

Nebraska Board of Geologists  
**Meeting Minutes**  
July 14, 2011  
215 Centennial Mall South, Large Conference Room, Lincoln, NE

**CALL TO ORDER**

The meeting was held at 215 Centennial Mall South, 5<sup>th</sup> Floor, Large Conference Room, Lincoln, NE. Vice-Chairperson Anderson called the meeting to order at 1:04pm and informed the public of the location of the Open Meetings Act.

**Roll Call:** Dennis Anderson, Thomas Correll, Martha (Marty) Link, Ralph Martin, David Svingen; Absent: Andrew Grimm, John (Jack) Shroder

**Staff Present:** Sandra Weaver, Administrator (AD); Tyler Kohtz, Compliance Officer (CO); Jean Lais, Administrative Assistant (AA).

**Public Comment/Appointments** - None

**Agenda Items** – No adjustments or changes were made to the agenda

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**A Consent Agenda**

April 26, 2011 meeting minutes approved as presented  
Organizational Practice – Certificates of Authorization – *None*

**Action Approval of Consent Agenda**

Motion by Link, second by Correll to accept the Consent Agenda as presented. Voting Yes: Correll, Martin, Svingen, Link, Anderson; Voting No: None; Absent: Grimm, Shroder

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**B Financial Matters**

**Budget Status Report** – April, May, June 2011

EnterpriseOne Reports provided for review.

**MTD General Ledger Detail Report** – April, May, June 2011

EnterpriseOne Reports provided for review.

**Fund Summary Report** – April, May, June 2011

EnterpriseOne Reports provided for review.

**Financial Profile FY 2010/2011** – April, May, June 2011

Database report provided for review.

Administrator Weaver reported the Budget Status has been completed for FY 11/12. The Legislature appropriated the Board the requested amount for the next biennium. However, with the lower Service Contract cost with the NBEA, expenses will not be as high as projected. The FY 11/12 appropriation is \$44,852.00.

**Other Financial Matters**

**2011-2013 biennium breakdown of appropriation**

A spreadsheet with the breakdown of agency appropriation at the end of the 2011 legislative session for the 2011-2013 Biennium was received from Gary Bush, Budget Management Analyst.

**FY 2010/2011 Cash Fund transfer**

Section 228 of LB 1 of the 101<sup>st</sup> Legislature, First Special Session, 2009, mandated a transfer of \$1,650.00 from the Board's Cash Fund to the State General Fund during FY 2010/2011. The first half was transferred December 15, 2010, and the remaining \$825.00 was transferred on June 15, 2011.

**Revised Travel Reimbursement Policy**

Revisions were made to the Travel Policy to help clarify the covered items. Changes were approved as presented

**Revised Mileage Rate Memo from State Accounting**

Copy of memo received from State Accounting changing the mileage rate from 51 cents to 51.5 cents as of July 1, 2011.

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**Contract Review and Approval – None**

**Action Approval of Financial Matters**

Motion by Svingen, second by Link to approve the Financial Matters as presented. Voting Yes: Correll, Martin, Svingen, Link, Anderson; Voting No: None; Absent: Grimm, Shroder

AD Weaver left the meeting at 1:28pm

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**C Applications**

**Licensure/Examination**

Core Course Equivalency Chart, Rational for Core Courses, Course Equivalents were provided for review.

**Applications for Licensure by Reciprocity**

**Approved:** Michael Dennis Bates, MO; John Isaiah Utne, KS

**Applications for Licensure Reinstatement – None**

**Applications for Geologist Intern by ASBOG FG Exam – None**

**Applications for Licensure by FG/PG ASBOG Exams**

**Approved:** Thomas A Daigle, CO; Carrie Emily Minnich, NE

**Applications for Licensure by PG ASBOG Exam**

**Approved:** Christopher M Hobza, NE; Teyona R Powell, NE; Stephen T Wozab, NE

**Action Approval of Licensure/Examination Applications**

Motion by Correll, second by Martin to approve recommendations of the applications as discussed. Voting Yes: Correll, Martin, Svingen, Link, Anderson; Voting No: None; Absent: Grimm, Shroder

**Request for Waiver of Additional Education to retake PG Exam**

Request was received from Holly O'Dell for a waiver of the required additional education as per Board Policy G-P09.01 due to the following circumstances surrounding her PG attempt in March 2011- She was not informed of the change in exam location, therefore, arrived late to the exam and she was not informed that the additional classes would be required after each future failure of the exam. AA Lais provided copies of all letters sent from the Board office with regards to these concerns. A letter was sent April 21, 2009, informing Ms. O'Dell the new policy on exam failures would apply to each subsequent failure of PG exam. (O'Dell has taken and failed the PG five times at this point.) A letter was sent February 7, 2011, notifying her of the location change. A letter was sent May 3, 2011, informing her she would be required to take two additional classes before retaking the exam. AA Lais informed the Board that even though she appeared for the exam late, she was given the full four hours to complete the exam.

The Board instructed AA Lais to send a letter to her reiterating the policy for exam failures.

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Kohtz entered the meeting at 1:31p

**D Compliance**

**Logs – None**

**New Cases – None**

**Pending Cases – None**

**Compliance Issues**

**Unlicensed Practice of Geology**

An email was received from Svingen with regards to the possible practice of geology by Andy Clayton, who is not licensed to do so in Nebraska. It appears this involves a possible land deal in which geological testing had/has been conducted. It was Svingen's interpretation he was practicing geology by interpreting geological data for his client. Correll

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stated it would depend on how he represented himself to his client. If he represented himself as a professional geologist, then he is practicing. He asked if a copy of his data given to the client could be obtained.

The Board inquired of CO Kohtz if the Board had the authority to ask for the data. CO Kohtz stated only in a formal complaint. He feels the Board should not pursue this route since an informal process has already begun. However, the Board does have a right and the authority to file a formal complaint if it feels there has been a violation of the Act.

Anderson stated the Board needs to be careful on investigating a complaint with a formal tone, but also wants the individual to know the Board is serious about the issue.

The contention of the Board was that this issue has been resolved. Svingen does plan to follow up with Clayton on the issue in mid-August by requesting an application no later than October 6th, if not already received, and will report back to the Board at the next meeting.

CO Kohtz would like to set a process in handling future complaints with the Board. He explained how the process is handled with the NBEA. Discussion was held and was agreed that when a Board member becomes aware of a possible violation, they will enter into conversation with Kohtz and one other Board member before making a decision of how to handle the situation and no action will be taken until he has heard back from the complainant and the Board has reviewed the information.

Kohtz left meeting at 1:52p

**Action Approval of Compliance Case Disposition**

Motion by Link, second by Martin to approve the Compliance Case Dispositions as discussed. Voting Yes: Correll, Martin, Svingen, Link, Anderson; Voting No: None; Absent: Grimm, Shroder

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**E Committee Reports**

**Officers Report - None**

**Legislative Review Committee**

Vice-Chairperson Anderson and Martin were to report back to the Board on their recommendations of changes to the statutes and/or rules and regulations that needed to be worked on and made for the upcoming legislative session. No work has been done due to the flooding in the state and both being fully occupied with handling the situation. Anderson would like to renew the discussion and reminded the Board, the process could take several months to complete. If the Board is going to raise fees, they need to carry the board through the next several years so are not raising them every two or three years. They requested AD Weaver to work on numbers with the following fee increase scenarios to be presented at the next board meeting: \$10 increase in license renewals and a \$50 increase in certificates of authorization applications and renewals. Further action was tabled until the next meeting.

**ASBOG**

Request was made to add the 2012 Annual Meeting field trip be added to the next meeting's agenda so planning could begin.

**Office/Staff - None**

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**F Old Business - None**

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**G New Business**

**Governance Issues**

**Board actions - None**

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**Rules and Regulations** – None

**Statutes** – None

**Geologist Items**

ASBOG Annual Meeting/COE Workshop, November 3-5, 2011 in San Antonio, TX – Anderson was voted as the board COE representative and the voting delegate to the Annual Meeting

**Action Approval of COE Representative and Annual Meeting Voting Delegate**

Motion by Link, second by Correll to approve Anderson as the COE representative and the voting delegate at the Annual Meeting. Voting Yes: Correll, Martin, Svingen, Link, Anderson; Voting No: None; Absent: Grimm, Shroder

**Strategic Plan** – No discussion was held

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**H General Information**

**Public Notice publication**

**Board meetings and schedule**

**Roster of Board members**

Correll is the next board member with a term expiration in February 2012. Shroder's term will expire in 2013 and will need to be replaced with an education member. Discussion was held as to available candidates. Statute stipulates the member must be a faculty member of the University of Nebraska and is recommended by the President of the university for appointment by the Governor.

**Resignation of Emeritus Member Nan Lindsley-Griffin**

An email was received from Lindsley-Griffin announcing her resignation as Emeritus Member of the board effective immediately.

Discussion was held as whether the board had the authority to present her with some of kind of recognition for her service. She was presented a service plaque at the time she retired as an active member of the board. AA Lais will check with AD Weaver to see what is possible.

Svingen suggested contacting the Governor's office to see if the Board could get a Governor's Proclamation.

**Licensing Trends**

**Trends in Licensure and Fiscal Activity Reports** were provided for review.

**Other**

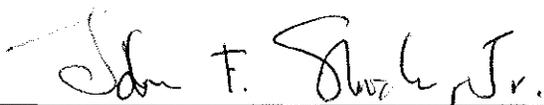
**Approved Board Policies** – Board Policies and Action Summary were provided for review.

**March 2011 ASBOG Exam Results** – The results of the March 2011 FG and PG exams were provided for review.

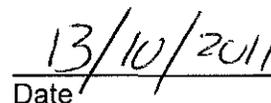
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**Adjournment:** Motion by Martin, second by Svingen to adjourn the meeting at 2:21pm.

The next Board of Geologist board meeting will be held on October 13, 2011, at 1:00pm at 215 Centennial Mall South, Lincoln, Nebraska, fifth floor, large conference room.



Board Member



Date