

**NEBRASKA STATE BOARD OF GEOLOGISTS**  
**Meeting Minutes, Thursday, January 13, 2005**  
**Nebraska State Office Building - 301 Centennial Mall South**  
**Nebraska Board of Geologists Board Room, 6<sup>th</sup> Floor - Lincoln, NE**  
**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 1:12 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 – Present by teleconference (Non-voting)  
Dr. Nan Lindsley-Griffin, Emeritus Member, Professional Geologist – Lincoln  
Sandra J. Weaver, Administrative Assistant – Lincoln

**Guest:** Duane Eversoll

**ASBOG<sup>®</sup> Annual Meeting and COE Workshop Report**

Duane Eversoll gave an update for the ASBOG<sup>®</sup> Annual meeting and COE Workshop that was held in November at Boise, Idaho. It was reported that Nebraska led the nation with a 64% return rate for the Task Analysis Survey. Based on the survey, more registrants are working in hydrogeology. The tests will reflect this in the proportion of questions relating to this area. There is a possibility of going to specialty exams within five years. Eversoll recommended that Nebraska send an expert, particularly in hydrogeology, to the Council of Examiners workshop. He stated that ASBOG<sup>®</sup> had discussed financial assistance to favor more participation in Council of Examiners but questioned how to fund it. Some states send more than one representative and some send none. The budget is increasing because of the growth of the organization. ASBOG<sup>®</sup> is presently working with Colorado concerning registration. Other interested states are Hawaii, Louisiana, Michigan, New Mexico, Oklahoma, New York, Utah and New Jersey. Presently, only member states can use the ASBOG<sup>®</sup> exams. There have been requests for exams from states that don't have registration. An agreement is being explored with Canada regarding recognition of registrations to facilitate mobility of professionals. A model geologist licensure law is being developed. The first draft will be completed soon. There may be some significant differences with Nebraska statutes that the Board may want to review. The next COE Workshop will be held in April at Columbia, South Carolina. Any questions may be directed to [deversoll2@unl.edu](mailto:deversoll2@unl.edu). Ehrman encouraged the Board to review the materials provided.

Eversoll exited the meeting after the ASBOG<sup>®</sup> report was completed.

**Approval of October 21, 2004, Board Meeting Minutes**

Motion by Becker to approve the October 21, 2004, Board meeting minutes. Second by Shroder. Voting aye on the motion: Shroder, Becker, Johnson, Olafsen Lackey, Grimm. Abstain: Ehrman. Voting Nay: None. Motion carried unanimously. Motion carried.

**Officer Report**

Board Chairperson Ehrman thanked Vice-Chairperson Shroder for conducting the October meeting in his absence. Ehrman stated that any issues for his report would be covered later in the agenda.

**Financial Report**

The Financial Report for October 1, 2004, through December 31, 2004, was reviewed by the Board. Motion by Shroder to approve the Financial Report as provided. Second by Olafsen Lackey. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

**Fiscal Year Activity Report**

The fiscal year activity report was presented by Weaver for July 1, 2004, through January 13, 2005. It was reported that 254 registrants are currently licensed through December 31, 2005. Renewal reminders were mailed, but seventeen registrants have not yet renewed for 2005. Six licenses will lapse on April 1, 2005. Motion by Johnson to approve the Fiscal Year Activity Report as provided. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

## Committee Reports

Ehrman presented an update of his work on the Rules and Regulations. Several changes were made in light of the Assistant Attorney General's comments. Some areas need clarification such as the definition for *conflicts of interest* in Chapter 4, Code of Practice. Grimm stated that he might be able to find an example of a potential conflict of interest. Fees charged by the Board need to be formally adopted and promulgated through the regulation process. The Board will need to ensure that fees are sufficient for operations before setting them. Johnson asked questions about the emeritus status fee and raised concerns about the potential need to cover future expenses (lobbyist, office space, etc.). Ehrman noted that the emeritus fee covers the yearly newsletter, entry into the roster and is a one-time fee. Thonen noted that money had been previously budgeted for lobbyist expenses and although it would have been insufficient, as long as the total budget is not overspent, money could be pulled from other budgeted expenditures. Ehrman stated that the geologist-intern legislation passed smoothly in 2004, but work to get the licensure exemptions struck from the Geologists Regulation Act would be more controversial. Lindsley-Griffin questioned the need to show ASBOG® examination fees since the Board does not have control over them. Becker questioned whether the Board could have the applicant make out the check to ASBOG® instead of the Board. Ehrman suggested that the ASBOG® examination fees could be specified as the amount ASBOG® charges. After completing the Rules and Regulations, a meeting will be arranged with Leslie Donley for a courtesy review. The Board will be required to go through a public hearing process before the first submission to the Executive Board of the Legislative Council and the Secretary of State.

**Action Items:** Weaver will check to see if ASBOG® will take checks from applicants for exams.  
Grimm will search for an example of a potential *conflict of interest* and report back to the Board.  
Becker and Johnson will form a committee to discuss budget issues and fees for Rules and Regulations input.

Becker excused himself from the meeting at 3:27 p.m. and reentered at 3:40 p.m. Grimm excused himself from the meeting at 3:40 p.m. and reentered at 3:49 p.m.

The Board reviewed some of the revisions and areas of concern for the Rules and Regulations as reported by Ehrman. They were:

- Page 3-4, "Individual examination results may not be challenged" was omitted.
- Chapter 3-Section 001 needs to allow an individual applicant to obtain a hearing on a denial of a license or examination by the Board. Provisions for some form of hearing need to be included to avoid potential due process problems.
- In Chapter 4-Code of Practice-Section 003.0, the Attorney General's comment about *any actual or potential conflicts of interest* needs clarification.
- In Chapter 5, Section 004, the Attorney General's office had recommended that the informal hearing process be conducted by the Executive Director or someone appointed by the Board who is not on the Board. That person could make recommendations to the Board if necessary. In the Board discussion, a suggestion was made to use a licensed geologist that is familiar with Board processes. Geologist facilitator could be used in place of conductor.

**Action Item:** Grimm and Ehrman will work together to find an appropriate term to be added for the person who conducts an informal hearing.

Ehrman reminded the Board that the forms prescribed by the Board must also be in compliance with the Rules and Regulations.

**Action Item:** Olafsen Lackey and Lindsley-Griffin volunteered to crosscheck the Board forms with the Rules and Regulations before they are submitted.

Ehrman stated that he would like to be ready for a Public Hearing on the Rules and Regulations by the July Board meeting.

## New Applications

- 05-001 Christopher J. Jutting (NE) – Requesting GI enrollment by ASBOG® FG examination
- 05-003 Leo J. Tegels (NE) – Requesting GI enrollment by ASBOG® FG examination
- 05-004 Jesse T. Korus (NE) – Requesting GI enrollment by ASBOG® FG examination
- 05-002 Holly L. O'Dell (NE) – Requesting registration by ASBOG® examination
- 05-005 Sean E. Smith (IA) – Requesting registration by ASBOG® examination

## Pending Applications

- 04-005 James A. Roberts (NE) – Board received notice of intention to meet requirements for licensure

## Geologist-intern Enrollment Approval (LB890-Operative Date 1/1/05)

- 01-007 Enrollment# GI-01-0002 - Christopher M. McCormick
- 03-006 Enrollment# GI-03-0001 - Richard L. Hahler
- 03-011 Enrollment# GI-04-0001 - Lauren P. Tice

Motion by Becker to go into executive session at 3:45 p.m. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Motion by Becker to leave executive session at 4:10 p.m. Second by Olafsen Lackey. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

### **Application Action**

Motion by Olafsen Lackey to:

- approve Christopher Jutting, contingent on receiving official transcripts, for ASBOG® FG examination.
- approve Leo Tegels, contingent that references are filled out correctly, for ASBOG® FG examination.
- approve Jesse Korus for ASBOG® FG examination.
- approve Holly O'Dell to sit for the ASBOG® FG & PG examination.
- deny Sean Smith ASBOG® examination on the basis that he does not meet the education requirements.

Motion seconded by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

The Board reviewed a notice from pending applicant, James Roberts, concerning his intent to complete requirements for registration in Nebraska. His file will be left open until further notice.

### **Geologist-intern Enrollment Approval Action**

LB890 provided for the enrollment of geologist-interns as of operative date January 1, 2005. Three applicants have passed the ASBOG® FG exams and are eligible for enrollment.

Motion by Shroder to enroll Christopher McCormick, Richard Hahler and Lauren Tice as geologist-interns. Second by Becker. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

**Action Item:** Enrollment Cards will be mailed out to all geologist-interns.

### **ASBOG®**

1. The Board reviewed the October 2004 ASBOG® Examination results.
2. A memo was received from ASBOG® stating that at the November 2004 Annual Meeting, a motion was made and passed to increase the fee for the Fundamentals of Geology (FG) examination from \$125.00 to \$150.00. The increase will go into effect for the Spring 2006 examination.
3. A copy of Nebraska's Annual Report was distributed in the Board Packet. The report was sent to the Annual ASBOG® Meeting with Board representative, Duane Eversoll.
4. Correspondence was reviewed concerning an OSWER Docket SFUND-2004-0001, which involves a Negotiated Rulemaking Committee (Draft) Final Consensus Document, Title 40, Chapter I, Subchapter J, Part 312 of the Code of Federal Regulations, Standards for Conducting All Appropriate Inquiries. The Environmental Protection Agency put out a memorandum defining an environmental professional as someone who can do engineering and geology work without being licensed in that state. All 29 of the ASBOG® Board States require licensure/registration for the professional practice of geology. ASBOG® sent a letter to Linda Garcznski, Director of the Office of Brownfields Cleanup and Redevelopment stating that grandfather clauses should be removed and any references to unlicensed individuals being qualified by the Federal Government to perform geology work should be stricken.
5. The next COE Workshop will be held April 1-2, 2005, in Columbia, South Carolina. The Board discussed sending a COE representative. Shroder and Johnson will check their schedules. Motion by Becker that Johnson be appointed as delegate with Shroder as alternate and authorize \$1200 for travel-related expenses. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

### **New Business**

1. The term of Board member Thonen will expire on February 28, 2005. Thonen stated that he had not decided whether to seek reappointment, but would be willing to serve until a replacement was found if one was needed.
2. In December the Board was contacted by a person needing an emergency temporary license. A short time later the issue was solved and the request was dropped. Discussion of a temporary license policy will be tabled to the next meeting.
3. The Board was contacted by a registrant who had moved out of state. Her initial license had been obtained in Nebraska during the grandfather period and she wondered if she should renew in Nebraska since the license would no longer be used. After discussion, the Board determined that it was up to the registrant, but it should be kept in mind that:
  - To be licensed in Nebraska after her initial license lapses, the ASBOG® exams would need to be taken since the grandfather period is over.
  - To obtain a license in her new state, verification from Nebraska might be required to show current licensure in good standing. The authorizing entity could be contacted to see what is required.

**Action Item:** Ehrman will work with Weaver to create a response letter to answer the registrant's question.

4. A Nebraska licensee made a suggestion that the newsletter list geology related job openings from academic industry or private companies in the state. The Board discussed how to implement this. It was mentioned that the universities are often looking for geologists. An ad could be put in the newsletter. Ehrman asked that the item be tabled and that the Board consider ways of accomplishing the suggestion.

**Old Business**

1. The geologist-intern process policy and forms will be tabled until the next meeting for review and approval. Information will be added to the web site when complete.
2. At the last meeting, the Board discussed having another joint meeting with the Nebraska Board of Engineers and Architects in October. The Board of Engineers and Architects will be having their regular meeting in the morning of October 21, 2005. The Geologists Board would be able to schedule their regular meeting in the afternoon. Shroder made a friendly ammendment that Weaver explore a joint meeting as done in the past, and schedule it if there are no conflicts. Second by Johnson. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.
3. The Nebraska Board of Geologists Record Retention Schedule 159 was signed by the State Records Administrator and finalized August 18, 2004. Copies were distributed for the Board handbooks.

The University of Nebraska offered to host the Midwest Groundwater Conference in Lincoln in October of 2006. Chairperson Ehrman asked the Board to consider whether this could be supported in some way.

**Adjournment**

Motion by Becker to adjourn the meeting at 4:42 p.m. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

**Next Board Meeting Date:**

Thursday, April 21, 2005, 1:00 p.m., Nebraska State Office Building, 301 Centennial Mall South, 6<sup>th</sup> Floor, Lincoln, Nebraska

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**Board Member**

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**Title**