

**NEBRASKA STATE BOARD OF GEOLOGISTS**  
**Meeting Minutes - Wednesday, July 20, 2005**  
**Nebraska State Office Building - 301 Centennial Mall South**  
**Nebraska Board of Geologists Board Room, 6<sup>th</sup> 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; Dennis J. Anderson, Omaha; Andrew E. Grimm, Public Member, Omaha; Jeffrey S. Johnson, Lincoln; Susan Olafsen Lackey, Winside; 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 1:18 p.m.

**Roll Call**

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

Terrance Thonen (Honored guest and former Board member) - Arrived at 2:30 p.m.

**Approval of April 21, 2005, Board Meeting Minutes**

Motion by Becker to approve the April 21, 2005, Board meeting minutes with two minor corrections. Second by Johnson. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

**Introduction and Oath of Office of Dennis J. Anderson**

New Board member, Dennis J. Anderson, was introduced and welcomed to the Board. A constitutional oath of office was signed by Anderson that will be filed with the Secretary of State.

**Officer Report**

Board Chairperson Ehrman stated that he would bring up any issues that needed to be discussed under individual items of the agenda.

**Financial Report**

The Board reviewed the Financial Report for April 1, 2005, through June 30, 2005. The cash fund increased by \$6,423.96 during the last fiscal year. Money budgeted for statute changes was not needed during the 04/05 fiscal year. Weaver presented a financial profile spreadsheet and charts for the fiscal year ending June 30, 2005. Johnson asked if a spreadsheet could be created showing income and fees as percentages of the total.

**Action Item:** Johnson will give Weaver an example of a spreadsheet with percentages and Weaver will create a similar chart for the Board.

**Fiscal Year Activity Report**

The fiscal year end activity report was presented by Weaver for July 1, 2004, through June 30, 2005. Four Geologist-interns are enrolled and 273 registrants are currently licensed through December 31, 2005. An increase of 10 registrants was noted since the end of the previous fiscal year. A total of 22 applicants (counting interns applying to take the PG) applied in the fiscal year ending June 30, 2005, compared to 14 total applicants during the previous fiscal year.

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

**Correspondence Since Last Meeting**

The Board reviewed the correspondence documents of the appointment of Anderson that had been mailed since the last meeting.

Thonen entered the meeting at 2:30 p.m.

### **Thonen Honored for Years of Service**

Ehrman thanked Thonen on behalf of the Board for his many years of service. One of the original Board members, Thonen had served since 1998. A plaque was presented as a token of the Board's appreciation.

The Board was in agreement to keep former members (with permission) on their e-mail member list to utilize their experience and ideas.

### **Committee Reports**

#### 1. Rules and Regulations

Ehrman reported the results of a Rules and Regulations review meeting in June with Attorney General representatives, Leslie Donley and Dale Comer. Fees and the need for specific examples of conflicts of interest were discussed. Leslie Donley agreed to do a complimentary reading of the Rules and Regulations when completed. A conflict of interest policy presented by Grimm was considered by the Board. A question was asked if the policy was written for the Board or for the registrant. Grimm reported that it was meant to cover both.

The Attorney General's office had an issue with the Board receiving fees that are not set by the Board. Examination fees are set by ASBOG<sup>®</sup> and have not changed much over the last several years. The Board discussed options for processing examination fees.

A significant examination fee increase may occur when ASBOG<sup>®</sup> income from state initiation fees decline. A majority of states are now ASBOG<sup>®</sup> members. ASBOG<sup>®</sup> presently works with states that are not able to take examination fees sent in by the applicants. If the Board takes in examination fees, the Rules and Regulations would need to be changed whenever a fee is changed. The process necessary to modify fees in the Rules and Regulations is not complex, but may take six months or more to complete. Grimm suggested that ASBOG<sup>®</sup> be included by reference and volunteered to research relevant facts. After reviewing the appendices, the Board was in agreement to include an Emeritus selection on the renewal form for Geologists who no longer wish to practice but would like to retain emeritus status. The public hearing for the Rules and Regulations must be published 30 days before the hearing date. If ready in time, a notice of hearing could be included with the license renewal notices that will be mailed out the first part of October.

**Action Item:** Grimm will work with Ehrman to add the conflict of interest portion to the Rules and Regulations. Grimm will research adding ASBOG<sup>®</sup> by reference to the Rules and Regulations for the examination fee issue.

**Action Item:** Ehrman asked Board members to look over the Rules and Regulations by August 1 and email any corrections or questions.

#### 2. Budget Issues and Fees Committee– Becker, Johnson

Becker asked the Board to consider what level the cash fund needs to be at. Expenditures are often overestimated and income is underestimated. Legal costs from suits or complaints regarding Board decisions could be costly. Only \$3,000 per year has been budgeted for help with legislative changes during fiscal years 05/06 and 06/07. Ehrman stated that he had emailed Shroder about information on a UNO lobbyist, but had not heard from him since he is in Pakistan. The Board discussed how money could be allotted for a lobbyist or other expenses related to getting the statute changed. The budget is already approved through June 30, 2007. The Board needs to be in a funded position before January 2006. It was asked if the Board would need to go before the appropriations committee to see if money could be obtained from the cash fund. Weaver reported that a budget deficit form would need to be completed as a first step and that the process might involve several steps. The Board discussed consequences of not striking the exemption. If the statute is not changed, it could affect the number of geologists who will renew their license or register for licensure in Nebraska. Typically, one geologist in an office pays for state registration.

**Action Item:** Becker and Weaver will check to see how additional funds may be obtained over the approved budget amount for a lobbyist.

Motion by Becker that the Board set an amount not to exceed an expenditure amount of \$25,000 with a preferred amount of \$20,000 for a lobbyist. Olafsen Lackey made an amendment that the Board not exceed \$30,000, with a preferred amount of \$20,000 for a lobbyist. Second by Anderson. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Executive Director, Charles Nelson, of the Nebraska Board of Engineers and Architects was invited into the meeting at 3:43 p.m. He was asked for advice on procedures to obtain money from the cash fund for a deficit budget. Nelson advised the Board to fill out a supplemental appropriation in the fall. Budget Analyst, Joe Wilcox, from the DAS Budget Division could be contacted along with the agency legislative analyst for further information. Nelson reported that he regularly budgeted for excess contingent actions. A “legislative liaison” is regularly budgeted for the Engineers and Architects Board under “Other Contractual Services.”

Charles Nelson exited the meeting at 4:00 p.m.

**Action Item:** Weaver will check with Budget Analyst, Joe Wilcox, to find out how to obtain appropriations above the budgeted amount.

### **New Applications**

05-015 Stephen E. Jacobson (NE) – Requesting GI Enrollment by FG Examination

05-016 John D. Peterson (CO) – Requesting registration by reciprocity

05-017 John A. Rohde (CO) – Requesting registration by reciprocity

05-018 Robert M. Kick (MO) – Requesting registration by reciprocity

05-019 Jeffery Dean Gill (KS) – Requesting registration by reciprocity

05-020 Leah C. MacNeill (KS) – Requesting GI Enrollment by FG Examination

05-021 George L. Joyce (NE) – Requesting GI Enrollment by FG Examination

George Joyce entered the meeting at 1:52 p.m. and asked about qualifying experience and the transcript requirements for his application. The Board answered his questions and he departed at 1:55 p.m.

### **Pending Applications**

None

Motion by Olafsen Lackey to go into executive session at 3:59 p.m. Second by Becker. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Motion by Becker to leave executive session at 4:19 p.m. Second by Olafsen Lackey. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

### **Application Action**

Motion by Anderson to accept the recommendation of the Board reviewers to approve Jacobson to sit for the ASBOG<sup>®</sup> examination as brought to the floor by Ehrman. Second by Johnson. Voting aye on the motion: Becker, Grimm, Johnson, Olafsen Lackey. Abstaining: Anderson. Voting nay: None. Motion carried.

Ehrman summarized other recommendations of the Board reviewers as follows:

- approve Rhode, Kick, and Gill for registration by reciprocity,
- approve Peterson to sit for the ASBOG<sup>®</sup> FG examination but deny registration by reciprocity,
- approve MacNeill and Joyce for ASBOG<sup>®</sup> FG examination.

Motion by Anderson to accept recommendations. Second by Johnson. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

### **ASBOG<sup>®</sup>**

The ASBOG<sup>®</sup> 2005 Annual Meeting will be held in Portland, Maine on November 1-6, 2005. The Board discussed the need for a Nebraska representative. Motion by Becker to appoint Olafsen Lackey as voting delegate and Anderson as alternate for the 2005 Annual ASBOG<sup>®</sup> meeting. Seconded by Johnson. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously. Olafsen Lackey will be given an opportunity to give a brief oral synopsis of the Board's activities over the past year at the Annual Meeting. A Nebraska State Summary Report will need to be completed before the meeting. Possible issues to be reported are legislative issues, such as recent modification of our statutes, and plans to propose legislation to remove the exemption from the statutes governing Geologists.

**Action Item:** Olafsen Lackey will work on a report for the meeting and submit it to Weaver for transmittal to ASBOG<sup>®</sup> before the annual meeting in November.

The Board reviewed the final ASBOG<sup>®</sup> 2005 Task Analysis Survey and the 2005 TAS Extended Abstract. The Task Analysis Survey was conducted to identify tasks and activities performed by Geologists and the knowledge necessary to perform them. The survey is an important element in the development of ASBOG<sup>®</sup> examinations. The Task Analysis Survey results can be found under the Members Only section on the ASBOG<sup>®</sup> website.

### **New Business**

1. Ehrman reminded the Board that the Emeritus term of Lindsley-Griffin would expire on July, 22, 2005. The Board thanked her for her work and asked if she would be willing to continue as an Emeritus member for another term. Lindsley-Griffin affirmed that she was willing to serve if needed. Motion by Grimm to renew Lindsley-Griffin's appointment as Board Emeritus member for another year. Second by Johnson. Voting aye on the motion. All. Voting Nay: None. Motion carried unanimously.
2. The Board discussed options of handling ASBOG<sup>®</sup> examination fees. Applicants will need to pay ASBOG<sup>®</sup> directly if examination fees are not included in the Rules and Regulations. If the examination fees are listed, the Rules and Regulations would need to be changed whenever an examination fee changes. ASBOG<sup>®</sup> was called by Weaver to learn how fees are handled from applicants. The process was explained and a candidate request form was emailed. The Board reviewed the process and decided to remove the examination fees (contingent to Grimm research) from the Rules and Regulations and have applicants mail their fees directly to ASBOG<sup>®</sup> for the March 2006 examinations.
3. Statutes allowing for geologist-interns became effective on January 1, 2005. The Board policy for granting special licenses was updated to list the geologist-intern process. Motion by Olafsen Lackey to approve the updated policy for granting special licenses. Second by Anderson. Voting aye on the motion. All. Voting Nay: None. Motion carried unanimously.

### **Old Business**

1. Plans for editing the 2005 Newsletter were discussed. Weaver will begin work and coordinate volunteers by email.

**Action Item:** Newsletter articles by Board members need to be sent to the Administrative Assistant before the next meeting in October.

2. Ehrman reminded that Board that the Midwest Groundwater Conference will be in Lincoln in October 2006. As a member of the planning committee, he will be soliciting the Board for support.
3. Financial implications of proposed legislation to remove the exemption from the statutes were debated during the Budget Issues and Fees Committee report earlier in the meeting.
4. The Nebraska Board of Engineers and Architects and the Nebraska Board of Geologists will attend a joint meeting on Friday, October 21, 2005, at 12:00 p.m. A working lunch will be provided. Executive Director, Charles Nelson, requested a list of any issues for discussion. Enforcement actions or a possibility of sharing legislative liasons were offered as a possible topics.

**Action Item:** Ehrman will email a request for questions or concerns before the October meeting to relay to Mr. Nelson.

### **Adjournment**

Motion by Becker to adjourn the meeting at 4:39 p.m. Second by Olafsen Lackey. Voting aye on the motion. All. Voting Nay: None. Motion carried unanimously.

### **Next Board Meeting Dates**

Friday, October 21, 2005, 12:00 p.m., joint meeting and lunch with the Nebraska Board of Engineers and Architects.

Friday, October 21, 2005, 1:00 p.m.

Thursday, January 5, 2006, 1:00 p.m.

Meetings will be held at the Nebraska State Office Building – Centennial Mall South, 6<sup>th</sup> Floor – Lincoln, Nebraska.