

Nebraska Board of Geologists  
**Annual Meeting Minutes**  
**April 20, 2016**  
**215 Centennial Mall South, Large Conference Room, Lincoln, NE**

**CALL TO ORDER**

The meeting was held at 215 Centennial Mall South, Lincoln, Nebraska. Chairperson Martin called the meeting to order at 1:00pm and noted the location of the Open Meetings Act. Notice of the meeting was published in the Lincoln Journal Star and on the Board's website.

**Roll Call:** Andrew Grimm, Charles Joyce, Harmon Maher, Ralph Martin, David Svingen;  
Absent: Thomas Correll, Martha Link

**Staff Present:** Jean Lais, Administrative Assistant (AA); Sandra Weaver, Administrator (AD); Jon Wilbeck, Compliance Officer/NBEA Interim Executive Director (CO)

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**Election of Officers**

**Action** Motion by Joyce, second by Maher to elect Svingen as Chairperson, Grimm as Vice-Chairperson, and Joyce as Secretary as per Policy G-P13.01. Voting Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

Officers will assume their new roles at the end of the meeting.

**Public Comment/Appointments**

No members of the public were present

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**A Consent Agenda**

**Meeting Minutes**

**January 21, 2016, Meeting Minutes** were approved as presented

**Certificates of Authorization Approvals** - *None*

**Renewal Disclosures** - *None*

**Action** Motion by Svingen, second by Maher to approve the Consent Agenda as presented. Voting Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

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**B Committee Reports**

**Officers Report** – *None*

**ASBOG**

**ASBOG White Paper on EPA Coal Ash Disposal Ruling**

Copy of a white paper from ASBOG regarding the recent EPA Coal Ash Disposal Ruling was provided. The Ruling stated that the EPA did not feel that professional geologists were qualified to sign off on certain reports since the licensing requirements were not as stringent as those of a professional engineers. While they stated geologists may perform the work need to create the reports, a professional engineer was required to sign and seal the report.

Discussion at the 2015 ASBOG Annual meeting was for ASBOG to write a white paper to be submitted to the US Environmental Protection Agency EPA and for the Boards to use the paper as a guide in sending their own response to the EPA. Vice-chairperson Svingen agreed that if the Ruling was related to ground water treatment, etc. a response would be warranted, but if it also involves slope stabilization, this would be the practice of engineering and a geologist would not be allowed to seal with a geologist seal. He suggested the members look into the process and then form draft language to be sent. Maher agreed to draft language with regards to the qualifications of a professional geologist (PG) for the Board to review at its July meeting.

Chairperson Martin agreed to follow up with ASBOG to determine if the paper has been submitted to the EPA and get a copy of the compliance program.

**ASBOG Spring Council Of Examiners (COE) Workshop Report**

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Joyce reported the Workshop went very smoothly. There were very few double keys and only one question was removed from the PG exam.

Chairperson Martin passed along the appreciation of the ASBOG Board to our Board for making a continual commitment to send two delegates to each COE.

ASBOG is looking at creating an ethics clause regarding ethics questions included on the exams. ASBOG does not currently have such a clause and feels this is needed since ethics is included on the PG exam. A decision was made to remove ethics from the FG exam and believes this will be discussed in more detail at the Annual Meeting in November. Maher argued that it should be included as students should be receiving ethics training in school at least on a preliminary level.

ASBOG is looking at different methods of getting more exam questions submitted by those not attending or unable to attend the Workshops. Martin suggested the members make a commitment to submit a certain number of questions each year.

Further discussion on this topic will take place at the Annual Meeting.

#### Office/Staff

AA Lais updated the members on the status of the Nebraska Board of Engineers and Architects' (NBEA) hiring of a new executive director to replace Steve Masters who resigned his position as of February 19, 2016. Jon Wilbeck has been named as Interim Executive Director until a permanent replacement has been found. Interviews are scheduled for April 26<sup>th</sup>.

AA Lais introduced the new NBEA Public Information Officer, Tanna Dittmar, to the Board. Tanna started on February 8, 2016, and is responsible for maintaining the website and responding to public information requests for the Board.

AD Weaver has been given a promotion to Business Manager which more clearly represents her current duties.

The NBEA is moving forward with the database conversion with GL Solutions and hopes to have the move completed by the end of the year. The current office space lease is due to expire in November which could result in a relocation. ED Wilbeck is currently working on the Lease Requisition with the Building Division. He is hoping to be granted a waiver from having to go through the RFP process. If the NBEA is able to stay at the current location, there will be some renovation will take place to create an office for AD Weaver and expand the breakroom/kitchen area. This area could then be used for committee meetings or other smaller meetings as well as a larger work area when needed.

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#### C Old Business

##### Governance Issues - None

##### Policy G-P16.01 – Use of Titles on Correspondence

A new policy was presented by CO Wilbeck on the use of titles on Nebraska correspondence. The policy was drafted based on discussion at the January 15, 2016, Board meeting. CO Wilbeck informed the members the language was draft based on the proposed NBEA Rules currently awaiting the Governor's approval and that the NBEA does not have a health, safety, and welfare issue with the offering services.

**Action** Motion by Maher, second by Svingen to adopt Policy G-P16.01 as presented. Voting

Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

##### Cooperative Agreement with the Nebraska Department of Environmental Quality (NDEQ)

A Copy of Agreement between the (NBEA) and the State Fire Marshall (SFM) were provided for review. CO Wilbeck stated the contract between the NBEA and the SFM came about due to issues with the SFM not referring possible compliance issues to

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the NBEA. The NBEA currently receives inquiries from NDEQ on compliance issues on an informal and ongoing basis. NBEA is not looking to enter into a similar agreement with them. The Board may want to contact the NDEQ to see if they would be willing to work with the Board in getting these referrals on an informal basis. The advantage of having an agreement would hold both agencies be accountable and uphold the agreement if the agency heads were to change.

Vice-chairperson Svingen would like to begin the process with an informal meeting with NDEQ which would include Link, himself and other NDEQ agency members to see if an informal agreement can be reached. The issue appears to be that many of the current state and federal regulations governed by NDEQ were promulgated prior to the enactment of the Professional Geologist Regulation Act. However, the Board has determined that at least some of the work required on NDEQ reports and applications is the practice of geology and should, therefore, be signed and sealed by a PG.

Maher questioned exactly is the practice of geology in Nebraska. Vice-chairperson Svingen has started creating a list.

Svingen will coordinate with Link to schedule a meeting with NDEQ and report back to the Board at the July meeting.

No action taken.

### Geologist Items

#### Website Redesign Discussion

AA Lais sent the members links to several other State agency websites which have recently been changed over to the new format. Discussion was held on how to fund the redesign in the coming fiscal year. Funding will come from a reduction in the actual cost of the Administrative Service Contract with the NBEA of approximately \$920. Discussion was held on which design to go with and the members choose the layout of the NBEA website. The members were charged with collecting possible photos which could be used. It was the consensus of the members to keep Chimney Rock as the focal point.

**Action** Motion by Svingen, second by Maher to use a layout similar to the layout of the NBEA site for the website redesign pending confirmation the funding is available.

Voting Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

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## D New Business

### Governance Issues

LR 546 – Study to exam whether Nebraska's occupational licensing board are exposed to liability under antitrust laws

This is a response to the North Carolina State Board of Dental Examiners v. Federal Trade Commission, 135 S. Ct. 1101 (2015).

Discussion on how the Board may get involved in the study. CO Wilbeck will forward a copy of an email he sent for the NBEA stating their interest and willingness to participate and be of any assistance needed to the committee. He feels this is not a deregulation study, but rather a study to look at the vulnerability of risks due to antitrust laws, specifically are the decisions of the Board anti-competitive without outside oversight.

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**Action** Motion by Grimm, second by Maher to convey the Board's willingness to participate in the study and to be of any assistance needed. Voting Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

*Wilbeck left the meeting at 2:09pm*

**Strategic Plan**

Per discussion at the January 15, 2016, Board meeting, a list of topics was provided along with a copy of the ASBOG Strategic Plan and the Council of Landscape Architects Registration Boards (CLARB) Model Board Plan.

Chairperson Martin would like to add the following to the possible Strategic Planning topics:

- Continued cooperation with ASBOG (i.e. develop test questions, attendance to meetings and the COEs)
- Discussion with the State universities regarding the use of the FG as a graduation/exit exam

Vice-chairperson Svingen stated need to concentrate on areas the Board has control over i.e. encouraging PGs to be more involved with the schools. He suggested the members spend some time reviewing the information provided and requested AA Lais resend the strategic plans from the NBEA and NSBLA that were included in the January meeting material. AA Lais informed the Board the NBEA just finished with its biennium review of its plan and will forward the minutes when they are ready.

Each member is to review and bring their thoughts for review and discussion at the July meeting. A Strategic Planning session will be added to the meeting in August/September to review the 2017-2019 Biennium Budget Request.

No action taken.

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**E Compliance**

**Pending Cases** – None

**New Cases** - None

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**F Applications**

**Licensure/Examination**

The Core Course Equivalency Chart and Rationale for Core Courses and Course Equivalents were provided for review.

Applications for **Licensure by Reciprocity**

**Approved:** Ryan M Fitzpatrick, SD; Mark P Hemingway, TX; Shawn C Roberts, KS

Applications for **Licensure by Experience**

**Approved:** James M Cossairt, MO

Applications for **Licensure Reinstatement** – None

Applications to sit for the **ASBOG FG Exam**

**Approved:** Amanda C Jones, NE

Applications to sit for the **FG/PG ASBOG Exams** – None

Applications to sit for the **PG ASBOG Exam** – None

**Action** Motion by Maher, second by Joyce to approve the applications as reviewed and discussed. Voting Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

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*Weaver entered the meeting at 2:30p*

**G Financial Matters**

**Budget Status Report** – January, February, March 2016

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**MTD General Ledger Detail Report** – January, February, March 2016

**Fund Summary Report** – January, February, March 2016

**Financial Profile FY 2015/2016** – January, February, March 2016

AD Weaver reported that with almost 67% of the year elapsed just over 95% of the projected expenditures have been used. This is partly due to a slight increase in postage and e-commerce (online renewals were higher than projected) costs.

Projected revenue is at just over 79% of the projection.

The Cash Fund is still at about the same level it was at last year even with the reduction of fees in June 2015.

Funds for the rest of the fiscal year are close to the appropriation. Currently she is projecting a rollover of only \$82. The Service Contract with NBEA is being reduced to \$12,907. The quarterly difference of \$238.50 could be used to fund the website redesign which is projected to be \$800.

### **Contracts**

#### **Administrative Service Contract with the NBEA**

Time and cost worksheets were provided to the Board for review. The proposed new weighted hourly rate for FY 16/17 is \$18.261. The proposed contract amount for FY 16/17 is \$12,907 or \$3,226.75 per quarter. This is a decrease of \$238.50 per quarter from the previous contract. The contract includes the services to be provided and was approved by the NBEA at its February 19, 2016, meeting.

#### **ASBOG Exam Proctor Contract with Stan Fehlhafer**

A copy of the contract was provided for review. The contract provides for the service of proctoring the ASBOG licensing examination administrations for FY 16/17. Included in the contract is the hourly wage (\$17.00/hr), terms of payment, frequency of the examinations, and the litigation process.

### **Other Financial Matters**

#### **Review of Fees**

A copy of the current Fees Schedule was provided for review.

#### **Online Payment Portal Contract with Official Payments**

The current contract with Official Payments is through contract held by the State Treasurer's Office. This contract was not renewed in 2015. However, the contract has been held open pending the conversion of all the agencies utilizing the contract to the new vendor. Board staff has looked at the services offered by the new vendor and has determined that the current services being provided by Official Payments are not offered by the new vendor.

There are two options the Board can take, stay with Official Payments on a separate and independent contract or work with Nebraska Interactive to develop these services through them. Currently there is no funding to proceed with Nebraska Interactive. Staff has received a contract from Official Payments, but has received concerns from the Attorney General's office regarding language missing from the contract that is required to be in all Nebraska State contracts. There is also a question as to whether there needs to be an agreement with the State Records Board. Staff is waiting for a response from the Records Board. No action taken.

**Action** Motion by Joyce, second by Maher to approve the Service Contract with the NBEA as presented. Voting Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

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**Action** Motion by Maher, second by Joyce to approve the ASBOG Exam Proctoring Contract with Stan Fehlhafer as presented. Voting Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

**Action** Motion by Svingen, second by Maher to approve all other Financial matters as presented. Voting Yes: Maher, Svingen, Grimm, Joyce, Martin; Voting No: None; Absent: Correll, Link

*Weaver left the meeting at 3:00pm*

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**H General Information**

**Public Notice publication** provided for review

**Board meetings and schedule** provided for review

**Roster of Board members** provided for review

**Re-appointments** of Link and Svingen provided for review

**Licensing Trends**

Trends in Licensure and Fiscal Active Report provided for review

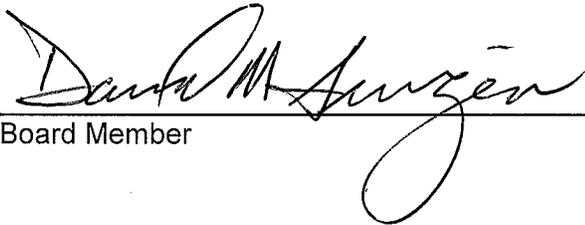
**Other**

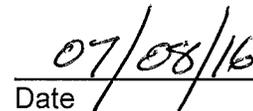
**Approved Board Policies** provided for review

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**Adjournment** Motion by Maher to adjourn the meeting at 3:10pm

The next Board of Geologist board meeting will be held on July 8, 2016, at 1:00pm at 215 Centennial Mall South, Lincoln, Nebraska, fifth floor, large conference room.

  
Board Member

  
Date