

NEBRASKA STATE BOARD OF GEOLOGISTS
Meeting Minutes – April 1, 2004
Nebraska State Office Building - 301 Centennial Mall South 6th Floor - Lincoln, Nebraska

Board Members

Terry L. Thonen, Chairperson, Omaha; Richard L. Ehrman, Vice-Chairperson, Lincoln; Bonner Bowden, Secretary, Kearney;
David J. Becker, Omaha; James C. Cannia, Mitchell; Dr. John (Jack) Shroder, Omaha; Karen Amen Jensen, Public Member, Lincoln;
Dr. Nan Lindsley-Griffin, Emeritus Member, Lincoln; Sandra J. Weaver, Administrative Assistant, Lincoln

Call to Order

Vice-Chairperson Ehrman (in absence of Chairperson, Thonen) called the meeting of the Nebraska Board of Geologists to order at 1:06 p.m.

Chairperson Thonen was connected to the meeting by teleconference at 1:06 p.m.

Roll Call

Terry L. Thonen, Chairperson, Professional Geologist – Omaha – Present by teleconference (Non-voting)
Richard L. Ehrman, Vice-Chairperson, Professional Geologist – Lincoln
Bonner Bowden, Secretary, Professional Geologist – Kearney – Absent
David J. Becker, Professional Geologist – Omaha
James C. Cannia, Professional Geologist – Mitchell
Dr. John (Jack) Shroder, Educational Member, Professional Geologist – Omaha
Karen Amen Jensen, Public Member – Lincoln
Dr. Nan Lindsley-Griffin, Emeritus Member, Professional Geologist – Lincoln
Sandra J. Weaver, Administrative Assistant – Lincoln

Approve Minutes of Previous Meeting

Motion by Cannia to approve the January 29, 2004, Board meeting minutes. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Officer Report

None.

Financial Report

Weaver provided the Financial Report for the months of January, February and March of 2004. Motion by Cannia to approve the Financial Report as provided by Weaver. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Fiscal Year Activity Report

Weaver provided the Fiscal Year Activity Report from July 1, 2003, through April 1, 2004. It was reported that there are currently 257 PG licenses valid until December 31, 2004, and nine unpaid renewals. The GIT line has been changed to “Geologist Interns.” As of April 1, 2004, five Geologist Interns have passed the ASBOG FG exam. Motion by Cannia to approve the Fiscal Year Activity Report as provided by Weaver. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Committee Reports

Ehrman reported that the Rules and Regulations were submitted to the Attorney General’s Office and not expected to be reviewed until June of 2004.

Geologist Regulation Act Legislative Changes

Committee: Ehrman, Becker, Cannia, Thonen

Becker reported that an attempt to attach LB890 to another priority bill failed. Senator Friend worked with the speaker to get it added to the Nebraska legislative consent calendar. LB890 was read twice under the consent calendar and passed unanimously. There will be a final reading and the senators will vote without debate on whether to submit the bill to the governor. Becker stated that he saw no reason not to expect passage. Once the process is completed, the Board discussed sending a letter of appreciation to Senator Mike Friend and his staff and Ron Withem.

Motion by Becker to have Board authorize letters to thank Senator Friend and staff and Ron Withem who assisted with the LB890 process. Second by Cannia. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Action Item: Becker will draft thank you letters for Senator Friend and his staff and also to Ron Withem that will be signed by the Board Chairperson, Ehrman and sent to Weaver for formatting and mailing.

New Applications

04-002 Nicholas L. Marcelletti (MI) – Requesting registration by reciprocity

04-003 David Lee Doyle (KY) – Requesting registration by reciprocity

Motion by Becker to go into executive session at 1:24 p.m. Second by Cannia. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Motion by Cannia to leave executive session at 1:29 p.m. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

New Applications Approved

Motion by Shroder to approve Nicholas L. Marcelletti and David Lee Doyle for registration by reciprocity. Second by Cannia. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

ASBOG

ASBOG sent information via e-mail explaining the 2005 Task Analysis Survey (TAS) that will be mailed later this spring or summer. Every five years, ASBOG conducts this survey to identify tasks/activities performed by Geologists and the knowledge necessary to perform them. The test results impact professional activities that impact public protection and help determine the content of examinations. Because 200 names will be pulled out of each state's database, Nebraska will have a high number of registrants who will be asked to fill out the survey. Weaver reported that Duane Eversoll had talked to Thonen, and was putting some information together for the Board's web site. The Board concurred that the survey was important in the development of the test and discussed methods to encourage Nebraska registrants to complete the form. The Board authorized Weaver to send TAS information to email addresses in the database and to publish information on the web site that will be submitted by Duane Eversoll.

Action Item: Weaver will e-mail TAS information to Nebraska registrants and publish information on the web as submitted by Duane Eversoll. Weaver will check service provider Nebraska@ Online to see if a listserv could be developed on the web site.

New Business

1. Election of Officers

Motion by Shroder to elect Ehrman as Chairperson. Second by Becker. Voting aye on the motion: Becker, Cannia, Jensen, Shroder. Abstained: Ehrman. Voting Nay: None. Motion passed.

Motion by Cannia to elect Shroder as Vice-Chairperson. Second by Jensen. Voting aye on the motion: Becker, Cannia, Ehrman, Jensen. Abstained: Shroder. Voting Nay: None. Motion passed.

Motion by Jensen to elect Becker as Secretary. Second by Shroder. Voting aye on the motion: Cannia, Ehrman, Jensen, Shroder. Abstained: Becker. Voting Nay: None. Motion passed.

Becker clarified that the change of officers will take place at the end of the meeting.

2. Updated Memorandum of Understanding

The Board received a letter adjusting the monthly rate for the *Memorandum of Understanding* with the Board of Engineers and Architects from \$750 to \$700 a month. Total hours logged for 2003 administrative services were less than the contracted amount. The fee will be reviewed after 2004 hours are totaled. The Board expressed uneasiness in reducing the contract amount. Motion by Cannia to send a letter to the Board of Engineers and Architects to express gratitude for the adjustment but also to express that the Board will hold the \$50 per month in the budget in case the Administrative Assistant uses more time than anticipated for 2004. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Action Item: Ehrman will draft a letter to the Board of Engineers and Architects concerning the *Memorandum of Understanding* renewal.

3. LB1179; Circumvention of Public Meetings Statutes by Electronic Communication

Weaver presented the Attorney General's Opinion of LB1179. The law was approved by the Governor on March 19, 2004. The Board discussed the bill and the limitations that were set in the use of electronic communications which could circumvent open meeting laws. A short acknowledgment will be added to the Board's policies regarding this law.

Old Business

1. Search for New Board Members

The Board reviewed three applications submitted; requesting appointment as geologist Board members. Shroder reported that he had talked to Attorney, Andy Grimm, about the public member position. An application had not been filled out, but a vitae was received that was reviewed by the Board. Jensen completed a board member job description that is currently published on the Board's web site. The Board conceded that all of the applicants were well qualified. Becker suggested

noting what the Board is looking for in a letter that will be sent to the governor's office. The Board agreed that the letter should point out that a female member and the representatives outside metropolitan areas will be leaving the Board. The final decision will be up to the governor. Ehrman asked for a motion to forward the names to the governor and offer the Board's help.

Motion by Cannia to forward names of Susan Olafsen Lackey, Jeffrey Johnson and Denzil Jorgenson to the Governor's Office with assurance that the Board examined the applications and found that all applicants were well qualified and offering the Board's assistance if needed. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously. Motion by Becker that the letter should also endorse Andy Grimm for the Public Member in consideration that an application is submitted. Second by Jensen. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Action Item: Becker will draft a letter of recommendation for the applicants (with consultation from Ehrman) to be sent to the Governor.

2. Certificate of Authorization Application Mailing to Organizations

At the October 24, 2003, Board meeting, a plan was made to mail out applications to organizations with an appeal letter. The task was tabled at the January 29, 2004, meeting. The Board discussed the basis of the Certificate of Authorization, the use of the money and potential consequences. Ehrman suggested that if a listserv could be set up, it could be used for further discussion with the registrants. The Board decided to send out a survey to determine how registrants and organizations they work for would respond to the implementation of Certificates of Authorization.

Action Item: Ehrman, with the Board's help, will draft a survey to send to registrants concerning the use of Certificates of Authorization.

3. Request for two year renewal

The Board reviewed the request from a registered geologist to consider a two year renewal for registration. Discussion included the importance of keeping in frequent contact with registrants and also using the renewal letter or renewal card mailing to send out newsletters. It was deemed that since the database only contains approximately 260 registrants, reducing the burden of yearly mailing is not an issue and the price of a two year renewal might be difficult for young professionals to pay. The Board decided to retain the annual renewal for the current time period.

Motion by Cannia that Becker respond to the registrant regarding the two year renewal. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Action Item: Becker will send a response to the registrant relating the Board's decision.

4. Request by concerned citizen - Board review of Legislative Bill 111

A concerned citizen had stated that the LB111 changed the penalty for possession of child pornography from a Class II misdemeanor to a Class IV felony and asked if the Board would allow a geologist to be licensed or renew their license if they had committed a felony. The Board discussed the difficulty of judging issues other than those that affect professional character.

Motion by Shroder to table any decision. Second by Cannia. Voting aye of the motion. All. Voting Nay: None. Motion carried unanimously.

Motion by Cannia to adjourn the Board meeting at 3:08 p.m. Second by Shroder. Voting aye of the motion. All. Voting Nay: None. Motion carried unanimously.

Adjournment

Next Board Meeting Date for 2004:

July 22, 2004, at 1:00 p.m. - Nebraska State Office Building - 301 Centennial Mall South 6th Floor - Lincoln, Nebraska

Board Member

Title