

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

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



REGULAR MEETING OF LBOPG

Thursday, March 11, 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 1:03 p.m., Thursday, March 11, 2021, and commenced roll call.

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

Absent: Lloyd Hoover, Board Member

Guests: Donna Sentell, LAPELS; Karyn Andrews, Steve Sinitiere, and Bijan Sharafkhani, all with LDEQ and all attending virtually; Abby Alkire, Crystal Dunn, Destin Hooks, Steve Lee, and Jeffery Miller, all with LDNR and all attending virtually; Mason Broussard, Dovetail Digital (virtual).

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 January 14 and January 26, 2021, meetings were reviewed. Williamson moved to approve the January 14 minutes; Stiegler seconded. Finley called for discussion; there was none. He then called for a vote, and the motion passed. Williamson also moved to approve the January 26 minutes; Stiegler seconded again. 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 January and February. He explained that some documents for the accounts only became available the morning of the meeting, but the staff had managed to facilitate

reporting for those accounts anyway. He reported that, because of the extraordinary expense associated with the checking account at Capital One, that account has been closed. He added that the savings account with Capital One remains open. In the Campus Federal Credit Union checking account, for January, deposits were \$13,148.63, and debits were \$7,357.62, for a total ending balance of \$67,058.26; in February, the Campus Federal Credit Union checking account deposits were \$7,300.14, and debits were \$8,265.96, for a total ending balance of \$66,092.24. The total in the Campus Federal savings account at the end of February was \$50,660.22. At the end of January, the total in the Capital One checking account, after bank charges of \$85.08 and a transfer to savings of \$3,000, was \$413.33, and at the end of February, after bank fees of \$84.44 was \$328.89; in January, the total in the Capital One savings account was \$161,059.90, and in February, the ending balance in savings was \$161,140.21. The total in all accounts in January was \$279,187.82, and at the end of February, the total was \$278,221.56.

Schramm then explained the report on budget versus actual expenses and revenue, pointing out once again the board is bringing in slightly more revenue, especially from renewals, than budgeted and is spending less than budgeted, primarily unused travel expenses because of the pandemic. The report shows that revenue exceeded the budget projections by \$5,495.33; expenses were under the projections by \$23,466.34, for a total excess of \$28,961.67 from original budget projections. Finley cautioned to be careful about the perception of a surplus, pointing out, as the board begins to implement processes required by the legislation that created the board, these now excess funds will be needed to facilitate these future essential board operations. Discussion ensued, with consensus the budget for the current fiscal year would have been accurate if not for pandemic-created complications.

Schramm then asked board members to consider the fiscal year 2021-2022 draft budget included in the board members' packets. He suggested to continue as previous years and not allow pandemic differences to unduly influence budget decisions for the new year. Finley agreed. Schramm reminded board members to welcome our new staff member. This new staff and potential future additional staff are subject to the new waiver period for state employees adversely affecting our budget. He proposed adjusting LBOPG income upward for new applications to account for this expected expense increase created by the waiver program. He also mentioned the need to continue the increased travel budget as pandemic restrictions end. Finley reminded board members that the proposed budget will need to be ratified at the May board meeting. Perry moved to accept the treasurer's report and to review the draft budget for ratification at the May meeting. Williamson seconded the motion. Finley called for discussion; none was forthcoming. He then called for a vote; the motion passed.

Standing Committees

Application Review Committee: Stiegler reported that six applications for license (five from state employees) had been reviewed. Numbers 1, 2, 3, 4, and 5 were recommended for approval; McDade, the reviewer of number 6 had a question but recommended provisional approval. McDade was unfamiliar with the calculation of course hours on the transcript and wanted confirmation the degree credits were adequate. Perry moved to have Stiegler review the transcript to verify the degree hours but to provisionally approve the application pending that review; McDade seconded. Finley called for discussion; Stiegler pointed out that the other five applications also need a motion for approval. Perry amended his motion to approve applications 1,2,3,4, and 5 and to provisionally approve 6 pending review by Stiegler; McDade seconded the amended motion. Finley then called for a vote; the motion passed. Schramm suggested keeping notes on the process for reviewing applications and transcripts to add to the committee's SOPs; the committee agreed.

License Examination Committee: Williamson reported on the development of the SOP for waiver of licensure requirements. He presented the draft document to the board and said this guidance document establishes policy and procedures for decision-making regarding waiver requests as stipulated in the statute and rules. He and Schramm summarized the document policy regarding requests for two specific licensing requirement substitutions; experience in lieu of education, or experience in lieu of examination. This summary included the process by which decisions are made regarding such requests. They also defined what constitutes acceptable “good cause” mentioned in the statute as justification for such waivers. Stiegler moved to accept the SOP as official board policy; Williamson seconded. Discussion ensued, with Finley asking if the number of years was correct; the committee indicated that it was. Finley then called for a vote. The motion passed.

Williamson then reported the ASBOG testing is scheduled for March 19 at the Galvez Building in downtown Baton Rouge. Of the sixteen candidates taking the exams, fifteen are scheduled to take the Fundamentals of Geology (FG) exam, and three will take the Practice of Geology (PG) exam. Finley asked when the next exam is scheduled; Williamson said the fall exam would be in October.

Compliance Committee: Perry reported the Compliance Committee met on Tuesday, March 2, to discuss several issues to be brought to the board, including:

1. adding the final seal use guidance to the website;
2. update on continuing education audit;
3. SOP on “Louisiana Penalties and Sanctions for Complaints and Audits”;
4. report on interagency meeting held on March 3, 2021; and
5. LDEQ concerns regarding license requirements for state employees.

He pointed out that Karyn Andrews, deputy secretary of LDEQ, and Bijan Sharafkhani, confidential assistant to the secretary of LDEQ, were present at the meeting and, in deference to their time, wanted to discuss item 5 first. He called upon Schramm to explain the context of item 5 by reporting on interagency meetings held between the January board meeting and this meeting.

Schramm explained a March 3 interagency work group meeting was an outcome of a January video conference with the secretaries of both the Louisiana Department of Natural Resources (LDNR) and the Louisiana Department of Environmental Quality (LDEQ). He reminded board members of the opinion by the board’s legal counsel that the statute (RS 37:711) as currently written does not exempt state employees from being licensed. He said the board moved forward with the understanding that these two agencies (LDNR and LDEQ) have the greatest number of people who are tasked with reviewing geoscientific work. Further, he said, the law indicates those reviewing this work be licensed, and then require an understanding by all agencies of what work activities and personnel are involved in the review process. He added that the board wants to be sure that all employees of these agencies have an opportunity to be licensed. He said the March 3 meeting was well attended, with supervisors and staff who perform geoscience work from both LDNR and LDEQ present. He said he felt all parties seemed to understand the board’s position and decided to continue to meet and to develop a document that would provide guidance for a way forward. He said the type of document has not yet been determined, but he said the hope is to come up with something on which all parties can agree. Obviously the submitting entity must stamp the work to be reviewed, but Schramm expressed the opinion once the report is approved, the reviewer should also stamp the document. He said determining the process and implementation of the process still needs to be worked out, but he believes the agencies are ready to work together to discuss the document types for review, reviewing authority for those documents, the work approval process, and how approval is recorded. Also of interest, Schramm asked about what

happens if the approval requires a PG seal but the reviewer is not licensed (unable to seal it). He said the agencies seem to be ready to move forward to address this issue. Those attending unanimously agreed to continue working together and to meet in two weeks, earlier than Schramm's suggestion of meeting in a month. Board members discussed details of this issue, with Schramm adding that Corey Shircliff with LDNR has been instrumental in communicating with participants and arranging meeting times and places.

Perry briefly recapped the history of the legislative process in producing RS 37:711, pointing out that, throughout the legislative hearings, three segments had initially been discussed for exemption from licensing: academia; oil and gas (petroleum geologists); and government employees, which at one point may have included state employees but ultimately only mentioned federal employees as exempt. Perry then invited Sharafkhani and Andrews to speak.

Sharafkhani introduced himself, explaining that he has been both a licensed engineer and with LDEQ for over 30 years. He has also served as the chair of the board for the Louisiana Professional Engineers and Land Surveyors. He has held his current position as confidential assistant to the secretary of LDEQ for the last five years. He explained that, when Michael Simms called him for assistance in getting legislation through to create the geoscientists' licensing board, he helped with that initiative. He recalled asking Simms to be sure that geologists employed by state agencies, particularly LDEQ, were exempted, and he thought they were. He explained his concern that having employees officially seal approved documents would open individual employees to litigation and create tension among those employees who were tasked with reviewing and sealing approved reports. He also pointed out that the extra requirements will cause increases in costs for reviews. He then introduced Karyn Andrews, undersecretary of LDEQ, who added that LDEQ is studying the situation to determine changes that will be required and that LDEQ geoscience employees are being encouraged to become licensed. Discussion ensued, with Finley explaining that the board is trying to fulfill its obligation and mission to protect the public, which includes assuring that someone with the proper qualifications has oversight of material coming into the state agencies for review but is not trying to force other state agencies to change their processes or organizational structures.

Both Hall and Finley pointed out that the current discussions at the interagency meetings is to help the board learn how work is reviewed at the agencies and to come to a consensus on the best approach moving forward. Andrews said, in the midst of the interagency working group meetings, she had been contacted by someone with Civil Service who was working on changing job descriptions to include a Professional Geoscientist license requirement for some positions. She said she felt such changes were premature; Finley and Hall agreed. Perry thanked Sharafkhani and Andrews for attending the meeting and providing feedback. He asked Andrews if it would help to have a letter from the board to ask Civil Service to wait on the job description changes; Andrews said letters from LDEQ and LDNR had already been sent, and Civil Service has already agreed to wait but thanked Perry for the offer. She also thanked the board for allowing them to bring their concerns to the board.

Perry then called upon Schramm to provide an update on the ongoing 2021 continuing education audit. Schramm reported that, of 22 licensees contacted to be audited in this final year of voluntary audit, 15 have responded. He said of the courses these respondents included on their log sheets, many were not acceptable for a variety of reasons. He gave as examples of unacceptable courses those on topics such as safety, engineering, and business management. He expressed frustration that licensees are having such difficulty understanding courses considered for satisfying the continuing education requirement *must* be

geoscience related. He reported the committee has discussed the possibility of including environmental courses as acceptable continuing education because most geoscientists in the state of Louisiana are working in environmental areas, and these courses are crucial to the licensees' work. He suggested limiting the number of hours of environmental courses that could be used each year to five. Hall added that she had reviewed the statute to verify that allowing these courses would meet the requirements under the law, and she found that it does.

McDade asked what type of courses in environmental issues would be acceptable. Schramm responded as an example he has found several of the audited licensees are taking courses on per- and polyfluoroalkyl substances (PFAS) through the Interstate Technology & Regulatory Council (ITRC). He also mentioned courses on indoor air quality, as vapor intrusion courses, understanding how vapor moves through the subsurface and into buildings.

He explained when he is unsure about a course, he researches the course to determine the content. He said rarely do those courses contain geoscience at all, but they may include environmental issues. He said a team leader, site manager, project leader, or a consultant working in those areas needs those tools to do the work properly, and they should get credit for it. He said, realistically, so much more goes into site management than just geoscience, and he feels those managers need to be able to get credit for taking the courses they need.

Perry agreed and added that he is proud of the growing list included on the LBOPG website that provides resources for continuing education. He also emphasized that, while the audit this year is voluntary, the one next year is mandatory. He said that, while some progress is evident in the latest audits, the committee has a lot of work ahead of it. Schramm concluded five of the 15 respondents had passed the audit and 10 had failed. He also reported more people are finding acceptable ethics courses, in part because the board added an online ethics presentation on the website and people are making more of an effort to identify and make use of acceptable courses. He pointed out, because of the pandemic, people are more aware of and more comfortable with remote access to continuing education. He ended with two requests for consideration: First, to consider limiting field trips to a maximum of five hours; and second, to consider allowing continuing education courses in areas other than geoscience, up to five hours, to satisfy the continuing education requirement.

Finley said three groups, petroleum geologists, academics, and federal employees, are specifically exempted from the license requirement; two groups, environmental and engineering geoscientists, are required to be licensed; and geoscientists with state agencies seem to be somewhere in the middle. Regarding continuing education, engineering education is required for those geoscientists working in that field, and environmental education is required for those working in environmental fields. It makes sense, he said, to allow courses in these professions. Williamson agreed and pointed out that different projects require different skills. Macon asked, if a licensee is working on a project that included components of geoscience, engineering, and environmental issues, would that person be able to take up to five hours of engineering and five hours of environmental courses, or would the allowance be only for five hours outside of geoscience. Finley, Schramm, and Williamson all agreed that only five hours outside of geoscience would be allowed. Discussion continued.

Perry introduced the "Louisiana Penalties and Sanctions for Complaints and Audits" matrix developed by Schramm as part of the Compliance Committee's SOP on enforcement, explaining the matrix would be available for review on the website for 60 days before coming back to the board for a vote on approval,

and asked Schramm to elaborate on the document. Schramm pointed out the document is part of the board's preparation for compliance during the 2022 audit and explained he took many of the ideas from the Texas Board's penalties document, though he edited it to fit Louisiana's needs. He noted penalties increase with each stage and that this document is intended to supplement the SOP on enforcement that was approved at the November 10, 2020, board meeting and will be included as an attachment to that document once it is refined and finally approved by the board. He expressed the opinion stage one penalties allow the person to learn from mistakes, but penalties in stage two are heavier and stage three is for serious issues. He asked board members to review the document and be prepared to discuss and vote on adoption. Perry said the intent is to introduce this document to the board, publish the document on the board's website for 60 days, and take up the issue at the next board meeting for discussion and possible adoption. Macon asked how the board would like this published document to be announced. Discussion ensued, with the consensus that adding the document to the website with an announcement on the homepage would be sufficient. Perry made a motion to publish the matrix on the website for the next 60 days for review and comments and to bring the issue back to the board in May for discussion and possible adoption; McDade seconded. Finley called for a vote; the motion passed.

Outreach Committee: Finley said he had nothing to report. Schramm mentioned that he has been finding several possible avenues for outreach. He said the geological societies are hosting webinars and other outreach opportunities, and he mentioned that he, Hall, Corey Shircliff (LDNR), and George Losonsky have been working on a panel presentation on professionalism in geoscience. He said the group hopes to make the initial presentation to the LSU Geology Club and then to the Baton Rouge Geological Society. At some point, the group plans to video the presentation for inclusion on the board's website for a potential continuing education option.

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. She then introduced Mason Broussard, customer support manager with Dovetail Digital Marketing. Broussard announced that the database migration and website redesign are almost complete and reminded board members that he had sent a status file for their review that indicates what parts of the project remain, including a list of the pages that are complete and the ones that are still under construction. He said the rosters, applications, and other big programming items are completed and tested; the login has been revised; the menu has been condensed and simplified; new functionality has been added to allow information storage so that it doesn't have to be reentered, saving time for the users. One item still outstanding is the printable license card. The biggest task, however, will be scheduling time to move all the data from the old system to the new one. The migration will require that the licensee part, the application process, to be taken down for at least a week while the files are moved and reconfigured. Broussard asked Macon to confirm that the middle of April would be a good time; Macon confirmed that April 15 would be the best time to begin the migration and suggested that a second week could be allowed as a buffer. Broussard agreed.

Hall asked what kind of reporting interface would be available in Treepl. Broussard said the reports would be simplified in the new system. Schramm asked if the board members would need to log into the site to use it. Broussard said log in would be required for some functions, such as application review, but most functions would not require login. Schramm asked what the benefits would be for a board member to login. Broussard explained the board member login is primarily for those board members who review applications; they can view administrative data, make notes, record decisions, etc.; he explained the other

use of the login is on the licensee side, allowing the licensee to update information in their online profiles. Schramm mentioned enforcement begins in 2022, so board members will need to be able to log in and make notes in the database for enforcement actions. Broussard explained in the review system for audits, that functionality exists already, and any additional more specific buildout can be done as a future project. Schramm explained that ASBOG is working on a database that will include disciplinary actions taken by each member state, so it will become more important to have records of the board's actions to share on that site. Discussion continued, with Macon asking Broussard to work on a proposal for additional functionality in the audit process area and Schramm to send Broussard additional information for that topic. Broussard mentioned an automated list could be generated to randomly select auditees. Macon asked Broussard if he could share the look of the new website; Broussard then shared his screen to show the board members the new site and went through the layout to explain the updates. Questions and discussion ensued.

Hall asked Broussard to stay in the meeting for the discussion of a new public records request form on the board's website. Broussard showed the board's current form and then navigated to the interactive public request form on the website of the Louisiana Department of Environmental Quality (LDEQ). Macon and Hall said the board needs a form more like the interactive LDEQ form. Macon explained the process used to develop files and lists for those who request public records and asked Broussard if the fillable form on the website is feasible. Broussard said creating a form and a process for notifying the board administrator of public records requests would be an easy task. Hall and Macon agreed to work on the form and get it to Broussard for implementation.

Macon then introduced Mallory Pilié, the board's new project coordinator. Pilié then talked about her work so far with the board and took questions from board members about her work as a graduate student at LSU. She also talked about her work with the LSU Geology Club and other student organizations. Board members expressed interest in meeting student groups and presenting the new presentation on professionalism in geoscience; Pilié agreed.

Macon told board members that she first met Pilié on January 27, 2021, when she met with the LSU Geology Club and presented information on the importance of licensing and on the ASBOG exams. Macon reported that eleven people attended, both in person and via Zoom, and the presentation, question/answer session, and promotional items were all well received.

She also reported that, among the candidates she interviewed for the project coordinator position was a person who had just recently graduated from LSU and is looking for office experience. Talking with her, Macon said, she realized that she could use more help in the office. She explained the workload in the administrative office is increasing as the board grows. If the need arises later in the year, she wanted the board to consider hiring another person to work 20 hours per week as a WAE Civil Service employee.

Hall reminded Macon they needed to continue the discussion of public records requests, so Macon asked Hall to begin that discussion. Hall explained under the law, the head of the board is the custodian of public records unless and until he appoints someone to serve in his stead. She suggested that Finley appoint someone else to serve as custodian of public records. Perry moved that the executive secretary be appointed custodian of public records; Schramm seconded. Finley called for a vote; the motion passed. Hall said she would work with the board's designee to develop policy for public records; Macon agreed. Discussion and questions regarding public records law ensued.

Macon then reminded the board that Schramm attended the FARB Forum on January 27 – 29, 2021, and queued up Schramm's presentation slides. Schramm reported on the three-day meeting, including how the pandemic has forced new technology in areas such as medicine, testing, and communications; the

focus on diversity, equity, and inclusion in board membership; discussion of federal law that prevents restraint on trade; the need to understand the laws that govern board activity; the trend toward universal licensure in some professions; and the importance of having public members on boards. Schramm commented that some states have structures that fund an office at the state level that provides significant support to all boards within the state. He suggested finding a way to allow the board to concentrate on board business instead of taking care of housekeeping. Finley proposed having the minutes and treasurer's report approved prior to the meeting. Discussion and questions ensued, with the suggestion that the treasurer's report be reduced to the last month for which records are available and the current balance. Discussion continued. Schramm resolved to revise the process using the suggestions provided in the discussion.

Adjourn

The date of the next regular meeting of the board is scheduled for Thursday, May 13, 2021, at 1:00 pm. Perry moved to adjourn; Williamson seconded the motion. The motion passed. Finley adjourned the meeting at 4:37 pm.