

**NEBRASKA STATE BOARD OF GEOLOGISTS**  
**Meeting Minutes - Friday, October 21, 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 1:14 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  
Dennis J. Anderson, Professional Geologist – Omaha  
Andrew E. Grimm, Public Member – Omaha: **Absent**  
Jeffrey S. Johnson, Professional Geologist – Lincoln: **Arrived at 1:57 p.m.**  
Susan Olafsen Lackey, Professional Geologist – Winside  
Dr. Nan Lindsley-Griffin, Emeritus Member (Non-Voting), Professional Geologist – Lincoln  
Sandra J. Weaver, Administrative Assistant – Lincoln

**Guests:** Marvin Carlson, President, Nebraska Geological Society (NGS)  
Duane Eversoll, Registered Nebraska Geologist and Immediate Past President of ASBOG®

**Approval of July 20, 2005, and September 19, 2005, Board Meeting Minutes**

Motion by Anderson to approve the July 20, 2005, and September 19, 2005, Board meeting minutes with some minor clarifications made by Becker. Second by Shroder. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

**Officer Report**

None

**Financial Report**

The Board reviewed the Financial Report for July 1, 2005, through September 30, 2005. Year to date projections will be revisited after renewal fees are received.

**Fiscal Year Activity Report**

The Fiscal Year Activity Report was presented by Weaver for July 1, 2005, through October 21, 2005. Currently, four geologist-interns and 276 licensed registrants are listed on the roster. One licensed geologist was reported deceased and removed from the roster. Six geologists have not renewed their license for 2005.

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

**Correspondence**

The Board reviewed a copy of a letter sent to a professional engineer by the Nebraska Board of Engineers and Architects. The engineer had questioned requirements for environmental and site assessments. Johnson asked if the Geologists Board needed to send a follow-up since there may be a geological aspect. Ehrman noted that the letter had acknowledged that the new inquiry rules do not preempt other registration requirements. The Board decided no further action was necessary. An article from David Abbott of the American Institute of Professional Geologists (AIPG) concerning the ethical basis for ASBOG® exam questions and the response received from ASBOG® were reviewed by the Board. ASBOG® stressed that Member Board States exist to provide protection from incompetent geologic practice. The Board had no additional comments or questions.

## Committee Reports

### 1. Rules and Regulations

Ehrman reported that he had met with Leslie Donley, Assistant Attorney General, to discuss the courtesy review of the Rules and Regulations. Changes were discussed as follows:

Page 1-1, 002 Definitions, 002.01B

The AGs office found the definition of conflict of interest too vague and was confused by Board member and registrant conflict of interests. Financial conflicts of interest need to be defined. Grimm, who was not present, sent an e-mail before the meeting offering to work on the language.

Page 1-3, 003 Fees, Renewals, Late Payment Penalties, 003.01

Under Licensing/Enrollment Fees, the phrase next to Temporary Permit (Individual may receive once in each three-year period) is not found in the statutes and should be removed.

Page 1-4, Under Miscellaneous Fees there is no authority for charging a fee for returned checks since it is not in the statutes.

Ms. Donley did not think Enabling Legislation or Legal Citation was necessary (listed at the bottom of pages 1-4, 3-7, etc.). She will verify if they may be removed.

Page 2-2, 005 Responsibilities and Duties of the Board 005.05

Geologist-interns should be omitted because they are not listed as part of the roster in the statutes.

Page 3-1, 001 Application Requirements for Licensure as a Professional Geologist 001.01C and Page 3-4

Application Requirements for Enrollment as a Geologist-intern 005.01C

Add "successfully" to the second sentence. ("The applicant must have successfully.....") The sentence, "The applicant must have grade(s) of C or better in the required courses" should be stricken because it is not in the statutes. (This should also be taken off the application form and any policies.)

Page 3-4, 005 Application Requirements for Enrollment as a Geologist-intern

At the end of the section, a sentence similar to 001.007 on page 3-2 should be added. (Any applicant who has been denied examination or licensure by the Board may request a hearing.....) A geologist-intern has the same rights as professional applicant.

Requiring only two character references for Geologist-interns in 005.01B was questioned, but Ehrman stated the four references required in Nebr. Rev. Statute § 81-3539 were for licensure of a professional geologist, not enrollment of a geologist-intern.

Page 3-5 007 Renewal Procedures, 007.01 to 007.04

Certificate of Authorization Renewals should be included in this section. They expire two years from the effective date.

Page 6-1 002 Disclosure, 002.03

Access to public records is subject to the Public Records Statutes. The AGs office indicated the Board cannot maintain confidentiality of applicants' records once approved. A copy of the Nebraska Public Records Statutes was distributed to the Board for their Handbooks and to help clarify what records can be kept confidential.

## APPENDICES

The reference to a GIT was questioned on the *Application for Professional Geologist Registration or Intern Enrollment* form. Some states refer to their interns as GITs. To clarify what is meant by GIT, the phrase, "from another state" will be added after GIT certificate under the Registration Status section. On the first page of the reference form under Respondent, the fourth sentence should be changed to, "Your reply is confidential during the application process."

Ehrman commented that changes were made recently to the way the Rules and Regulations are submitted. He hoped that a public hearing could be held in the next several months.

**Action Item:** Ehrman will discuss with Grimm what can be shared with the public in applicant files and check to see if page 15 of the Public Records Statutes could also refer to applications.

### 2. Lobbyist Selection Committee – Shroder, Johnson

Six contacts were named to consider for legislative aid. A draft letter and questions for contacts was e-mailed to the Board at an earlier date by Shroder.

**Action Item:** Ehrman will work on a final draft and send to Weaver to format on Board letterhead for mailing.

Motion by Becker to go into executive session to discuss lobbyist selections at 3:16 p.m. Second by Anderson. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

Motion by Shroder to leave executive session at 3:25 p.m. Second by Olafsen Lackey. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

### **New Applications**

None

### **Pending Applications**

05-004 Sean Smith – Request to Keep File Open

An e-mail was sent to the Board requesting the file to be kept open until the educational requirements are met. Graduation is anticipated in December 2006 or May 2007.

05-016 John Peterson – Request to Close File

A request was made by phone to close the file. The applicant did not wish to sit for the ASBOG® Fundamentals examination to obtain licensure in Nebraska.

The Board was in agreement to comply with the pending applicant requests.

Johnson arrived at the meeting at 1:57 p.m.

### **ASBOG®**

1. The ASBOG® 2005 Annual Meeting will be held at Portland, Maine, on November 1-6, 2005. Olafsen Lackey, the Nebraska voting delegate, will present the state summary report. Voting issues will be discussed after Duane Eversoll's report.
2. Duane Eversoll reported on the COE/Task Analysis Survey (TAS) Funding Options. A report was distributed to the Board outlining the domains of the October 2005 exam. In the TAS survey, 67% said their primary area of work was in hydrology. It is important to make the test fair for all domains. Candidates taking the examinations can fill out a questionnaire. Psychometricians will go over the tests to decide what to keep and what to strike. Since ASBOG® now works with Canada and contacts in Australia, a voting issue will involve removing National from their title. Creation of a foundation was discussed to help with funding. A foundation would allow tax-deductible contributions. A central location for meetings was discussed to reduce travel costs.

Olafsen Lackey asked for the Board's position on increasing solvency for ASBOG® since she would be representing them at the annual meeting. The two likely options are raising fees and creation of a charitable foundation. The Board was in agreement to avoid raising fees alone. A combination of measures, including creation of a foundation and reduction of expenses would be desirable. Lindsley-Griffin encouraged exploring other possibilities in detail. Ehrman suggested that if there were any questions, Olafsen Lackey could send a quick e-mail to the Board if internet access was available. Eversoll stated that he was on a strategic planning committee to decide what optional development and potential funding elements are needed. He offered to keep Olafsen Lackey informed of what was taking place.

Becker departed at 1:58 p.m. and returned at 2:10 p.m.

### **New Business**

1. Marvin Carlson presented an overview of the Nebraska Geological Society (NGS) activities and indicated a wish to increase coordination between the Board and the Society, since both are serving the same audience. The Society was established in 1968. Activities include supporting the Geology Explorer Post in Omaha. Becker stated that he hoped this would encourage students to consider a field in Geology and would write an article for the 2006 newsletter. Yatkola-Edwards Grants are awarded to graduate and undergraduate students conducting research on geology of Nebraska. The grant is named in memory of two students, Dan Yatkola and Paul Edwards, who died in an accident in 1976 while pursuing their graduate studies in Geology at the University of Nebraska - Lincoln. The NGS web site is located at <http://maps.unomaha.edu/ngs>. NGS has four meetings a year alternating between Omaha and Lincoln. The next meeting will be held November 15, 2005, at Anthony's restaurant in Omaha. Shroder recommended regular reports on NEBOG activities at the meetings. Lindsley-Griffin indicated she does this informally. Lindsley-Griffin suggested sending the NEBOG newsletter via e-mail to the NGS mailing list. The Board was in agreement to allow NGS to contribute to the newsletter. Carlson agreed to write an article about NGS for the newsletter. Becker suggested a discussion of ethics and regulated practice at the NGS sponsored by

the Nebraska Board of Geologists. The need for a geology overview class (1 hour) at UN-L and UNO was discussed. This class would identify the requirements of the major and the areas of practice, possibly including ethics. There was concern expressed about the need for the Board and Society to weigh in on the intelligent design issue. References are available on the intelligent design strategy and how to counteract this propagation. Cooperation is desirable between the NGS and the Nebraska Board, targeting specific audiences, including teachers and the public.

Duane Eversoll and Marvin Carlson left the meeting at 2:26 p.m.

2. According to Nebraska Rev. Statute § 21-2216 (1) a corporation must file a Certificate of Registration with the Secretary of State from the regulating board of the particular profession for which the professional corporation is organized to do business. Weaver reported that a licensed geologist created a new corporation and was told by the Secretary of State's office that a Certificate of Registration was required. With permission from Chairperson Ehrman, a certificate was created by Weaver and forwarded to the applicant. A question was asked about implementation of certificate of authorizations for organizations. Discussion was tabled to take place under old business in future agendas.
3. The Board member term of Ehrman will expire on February 28, 2006. Ehrman announced that he did not wish to be reappointed for another term for personal reasons although he had enjoyed his time with the Board. Practices for past vacancies were discussed. Ehrman stated that he has sought potential replacements from the Nebraska Department of Environmental Quality and will continue the process. He would be willing to serve on the Board until a replacement is found.

It was brought to the attention of the Board that Charles Nelson, Director of the Nebraska Board of Engineers and Architects will be retiring in December 2005. The Board discussed their appreciation for his years of service and considered giving a token gift. Motion by Becker to authorize up to \$100 for a gift. Second by Olafsen Lackey. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.

**Action Item:** Weaver will check into purchasing a gift of appreciation and keep the Board informed by e-mail.

#### **Old Business**

1. The nature of Nebraska Revised Statute § 81-3541(l) was discussed by the Board. Ehrman asked if the legislative exemption precluded state agencies from requiring a licensed geologist even if geologic work was being carried out. The Board agreed clarification was needed since legislative aid could be spent needlessly if the use of geologists for state geologic work could be enforced. Shroder moved to authorize Ehrman to request an opinion by the Attorney General's office. Second by Anderson. Voting aye on the motion: All. Voting Nay: None. Motion carried unanimously.
2. The 2006 Deficit Budget Request must be submitted by October 28, 2005, to request additional funds for legislative assistance. At the July 2005 meeting, the Board voted to spend up to \$30,000 for legislative aid if approved.

**Action Item:** Weaver will prepare the forms for submission and coordinate with Ehrman before the deadline.

3. A draft of the 2005 Newsletter was reviewed by the Board. More articles need to be submitted. Weaver reminded the Board the newsletter should be mailed by the end of November to give applicants time to receive approval to sit for the examinations in March. Applications must be submitted to the Board by the end of December. Marvin Carlson, offered to submit an article about the Nebraska Geological Society. A tribute to a Nebraska geologist who passed away in January 2005 will be included.

**Action Items:** Ehrman will submit *Message from the Board Chairman*.

Becker will prepare an article about LB 544.

Weaver will contact the wife of the deceased geologist to get information for a newsletter tribute.

Marvin Carlson, NGS, will submit an article and e-mail it to Weaver.

Weaver will prepare an article to announce a Board position opening in February 2006.

4. Ehrman reminded the Board about the Midwest Groundwater Conference to be held in Lincoln in October 2006 and urged attendance. The conference is independent and involves about 20 midwestern states. It was asked if there was a possibility of obtaining financial support from the Board. Information will be available at a later date.

**Adjournment**

Motion by Becker to adjourn the meeting at 4:01 p.m. Second by Olafsen-Lackey. Voting aye on the motion. All. Voting Nay: None. Motion carried unanimously.

**Next Board Meeting Dates**

Thursday, January 5, 2006, 1:00 p.m., Nebraska State Office Building – Centennial Mall South, 6<sup>th</sup> Floor – Lincoln, Nebraska.

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**Board Member**

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**Title**