

NEBRASKA STATE BOARD OF GEOLOGISTS
Meeting Minutes – Tuesday, January 9, 2007
Lincoln Community Foundation Building
215 Centennial Mall South, 5th Floor, Lincoln, Nebraska
Phone: 402-471-8383

Board Members

John (Jack) Shroder, Chairperson, Omaha; Dennis J. Anderson, Vice-Chairperson, Omaha;
David J. Becker, Secretary, Omaha; Andrew E. Grimm, Public Member, Omaha; Jeffrey S. Johnson, Lincoln;
Robert S. (Steve) Kemp, Lincoln; Susan Olafsen Lackey, Winside; Nan Lindsley-Griffin, Emeritus Member, Lincoln;
Sandra Weaver, Administrative Assistant, Lincoln

Call to Order

Chairperson Shroder called the meeting of the Nebraska Board of Geologists to order at 1:00 p.m.

Roll Call

Dr. John (Jack) Shroder, Vice-Chairperson, Educational Member, Professional Geologist – Omaha
David J. Becker, Secretary, Professional Geologist – Omaha
Dennis J. Anderson, Professional Geologist – Omaha
Andrew E. Grimm, Public Member – Omaha – Arrived at 1:06 p.m.
Jeffrey S. Johnson, Professional Geologist – Lincoln
Robert S. (Steve) Kemp, Professional Geologists – Lincoln
Susan Olafsen Lackey, Professional Geologist – Winside
Dr. Nan Lindsley-Griffin, Emeritus Member (Non-Voting), Professional Geologist – Lincoln
Sandra Weaver, Administrative Assistant – Lincoln

Guests: Richard Ehrman, Past Board Member
DeMaris Johnson, Legislative Liaison

Approval of November 1, 2006, Board Meeting Minutes

Motion by Johnson to approve the November 1, 2006, Board meeting minutes. Second by Anderson. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

Officer Report

None

Financial Report

The Board reviewed the Financial Report for October 1, 2006, through December 31, 2006. A summary sheet of expenses and revenue for the current fiscal year were included in the report. At the last meeting, a question was asked about budgeting for future legal or enforcement action. Weaver stated that she had discussed the possibility with Mr. Bush, the budget analyst. Since the Board does not have a history of legal or enforcement actions, the budget deficit request should be used if a situation presents itself.

Fiscal Year Activity Report

The Fiscal Activity Report for July 1, 2006, through January 9, 2007, was submitted by Weaver. On January 9, 2007, the roster contained 290 licensees. Two hundred forty-six were current through December 31, 2007, and thirty-four licenses expired December 31, 2006, and had not been renewed. Ten enrolled geologist-interns were listed.

Motion by Olafsen Lackey to approve the Financial Report and the Fiscal Year Activity Report with a minor correction. Second by Anderson. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

Correspondence

Correspondence was reviewed by the Board. It was noted that the Agency Booklet containing specific agency information had not yet been printed. Weaver brought it to the board's attention that a new registrant paid his license fee with the 2007 renewal fee in January 2007. He was approved for licensure in 2006. Since he was not licensed until after January 1, Weaver stated the late renewal fee for January was not assessed. The Board did not object to the action.

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Committee Reports

1. Legislative Report

DeMaris Johnson commended Jeff Johnson for his assistance with the groundwork in the attempt to strike the exemption in Neb. Rev. Statute § 81-3541 (l). She stated that so far only 176 bills had been introduced in the legislature, much less than in previous years. Senator Loudon has replaced Senator Schrock as the chair for the Natural Resources Committee and Senator Hudkins is now the vice-chair. An update and informational handout of committee members was given to the Board. Alternative language for the new bill submitted by a representative of the Cattleman Association was also distributed. It was initially indicated they would oppose the legislation to simply remove the exemption but would review alternative language. There was interest in the impact of the exemption for engineers on the issues such as waste pond monitoring. Alternative paragraphs for consideration were developed. One paragraph changed the exemption for non-geological work and the other replaced "application" with "work" on their proposed language. The Board preferred the later change. Jeff Johnson possibly will testify for the Board. The hearing could be held by the last part of January or first part of February. Neutral testimony could possibly be offered by Sanford Kaplan, Nan Lindlsey-Griffin or Duane Eversoll.

Steve Kemp was commended for his work on a white paper presenting factors to be considered by the Nebraska Board of Geologists in proceeding with proposed legislation to delete or modify a key exemption in the licensure requirements the Act.

The Board adjourned the meeting at 2:05 p.m. to open the Public Hearing for Title 171- Administrative Code, Rules and Regulations. The regular meeting was called to order again at 2:09 p.m.

New Applications

- 06-017 Clayton D. Erickson (NE) – Requesting GI Enrollment by ASBOG® FG Examination
- 06-018 Nan Elizabeth Glenn (CO) – Requesting Registration by ASBOG® FG & PG Examination
- 07-001 Mark D. Raffety (NE) – Requesting GI Enrollment by ASBOG® FG Examination
- 07-002 Michael D. Beshore (CO) – Requesting Registration by Reciprocity

Pending Applications

None

Members took a meeting break from 2:25 p.m. to 2:40 p.m.

Executive Session

Motion by Becker to go into executive session to discuss pending applications for examination and registration by at 2:44 p.m. Second by Anderson. Chairperson Shroder restated on record that the Board would be going into closed session to discuss pending applications for examination and registration by reciprocity. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

Motion by Olafsen Lackey to leave executive session at 2:58 p.m. Second by Johnson. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

Application Action

Motion by Olafsen Lackey to approve **Clayton D. Erickson** to sit for the ASBOG® FG Examination pending submittal of the second page for one of the references. Second by Anderson. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Kemp, Olafsen Lackey. Abstain: Johnson. Voting Nay: None. Motion carried.

Motion by Johnson to approve **Nan Elizabeth Glenn** to sit for the ASBOG® FG & PG Examinations. Second by Kemp. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

Motion by Anderson to deny **Mark D. Raffety** to sit for the ASBOG® FG Examination until educational requirements are met. Second by Kemp. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

Motion by Johnson to approve **Michael D. Beshore** for licensure by reciprocity. Second by Kemp. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

ASBOG®

1. Annual Meeting and COE Workshop Report

Anderson reported his attendance of the ASBOG[®] Annual Meeting and the COE Workshop in Park City, Utah, on October 31, 2006, to November 5, 2006. He reiterated the importance of Nebraska representation and expressed interest in attending the next COE Workshop. He expressed concern about the weighting of questions relative to persons taking the exam from the Midwest. Many questions involved mining, geophysics and other areas not as relevant to Nebraska geologists. ASBOG[®] is considering ways to find aid for their financial situation. There are fewer new states to join the organization. The Practice of Geology (PG) fee will rise to \$200 for the October 2008 examination. ASBOG[®] may consider selling the exams elsewhere, such as exit exams for universities. Some concern was expressed about exam security. The issue was tabled but will likely be brought up at future meetings. ASBOG[®] may create a trust to provide a long-term source of funding, possibly seeking funds from larger corporations, although it may be difficult. Johnson questioned the Board about their opinion on selling the exams. Shroder stated interest in seeing the exams made available to universities.

Motion by Becker to authorize both Kemp and Anderson to represent the Board at the next COE workshop in Minneapolis, Minnesota on March 30-31, 2007, and to authorize travel expenses for one of the two. Second by Johnson. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

2. Fee Increase for PG Examination in October 2008
The Board reviewed a memorandum from ASBOG[®] stating the Member Board Delegates voted to accept the recommendation of the ASBOG[®] Committee on Finances to increase the National Examination fee for the Practice of Geology (PG) exam by \$50, for a total cost of \$200 per candidate per examination. The recommendation was endorsed by the ASBOG[®] Executive Committee.
3. October 2006 Examination Results
Examination results were reviewed by the Board. All Nebraska examinees passed. Lindlsey-Griffin noted that Nebraska does well relative to other states, because of rigorous standards for taking the FG and PG examinations.

Old Business

1. Supporting Documentation of 2008 License Renewal Fee Increase – Becker, Kemp
A document supporting the renewal fee increase to cover the rise in operating costs for the Board was submitted by Becker. The document was published in the 2006 Newsletter and placed in the Board files.

New Business

1. Review of Practice Standards for Reciprocity and Examination
The Board discussed issues on practice standards, reciprocity and ASBOG[®] testing that were raised by Shroder and Olafsen Lackey. There was concern about lack of consistency in handling applications for reciprocity. Lindlsey-Griffin summarized the existing policy on reciprocity dated June 2000. She stated a presumption was made that if state requirements were similar to ours, the applicant would meet our requirements.

Executive Session

Motion by Becker to go into executive session at 3:30 p.m. to discuss specifics about the application of James Roberts in relation to the way the Board handles applications for reciprocity. Chairperson Shroder restated on record that the Board was going into closed session to discuss specifics about the application of James Roberts and the manner which the Board handles applications by reciprocity. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

Motion by Anderson to go out of executive session at 3:58 p.m. Second by Johnson. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

The Board discussed requiring verification of education. A section was added to the application to include the name of the major. Further discussion was tabled to the next meeting.

An updated policy on reciprocity reflecting the submitted Rules and Regulations was included in the Board packet.

2. Multiple Year Renewal Fees and Waiver of Renewal Fee for Registrants Serving in War Zones
The Board discussed allowing advance payment of renewal fees for service persons serving overseas. It was agreed to accept advance payment since the person would still be overseas during the next renewal period. A statutory change would need to be made to waive fees for active military members.

Action Item: Grimm will assess impact of existing protection laws for military personnel.

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3. Request for Geologist Examinee List

The Board reviewed a request from a company for an examinee list to offer assistance in studying for geology examinations. Current statute refers to selling lists of professional geologists only. The Board decided to deny the request for a list because of possible privacy issues. The Board will pass information on to examinees if they request sources of exam study materials.

4. Expiration of Board Member Term

The Board position of Becker will expire on February 28, 2007. Becker stated that he would not seek reappointment but would be willing to serve until a replacement was found.

Action Item: Weaver will notify previous applicants of the upcoming vacancy and send information on filing an application with the Boards and Commissions. Notice will also be published on the homepage of the Board's website.

Adjournment

Motion by Anderson to adjourn the meeting at 4:18 p.m. Second by Olafsen Lackey. Voting aye on the motion: Shroder, Anderson, Becker, Grimm, Johnson, Kemp, Olafsen Lackey. Voting Nay: None. Motion carried.

Next Board Meeting Date

April 12, 2007, at 1:00 p.m., Community Foundation Building, 215 Centennial Mall South, 5th Floor - Lincoln, Nebraska.

Board Member

Title