

Nebraska State Board of Geologists

Board Meeting Minutes

April 22, 2010

215 Centennial Mall South, Fifth Floor, Large Conference Room, Lincoln, NE

CALL TO ORDER

The meeting was held at 215 Centennial Mall S, 5th Floor, Large Conference Room, Lincoln, NE. Vice-Chairperson Anderson called the meeting to order at 1:00pm and informed the public of the location of the Open Meeting Act.

Roll Call: Dennis Anderson, Thomas Correll, Andrew Grim, Ralph Martin, Martha (Marty) Link, David Svingen, Emeritus Member Nan Lindsley-Griffin (non-voting); Absent: John (Jack) Shroder

Staff Present: Sandra Weaver, Administrator; John Wilbeck, Compliance Officer (CO); Jean Lais, Administrative Assistant (AA)

Election of Officers

Action Motion by Anderson, second by Svingen to nominate John (Jack) Shroder for Chairperson. Voting yes: Correll, Grimm, Martin, Svingen, Link, Anderson; Voting No: None; Absent: Shroder

Action Motion by Svingen, Second by Link to nominate Dennis Anderson for Vice-Chairperson. Voting yes: Grimm, Martin, Svingen, Link, Correll, Anderson; Voting No: None; Absent: Shroder

Action Motion by Anderson, second by Martin to nominate David Svingen for Secretary. Voting yes: Martin, Svingen, Link, Correll, Grimm, Anderson; Voting No: None; Absent: Shroder

Public Comments

None scheduled

Agenda Items

No corrections were made

A Consent Agenda

1 Meeting Minutes

January 14, 2010 meeting minutes approved as presented

2 Organizational Practice – Certificate of Authorizations

Gene R George & Associates, CAG0051; The Hydrodynamics Group, CAG0052; ASW Associates, Inc, CAG0053

Approval of Consent Agenda

Action Motion by Grimm, second by Correll to approve the Consent Agenda. Voting yes: Svingen, Link, Correll, Grimm, Martin, Anderson; Voting No: None; Absent: Shroder

Administrator Weaver entered the meeting at 1:10pm

B Financial Reports/Matters

1 Budget Status Report – January, February, March 2010

Enterprise One reports provided for review. Administrator Weaver explained the \$812 transfer mandated by LB 1 would take place on June 15th and would be taken out of other operating costs.

2 MTD General Ledger Detail – January, February, March 2010

Enterprise One reports provided for review.

3 Fund Summary Report – January, February, March 2010

Enterprise One reports provided for review.

4 Financial Profile Report – January, February, March 2010

Database report provided for review.

5 Fiscal Activity Report – FY 09/10

Trends in Licensure – FY 09/10

Database reports provided for review

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6 Other Financial Matters

Board response to the Appropriations Committee budget action request

Section 10 of LB 1 of the 101st Legislature, First Special Session, 2009, called for each state agency to submit a report on or before January 15, 2010, to the Appropriations Committee of the Legislature detailing specific actions and plans to implement budget actions pursuant to Legislative Bill 1, 2 & 3. The Board's response was sent to the Committee on February 5, 2010.

Appropriations Committee concerning strategic plan

LR 224, currently assigned to the Appropriations Committee, proposed investigation of several topics related to the budget processes. Questions concerning strategic plans were directed to state agencies, boards and commissions. The Board responded to the Committee stating no Strategic Plan currently exist for the Board, but discussion has been ongoing over the last six months and the board is investigating a number of cost-cutting measures to be implemented over the next year. No firm decisions on such measures will be made until all avenues have been explored.

Approval of Financial Matters with the exception of Contracts

Action Motion by Correll, second by Link to accept the Financial Matters with the exception of contracts. Voting yes: Link, Correll, Grimm, Martin, Svingen, Anderson; Voting No: None; Absent: Shroder

7 Contract Review and Approval

FY 2010/2011 Contract with Charles Borcharding

Copy of the contract provided for review. The contract covers the service of proctoring the ASBOG examination administrations for Fiscal Year 2010/2011. Included in the contract are the hourly wage, terms of payment, frequency of the examinations, and the litigation process.

Action Motion by Martin, second by Correll to approve the Contract with Charles Borcharding. Voting yes: Correll, Grimm, Martin, Svingen, Link, Anderson; Voting No: None; Absent: Shroder

FY 2010/2011 Contract with the State Board of Engineers of Architects

Copy of the proposed agreement letter and contract provided for review. The contract provides for administrative services to be administered by the Nebraska Board of Engineers and Architects at a prescribed amount. Any additional services will be agreed upon in advance with a set hourly rate, estimated cost, and time agreed upon by both parties in writing prior to any work commencing.

Action Motion by Martin, second by Link to accept and approve the Contract with the State Board of Engineers and Architects for administrative service for the fiscal year 2010/2011. Voting yes: Grimm, Martin, Svingen, Link, Correll, Anderson; Voting No: None; Absent: Shroder

Administrator Weaver left the meeting at 1:25pm

C Applications

1 Application Overview Sheet with licensing requirements and checklist

Forms provided

2 Licensure/Examination

Applications for Licensure by Reciprocity

Approved: John M Nadeau, NY

Applications for Licensure Reinstatement – None

Applications for Geologist-Intern by ASBOG FG Exam – None

Applications for Licensure by FG/PG ASBOG Exams – None

Applications for Licensure by PG ASBOG Exam – None

3 Appeals – None

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Approval of Licensure/Examination Applications

Action Motion by Svingen, second by Martin to accept the recommendations on applications as discussed.
Voting yes: Martin, Svingen, Link, Correll, Grimm, Anderson; Voting No: None; Absent: Shroder

CO Wilbeck entered the meeting at 1:30pm

D Compliance Cases

- 1 **Logs** - *None*
- 2 **New Cases** – *None*
- 3 **Pending Cases**

10.01 Summary

- 4 **Case Recommendations**

09.01 CO Wilbeck recommended closure as Respondent has complied with all the Board's requirements.

- 5 **Compliance Issues**

Sample disclosure questions for Renewals

The Board is looking into adding disclosure question for renewals with regards to a licensee being convicted of a felony in connection with the profession and if the licensee has had a license to practice in another jurisdiction revoked, suspended or canceled. An opinion received from the Attorney General's office stated the Board currently does not have statutory authority to place such questions on the renewal form and highly recommended the Board also add the provisions to the Rules and Regulations before adding the questions to the initial application. Grimm stated a concern as it is a matter of need to know. Anderson stated he inquired of other boards if they had such questions on their forms and about 80% responded yes. Correll asked if the board had authority to run a background check and Anderson replied would need to have authorization from the applicant to do so. Discussion was held as to the importance of the issue to determine if there is a need to go through the statute and regulations change now or wait to do as part of a bigger package change. AA Lais to add the disclosure changes needed to the Board Actions.

Action Motion by Correll, second by Grimm to begin developing language to add disclosure to the initial application to the Rules and Regulations. Voting yes: Correll, Grimm, Martin, Svingen, Link, Anderson; Voting No: None; Absent: Shroder

Approval of Compliance Case Disposition

Action Motion by Correll, second by Svingen to accept the case dispositions as recommended by CO Wilbeck. Voting yes: Grimm, Martin, Svingen, Link, Anderson; Voting no: None; Absent: Shroder

CO Wilbeck left the meeting at 2:04pm

E General Information/Committee Reports

- 1 **Meeting Schedules/Rosters**

Board Meeting Schedule

2010-2011 calendar provided for review

Roster of Board Members

Certificate of Appointment of Board Member Dennis Anderson

A certificate of reappointment for Dennis Anderson was signed by Governor Heineman and will expire on February 28, 2015.

- 2 **Committee Reports**

Officers Report – *None*

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3 ASBOG

ASBOG COE/TAS Workshop Report

Anderson reported attendance was down with only 28 delegates attending. State budgets were the main reason for not attending. The preliminary results from the Task Analysis survey show the geological community is aging with the majority of those practicing being over the age of 50. Almost 50% of practicing geologists are in environmental or hydrogeology next is mineralogy and engineering geology. 54% of the respondents are in consulting work, 24% in government, 9.1% in industry, 3.8% are academia. The results of the survey will be used to generate the blueprint for the exam over the next 5 years. Some of the tasks previously listed separated on the exam were combined with others to insure the exam does not become weighted. The survey was sent to 200 licensed or registered geologists in each state. 109 responded from Nebraska.

The issue of ethics being included on the exam was a main topic of discussion at the Workshop. Anderson would like the Board to form a formal position and present it at the annual meeting in November. Discussion was held as to the ability to test for ethics since ethical opinion can differ greatly from individual to individual. Anderson stated there are a dictated number of questions on the exam. For every ethics question, would mean removing a geology question. Correll stated the best way to address the issue would be to add the disclosure questions to the application. Lindsley-Griffin pointed out there are several questions on the reference forms asking the reference to comment on the applicant's ethic and morale aptitude. Svingen also suggested the issue could be address if continuing education was required. Anderson is to draft a letter and present it to the Board at the next meeting for approval to send to the National meeting in November.

4 Office/Staff

A copy of the news release naming Dale Sall as Interim Executive Director of the Nebraska Board of Engineers and Architects was provided for review. ED Sall is filling the position vacated by Melinda Pearson in February 2010. He will oversee the day-to-day operations of the organization until a permanent director is named.

F New Business

1 Governance Issues

Board Actions

Board Action Summary provided

Rules and Regulations – None

Statutes – None

Legislative Items

A copy of the letter from the board to the Appropriations Committee in support of LB 793 was provided for review. LB 793 would prohibit fund transfers and appropriations without specific authorization by law. The letter was presented to the Committee at the Appropriations hearing held on January 7, 2010.

2 Geologist Items

Strategic Plan

Lindsley-Griffin gave a summary of the meeting held with Dave Watkins, Chair of Geosciences at UNL, Chairperson Shroder and herself. Shroder showed a copy of the current board line budget and described the services currently being provided by the Nebraska Board of Engineers and Architects (NBEA). Lindsley-Griffin believes there is not a need to have an Executive Director oversee the office operations. Chair could take over those duties. What the board needs is secretarial services.

Watkins felt the Geosciences Department could provide those services for the \$17,000 currently being paid to the NBEA. There would need to be some training as expected. The department currently has a secretary, administrator, and administrator assistant. There are also other department personnel that could be used. Watkins was to inquire with other departments for possible support and report back to Chairperson Shroder. Link expressed concern over legal issues as to whether there is someone or department who could assist if needed. Anderson stated the Attorney General's office would still be the contact for all legal matters. The Board would not need to hire outside council.

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Svingen summarized his meeting with Chairperson Bryers of the Nebraska State Board of Landscape Architects (NSBLA). He provided a copy of an email sent to the Board on April 19, 2010 summarizing the meeting. The NSBLA sees the legislature making a decision down the road to combine some of the smaller boards and agencies. It is their position to be proactive and to have a say in the process instead of being told who they will combine with. They are also in the process of creating a strategic plan. Svingen felt this may be the way to go to help define the goals and purpose of the Board and to develop a plan as to how to proceed in remaining solvent in the coming years.

Lindsley-Griffin stated the Board did have a strategic plan at the beginning of the board. However, when everything on the plan had been accomplished, it was not updated. She stated concern the Board cannot stay with the NBEA financially with the current contract trend, but does see the advantages of combining with another smaller board. Anderson agreed with the NSBLA's position of seeing a trend to combine board and feels would be better to have a say in which board/agency the Board combines with. Link suggested contacting the Well Drillers board to see if they would be interested in pursuing a combined board. They are currently administered through the Department Health and Human Services (HHS).

Anderson raised the question again as to whether the Board wants to stay a stand-alone board or does the board want to combine with another board. Martin inquired as to the survivability of moving to the university. Both Svingen and Link pointed out a move to the university would put more administrative duties on the members.

Anderson stated it is his belief the Board renegotiate with the NBEA with limited services and continue to look at the option of combining with another board. Svingen was asked to inquire if the NBEA Allied Board Committee would be willing to renegotiate the administrative services contract with a more limited list of services.

Svingen, Anderson, Link, and Shroder were appointed to serve on the Strategic Plan committee with Svingen serving as chair. Lindsley-Griffin will participate as time permits. The committee requested the other Board members to send any questions and/or issues to Svingen. It was suggested the committee seek the assistance of former board members and non-board persons in drawing up the strategic plan.

Adjournment Motion by Martin, second by Correll to adjourn the meeting at 3:00pm

The next Board of Geologist board meeting will be held on July 15, 2010, at 1:00pm at 215 Centennial Mall South, Lincoln, Nebraska on the Fifth floor, in the large conference room.

Board Member Signature

Date