

**MEMO TO:** Chief Executive Officer

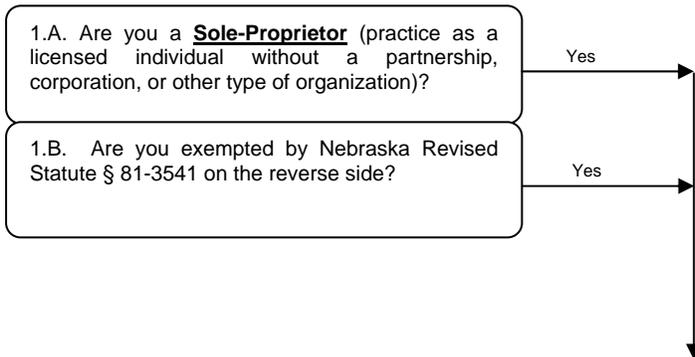
**FROM:** The Nebraska Board of Geologists

**RE:** Organizational Practice of Geology in Nebraska

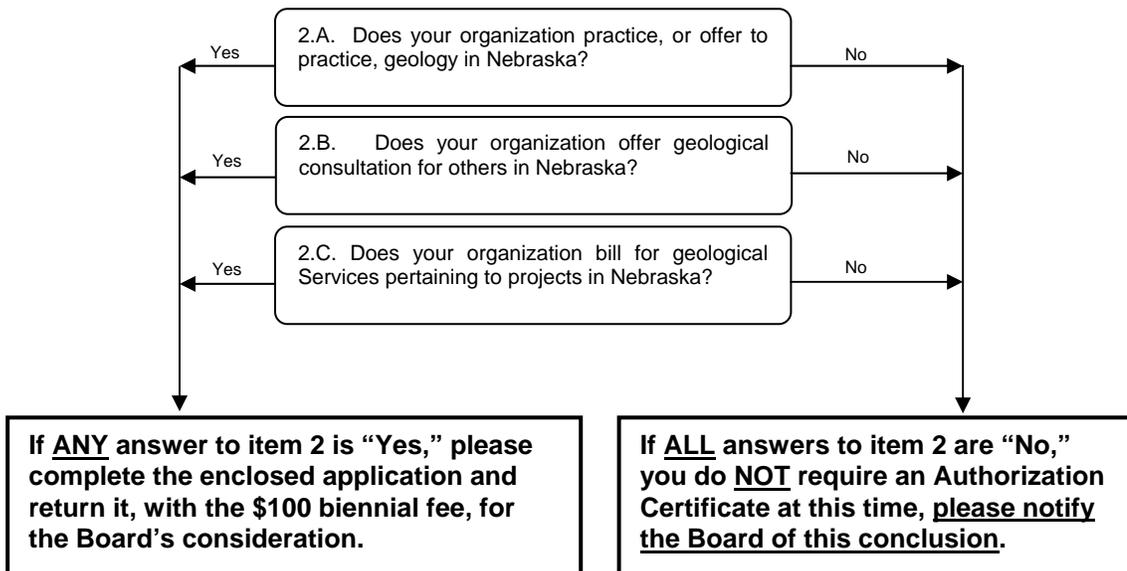
The enclosed document is an application form for obtaining a Certificate of Authorization required for an organization to practice the profession of Geology in Nebraska. The following test may help you determine whether your organization requires a Certificate to legally carry on activity by geologists licensed to practice in Nebraska who are a part of your operation.

Organization Name

Address



If your answer to **ANY** of the above questions is “yes,” you **DO NOT** require a Certificate of Authorization at this time; please notify the Board of your status so that the database can be corrected. If none of the answers are “yes,” please continue:



See Reverse Side for Definitions of Terms.

Further Questions? Contact [board@geology.ne.gov](mailto:board@geology.ne.gov); Phone: (402) 471-8383; Fax (402) 471-0787.

CertAuthTest.doc

**Corporation:** A corporation is a legal entity created by the state.

**Organization: (Section 81-3514)** Organization includes a partnership, limited liability company, corporation, or other form of business entity.

**Direct supervision (Section 81-3507):** Direct supervision means the degree of supervision by a person overseeing the work of another person by which the supervisor has control over and detailed professional knowledge of the work being done.

**Partnership:** A partnership is a voluntary association of two or more persons who jointly own and carry on a business for profit.

**Sole Proprietorship:** A sole proprietorship is a business in which one person owns all the assets, owes all the liabilities, and operates in his or her personal capacity.

**Practice of geology: (Section 81-3515):** Practice of geology means any service or creative work if the adequate performance of the service or work requires geologic education, training, and experience to include such services or creative work as geological consultation, investigation, planning, surveying, mapping, and inspection of geological work, and the responsible supervision thereof, the performance of which is related to public welfare or the safeguarding of life, health, property, and the environment, and teaching, including research and service, of advanced geological subjects. A person shall be construed to practice or offer to practice geology if he or she: (1) Practices any branch of the profession of geology; (2) by verbal claim, sign, advertisement, letterhead, or card or in any other way, represents himself or herself to be a professional geologist; (3) through the use of some other title, implies that he or she is licensed under the Geologists Regulation Act; or (4) holds himself or herself out as able to perform or does perform any geologic service or work recognized by the board as the practice of geology.

**Occasional, part-time, or consulting services: (81-3513)** Occasional, part-time, or consulting services means services not provided by a full-time member of an organization engaged in geology.

**Licensure; activities exempt: (Section 81-3541):** (1) The following activities do not require licensure as a geologist under the Geologists Regulation Act: (a) Geological work performed by an employee or a subordinate of a professional geologist if the work does not include responsible charge of geological work and is performed under the direct supervision of a professional geologist who is and remains responsible for such work; (b) Geological work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including sand, gravel, and aggregate, and not having a substantial impact upon the public health, safety, and welfare, as determined by the board; (c) Geologic research conducted through academic institutions, agencies of the federal or state governments, or nonprofit research institutions; (d) Teaching in geology or related physical or natural sciences; (e) Work performed by a professional engineer appropriately licensed in this state that is within the generally accepted scope of engineering practice; (f) The practice of any other legally recognized profession; (g) The practice of or offer to practice geology by a person not a resident of and having no established place of business in this state who desires to practice geology for a specific project. The person shall make application to the board in writing, and after payment of a fee established by the board by rule and regulation, such person may be issued a temporary permit for a definite period of time not to exceed one year if the person is legally qualified by licensure to practice geology in his or her own state or country. No right to practice geology shall accrue to such applicant with respect to any other work not set forth in the permit; (h) Work, which includes subsurface excavation, soil and water analysis, and routine environmental monitoring, such as sample collection and water level gauging, performed by an organization for itself and in accordance with other requirements of law; (i) The work of employees of a political subdivision or state agency charged with natural resources conservation performing, in accordance with other requirements of law, their customary duties in operations, maintenance, and environmental monitoring; (j) The work of employees and agents of a political subdivision or rural electric cooperative performing, in accordance with other requirements of law, their customary duties in routine utility line construction, operations, and maintenance; (k) Work customarily performed by chemists, hydrologists, archeologists, geographers, pedologists, agronomists, and soil scientists; and (l) Work performed in the construction of water wells as defined in section 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells. (2) If the board determines with respect to a particular function that the public is adequately protected without the necessity of a professional geologist performing certain services, the board may waive the requirements of the act with respect to the function. (3) This section shall not be construed so as to prohibit the testimony of any individual before the Nebraska Oil and Gas Conservation Commission.

**NEBRASKA BOARD OF  
GEOLOGISTS**

PO Box 94844; Lincoln, NE 68509  
Phone: (402) 471-8383  
Fax: (402) 471-0787  
Email: [board@geology.ne.gov](mailto:board@geology.ne.gov)  
Website: [www.geology.state.ne.us](http://www.geology.state.ne.us)



**APPLICATION FOR  
CERTIFICATE OF AUTHORIZATION**

To Practice or Offer to Practice the  
Profession of Geology in Nebraska.

Version: 7/29/07

**Nebraska Revised Statutes; Geologists Regulation Act**

**81-3528. Practice through organization; certificate of authorization; requirements.**

- (1) The practice or offer to practice for others of geology by individuals licensed under the Geologists Regulation Act through an organization is permitted if the criteria for organizational practice established by the board are met and the organization has been issued a certificate of authorization by the board. All technical submissions by an organization involving the practice of geology when issued or filed for public record shall be dated and bear the signature and seal of the licensed geologist who prepared the submission or under whose immediate direction it was prepared.
- (2) An organization desiring a certificate of authorization shall file with the board an application, using the form provided by the board, which also contains a list of the names and addresses of all officers of the organization, duly licensed to practice geology in the state through the organization. Any change in the list of officers during the certificate period shall be designated on the same form and filed with the board within thirty days after the effective date of the change. If the requirements of this section are met, the board shall issue a certificate of authorization to the organization and the organization may contract for and collect fees for furnishing professional services.
- (3) The Geologists Regulation Act shall not prevent an organization from performing professional services for its self.
- (4) An organization is not relieved of its responsibility for the conduct or acts of its agents, employees, officers, or partners by reason of its compliance with this section. An individual practicing geology is not relieved of his or her responsibility for services performed by reason of employment or any other relationship with an organization holding a certificate of authorization.
- (5) Commencing one year after January 1, 1999, the Secretary of State shall not issue a certificate of authority to an applicant or a registration of name to a foreign firm to an organization which includes among the objectives for which it is established geology or any modification or derivation of geology, unless the board has issued the applicant a certificate of authorization or a letter indicating the eligibility of the applicant to receive a certificate of authorization. The organization shall supply the certificate or letter with its application for incorporation or licensure.
- (6) Commencing one year after January 1, 1999, the Secretary of State shall not register any trade name or service mark which includes the words professional geologist, or any modification or derivative of such word, in its firm name or logotype except to those organizations holding a certificate of authorization issued by the board.
- (7) The certificate of authorization shall be renewed periodically as required by the board.
- (8) A geologist who renders occasional, part-time, or consulting services to or for an organization may not for purposes of this section be designated as being responsible for the professional activities of the organization.

**APPLICATION FOR AUTHORIZATION TO PRACTICE GEOLOGY**

TYPE OF ORGANIZATION: **CORP.** **P.C.** **L.L.C.** **PARTNERSHIP** **OTHER** \_\_\_\_\_

(Note: Sole Proprietors Do Not Require Certification)

FEE: \$ **100** (Two Year Period; Non-refundable)

\_\_\_\_\_  
(Legal Name of Organization)

\_\_\_\_\_  
(Address; City, ST, Zip)

E-mail address: \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

You may copy this form for purposes of certifying multiple professions or organizations, or for reporting change in status of information given on the back. If additional space is required, attach sheet(s).

**Please complete all information requested on the back of this form in a legible manner.**

**NAMES AND ADDRESSES OF ALL OFFICERS OF THE ORGANIZATION**

Attach a list of all officers of the organization that includes for each name: his/her address, telephone, and, if applicable, his/her Nebraska professional geologist license number.

**MEMBERS OF THE ORGANIZATION'S GOVERNING BODY**

Attach a list of all members of the organization's governing body that includes for each name: his/her address, telephone, and whether he/she is a professional geologist.

**NEBRASKA GEOLOGIST IN RESPONSIBLE CHARGE**

The geologist in charge must sign the block below. NOTE: The ORGANIZATIONAL AUTHORITY block must also be completed and signed for the application to be valid.

**NEBRASKA GEOLOGIST IN RESPONSIBLE CHARGE:**

I, \_\_\_\_\_, am authorized by \_\_\_\_\_  
Name of Professional Geologist Name of Organization

\_\_\_\_\_ as the individual in responsible charge for the organization in their practice of geology within the State of Nebraska. I certify that the information presented on this application and its attachments is true and complete as of this date and that any change in my status will be filed with the Nebraska Board of Geologists within thirty (30) days of the effective date of the change.

\_\_\_\_\_  
Signature of Professional Geologist      \_\_\_\_\_ Title      G - \_\_\_\_\_ Nebraska License      \_\_\_\_\_ Date

**ORGANIZATIONAL AUTHORITY: (IMPORTANT; THIS BLOCK MUST BE COMPLETE)**

I, \_\_\_\_\_, Chief Executive of \_\_\_\_\_  
Chief Executive Officer Name of Organization

\_\_\_\_\_ Certify that the information presented on this application and its attachments is true and complete as of this date, and that the licensed individual(s) above is/are authorized to represent this organization as the individual(s) in responsible charge for professional services performed in the State of Nebraska.

\_\_\_\_\_  
Signature      \_\_\_\_\_ Title      \_\_\_\_\_ Date

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