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TITLE 171 NEBRASKA ADMINISTRATIVE CODE
CHAPTERS 1 THROUGH 7

RULES AND REGULATIONS

STATE OF NEBRASKA
BOARD OF GEOLOGISTS

NEBRASKA ADMINISTRATIVE CODE
TITLE 171 – Nebraska Board of Geologists

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NEBRASKA ADMINISTRATIVE CODE
Title 171 – Nebraska Board of Geologists

CHAPTER 1 - GENERAL PROVISIONS

1.1 Authority

The Nebraska Board of Geologists, hereinafter called the "Board", is created by the Geologists Regulation Act, Neb. Rev. Stat. §§ 81-3501 to 81-3541, hereinafter called the “Act.” Pursuant to Neb. Rev. Stat. § 81-3522, the Board shall from time to time adopt rules and regulations, consistent with the laws of the State of Nebraska, which the Board deems necessary for the purpose of interpreting and implementing the Act.

1.2 Severability

If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

1.3 Definitions

The definitions set out in Neb. Rev. Stat. §§ 81-3504 to 81-3519, are hereby incorporated by reference into these rules and regulations. In addition, the following definitions of terms shall apply:

1.3.1 **ASBOG®** means the National Association of State Boards of Geology.

1.3.2 **Conflict of interest** means a conflict between the private interests and the official or professional responsibilities of a licensee. Such conflict may exist when the conduct of a licensee may have the effect of directly or indirectly conferring a pecuniary benefit at the expense of a client (other than that resulting from services actually performed) on the licensee, a person to whom they are related, or an organization of which they are an officer, director, or member.

1.3.3 **Contested case** means a proceeding before the Board in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after a Board hearing.

1.3.5 **Ex parte communication** means an oral or written communication which is not on the record in a contested case with respect to which reasonable notice to all parties was not given. Ex parte communication shall not include:

1.3.5.1 Communications which do not pertain to the merits of a contested case;

1.3.5.2 Communications required for the disposition of ex parte matters as authorized by law;

1.3.5.3 Communications in a ratemaking or rulemaking proceeding;

1.3.5.4 Communications to which all parties have given consent.

1.3.6 **FG Examination** means the ASBOG® Fundamentals of Geology examination.

1.3.8 **Hearing officer** means the person or persons conducting a hearing, contested case, or other proceeding pursuant to the Administrative Procedure Act, whether designated as the presiding officer, administrative law judge, or some other title designation.

1.3.9 **Officers** mean the chairperson, vice-chairperson, and secretary of the Board

1.3.10 **Party** means the person by or against whom a contested case is brought or a person allowed to intervene in a contested case.

1.3.11 **Petition** means the initial document filed by or with the Board that sets forth a claim and request for Board action.

1.3.12 **PG Examination** means the ASBOG® Practice of Geology examination.

1.3.13 **Temporary Permit** means a permit issued by the Board for use on a single project, not lasting in duration for more than one year.

1.3.14 **Work**, unless otherwise qualified, means the professional services comprising the practice of geology.

1.4 Fees, Renewals, Late Payment Penalties

1.4.1 The fee schedule and methods of payment shall be set by the Board and are as follows:

Application Fees:	
Licensure and Exam Application Fee	$50
Certificate of Authorization for Organization Application Fee	$100
Licensing/Enrollment Fees:	
Licensing Fee	$240
Temporary Permit Fee	$175
Geologist-intern Enrollment Fee	Included in exam application fee
Renewal Fees:	
License Renewal Fee	$75
Late Renewal Fee	$7.50 for any month or any part of a month, up to $75
Certificate of Authorization Renewal Fee	$100
Emeritus Fee (Lifetime fee)	$25
Miscellaneous Fees:	
Duplicate Certificate	$15
Roster Requests	$25
Exam Reservation Fee	$35
Exam Registration Fees	Set by ASBOG

1.4.2 The licensing fee for each approved professional geologist applies to the calendar year in which it was approved by the Board. The renewal fee applies to the next calendar year.

1.4.3 Certificates of licensure as a professional geologist shall expire at midnight on December 31 of each year, but may be renewed during the following year upon payment of a late fee. The late fee to be paid for the renewal of a certificate after December 31 shall be increased ten percent of the renewal fee for each month or fraction of a month that the payment is delinquent. The maximum renewal fee and late fee for a delinquent renewal shall not exceed twice the amount of the regular renewal fee and no renewal shall be made after one year from the original expiration date. A new application will be required after such date.

1.4.4 Certificates of authorization are valid for two years and shall expire at midnight on the date of expiration. An expired certificate may be renewed during the following year upon receipt of the renewal fee. No renewal shall be made after one year from the expiration date. A new application will be required after such date.

1.4.5 The fees shall be adjusted as needed to generate the revenue needed to administer the Nebraska Geologists Regulation Act.

1.4.6 Submittal of an application authorizes the Board to investigate the information provided on or appended to the application.

1.4.7 In addition to fees submitted to the Board, applicants shall be required to pay fees associated with examinations as established by ASBOG® when such examinations are required.

1.4.8 All fees are non-refundable.

1.5 Application Closure

1.5.1 Applications not completed within one year of receipt by the Board, will be closed. If an applicant wishes to continue the application process after such date, the applicant will be required to submit a new application and application fee.

1.5.2 Approved license applicants who have not submitted the licensing fee by December 31st of the year in which they were approved will have their application closed and must submit a new application and fee to begin the application process again.

1.5.3 Once an examinee passes the Practice of Geology (PG) exam and is eligible for licensure, the examinee will have six months from the date the exam was passed to submit the licensing fee. After such date, the examinee will be required to submit a new licensure application and fee.

1.6 Professional Assistance

The Board may retain professional assistance in carrying out administrative matters and other general governance of the Board. Such assistance may include financial, technological, legal, and administrative consultation, and shall work under the general direction of the Board.

1.7 Mailing Lists and Rosters

A roster of licensed professional geologists will be listed on the Board's website for public use. Any additional request for mailing lists which may include, but is not limited to addresses, may be issued by the Board. The cost of such lists will be actual costs for researching and/or copying. Lists requested by

government agencies, political subdivisions in Nebraska, or geological professional societies will be issued at no cost to the requesting organization.

1.8 Change of Contact Information and/or Name

It is the responsibility of the licensee, examinee, or organization to notify the Board of any changes in their contact information. If a licensee changes his or her name, the person shall notify the Board in writing of the name change and include a copy of the legal documents supporting the name change. All notifications should be made in writing within 30 calendar days of the change in information.

1.9 Adoption of the Attorney General's Model Rules

The board has adopted Title 53, Nebraska Administrative Code, Chapters 1 through 4 of the Nebraska Department of Justice, also known as the Attorney General's Model Rules, and has incorporated them into these regulations.

CHAPTER 2 - RESPONSIBILITIES AND DUTIES OF THE BOARD

2.1 Election of Officers

The Board shall annually elect from its own membership at the first meeting after March 1, a chairperson, a vice-chairperson, and a secretary who shall assume the duties of their offices at the close of the meeting at which they are elected and serve for a term of one year. If an officer resigns or vacates his or her position prior to the expiration of his or her term, the Board may elect a replacement to serve the remainder of the term of office.

2.2 Duties of Officers

2.2.1 When present, the chairperson shall preside at all meetings although at hearings, the chairperson may designate an attorney or another Board officer to serve as the presiding hearing officer. The chairperson shall assist the secretary and/or staff in matters of advice and in preparation of correspondence and reports as agreed upon by the Board and sign all fiscal documents.

2.2.2 The vice-chairperson shall perform all the duties prescribed for the chairperson in the absence of the chairperson. The vice-chairperson shall assist the secretary and/or staff in matters of advice and in preparation of correspondence and reports as agreed upon by the Board.

2.2.3 The secretary shall sign and keep the minutes of all meetings, and perform all duties prescribed for the chairperson and/or vice-chairperson in their absence.

2.3 Meetings of the Board

2.3.1 The chairperson, the vice-chairperson, or any four members may call additional meetings to conduct the business of the Board. All meetings shall be conducted under the Open Meetings Act of the State of Nebraska, Neb. Rev. Stat. §§ 84-1407 to 84-1414. All meetings shall be open to the public and shall be advertised in a newspaper in general circulation in Nebraska at least seven calendar days prior to a meeting date. The Board may go into executive session pursuant to Neb. Rev. Stat. § 84-1410.

2.3.2 Written meeting minutes recording the actions of the Board are available in the Board office for public inspection during normal business hours in accordance with the Open Meetings Act of the State of Nebraska. The public may examine them and take notes from the minutes free of charge. A certified copy of the minutes will be provided upon request and payment of the legal fee. A non-certified copy of the minutes will be provided upon request and payment of actual copying costs.

2.3.3 In the event an emergency meeting is called as provided for in the Open Meetings Act of the State of Nebraska, Neb Rev. Stat. §§84-1407 to 84-1414, presence for quorum or majority purposes includes attendance via conference call.

2.3.4 Five members shall constitute a quorum. If a quorum is present, a simple majority of the Board members present is needed to take action.

2.4 Duties of the Board

2.4.1 The Board shall determine if an applicant for licensure as a professional geologist or enrollment as a geologist-intern has satisfied all the requirements required by the Act and these rules. This determination shall require a majority vote of the Board.

2.4.2 The Board may name a member of staff and/or other individuals as its designee(s).

2.4.3 The Board may establish standards and procedures to evaluate and recognize geologic specialties. Standards and procedures for specialty licensure may be established as deemed prudent to protect public welfare or safeguard life, health, property, and the environment, under the provisions of the Act.

2.4.4 The Board may not promulgate rules restricting the use of the terms, provided the full name of the organizations granting the certifications are stated following the use of these terms, and the terms are not used in such a manner that they tend to, or are likely to create any impression with the public or any member thereof, that the individual is a professional geologist as defined in Section §81-3516 of the Act.

2.4.4.1 "Certified Professional Geologist" or "C.P.G." as used by the American Institute of Professional Geologists

2.4.4.2 "Certified Petroleum Geologist" or "C.P.G." as used by the American Association of Petroleum Geologists-Division of Professional Affairs

2.4.4.3 “Certified Ground Water Professional” or “C.G.W.P.” as used by the National Groundwater Association.

2.4.6 Upon written request from a licensee or examinee, the Board shall provide to another state, jurisdiction, or country, a verification of a licensee's status and/or examination results. This verification may include but is not limited to: 1) License number; 2) Date of licensure; 3) Current status of license; 4) Final disciplinary dispositions; 5) Basis of licensure; 6) examination results.

CHAPTER 3 - LICENSURE PROVISIONS

3.1 Required Documents

3.1.1 Applicants for licensure as a professional geologist shall submit a completed application form , accompanied by the application fee established by the Board.

3.1.2 Provide the names and addresses of not less than four references who are not relatives or subordinate employees of the applicant and who can attest to the applicant's professional character, reputation and qualifications. In the case of a geologist-intern, only two character references are required.

3.1.2.1 Two of the references shall be professional geologists or qualified geologists having personal knowledge of the applicant's geologic work experience.

3.1.2.2 No member(s) of the Board will be accepted as references. Individuals providing references must return the completed forms directly to the Board.

3.2 Education

3.2.1 The applicant shall provide official verification of his or her college record(s) documenting completion of the following education requiremens:

3.2.1.1 Successful completion of at least thirty semester or forty-five quarter hours of course work in geology and been conferred a baccalaureate or advanced degree in geology or a geologic specialty from a program recognized by the Board.

3.2.1.2 Course work shall include five of the following courses or their equivalent: 1) field geology, 2) physical geology, 3) mineralogy, 4) petrology/petrography, 5) structural geology, 6) stratigraphy/sedimentology/soils, or 7) hydrogeology.

3.3 Experience

3.3.1 The application shall document a minimum of five years progressive experience obtained after completion of the education requirements. The applicant must summarize all geological and related professional work experience and provide the names and addresses of supervisors or, in the case of consulting work, clients.

3.3.1.1 If an applicant cannot provide the name and address of at least one supervisor or client, an applicant shall provide a written and signed explanation and the name and address of one additional professional reference. This additional professional reference shall not be a relative, member of the Board, or subordinate employee of the applicant.

3.3.2 Criteria for determining geologic work experience for credit toward the required professional practice in geologic work shall include, but not be limited to:

3.3.2.1 Each full-time month of geologic experience that was carried out for a client, under the direct supervision of a professional geologist or qualified geologist, or under another professional who has similar experience, education, and professional

character in a related field, shall count as one month of professional practice of geologic work.

3.3.2.2 Part-time work may be converted to its full-time equivalent.

3.3.2.3 Successful completion of graduate study leading to a Masters degree in geology may be used for credit for one year's experience. If a PhD in geology is completed, two years total experience may be credited. If the PhD is obtained without the Master degree, the credit for experience will be two years.

3.3.2.4 Experience may either be gained under the education or the work experience category. The applicant cannot claim the experience for completion of a graduate degree and work experience while working full time during the same time span.

3.3.3 The Board may publish guidelines with respect to documenting an applicant's geological experience.

3.3.4 The required experience must have been attained at the time of the application and cannot be anticipated.

3.4 Examinations

3.4.1 The examinations used by the Board to determine eligibility for licensure shall be the current ASBOG Fundamentals of Geology (FG) and the Practice of Geology (PG).

3.4.2 The Board shall require an applicant for licensure as a professional geologist to have passed the ASBOG® Fundamentals of Geology and Practice of Geology examinations or their equivalent/s, unless the applicant is exempt from examination.

3.4.3 The Board will follow ASBOG®'s schedule for examinations at a place determined by the Board.

3.4.4 Applications to take an examination will go to the Board for review and final determination. If the Board determines that an applicant meets the requirements for taking an examination, the Board will notify the applicant of such and forward the eligibility information to ASBOG.

3.4.4.1 Once the Board determines an applicant is eligible to take either the FG examination or the PG examination, the applicant remains eligible to retake that same examination for five years. The five years shall commence on the date of the first scheduled exam after the applicant has been determined eligible.

3.4.5 The Board will accept the examination results as determined by ASBOG and will report the results to the applicant.

3.4.6 Any alleged improper behavior on the part of the applicant shall be investigated by the Board, after which the Board will take appropriate action.

3.4.7 An applicant must have passed the examination(s) in accordance with the ASBOG pass/fail standards current at the time the applicant took the examination.

3.4.8 After the third and subsequent failure of either geology examination, the candidate shall present to the Board evidence of having successfully completed two of the seven core geology courses as listed in Chapter 3.2 of these rules and regulations. It is recommended these courses be in the area(s) of examination deficiency. A new examination application, along with the current application fee must be submitted with a request to retake the examination.

3.4.9 The FG examination may be taken upon substantial completion of the education requirements. Substantial completion of education requirements means completion of thirty semester or forty-five quarter hours in geology regardless of whether or not a geology or geological specialty degree has been earned.

3.4.10 The PG examination may be taken only after the applicant has met the education and experience requirements as set forth in Chapter 3.2 and 3.3 of these rules and regulations.

3.4.11 All examination reservation fees are non-refundable and non-transferrable to a future examination.

3.4.12 An applicant may take both the FG and PG examinations during the same exam administration, if he or she meets the requirements for taking the PG examination as set forth in Chapter 3.4.10 of these rules and regulations.

3.5 Enrollment as a Geologist-Intern

3.5.1 A candidate will be enrolled as a Geologist Intern when the following has been completed:

3.5.1.1 Satisfactory completion of course work, grades, and degrees that indicates to the Board the applicant has met the education requirements as set forth in Rule 3.2. Official or certified transcripts or other documentation of satisfactory completion must be provided to the Board directly from the granting institution.

3.5.1.2 Successful passage of the FG examination.

3.5.1.3 The Board has determined the candidate has met the above requirements.

3.5.1.4 If the Board finds an applicant does not meet the requirements for enrollment as set forth herein, the application may be denied or additional information required. If such information, or a request for a time extension and explanation signed by the applicant, is not received within six months of the date of the Board request, the application will be cancelled, and a new application along with the application fee will be required. The Board may reject a request for a time extension.

3.6 Licensure as a Professional Geologist

3.6.1 When the Board has determined that an applicant for licensure has satisfied the licensure standards set forth herein, the Board shall issue a certificate of licensure with the licensed applicant's name and license number.

3.6.2 An applicant who holds a valid license to practice geology in another state, jurisdiction, territory, or country, as recognized by the Board, may be granted licensure in Nebraska, if the applicant:

3.6.2.1 Has a current professional geologist license in good standing in another state and provides verification of licensure in a manner deemed acceptable by the Board.

3.6.2.1.2 Letters of reference may not be required at this time if the license is in good standing.

3.6.2.3 Has passed the ASBOG® FG and PG examinations, or their equivalent; and

3.6.2.3.1 The Board may waive the requirement of passing the ASBOG examinations if the applicant has continuously held Licensure as a geologist in good standing since December 31, 1991. Such applicants may be required to submit additional information with their application, including transcripts or additional letters of reference.

3.6.2.4 Meets the education requirement as described in Chapter 3.2 of these rules and regulations; and

3.6.2.5 Satisfies the experience requirement for experience as described in Chapter 3.3 of these rules and regulations; or

3.6.2.6 Geologists licensed by a licensing authority in another state, jurisdiction, territory, or country, recognized by the Board with 15 years or more of licensed work experience acceptable to the Board, may be granted licensure in Nebraska if he or she submits satisfactory evidence of such experience to the Board and provides four professional references.

3.6.2.6.1 The Board may exempt applicants under Rule 3.6.2.6 from the examination and education requirements as set forth in Chapter 3.2 and 3.4 of these rules and regulations.

3.6.3 All license applications will go to the Board for review and final determination.

3.7 Temporary Permit

3.7.1 A geologist who holds a current and valid certification or license issued by a licensing authority recognized by the Board may apply for a Temporary Permit for the purpose of providing geological services for no more than one project, not to exceed one year, if the applicant:

3.7.1.1 Files an application with the required fee; and

3.7.1.2 Submits satisfactory evidence of such certification or license to the Board.

3.7.2 Verification of good standing must be provided by the state of current licensure.

3.7.3 The Board or its designee is authorized to review and evaluate the applications of all temporary permit applicants to determine whether they meet the criteria set forth herein and issue the permit if so deemed.

3.7.4 The permit will consist of labels containing the pertinent information, which may be applied to

documents or copied onto clear media for application to sealed transparencies.

3.7.5 The holder of a temporary permit shall use his or her seal from the licensing authority of verified licensure when sealing documents pertaining to the Nebraska project and shall accompany the seal with the information label issued by the Board.

3.7.6 Temporary permits expire one year after the date of issuance or on the date a reciprocal license is issued, whichever occurs first.

3.7.7 A listing of all professional licensed geologists issued Temporary Permits will be placed on the agenda of the next meeting of the Board for formal approval.

3.8 Organizational Practice

3.8.1 Organizations practicing or offering to practice geology in Nebraska shall apply to the Board for a certificate of authorization. The Board will review the organization's application and issue a Certificate of Authorization if the minimum requirements are satisfied. The certificate is for use only by the organization to indicate that it has satisfied the minimum requirements of the Board to practice or offer to practice the profession of geology in the State of Nebraska. The certificate of authorization shall be used to file any applications with the Nebraska Secretary of State to fulfill the appropriate statutes or requirements for practicing in Nebraska as a corporation, partnership, limited liability corporation, professional corporation or other such organizational designations appropriate under Nebraska law. Sole proprietorships do not require a certificate.

3.8.2 The Board's designee is authorized to review and evaluate the applications for certificates of authorization to determine they meet the criteria set forth herein and issue the certificate if so deemed.

3.8.3 Minimum Organizational Requirements.

3.8.3.1 The minimum requirement for an organization to practice or offer to practice geology in Nebraska is to have one professional geologist, licensed to practice for the duration of the certificate of authorization.

3.8.3.2 The professional geologist must be licensed to practice in the State of Nebraska, must be a full-time employee of the organization.

3.8.4 The signature of a professional geologist licensed in the State of Nebraska must appear on the organization application.

3.8.4.1 The licensed professional whose signature appears on the application may or may not have ownership interest in the organization

3.8.4.2 The organization must pay the required application fee.

3.8.4.3 The certificate of authorization is valid for two years and expires on the expiration date.

3.8.4.4 Should the licensed professional who signed the application leave the organization, becomes deceased, or lose their signatory authority, the

organization shall notify the Board within 30 days and file an amendment to its application identifying the new licensed individual with signatory authority.

3.8.5 A listing of all certificates of authorization issued will be placed on the agenda of the next meeting of the Board for formal approval by the Board.

3.9 Licensee Seal

3.9.1 Upon notification of licensure from the Board, the applicant shall obtain and purchase a seal which bears the licensee's name, his or her license number, the words "State of Nebraska", and "Professional Geologist".

3.9.2 The purpose of requiring each professional geologist to acquire a seal is to assist in indentifying the geologist responsible for work performed under the requirements of Neb. Rev. §§ 81-3501 to 81-3541.

3.9.3 The seal used by a licensee, whether an embossing, computer generated, or other type shall be legible. In the absence of legibility, the seal is invalid.

3.9.4 An imprint of the licensee's valid seal shall appear on the cover page of geologic reports or other geologic documents bound in book form as well as on each and every original sheet of unbound geologic drawings, cross sections, or maps prepared by or under the responsible charge or direct supervision of the licensee whenever these documents are presented to a client or any public or governmental agency. An imprint of the licensee's seal shall be superimposed over his or her signature and the date on which it was signed.

3.9.5 Any work sealed and signed by a licensee must have been prepared by the licensee or under the direct supervision or responsible charge of the licensee. After the fact ratification by the sealing of documents, when the underlying work was not performed by or under the responsible charge and supervision of the licensee, is prohibited.

3.9.6 A licensee whose license is expired shall not use his or her seal on any work until the license is reinstated.

3.9.7 The licensee shall take reasonable steps to ensure the security of their physical and computer-generated seals at all times.

Chapter 4 - CODE OF PRACTICE

4.1 All licensees shall be guided by the highest standards of personal integrity and professional conduct:

4.1.1 They shall pursue honesty, integrity, loyalty, fairness, impartiality, candor, fidelity to trust, inviolability of confidence, and honorable conduct.

4.1.2 By applying for or by continuing licensure or certification, they agree to comply with and uphold this Code of Practice.

4.1.3 They shall not discriminate against others on the basis of gender, age, disability, race, color, religion, marital status, national or ethnic origin, or sexual orientation.

4.2 Licensees shall uphold public health, safety, and welfare in the performance of professional services, and avoid even the appearance of impropriety.

4.2.1 They shall observe and comply with the requirements and intent of all applicable laws, codes, and regulations.

4.2.2 They shall not knowingly participate in any illegal activities, or knowingly permit the publication of their reports, maps, or other documents for an illegal purpose.

4.2.3 They shall neither offer nor make any illegal payment, gift, or other valuable consideration to a public official for the purpose of influencing a decision by such official; nor shall they accept any payment, gift, or other valuable consideration which would appear to influence a decision made on behalf of the public by them acting in a position of public trust.

4.2.4 If they become aware of a decision or action by an employer, client, or colleague which violates any law or regulation, they shall advise against such action, and when such violation appears to adversely affect public welfare or the safeguard of life, health, property and the environment, they shall advise the appropriate public officials responsible for the enforcement of such law or regulation.

4.2.5 They shall be accurate, truthful, and candid in all communications with the public.

4.2.6 They shall not knowingly engage in false or deceptive advertising, or make false, misleading, or deceptive representations or claims in regard to the profession of geology, their own professional qualifications or abilities, or those of other geologists.

4.2.7 They shall not issue statements or information which they know to be false or misleading even though directed to do so by an employer or client.

4.2.8 They shall avoid making sensational, exaggerated, and/or unwarranted statements that may mislead or deceive members of the public or any public body.

4.2.9 They should participate as citizens and as professionals in public affairs.

4.2.10 Licensees acting in a position of public trust shall exercise their authority impartially, and shall not seek to use their authority for personal profit or to secure any competitive advantage.

4.2.11 They shall promote public awareness of the effects of geology and geological processes on the quality of life.

4.3 Licensees shall serve their employers and clients faithfully and competently within their overall professional obligations.

4.3.1 They shall disclose any actual or potential conflicts of interest, which may affect their ability to faithfully serve an employer or client.

4.3.2 They shall disclose to a prospective employer or client the existence of any owned or controlled mineral or other interest which may, either directly or indirectly, have a bearing on such employment.

4.3.3 Licensees having or expecting to have beneficial interest in a property on which they report shall state the existence of such interest or expected interest in the report.

4.3.4 Licensees employed or retained by one employer or client shall not accept, without that employer's or client's written consent, an engagement by another if the interests of the two are in any manner conflicting.

4.3.5 They shall not accept referral fees from any person to whom an employer or client is referred; however, nothing herein shall prohibit them from being compensated by the employer or client for consultation, or for other services actually performed.

4.3.6 They shall not offer or pay referral fees to any person who refers an employer or client to them; however, nothing herein shall prohibit them from compensating the person giving the referral for consultation or for other services actually performed.

4.3.7 They shall protect, to the fullest possible extent, the interest of an employer or client in a manner that is consistent with public welfare or the safeguard of life, health, property and the environment and the licensee's legal, professional, and ethical obligations.

4.3.8 They shall not use, directly or indirectly, any confidential information obtained from services for an employer or client which is adverse or detrimental to the interests of the employer or client, except with the prior consent of the employer or client, or when disclosure is required by law.

4.3.9 A licensee who has made an investigation for an employer or client shall not seek to profit economically from the information gained without written permission of the employer or client, unless it is clear that there can no longer be a conflict of interest with the original employer or client.

4.3.10 They shall not use their employer or client's resources for private gain without their employer's or client's prior knowledge and consent.

4.4 Licensees shall provide competent service to their employers and clients.

4.4.1 They shall perform only professional services or issue only professional advice which is within the scope of their education and experience, and that of their professional associates, consultants, or employees, and shall advise the employer or client of professional advice outside of their personal expertise.

4.4.2 They shall not give a professional opinion, or submit a report, without being as thoroughly informed as might be reasonably expected, considering the purpose for which the opinion or report is requested.

4.4.3 They shall engage, or advise an employer or client to engage, and cooperate with other experts and specialists whenever the employer's or client's interest would be best served by such engagement.

4.4.4 They shall serve their employers and clients diligently and perform their services in a timely manner.

4.4.5 Licensees who find that obligations to an employer or client conflict with professional or ethical standards should have such objectionable conditions corrected or they should resign.

4.5 Licensees shall respect the rights, interests, and contributions of their professional colleagues.

4.5.1 They shall respect and acknowledge the professional status and contributions of their colleagues.

4.5.2 They shall give due credit for work done by others in the course of a professional assignment, and shall not knowingly accept credit due another.

4.5.3 They shall not plagiarize another in oral or written communications; use materials prepared by others without appropriate attribution, or make use of the intellectual property of another without appropriate attribution.

4.6 Licensees shall continually strive to improve the profession of geology.

4.6.1 They shall strive to improve their professional knowledge and skills.

4.6.2 They shall cooperate with others in the profession and encourage the dissemination of geological knowledge.

4.6.3 They shall work toward the improvement of standards of geological education, research, training, and practice.

4.6.4 They shall uphold these standards of professional conduct by precept and example, but also encourage by counsel and advice to other licensees their adherence to such standards.

4.6.5 Licensees having knowledge of another licensee violating the Act, the rules of the Board, or the Code of Practice should bring substantial evidence of such violation to the attention of the Board.

CHAPTER 5 - DISCIPLINARY ACTION

5.1 Filing of a Complaint

Charges against a person involving any matter coming within the jurisdiction of the Board shall be filed in writing with the Board and contain the name, address, and license number of the licensee; name, address and telephone number of the complainant; nature of alleged violation(s); and be signed by the complainant.

5.2 Probable Cause

5.2.1 When a complaint is received by the Board, the Board may refer the complaint to an investigative panel or investigator, with the exception that no member of the Board may serve on the investigative panel or as an investigator.

5.2.2 The panel or the investigator makes a determination and/or a recommendation to the Board as to:

5.2.2.1 Whether the complaint should be pursued;

5.2.2.2 If an informal process should be used;

5.2.2.3 If further investigation is required; or

5.2.2.4 If probable cause exists for taking further action or for issuing a summons and to initiate the formal process.

5.3 Informal Process

The Board may select an informal process in lieu of or as a prerequisite to entering into a formal process. Under this option, the Board would generally proceed with the following steps after receiving a written complaint that an individual or organization has violated the Geologists Regulation Act or these rules and regulations:

5.3.1 The Board may appoint a designee to oversee the implementation of the informal process.

5.3.2 The board sends a letter to any or all of the parties involved in the complaint, requesting that they attend a board meeting to informally discuss matters related to the complaint. At the scheduled meeting with the board, the board shall clearly state to the parties that the meeting is informal and that no individuals or organizations will be giving up their “due process rights’ by participating in this informal process. The board may request that parties bring materials, documents, or exhibits that might be useful in facilitating the informal discussion with the board.

5.3.3 If the Board or designee and the parties can reach a mutual understanding that the alleged violations of the Geologists Regulation Act and/or the Geologists’ rules and regulations that may have been violated in the complaint can easily be corrected through education and applied properly in future activities of the parties, the Board or designee may consider the complaint to be resolved. Under this process the Board is looking to the party or parties

named in the complaint to take their own corrective actions to establish compliance with the Geologists Regulation Act and the Geologists' rules and regulations.

5.3.4 The Board retains the authority to separate items within a complaint into those that can be resolved with the informal process and those of a more serious nature which must be resolved under the formal process.

5.3.4 Matters resolved through the informal process will be so acknowledged in writing to all parties who participated in the process.

5.3.5 Participation in the informal process is intended to be voluntary, not mandatory, on the part of the respondent.

5.4 Mediation

At the request of either party, if agreed to by both parties, the complaint shall be referred to a state approved mediation center for resolution pursuant to the Nebraska Dispute Resolution Act.

5.5 Formal Process

5.5.1 The procedure for hearings in contested cases shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 4 of the Nebraska Department of Justice.

5.5.2 Any person aggrieved by a final decision in a contested case is entitled to judicial review under the Administrative Procedures Act, or resort to such other means of review as may be provided by law.

5.6 Publication

The board, having taken disciplinary action after hearing or by agreed settlement, may publish the respondent's name and place of business.

5.7 Enforcement

If any person refuses to obey any decision or order of the board, enforcement proceedings may be commenced in the appropriated district court in accordance with Neb. Rev. Stat § 81-3533.

CHAPTER 6 - INFORMATION PRACTICES

6.1 Pursuant to Neb. Rev. Stat. § 84-712.05 or as otherwise provided by law, the Board establishes these rules to ensure the security, confidentiality, and privacy of personal information concerning individuals licensed or certified pursuant to the Act.

6.2 With the exceptions of information required for the Board's roster, the personal information compiled by the Board concerning those individuals in the application process will be considered confidential and shall be released only to the individual to whom the record pertains, to others with his or her written consent, or upon court order. Access to public records will be subject to applicable public records statutes (Neb. Rev. Stat. §§ 84-712 to 84-712.09).

6.2.1 A licensee or an individual in the application process may personally inspect the contents of his or her file with the following exceptions:

6.2.1.1 Examination materials and individual grade sheets; and

6.2.1.1 Professional references.

6.2.2 Original documents must remain with the Board but may be copied at the Board's office for a reasonable fee.

6.3 A licensee or an individual in the application process may correct erroneous, inaccurate, or misleading information in his or her file by providing the corrections and amendments in writing to the Board.

CHAPTER 7 – PROMULGATION, AMENDMENT, OR REPEAL OF RULES

7.1 Petitioning for Rulemaking

7.1.1 Petitioning for rulemaking shall be in accordance with Title 53, Nebraska Administrative Code, Chapter 2 of the Nebraska Department of Justice. Copies of Title 53 are available from the Nebraska Secretary's of State Office and the Nebraska Attorney General's office.