

LOUISIANA BOARD OF PROFESSIONAL GEOSCIENTISTS

9643 Brookline Ave., Ste. 101, Baton Rouge, LA 70809



REGULAR MEETING OF LBOPG

Tuesday, March 12, 2019, 1:00 P.M.

Louisiana Engineering Society Building Conference Room
9643 Brookline Avenue, Baton Rouge, LA 70809

MINUTES

Chairman William Finley called the meeting to order at 1:10 p.m., Tuesday, March 12, 2019. He commenced roll call.

Present: William Finley, Lloyd Hoover, L. Todd Perry, William Schramm, Melanie Stiegler, and David Williamson, Board Members; Brenda Macon, Executive Secretary

Absent: Harry Vorhoff, Legal Counsel

Guests: Christopher Lento, Assistant Attorney General, serving as legal counsel in the absence of Harry Vorhoff; Elizabeth McDade, New Orleans Geological Society; Donna Sentell, executive director, LAPELS
Quorum established. Roll Call sheet was circulated for signatures. Guest sign-in sheet was also circulated.

Public Comment Period

Finley called for public comments; none were made.

Meeting Minutes

Minutes of the January 8, 2019 meeting were reviewed. Williamson moved to approve the minutes; Schramm seconded; the motion passed.

Treasurer's Report

Schramm reported that, during the period between the January meeting and the March meeting, the board budget was under the projected revenue and exceeded the projected expenses by a total of \$3,867.62. He attributed the shortfall to two areas: The number of new licenses during the period was below the projected number in the budget, and the cost of travel for board members exceeded the projected expense. He suggested being careful in projecting revenue from new licenses for future budgets, and he recommended that the travel budget be substantially increased. He then presented the board's checking account balances over time and noted that, since July 2017, the board's assets have consistently been rising. Schramm reported that the beginning balance on January 1, 2019, was \$222,155.31. January deposits totaled \$16,495.86; January expenses were \$9,368.35. The ending balance on January 31, 2019, was \$229,282.82, which is also the beginning balance for February 1, 2019. February deposits were \$11,115.54; expenses were \$10,664.68. The ending balance on February 28, 2019, was \$229,733.68. He also recommended making a sizable transfer from the checking account to the

newly created savings account. Macon reminded the board that moving funds to the savings account had already been approved during the January meeting. Finley pointed out that he was waiting to determine what amount to transfer into the savings account. Schramm pointed out that, over the last five years on average, the board spends about \$11,000 and receives about \$15,000 in revenue each month. Finley noted that, even with increases in travel expenses, the board still had an increased balance. Finley called for approval of the treasurer's report. Perry moved to approve; Stiegler seconded; Finley called for discussion.

Macon mentioned that the report on the total number of renewals is usually presented with the treasurer's report and directed the board's attention to that report, which included both total numbers for all of 2018 and preliminary numbers for the first two-and-a-half months of 2019. She pointed out two new columns on the report spreadsheet that show the percentage of renewals first, in relation to the total number of licenses issued, and second, in relation to the number of expected renewals after those who are deceased, retired, or otherwise lost have been deducted from that total number. The percent of renewals among active licensees is about 97%. She reported a loss of about 20% of total licensees over time, attributing the primary reason for that high number to the large number of older geoscientists who applied for licenses during the grandfather period. Many of those have since retired or are deceased. She also reported that those currently applying are much younger and speculated that the attrition rate will begin to decrease. Hoover asked what percentage of new applications are received. Macon responded that the number fluctuates throughout the year. She pointed to the numbers on the spreadsheet that show new licenses granted by year. Large numbers of licenses were approved during the grandfather period, but the numbers have substantially decreased since that period ended. Finley estimated that the number may be around 20 or 30 per year. Perry pointed out that, as an example, Arkansas had under ten applications in 2017 and that this board may see the numbers of applications drop similarly in the future. Schramm asked Macon how she is handling those licensees who had been notified that their continuing education logs would be audited; she responded that she has renewed their licenses at their request; Perry agreed that was the right action. Discussion of the impact of the audit process ensued. Finley called for a vote on the previous motion; the report was approved unanimously. Finley asked Macon to tally the number of applicants for licensure as well as the number of renewals; Macon acknowledged she would do that. She mentioned that applications are not always visible in the database before the applicants select "pending" status and that frequently she only finds out about an application when she receives transcripts or other external documentation. She said she does not count the application until she receives the \$200 application fee, explaining that the fee is non-refundable, which may prevent someone who is not sure he or she wants to apply from completing the process.

Standing Committees

Application Review Committee: Chair Melanie Stiegler reported that two candidates applied for Professional Geoscientist licenses; both 1 and 2 are recommended for approval. She further reported that the committee had one candidate who applied to take the ASBOG Practice of Geology exam; she said that candidate is recommended for approval. She also noted that the list includes those testing candidates who have already been approved for testing, simply for the board's information. Schramm moved to approve these candidates for licensure and testing; Williamson seconded the motion; the motion passed.

License Examination Committee: Williamson reported that the ASBOG testing is scheduled for March 15, 2019, at the Galvez Building. He added that Schramm and Macon would be proctoring the examinations. He further reported that, as a first-time event, two exam candidates approved through the Louisiana board will be taking the examinations in two different states, North Carolina and Oregon. He asked Macon

to explain. She explained that two of the Louisiana-approved examination candidates are already licensed in Louisiana but are seeking licenses in the states where they currently reside. Because the board had previously decided that Louisiana licensees who elect to take the ASBOG examinations do not need additional board approval, those two licensees chose to take the examinations in their states of residence, in this case, North Carolina and Oregon. ASBOG has a mechanism, called courtesy proctoring, to allow candidates to sit for examinations in states other than the ones that approved their examination applications, as long as both states – the one for which the examination is being taken and the one proctoring the examination – are in agreement. In both of the current cases, the applicants missed the board meeting dates in the states where they live but, since they didn't need the Louisiana board's official approval, they were able to sign up for the exams on the behalf of Louisiana and, through the courtesy proctoring process, to take the examinations in their home state. Finley pointed out that working with other states and finding solutions to unusual situations can work to the board's advantage. Other board members agreed.

Schramm asked if the board has had applicants who were not U.S. citizens. Stiegler responded that, during her time on the board and working with the Application Review Committee, she had not seen an application from a non-U.S. citizen, but she had seen applications for those who have degrees from institutions in other countries. She explained that vetting agencies can convert the coursework and hours to U.S. equivalents, which makes the review of those transcripts easier. She gave as an example an applicant who had graduated from an institution in India. She said it was the applicant's responsibility to have that transcript converted to U.S. equivalents.

Complaint Review Committee: Perry began by returning to an issue that had arisen at the January meeting about changing this committee's name to the "Compliance Committee" to more accurately describe the committee's charge. He explained that he had received a response from Harry Vorhoff in which Vorhoff described the process by which a committee name can be changed: Any changes to the board's by-laws, the document in which the committee is named, can be adopted by a two-thirds majority of board members. He moved to amend the by-laws to change the name of the Complaint Review Committee to the Compliance Committee; Hoover seconded the motion. Finley called for discussion. Schramm asked if the name change would require revisions to the committee charges; Perry and Finley explained that the committee charges were not included in the by-laws and, therefore, the by-laws would not need additional revision. The motion passed unanimously.

Perry then brought to the board's attention Vorhoff's response to the question of whether the board could accept grants or outside donations for special projects. Perry reported that Vorhoff cautioned the board to be careful about any such donations because any funds of this kind must meet the standards of the state ethics laws. While the board can accept donations, the process is complicated and will require a great deal of work.

The next item Perry mentioned was the progress of the seal rules that were published for review on February 20. The 30-day public comment period would end on March 20, 2019. At the time of this meeting, only one comment had been received. Perry referenced this comment: "Do the new rules also apply to geophysical survey and marine survey deliverables? If so, I suggest they be added to the rules." Perry then referenced the portion of the seal use rules that he feels covers this request: Chapter 15, section B.3.b.9 specifically lists "Interpretation of geophysical surveys," which seems to be the type of task about which the licensee requested clarification. Discussion ensued regarding the difference between interpretation and "deliverables." Perry explained that those "deliverables" would be included

in the preface to this list, which states, “A ‘geoscience document’ is any document that provides interpretation or analysis of geoscience data, including **but not limited to...**” Both Schramm and Perry emphasized the need to educate not only licensees, but also the state agencies that review sealed documents regarding the importance of the seal of a licensed geoscientist on any document that includes geoscientific work as outlined in these rules.

Perry turned next to the audit process that he and his committee have been charged with developing. He mentioned that, beginning in November 2018, audit letters have been sent to 2% of licensees with January, February, and March renewal dates. Of the seven letters sent (two for January, two for February, and three for March), the committee has received five responses. Of those five, none have been completely successful in complying with the requirements. This low success rate has led the committee to believe that licensees need more guidance than the board currently provides in selecting appropriate continuing education and ethics courses. Schramm presented a summary of the types of courses and activities that the respondents had documented for their continuing education along with an explanation regarding why these particular courses and activities do not meet the board requirements. Because of this outcome, Perry recommended providing a list of the types of courses and activities that would be acceptable to fulfill the requirements. Discussion ensued. Perry also suggested allowing the committee to conduct remote meetings, and Lento has agreed to investigate ways for the committee to meet and still adhere to the state’s open meetings laws. Members of this committee reside in different areas of the state, so coming together is difficult geographically. Moreover, because the full board meets every two months, and the audits must be conducted every month, the committee has been unable to review the continuing education logs in a timely manner that would allow them to communicate deficiencies to those licensees who comply with the audit requests. Perry summarized the committee’s three-point approach to solving its problems: The committee intends to

1. Meet more regularly to develop a workable and timely process;
2. Provide more guidance, including examples of acceptable courses and activities, to licensees regarding acceptable ways to satisfy the continuing education requirements; and
3. Move the current audit in 2019 to a “trial audit” that will allow the committee to determine additional needs and licensees to learn what they need to do to satisfy the requirements.

This approach will help the board to move forward toward improved compliance in 2020. Additional discussion ensued. Finley pointed out that licensees who are completing courses for continuing education requirements for other states can use those same continuing education courses and activities on their Louisiana log sheets because the courses are likely to be acceptable across the board. Perry asked Donna Sentell about the process that LAPELS uses for auditing engineering continuing education; Sentell explained that LAPELS does not preapprove courses and activities and provided background information. Perry and Schramm proposed the idea for creating an ethics course or webinar online at specified intervals on the LBOPG website. Discussion ensued, and this approach will continue to be investigated, including not only ethics but also other courses that would meet the requirements. Lento, as acting legal counsel, emphasized the need to be very clear in providing licensees guidelines for the continuing education requirements; board members continued to discuss ways to increase that clarity. Perry moved to make the 2019 audit a trial process with no penalties; Williamson seconded; the motion passed. Hoover asked if those who have already sent logs will be notified; discussion ensued. Perry proposed amending the previous motion to state that the current audit is a non-binding process; discussion continued. Lento suggested restating to clarify that the board is in the preliminary stages of the audit process and there will not be punishment for being out of compliance at this point. Board members agreed. Perry rescinded his previous motion; Hoover moved to call the 2019 audit a “preliminary

process” with no penalties for lack of compliance with the continuing education requirement during this period; Perry seconded the motion; the amended motion passed.

Office Committee: Macon reported that, after consulting with Harry Vorhoff regarding the idea of creating a separate set of travel guidelines from those issued by the Division of Administration, such an undertaking will not necessarily be in the best interests of the board. She directed the board’s attention to a handout with excerpts (pages 24, 25, and 26) from the current State Travel Guidelines that relate to exceptions to the state-mandated limits on reimbursement for lodging costs, which was the board’s primary concern. She pointed out that the board chair already “has the authority to approve actual costs for routine lodging provision on a case by case basis, not to exceed fifty percent over PPM49 current list rates.” Also, she referred to the second item in that same section regarding “actual expenses for state officers,” which states almost exactly what the board had discussed in previous meetings. Finally, she directed attention to item 5 on page 25, which addresses conference lodging allowances. This item states that: “Employees may be allowed lodging rates, plus tax...and any mandatory surcharge. Department Head (board chair) or his/her designee has the authority to approve the actual cost of conference lodging, for a single occupancy, standard room, when the traveler is staying at the designated conference hotel.” These items effectively cover the exception noted in the 2018 audit. She added that the only other issue remaining is the insistence by the State Office of Travel that all travel arrangements must be handled by the state contracted travel agency. This agency charged exorbitant fees and seldom, if ever, offers airfares or hotel rates that are in line with the lowest fare available through online sites such as Expedia. Discussion ensued, with legal counsel agreeing that the state contracted travel agency charges excessively for airfare and other fees. Lento suggested that travelers get a quote from the state contracted travel agency, then go to one of the online sites and get a better price, then go back to the state contracted travel agency with the lower quote. The agency is required to match that lower price. Discussion ensued.

Macon then announced that the FARB membership is due to be renewed. The annual rate has increased from \$150 to \$175. She mentioned that Bill Schramm had attended the FARB annual meeting in January 2019. Finley asked Schramm if he would recommend renewing the membership; Schramm recommended renewal on condition that board members attend the meetings. Finley requested a list of meetings and dates from Macon and asked Schramm for a recap of his experience at the January meeting. Schramm reported that he learned quite a bit and gave examples of how the meeting was beneficial. He explained that the meeting had two components: a comprehensive regulatory training, which was held on Friday; and an all-day meeting on Saturday. At the training session, Schramm recalled that the 80 to 100 attendants were divided into smaller groups that were tasked with discussing what regulators do in terms of boards: operations, quorums, vacant positions, etc. He explained that the workshop also covered how to handle issues related to citizenship and transcripts from non-U.S. institutions. Another area covered was board membership and vacancies. Schramm emphasized the need to fill vacancies as quickly as possible to prevent the illusion that the board is not important. He also mentioned that the groups addressed the question of how boards regulate operations that cross state lines. For example, in Texas, pharmacists fill prescriptions and send them out of state. What state should be charged with regulating those transactions?

He then mentioned public attendance at board meetings and brought up the question of whether a board should have a “public” representative, someone who is not one of the practitioners regulated by the board. He pointed out that such representation is highly recommended by the experts conducting the FARB meeting. Finley asked how the board would find someone who is not a geoscientist and is willing to serve on the board. Schramm reiterated the need to fill current vacancies; Macon mentioned that McDade has been researching candidates within Congressional District 2 on behalf of NOGS; Finley asked McDade

to report on her progress. McDade reported that she had some issues with the lists developed from the LBOPG roster sorted by zip code so the list could be sorted by congressional districts. Because the districts often are divided within the same zip code, those lists are confusing and not very accurate. McDade described the areas covered by Districts 1 and 2, both of which cover a large portion of southeast Louisiana, with District 2 extending all the way to Scotlandville in north Baton Rouge. She explained that Stiegler, who is in District 1, fulfills one of the two “at large” requirements, and McDade, who is also in District 1, will fulfill the geoscientist requirement; however, McDade pointed out, both Art Johnson (whom McDade is replacing) and Tom Klekamp also lived in District 1, and she does not feel that District 1 needs another representative. Discussion ensued, with the agreement that one of the two board vacancies should be a non-licensed member of the public. As part of the discussion, Lento explained why every board should have at least one member who is not part of the professional group that is being regulated. McDade has contacted potential candidates in District 2 and will continue to work on getting nominees.

Schramm then continued his synopsis of the FARB meeting, turning to the Saturday meeting, which was made up of several hour-long mini-seminars on a variety of subjects. One of those subjects was how to handle disciplinary issues that may spill over into the media; another was the effect of having too many of the same types of professionals on the board. Another question that was explored was “Do boards have a negative impact on wages and employment?” A researcher presented findings that indicate that boards do not have a negative impact on growth and income. New laws were also presented and explained; ways to communicate with legislators and the public were explored. Schramm said he felt the experience was worthwhile. Finley requested that Macon send out a schedule of FARB meetings. Macon asked board members if she should renew the membership. Hoover moved to renew the membership; Stiegler seconded; the motion passed.

Schramm then mentioned that several vendors were at the FARB conference and were advertising products that were relevant for board administration. One of those offered a product that would allow licensees to list their continuing education activities on the website; that product would allow for immediate review of those activities for compliance. He mentioned again that LBOPG is behind in enforcing compliance and assessing fines. He reported that other states are also posting instances of non-compliance on their websites. Discussion ensued.

He then asked if Geoscientists-in-training should be required to show proof of continuing education credits. Macon mentioned that, at a previous board meeting, the determination was that GITs should be training all the time and, therefore, should not be required to show proof of additional training activities. Finley agreed and explained the rationale behind that decision.

Macon announced that the new Occupational Licensing Review Commission met for the first time on January 31, 2019. The second meeting was held on February 12, 2019, and the commission considered rules changes/additions by five boards, including LBOPG. Macon reported that she and Bill Schramm attended and spoke at both meetings; Harry Vorhoff also attended the second meeting and introduced the rules. Schramm and Macon answered questions from the commissioners, who then voted to approve the proposed rules for publication. Those rules have now been published in the Louisiana Register for public comment, beginning on February 20 and ending on March 20.

She reiterated that the 2019 ASBOG exams would be administered on Friday, March 15; both she and Schramm would proctor those exams.

Macon then reported that, as directed by the board at the January, meeting, she had checked prices and services offered by both AT&T and Cox Communications. She had then selected Cox Communications as

the Internet provider for the board office. Contracting with a provider directly, rather than sharing services with another office, required the purchase of a Cox-approved modem and a router. Macon checked prices through several vendors, including Amazon and Best Buy, and determined that the prices at Best Buy were the lowest. The total price for both devices was \$398.39. She then explained that the Cox technician told her she would need an "IT person" to connect the modem into our office because he was not allowed to do that. Macon then consulted the IT manager for LAPELS, who recommended a cable contracting company. A technician with that company came out immediately and stayed until nearly 9 pm getting the service working properly, setting up the cable and helping connect both the modem and the router. Since then, she reported, the new wireless connection is working impeccably.

Related to the IT operations in the office, Macon reminded board members that the office computers are both about five years old and run on Microsoft Windows 8. She reported that Microsoft recently announced that it would no longer support Windows 7, and she suspects that the company will soon announce that Windows 8 is no longer supported. She told board members that she was not asking for the computers to be replaced now but that she wanted them to be aware that replacements may be needed soon.

Next, Macon recalled that almost exactly one year ago, in March 2018, Tom Klekamp, then board treasurer, proposed adding \$1000 to the postage meter to avoid costly service charges for smaller amounts. She reported that one \$1000 charge had lasted the entire year but is now getting low. She requested that the board consider approval of another \$1000 to be added to the postage meter. Perry moved to add \$1000 to the postage meter; Williamson seconded; the motion carried. Finley asked if board approval is necessary every time for this charge. Macon indicated that she would rather have the board know about the charge in advance and give explicit approval because of the amount. Hoover and Perry agreed.

Then, Macon announced that, on February 28, she and Schramm had met with the staff at Dovetail Digital to discuss changes to the website and additional functionality in the online database. They specifically talked about options for archiving the files of licenses that have lapsed for three years or more; the possibility of allowing licensees who pay online to print their own license cards, a service that can potentially save the Board money on postage costs; and ways to improve the audit review process, including a plan to work with the board to create a way for licensees to upload audit documents. The staff also informed Macon and Schramm that Adobe has announced they will no longer support Business Catalyst, the database currently used for the online database and application system, beyond 2021. The plan is to migrate to Treepl, a new and better database platform. At the same time, they plan to make significant changes to the website. Macon reminded board members that she had sent by email the plans developed by Shannon Lynd, the co-owner and designer at Dovetail Digital, that they should review prior to the meeting; she asked them to be prepared to discuss these plans so that a contract for the work can be approved at the May board meeting for entry into the state online contract system before the May 17 deadline.

Macon then reported that she had approached the staff at the Louisiana Office of Technology Services, formerly the Louisiana Office of Printing, to order new license cards. They suggested that, rather than continuing the process of using printed card stock and typing each license card, she should order blank card stock and use a template they created for the board to print the cards in the board office using one of the office printers. Following that suggestion would require the purchase of software for editing PDFs, such as Adobe Acrobat Pro. Having found no viable software other than Adobe Acrobat Pro that meets the necessary criteria, Macon downloaded a trial version of Acrobat Pro. A graphic designer with the Office of Technology Services, called and taught Macon how to adjust the template file. As a cost comparison: the

last time printed cards were ordered, the cost was about \$450 for 3,000 cards; 4,000 blank cards will cost about \$285. Also, the office uses an electric typewriter to type each card, and replacement ribbons and correction tape are often hard to find. Through the official Adobe.com website, the full software package is \$14.99 per month (\$179.88/yr) for a one-year contract. Macon asked for permission to purchase the software. Perry moved to purchase Adobe Acrobat Pro for the office; Williamson seconded; the motion passed.

Macon announced that Journal 6, the latest edition of the board newsletter, had been posted and sent on February 20 to coincide with the publication of the seal use rules. She requested feedback and then distributed an article that will first be published in the summer 2019 issue of the *LSU Alumni Association Magazine*. After that publication, Macon plans to reprint the article in Journal 7. She explained that she has approval from the editor of the *LSU Alumni Association Magazine* to make the Winter 2019 magazine a Geoscience at LSU issue to spotlight current geoscience research projects at LSU. Her plan would include those articles in future issues of the Journal and use to ask other state universities to contribute articles about their research.

Finally, Macon reported that she has been in communication with the national office of AEG and a current AEG member with an LBOPG licensee who has attended many meetings held by the Lower Mississippi Valley AEG chapter. Though retired, he is interested in helping form a Louisiana chapter, but it will be an uphill battle since only a handful of people in Louisiana are current AEG members. The national office requires that at least eight people petition them to open a new chapter. Those eight people would be required to have a slate of officers, meeting plans for the year, and a strategy for building membership and continuing the chapter.

Finley asked Macon about the new saving account that was recently created. Macon responded that the checking account balance has hovered around \$230,000, that the board had already approved moving funds into the account, and the account was already created. She told the board that, while she could not view the account, the board chair has authorization to transfer any amount deemed appropriate into the new savings account. Finley asked the board to authorize a specific amount. After a brief discussion regarding an appropriate amount, Perry moved to transfer \$50,000 from the checking account into the new savings account; Schramm seconded; the motion passed.

Stiegler asked Macon about a public records request that she and Finley had received from the vendor of seminar courses. Macon responded that she had not received the email but had asked Lento, as legal counsel, for an opinion on whether licensee addresses could legally be shared with third parties, when those third parties were planning to use the address list to market for-profit materials. Macon had informed Lento that the board maintains a roster of all active licensees on the website. That roster includes names, business cities, states, and phone numbers, and license numbers. Lento stated that the licensee list is public record and can be shared; however, since most of the information the vendor had requested is already available, Macon could pass that information to the vendor first to give them an opportunity to take advantage of this free access. Lento mentioned, as well, that the vendor may be able to provide licensees with continuing education opportunities, so working with this vendor may be to the board's advantage. Macon assured Stiegler that she would respond to the vendor following the meeting. Macon asked for advice on what to charge for a copy of the spreadsheet, if one is requested; Lento suggested 25 cents per page.

Stiegler informed the board that she will be unable to arrive at the May meeting until 1:30 pm. Finley asked board members if anyone would have a conflict if the meeting begins 30 minutes later than usual, at 1:30 pm. Board members agreed to begin the May meeting at 1:30 pm.

Other Business

Question from ASBOG: “The Minnesota Board of Architecture, Engineering, Land Surveying, Landscape Architecture, Geoscience, and Interior Design (AELSLAGID) has been receiving increasing numbers of applicants for geologic licensure with non-US degrees. The AELSLAGID is interested in hearing how other state Boards are handling these types of applicants, in particular how do Boards determine whether a foreign degree is equivalent to a US degree.” This issue has also arisen here in Louisiana. How are these transcripts evaluated? What should staff ask applicants to do when degrees were earned at a non-U.S. institution?

Finley pointed out that several companies provide course equivalence services for those with transcripts from institutions outside the U.S. Stiegler agreed, adding that it is the applicant’s responsibility to have those transcripts converted to U.S.-equivalent courses. Finley asked Macon to convey to ASBOG that this is the policy of the Louisiana Board of Professional Geoscientists; Macon agreed.

New Business

a. Report on recent FARB conference (Schramm): Covered under Office Report.

b. Government employees and licensing (Schramm): Schramm reported that, in talking with attendees at ASBOG from California, he discovered they require their state geologists to be licensed, which prompted him to consult with Harry Vorhoff and to review the legislation that created the Louisiana board to see if that legislation specifically exempts state employees from being licensed. He learned that, in a way it does, because it exempts teachers and researchers, but it does not specifically exempt government workers at DEQ and DNR who are reviewing work performed by licensed geoscientists. He asked why those workers would not be expected to be licensed when they are reviewing and are given authorization to approve or reject work by licensed geoscientists. He said those workers are the ultimate line of defense for the public. Finley agreed, adding they are the *only* defense. Schramm estimated that only about 25% of the geologists employed by the state are licensed because of the widespread misconception that those geologists are exempt from the license requirement. Many believe that licensure is voluntary, but Schramm disagrees. He said that getting those workers licensed at this point will be difficult because, since they did not apply during the grandfathering period, they will be required to take the ASBOG exams. Hoover asked if it would make a difference if these unlicensed workers were required to be supervised by a licensed geoscientist. Schramm agreed that would be acceptable, but he said that does not happen in reality, especially at DEQ. McDade asked if grandfathering could be reopened now that this situation has been discovered. Discussion ensued. Finley asked Lento what authority the board has to designate who can approve or reject reports at the state level; Lento gave a tentative opinion that the board has the authority to regulate the practice and scope of its profession and absolutely can require that the person signing off on the work is at least as qualified as the person who stamps it. He added that “qualified” presupposes “licensed.” Finley asked what kind of push-back could be expected in trying to get these people to be licensed – or at least qualified – to do this work; Lento suggested sending notice to DNR and DEQ that the only people who can approve geoscience work are licensed geologists. He added, by stating this requirement, the board is not requiring the agencies to have all their employees licensed. Discussion continued. Finley summarized by explaining that the board is working its way from getting people licensed, into the post-grandfather period, requiring examinations, getting those who are licensed to properly use their seals and to continue their education so they can maintain their licenses. Now, he added, the board is at the point at which the work performed by licensed geoscientists must be reviewed by qualified state employees. Hoover pointed out that this is the next step in the process. Williamson brought the discussion back to the question of whether state employees are legitimately exempt from

being licensed. Lento suggested that the board put this question in the form of a request for an official legal opinion from the State Attorney General. Discussion continued.

Finley then turned attention to the copy of the by-laws included in each packet. He pointed out that the duties of the board are outlined specifically in Article III, sections C, D, E, and F. He asked board members if these duties seemed to give the board authority to review documents submitted to state agencies such as DEQ. Hoover expressed the opinion that no such action could be taken unless the board was acting on a formal complaint. Lento pointed out that the board has the power to subpoena witnesses and compel the production of books and papers, but that he would need to review the Act before he could give a definitive response. Discussion ensued. Williamson moved to prepare a draft request for an opinion from the Attorney General's office to clarify and outline the scope of the board's regulatory authority and, under the authority discovered, to determine if this authority will allow the board to review agency documents, such as geoscientific reports, for compliance with the statute; also, the board requests that the AG clarify those who are exempt from the licensing requirement in Louisiana; Schramm seconded the motion; after additional discussion, the motion passed.

Adjourn

The date of the next regular meeting of the board will be Tuesday, July 9, 2019, at 1:00 pm. Hoover moved to adjourn the meeting; Stiegler seconded. The motion passed. Finley adjourned the meeting at 4:47 p.m.