

NEBRASKA STATE BOARD OF GEOLOGISTS
Meeting Minutes, Thursday, April 21, 2005
Nebraska State Office Building - 301 Centennial Mall South
Nebraska Board of Geologists Board Room, 6th Floor - Lincoln, Nebraska
Phone: 402-471-8383

Board Members

Richard L. Ehrman, Chairperson, Lincoln; John (Jack) Shroder, Vice-Chairperson, Omaha; David J. Becker, Secretary, Omaha; Andrew E. Grimm, Public Member, Omaha; Jeffrey S. Johnson, Lincoln; Susan Olafsen Lackey, Winside; Terrance L. Thonen, Omaha; Nan Lindsley-Griffin, Emeritus Member, Lincoln; Sandra Weaver, Administrative Assistant, Lincoln

Call to Order

Chairperson Ehrman called the meeting of the Nebraska Board of Geologists to order at 12:58 p.m.

Roll Call

Richard L. Ehrman, Chairperson, Professional Geologist – Lincoln
Dr. John (Jack) Shroder, Vice-Chairperson, Educational Member, Professional Geologist – Omaha
David J. Becker, Secretary, Professional Geologist – Omaha
Andrew E. Grimm, Public Member – Omaha
Jeffrey S. Johnson, Professional Geologist – Lincoln
Susan Olafsen Lackey, Professional Geologist – Winside
Terrance L. Thonen, Professional Geologist – Omaha
Dr. Nan Lindsley-Griffin, Emeritus Member (Non-Voting), Professional Geologist – Lincoln
Sandra J. Weaver, Administrative Assistant – Lincoln

Approval of January 13, 2005, Board Meeting Minutes

Motion by Johnson to approve the January 13, 2005, Board meeting minutes. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Officer Report

Board Chairperson Ehrman stated that his report would be dealt with under individual items of the agenda.

Financial Report

The Board reviewed the Financial Report for January 1, 2005, through March 31, 2005. Questions were answered concerning penalty fees and ASBOG dues. The proposed budget for fiscal year 2006-2007 contains \$3,000 per year for contracted services (e.g. lobbyist). The Board discussed the possible need of additional money in the budget to take care of expenditures needed for legislative changes.

Fiscal Year Activity Report

The fiscal year activity report was presented by Weaver for July 1, 2004, through April 21, 2005. Three geologist-interns are enrolled and 265 registrants are currently licensed through December 31, 2005. Six registrants have not responded to a renewal reminder notice and six licenses lapsed on April 1, 2005. The lapsed licenses will be taken off the active registrant list. The Board concurred that names of individuals who have been denied registration or denied approval to sit for the ASBOG examination could be added to the next report.

Motion by Shroder to approve the Financial Report and Fiscal Year Activity Report as provided. Second by Thonen. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Correspondence Since Last Meeting

A letter was sent to Sanford Kaplan thanking him for his testimony at the public hearing of LB 544 on January 27, 2005.

A Nebraska licensee moved to another state and asked the Board about maintaining an initial license in Nebraska. A letter was sent reminding the licensee that the license was obtained during the grandfather period. Once the license lapses, the ASBOG exams would be required to obtain a license again since the grandfather period is no longer in effect. To obtain licensure in another state, a Nebraska verification of licensure may be required.

Committee Reports

1. Rules and Regulations

Ehrman reported that he had reviewed the Board forms with the administrative assistant to check consistency with the Rules and Regulations. More work will need to be done to ensure the forms are in compliance. Grimm handed out a sample conflicts of interest policy for the Board to review. The text will be scanned as a basis for a modification of the definition for the Board's Rules and Regulations. Johnson asked about the need for a conflict of interest definition. Ehrman stated that he would like to have a public hearing on the rules and regulations in

July, and hopes for a meeting with the AG's office soon to verify the correct approach to addressing their comments.

Action Item: Grimm will create a draft of a conflict of interest and submit to Ehrman in the next week or so to find out if it is similar to what the AG's office is referring to.

2. Budget Issues and Fees – Becker and Johnson

Johnson submitted a document of estimated travel costs to major cities of the U.S. The committee will continue to work on fee recommendations. The fee structure needs to assure that the Board could continue sending someone to ASBOG meetings and cover other Board expenses. Ehrman asked the Board if they wanted to deal with getting the adjustments to the fee schedule before July or to delay the Rules and Regulation issue. He stated that in his experience, the initial rules were the hardest to get in place. Revisions would not be as difficult. The Board was in agreement not to delay getting the Rules and Regulations submitted. Motion by Shroder to raise the renewal fee from \$55 to \$60. Second by Grimm. It was suggested that an article explaining the fee raise could be published in the newsletter. Johnson questioned whether the increase was adequate. Various scenarios were discussed. Johnson made a friendly amendment to raise the 2006 license renewal fee from \$55 to \$65 to support travel and legislative initiatives. Amendment accepted. Voting aye on the motion: Shroder, Grimm. Voting Nay: Becker, Johnson, Olafsen Lackey, Thonen. Motion Failed. Shroder moved again to increase the fees from \$55 to \$60. Second by Grimm. No discussion. Voting aye on the motion: Becker, Grimm, Shroder, Olafsen Lackey, Thonen. Voting Nay: Johnson. Motion passed.

The Board took a break from 2:20 p.m. to 2:27 p.m.

New Applications

- 05-006 Richard R. Allison (CO) – Requesting registration by reciprocity
- 05-007 Randal T. Kenyon (CO) – Requesting registration by reciprocity
- 05-008 Christopher J. Courtney (AZ) – Requesting registration by reciprocity
- 05-009 Keith S. Thompson (CO) – Requesting registration by reciprocity
- 05-010 Kirk A. Hood (WY) – Requesting registration by reciprocity
- 05-011 Douglas E. Mick (KS) – Requesting registration by reciprocity
- 05-012 Vincent E. Barlock (CO) – Requesting registration by reciprocity
- 05-013 Kevin G. Armstrong (IA) – Requesting registration by reciprocity
- 05-014 Joseph M. Seracuse (CO) – Requesting registration by reciprocity

Pending Applications

- 05-004 Sean Smith sent the Board notification of intent to meet requirements for licensure.

Action Item: The Board directed Weaver to contact Smith by letter or email to inform him that his file will be kept open while he completes the requirements.

Motion by Becker to go into executive session at 2.29 p.m. Second by Olafsen Lackey. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Motion by Thonen to leave executive session at 2:45 p.m. Second by Becker. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Applications Approved

Motion by Shroder to approve Richard R. Allison, Randal T. Kenyon, Christopher J. Courtney, Keith S. Thompson, Kirk A. Hood, Douglas E. Mick, Vincent E. Barlock, Kevin G. Armstrong, and Joseph M. Seracuse for registration by reciprocity. Second by Olafsen Lackey. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Olafsen Lackey suggested that a policy for acceptance of examinations for applicants be added to Section Nine of the Board Handbook.

ASBOG®

1. COE Workshop Report

Shroder attended the April 1-2, 2005, COE Workshop in Columbia, SC. He reported that the workshop was a good learning experience and every new member should think about attending. Shroder cited an article written about subject-area knowledge measured by scores on the ASBOG® Fundamentals examination and the implications for academic preparation. The article was written by John W. Williams of the Department of Geology at San Jose State University and Jack L. and Steven P. Warner of TEST, Inc. in Aurora, Colorado and published in the September issue of the Journal of Geoscience Education. Candidates are doing poorer in what was traditionally believed to be the fundamental subject areas of an undergraduate geology education (mineralogy,

petrology, sedimentology, etc.). Shroder explained the process of examination development and review. Handouts of the ASBOG® item evaluation criteria, the item writing form, ASBOG® task analysis and the state registration standards were distributed to the Board.

2. ASBOG® Correspondence

The Board reviewed a letter sent to South Carolina House Ways and Means Committee representatives, Vaughn, Hinson and McCraw. ASBOG® requested that South Carolina make a decision to continue maintaining professional standards for geologists.

ASBOG® declined release of the national examinations to non-regulatory organizations. The American Association of Petroleum Geologists had requested access to the ASBOG® examinations as part of the proposed “Board Certified” membership.

3. The Board reviewed the March 2005 ASBOG examination Pass/Fail results.

The next ASBOG® COE workshop will be November 2-3, 2005, in Portland, Maine. Olafsen Lackey volunteered to be the COE representative and Johnson volunteered to be the alternate. Motion by Shroder to appoint Olafsen Lackey as the COE representative for the fall workshop and to appoint Jeff Johnson as alternate. Second by Becker. Voting aye on the motion. All. Voting Nay: None. Motion carried unanimously.

New Business

1. Election of Officers

Motion by Grimm to retain the current officers for another year. Second by Olafsen Lackey. Voting aye on the motion: Grimm, Johnson, Olafsen Lackey, Thonen. Abstain: Ehrman, Shroder, Becker. Voting Nay: None. Motion passed.

2. Discussion of Proposed Legislation and Aftermath of Approved LB 544

LB 544, which eliminated a requirement that public officials not accept plans not in accordance with the Geologists Regulation Act and to repeal section 81-3538 was approved by the Governor on March 28, 2005. At the hearing Senator Shrock was surprised that the exemption was in the law and as a result expressed willingness to sponsor legislation to remove the major exemption from the statutes. The Board discussed strategies to get legislation passed. Shroder asked about contacting a University lobbyist. Becker noted that a University lobbyist possibly could work with a part-time lobbyist, such as Mr. Kearney.

Action Items: Ehrman will send an e-mail to Shroder to provide background information for possibly requesting the University lobbyist to assist with legislation to strike the state permit exemption.

3. Updated Memorandum of Understanding

The Board reviewed the letter updating the memorandum of understanding for 2005. On the basis of an analysis, the monthly rate for services stipulated in the MOU was raised from \$750 to \$825. Motion by Thonen to approve the proposed MOU agreement with the Nebraska Board of Engineers and Architects for 2005. Second by Olafsen Lackey. Voting aye on the motion. All. Voting Nay: None. Motion carried unanimously.

4. 2005 Newsletter

Chairman Ehrman requested Board members to start thinking about articles that could be written for the 2005 newsletter.

Old Business

1. Board Forms for Rules and Regulations Submittal

The Board reviewed the appendix submitted with the Rules and Regulations in 2003 and the some of the revised forms in progress. It will be important to make sure the forms are in compliance with the Rules and Regulations that will be submitted in 2005. At the January 13, 2005, meeting, Olafsen Lackey and Lindsley-Griffin volunteered to crosscheck the Board forms with the Rules and Regulations before submitted.

Action Item: Ehrman asked that forms be checked for compliance and feedback given by May 15, 2005.

2. Thonen Term Expiration 2/28/05 – Thonen

Thonen reported that after careful consideration he had decided not to seek appointment for another term. He stated that he would be willing to stay on the Board until the search committee finds a replacement. The Board will announce the opening at the Nebraska Geological Society. The policy for recruiting and replacing Board members was reviewed. The Board would like a copy of the application for appointment that is sent to the Boards and Commissions.

Action Item: Weaver will publish the opening on the website with a link to an application form. An email will be sent from the Board announcing the vacancy. Weaver will inform the Boards and Commissions Office that Thonen will not seek another term.

3. Geologist-intern Process Policy and Forms

The Board reviewed a policy for Geologist-Interns. Motion by Shroder to accept the proposed policy as written. Second by Johnson. Voting aye on the motion. All. Voting Nay: None. Motion carried unanimously.

4. Temporary License Policy

The Board discussed using the term “temporary permit” or “temporary license.” Since the Geologists Regulation Act uses the term “permit,” the form and the Rules and Regulations will be changed to “Temporary Permit.” Weaver asked the Board if faxed verification could be used if the state had an impression seal that does not show on a copy. The Board decided it should be legible if accepted. Item #3 on the policy will be changed to “legible verification.” Item #6 should add the statements, “If any Board member has any objections or concerns, the permit will be put on the agenda of the next Board meeting. If there are no objections and at least one Board member gives approval, the permit may be issued by the administrative assistant. Any action will be reviewed and approved by the Board at the next meeting.” Motion by Olafsen Lackey to approve the Temporary Permit Policy as amended. Second by Johnson. Voting aye on the motion. All. Voting Nay: None. Motion carried unanimously.

5. Support of Midwest Groundwater Conference in Lincoln in October 2006

Ehrman asked that this agenda item be retained as old business on the agenda for the next meeting for further discussion.

6. Meeting with Nebraska Board of Engineers and Architects

Weaver reported that the Nebraska Board of Engineers and Architects had invited the Board to a joint meeting with them at 12:00 p.m on Friday, October 21, 2005. A working lunch will be provided. The Department of Education Board room on the 6th floor has been reserved for the meeting. Ehrman encouraged attendance. The regular Board meeting will be held after the joint meeting.

Adjournment

Motion by Becker to adjourn the meeting at 4:40 p.m. Second by Grimm. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Next Board Meeting Dates:

Wednesday, July 20, 2005, 1:00 p.m., Nebraska State Office Building, 301 Centennial Mall South, 6th Floor, Lincoln, Nebraska.

Friday, October 21, 2005, 1:00 p.m., Nebraska State Office Building, 301 Centennial Mall South, 6th Floor, Lincoln, Nebraska. (The Board will have a joint meeting with the Nebraska Board of Engineers and Architects at 12:00 p.m.)

Board Member

Title