L. Todd Perry, William Schramm, Melanie Stiegler, and David Williamson, Board Members; Brenda Macon, Executive Secretary; Chantel McCreary, Assistant Executive Secretary

Absent: Harry Vorhoff, Legal Counsel

Guests: Gordon Kennedy, a Florida licensed Professional Geoscientist.

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

Public Comment Period

Gordon Kennedy addressed the board regarding becoming licensed in Louisiana. He missed the grandfathering period because he was in Australia; he was licensed in Texas for eight years but allowed that license to lapse; he has been certified in Florida for 26 years, and his background is in water supply planning, permitting, and development; his specialties are managed aquifer recharge, aquifer storage and recovery, and deep injection wells. He asked for advice on becoming licensed in Louisiana without taking the ASBOG exams. He could qualify for licensure in Mississippi, Alabama, or Texas, all states with reciprocity agreements with Louisiana, but Louisiana rules state that one must have held a license in the reciprocity state for at least five years to be considered for licensure in Louisiana based on reciprocity. He asked the board about the legal basis of the five-year licensing requirement to be eligible for licensure by reciprocity. Finley explained that this requirement was originally part of the Texas board's requirements and arose in his discussions with that board's staff when the Louisiana board was first developing. In his conversations with the Texas board's staff regarding this requirement, he recalled that he was told that it prevents applicants from applying in one state, getting a license, and then immediately using that license as the basis for applying in another state in an attempt to circumvent the examination requirement. Finley said Kennedy's situation is one that needs to be addressed as the board moves forward. Perry suggested that Kennedy complete an application so that the board has a precedent to discuss this situation and make a policy to cover similar cases in the future. Board members asked the guest questions regarding his work and license history, and he explained that he has been continuously practicing and, while he has had licenses lapse, he has never had a license revoked. Discussion ensued.

Meeting Minutes

Minutes of the September 11, 2018 meeting were reviewed. Perry moved to approve the minutes; Williamson seconded; the motion passed.

Treasurer's Report

Finley noted that Tom Klekamp, treasurer, passed away on October 4, 2018. He asked if anyone had heard any news regarding a memorial service or had seen an obituary; no one had. Discussion ensued. Finley called for a moment of silence in remembrance of Tom Klekamp.

Finley pointed out that the board is now without a treasurer. On the agenda, under "Other Business," an item titled "Election of Officers" will be the point in the meeting at which a decision is reached regarding a new treasurer. Finley noted that the six board members present at this meeting represent the entirety of the board's current membership – with the loss of Klekamp, the pending status of McDade, and the unfilled position previously held by Pate – and that the new treasurer will have to be drawn from the pool of those present. He asked board members to be thinking about who would best fill this vacancy and to be prepared to make a decision later in the meeting. Perry commented that one of the key elements of the treasurer position to keep in mind is ease to get to the office to process checks and take care of other business, so location is very important in selecting a new person for this job.

Finley stated that he had reviewed the financial materials and all seemed in order, outside of a typo that needs to be corrected. He noted that the balance in the checking account continues to increase and asked board members for their comments. Perry moved to accept the treasurer's report with the correction; Stiegler seconded; the motion passed unanimously.

Finley then called upon Macon to present the comparison of actual expenses and revenue to budgeted expenses and revenue. Macon asked the board members to refer to the copies of the Profit & Loss Budget Overview for the period July 1, 2018 through November 13, 2018 in their packets. She explained that, to create this budget comparison, she first created the budget, which had previously only been created in Excel, in QuickBooks. To create this budget, she allocated one-time expenses to the months in which those known expenses would be due; she then divided the budget amounts allocated to other categories that fluctuate by twelve and entered those amounts into each calendar month in the budget year. She pointed out that the overview accounts for the first thirteen days in November, as well as the four previous months of the budget year, so amounts would look odd (for example, \$1,847.23 appears in the budgeted amount for new license fees, which is \$5000 [the amount budgeted for the year] divided by 12 times roughly 136 days). She then explained that positive numbers in the income section are amounts above the amounts budgeted, and that negative numbers in the expense categories are amounts below those budgeted for those categories.

She pointed out that, as of the date of the meeting, the board has made approximately \$2,500 more than was budgeted and has spent approximately \$8,000 less than had been budgeted for this point in the 2018-2019 fiscal year. She also warned that she and two board members had traveled in October and November, which will create a budget shortfall in the travel categories since the board has not traditionally budgeted much money for those categories. The comparison that she will present in January will reflect those expenses as budget overages. Finley pointed out that board members had not been traveling much until now and that those categories may need to be amended to accommodate the increased travel expenses he foresees for board activities.

Finley explained that this budget comparison arose from a deficiency pointed out by the accountant who audited the board's records for the Legislative Auditor's Office. While he did not know why the comparison was not part of the board's reporting process before, he said this will be beneficial going forward. Schramm asked if the accountant has since seen the comparison; Macon said she consulted with the board's contract accountant, who assured her this comparison will satisfy the deficiency noted by the auditor. Hoover suggested that the board should be watching the overall balance to be sure that it does not become excessive. Macon thanked Hoover for his observation and said she had intended to bring this point to the attention of the board during the office report; Finley deferred discussion of the account balance to the period during the office report.

Finley drew attention to the spreadsheet showing renewal numbers for the year, stating that the numbers look good. However, he suggested that showing percentages would be helpful. Macon explained that she plans to present a yearly report at the March meeting, which will allow for all 2018 renewals to be counted. (Many licensees wait until the last day of the 60-day grace period to renew their licenses, so many with end-of-December expiration dates may not renew until the end of February). She also said that she hopes to go through the current roster and remove those licensees who are deceased from the count of total licensees. Finley added that he would also like to see how many licensees cease to renew compared with how many new licenses are added. While the number may be fairly constant, he explained, it would be good to know how those numbers compare.

Standing Committees

Application Review Committee: Finley pointed out that Tom Klekamp was also a member of the application review committee and must now be replaced. He asked if anyone was willing to take on this task. Schramm volunteered, but Finley pointed out that would put him on three committees. Perry asked if anyone was currently serving on one committee; Finley said that Perry and Hoover are both serving on one committee. Perry volunteered, reasoning that he has served on this committee in the past and, now that application numbers are at a manageable level, he would be able to take on the responsibility. The board concurred.

Stiegler reported that, of the six applicants on the list, numbers 1 and 2 are recommended for approval. She also pointed out that two people are already approved to take the ASBOG FG exam in March; Macon explained that she started adding those people who were already approved to take the ASBOG exams to the bottom of the list to keep the board apprised of how many people would be taking the exams, the status of those applicants, and when they were originally approved. Perry moved to accept the report; Williamson seconded; the motion carried.

License Examination Committee: Williamson reported that the ASBOG exams were administered on Friday, October 5, 2018. Of the five candidates who were to take the Fundamentals of Geology (FG) exam, four took the exam; one did not show up. Three candidates were approved to take the Practice of Geology (PG) exam; all took the exam. One candidate took both the FG and the PG exams. Results are expected by the end of November.

He further reported that two candidates have been approved to take the FG exam in March 2019, one candidate is under review, and no applications for the PG exam have been received to date. He also mentioned that the location of the examination has not yet been determined. Schramm said he had contact information for the office manager at DEQ, who had tentatively agreed to allow LBOPG to use one

of the conference rooms in the Galvez Building in downtown Baton Rouge for the testing dates. Macon thanked him and agreed to contact the DEQ manager to confirm the reservation.

Complaint Review Committee: Perry reported that no complaints have been filed to date. He reminded board members that the complaint review process flowchart has been finalized and distributed to board members. Perry then discussed the seal guidance rules that had been approved at the September meeting and are currently with legal counsel to be published. Macon added that Harry Vorhoff, board attorney, sent a message stating that he hopes to have the draft seal guidance regulations published in the December issue of the State Register. Discussion ensued regarding the public comment period. In response to Schramm's question regarding why the process flowchart was not part of the regulation review, Perry explained that the flowchart is an internal document that helps the board keep on-track and is based on the rules and regulations already in place.

Perry announced that the CEU audit process has begun, with letters to licensees with January anniversary dates sent in mid-October. Letters to licensees with February anniversary dates will be sent in mid-November. So far, two licensees per month have been selected, though the number of those audited is determined by the total number of licenses with anniversaries in each month. Discussion ensued regarding the audit process, with Perry explaining that this is a work in progress and may have to be modified as the process moves forward and new situations arise.

Office Committee: Macon reminded board members that they heard from McCreary at the September meeting regarding her need for additional training in QuickBooks so that she can better prepare financial documentation for the board. At that meeting, the board appeared favorably inclined to allow her to pursue training, so she found an appropriate training opportunity in Gulfport, Mississippi. Macon presented McCreary's request to schedule this training with the understanding that the cost of the course and travel expenses related to that course will not exceed \$1,000. Stiegler moved to approve the expense; Perry seconded; the motion passed.

Macon then directed board members' attention to audit report from the CPA contracted by the Legislative Auditor's Office, the executive secretary's response to that report, and the proposed policy changes to be implemented to address the four issues the auditor pointed out as "exceptions." Macon prefaced her remarks by explaining that one comment from the auditor was not true: The auditor stated that he could not tell if all deposits had been made in a timely manner as "management does not keep track of when the payment is actually received." She explained that all payments are documented in the Business Catalyst database and are also noted on the copies (both paper and electronic) of the renewal documents. The auditor did not ask the staff about how to find the date of receipt, and the staff had no idea he could not find this information.

Macon also pointed out that she is investigating a way to reconcile the information required on the Boards and Commissions website with actual figures from the board's budget, one of the four exceptions noted by the auditor. Macon explained that fitting actual board revenue and expenses is difficult on the Boards and Commissions website, but she is working to resolve this issue. Board members asked questions, and discussion ensued, with Macon's assurance that she will find a way to resolve this issue.

Macon then turned to the three exceptions noted by the auditor that require new policy statements from the board. These three exceptions were related to travel, budget, and employee time and attendance.

Macon began with Exception 2018-02 Travel: "The lodging rate used to reimburse expense was \$55 per night above the PPM 49 rate." She said the auditor explained that, though the board is not directly

required to follow PPM 49, if it does *not* follow PPM 49, it must have a written policy of its own that has been officially adopted (with board approval) instead. Based on the auditor's suggestions, Macon had drafted the following policy statement:

The Louisiana Board of Professional Geoscientists will follow the Louisiana Travel Guidelines that are maintained by the Division of Administration, Office of State Travel, EXCEPT in cases in which board members or staff are traveling on official board business and the actual cost of travel exceeds the limits set in the state guidelines by a reasonable amount (no more than 25% higher). In those cases, the board member or staff will be reimbursed at 100% of cost. Whenever possible, board members and staff will avail themselves of the state contract auto rental contract with Enterprise rather than using their personal vehicles for official board business.

Discussion ensued, with several board members suggesting that the phrase "no more than 25% higher" be removed. Hoover pointing out that using the term "reasonable" without a specific amount determined to be reasonable is not a good idea. He recommended finding a percentage that works. As discussion continued, board members agreed that they did not want to use the state guidelines at all but were not sure what the policy should state. Ultimately, the policy as proposed was tabled, and the board decided to establish its own travel policy and have Vorhoff review it. Macon was directed to prepare such a statement for the January 2019 board meeting with input from Vorhoff and Finley.

Macon reported that the next exception to be discussed was related to the board's budget. Exception 2018-01 Board stated: "The budget is not being monitored at the board meetings. Best practices recommend the board approve the budget at each meeting with a comparison being made of budgeted income and expense as compared to the actual income and expense." Macon presented the board with a draft policy stating:

At the beginning of each fiscal year, the board will adopt a reasonable budget for that year. After the budget is approved by the board, it will be reviewed at each full meeting of the board to compare the budgeted amount of both revenue and expenditures to the actual amount of income received and funds expended.

Perry moved to accept this policy; Schramm seconded. The motion passed.

Macon then said the final exception noted by the auditor was in regard to the executive secretary's leave time. Exception 2018-3 Payroll & Personnel stated: "A schedule of accumulated vacation and sick leave is not being prepared." The auditor's recommendation states, "A policy should be established by the board regarding how unused vacation and sick leave should be accumulated." Macon's draft policy for this exception stated:

The Executive Secretary will accrue seven days of sick leave and seven days of annual leave each fiscal year. Unused leave will roll over to the next fiscal year. Compensatory leave may also be granted by the board on a case-by-case basis when overtime is warranted.

Macon explained that no written policy regarding the executive secretary's leave time could be found. She mentioned that the only time leave had been discussed was once during the time Georgeann McNicholas was in the position. McNicholas told Macon that the board gave her a week of annual leave and a week of sick leave every year, but apparently no official policy was in place. Macon pointed out that the alternative to this policy is to follow state Civil Service rules. Either way, the accrual amounts are almost identical, but Macon suggested that the draft policy is simpler. Perry moved to accept the draft policy; Williamson seconded the motion; discussion ensued. The motion passed.

Macon then directed the board members' attention to a dashboard snapshot from Business Catalyst that provided information from September 11 to November 12 on website activity during that period. She said she had thought this information would be a good way to keep board members apprised of how the site was performing and to report the number of online visits and inquiries and amount of online sales. Board members asked questions and discussed the snapshot, with a suggestion to increase the font.

During the discussion of the treasurer's report, Hoover had mentioned that the board should be watchful of the balance in the checking account, and Macon had agreed. At this point in the office report, Macon recalled that comment and mentioned that Klekamp had also brought up the need to move part of the balance to another account. Klekamp brought Macon a sheet from Campus Federal Credit Union that described several different money market and certificate of deposit options for future reference. Macon asked the board for its opinion on this idea and what the maximum balance would be to initiate a move into another type of account. She pointed out that only the board chair would be able to move funds and, even then, only with a written resolution from the entire board authorizing such a move. She said the board had once discussed a maximum of \$250,000 to trigger a move; the average daily balance at the time of this meeting was \$220,000, which, Macon said, will allow the board time to consider its options. Discussion ensued, with suggestions to move the funds to a regular savings account rather than a certificate of deposit account; seeking an opinion from Boards and Commission and Vorhoff regarding moving funds; and creating a legal fund. Macon was directed to ask both Boards and Commissions and Vorhoff for the correct way to move funds into a separate savings account and to establish a legal fund.

Macon announced that the contract with the accounting firm L.A. Champagne, LLP, for the fiscal year 2018-2019 was officially approved on October 22, 2018.

Around mid-October, Macon reported, she discovered that cash in the amount of \$23.78 was missing from the petty cash fund. Macon said she decided that keeping cash in the office was no longer necessary, so she deposited the remaining funds into the board's checking account. Then, both Macon and McCreary decided to replace the missing money themselves and deposited \$23.78 into the account to bring the petty cash balance to zero. Finley added that not keeping cash in the office should also decrease the insurance rate levied by the state Office of Risk Management.

Along with board members Finley and Schramm, Macon attended the ASBOG annual meeting in Monterey, California. She said several items were discussed that are of interest to LBOPG and will be addressed for discussion by Bill Finley as part of "New Business." She mentioned a few of those topics: the need to contact area universities as part of an effort to let geology students know about the benefits of taking the ASBOG exams; the proposed creation of a disciplinary actions database, which would be available to all member states in a secure area of the ASBOG website; and a proposed database of all testing candidates – including their scores, the dates the exams were taken, and where the exams were taken.

Macon announced that the annual FARB forum will be held at the Marriott in New Orleans from January 24 through 27, 2019. She pointed out that the forum will focus on enforcement and complaints. Finley mentioned that it seems like a good opportunity for the complaint review committee.

Finally, Macon reminded board members that the last session of the year for DOJ civil law training will be held on Monday, November 26, from 1 pm to 4:30 pm.

Other Business

Election of board treasurer for 2018-2019

Finley opened the floor to nominations for treasurer. William Schramm was the sole nominee and accepted the position after a unanimous vote. Schramm asked for clarification regarding travel to the ASBOG meetings; Finley and Macon explained that funds are allocated for all travel under budget codes 6640, 6650, 6655, and 6690; the budget code 7260 is strictly allocated for the annual ASBOG membership fee. Both Finley and Schramm reiterated the need to allocate sufficient funds in travel categories to allow board members to actively participate in ASBOG activities, including the annual meeting and the semi-annual Council of Experts meetings.

New Business

Finley mentioned that he had misplaced his notes from the ASBOG meeting, so he will defer that part of his report until the January meeting. However, he explained that ASBOG is implementing a disciplinary actions database, which would be available to all member states in a secure area of the ASBOG website. He sees this database as a great benefit to member state boards, but he also sees some potential problems with issues that are confidential or do not become part of the public record. He also mentioned that the ASBOG COE is soliciting potential exam questions, and he asked board members to go back to their constituencies – geological societies and universities – and ask others to contribute questions for the pool. The board then discussed these issues. Finley explained that ASBOG hosts two meetings each year, one in the spring for the Council of Experts (COE), and one in the fall that includes both the COE and the ASBOG annual business meeting. He recommended that the board establish a rotation schedule so all board members can participate.

Macon mentioned that ASBOG had supported the Texas board in the recent legislative sunset review and that a representative of the Texas board had reported he thought the Texas board would be allowed to continue to exist with some changes. Discussion ensued, with Finley suggesting that members of LBOPG be proactive in promoting the importance of geoscience licensing and of certification in general.

Discussion then turned to the suggestion that the ASBOG Fundamentals of Geology exam be used as an exit exam by local universities. Schramm and Stiegler reported that some Louisiana universities cannot afford to teach all aspects of the exam and are reluctant to use the exam in that way. Macon reported that ASBOG suggested partnering with universities to allow students to take the exam just as a way to find out what to expect. She asked the board if she should develop materials for students. Stiegler suggested creating a flier to distribute to students. Board members discussed encouraging students to attend the local geological society meetings and luncheons and their experiences with those students. Macon reminded board members that she and the previous executive secretary had previously visited universities and attended local geological society meetings; she asked if she should continue to do this. Finley suggested making a presentation at local meetings and coordinate those trips with visits to local universities and have the board member from that area accompany her on those visits. Macon agreed.

Finley asked board members to think about the board's mission and to come up with ideas for presenting the importance of licensing geoscientists. He mentioned as an example the observation that increases in population are forcing people to live in more geologically hazardous locations, which means that it is more important to have licensed geoscientists working on the issues created by this situation. He recommended developing a comprehensive presentation on the importance of licensing geoscientists for Louisiana legislators in the event that LBOPG faces a sunset review itself. Such a presentation could also

help with the discussion with students and university faculty. The corollary, he said, is developing a working relationship with legislators. Schramm cautioned about lobbying; discussion ensued, with Perry explaining that each board member can interact with his or her own legislator but not with those who do not represent that person. Williamson suggested consulting with Vorhoff about the limits of contact with legislators. Macon recalled a discussion at ASBOG regarding developing those relationships, including initiating contact with legislative staff members, creating talking points, and being proactive. Discussion ensued, with Schramm recommending board members read the ASBOG report on countering arguments against licensure.

Perry asked about the current board vacancies. Macon mentioned that McDade is still awaiting formal confirmation by the legislature, and two vacancies are open in the New Orleans area. Discussion ensued, with the suggestion that someone remind NOGS to recommend replacements.

Adjourn

The date of the next regular meeting of the board will be Tuesday, January 8, 2019. Perry moved to adjourn the meeting; Stiegler seconded. The motion passed. Finley adjourned the meeting at 3:48 p.m.