

STATE BOARD OF GEOLOGIST REGISTRATION
MISSOURI BOARD OF GEOLOGIST REGISTRATION
DIVISION OF PROFESSIONAL REGISTRATION
3605 MISSOURI BOULEVARD, JEFFERSON CITY, MO
THURSDAY FEBRUARY 23, 2006 10:00 A.M.

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the State Board of Geologists Registration, P.O. Box 1335, Jefferson City, Missouri 65102 or by calling 573-526-7625. The text telephone for the Deaf or Hard of Hearing is (800) 735-2966 or (800)735-2466 for Voice Relay Missouri.

#7 Except to the extent disclosure is otherwise required by law, the State Board of Geologist Registration is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021(1), (3), (5), (7), (13) and (14), RSMo, and Section 620.010.14(7), RSMo.

#8 The Committee may go into closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

#9 Agenda follows

**MISSOURI BOARD OF GEOLOGIST REGISTRATION
DIVISION OF PROFESSIONAL REGISTRATION
3605 MISSOURI BOULEVARD, JEFFERSON CITY, MO
THURSDAY FEBRUARY 23, 2006 10:00 A.M.**

OPEN SESSION

MEETING

Call to Order
Roll Call
Approval of Open Agenda
Approval of Open Minutes -November 29, 2005
Meetings Attended - FARB (February 2-5, 2006 San Diego, CA) Upcoming Meetings -ASBOG Spring COE Workshop -CLEAR (Sept 14-17, 2006 Alexandria, VA)
Reports from Association Representatives if present AIPG AEG AMG MGWA
Survey from the Texas Board of Professional Geoscientists and request to discuss a reciprocity agreement between the states.
Rule Update -Registered Geologist Seal
Clarification of statute 256.471
EXECUTIVE DIRECTOR'S REPORT Tab 8
Financial 5-year projections 2006 meetings Survey from ASBOG
Items for Public Member Report and Web Site

MISSOURI BOARD OF GEOLOGIST REGISTRATION
DIVISION OF PROFESSIONAL REGISTRATION
3605 MISSOURI BOULEVARD, JEFFERSON CITY, MO
THURSDAY FEBRUARY 23, 2006
Meeting will begin at close of open session.

MEETING

CLOSED SESSION

Approval of Closed Session Agenda	
Approval of Closed Session Minutes	
APPLICATIONS FOR REGISTRATION	
APPLICATIONS FOR GRIT	
EDUCATIONAL REVIEW	
MISCELLANEOUS ITEMS	
ATTORNEY GENERAL UPDATE	

**MISSOURI BOARD OF GEOLOGIST REGISTRATION
DIVISION OF PROFESSIONAL REGISTRATION
3605 MISSOURI BOULEVARD
JEFFERSON CITY, MO**

**FEBRUARY 23, 2006
Open Minutes**

The open session of the Missouri State Board of Geologist Registration was called to order by Mr. Guy Gilbert, Chairperson, at 10:05am at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

Members Present:

Guy Gilbert, Chairperson
Lisa Hosey, Secretary (via conference call)
John Bognar
Cynthia Brookshire (via conference call)
Mimi Garstang, Ex-Officio Member

Members Absent:

Joseph Gulino, Public Member

Staff Present:

Pamela Goose, Executive Director
Tammy Mouden, Administrative Assistant
Kimberly Grinston- Division Attorney (Arrived at 10:10am and departed the meeting at 10:38am)

Approval of Open Agenda:

A motion was made by Ms. Hosey and seconded by Mr. Bognar to approve the open agenda as amended. All approved

Approval of Open Minutes:

A motion was made by Mr. Bogar and seconded by Ms. Brookshire to approve the minutes from the November 29, 2005 meeting as amended. All approved

Meetings Attended:

- FARB (Federation of Associations of Regulatory Boards) – February 2-5, 2006 in San Diego, CA – Mr. Gilbert, Mr. Bognar attended this meeting.

Upcoming Meetings:

- ASBOG (Association of State Boards of Geology)–Spring COE (Council of Examiners) Workshop – April 7-9, 2006 in Houston, TX. Mr. Gilbert and Mr. Bognar will be attending this meeting as board representatives. Ms. Hosey will be attending but as a member of the ASBOG Board of Directors. Mr. Gilbert will be attending the Fundamental portion and Mr. Bognar will attend the Practical portion of the meeting.
- CLEAR (Council on Licensure, Enforcement and Regulation)–September 14-17, 2006 in Alexandria, VA – Ms. Goose request that the board members look at their calendars. If someone is interested in attending, Ms. Goose will need to know in May. Mr. Gilbert requested to attend this meeting. Mr. Bognar expressed an interest in attending this meeting also.

Reports from Association Representatives:

- AIPG – Mr. Bogar discussed meetings that he had attended.
- AEG – Martha Kopper stated that she would be faxing a report to the meeting however, it was not received in the board office at the time of this meeting.
- AMG – Nothing to report.
- MGWA – Nothing to report.

Survey from the Texas Board of Professional Geoscientists:

The Texas Board of Professional Geoscientists requested to discuss a reciprocity agreement between our two states. Mr. Gilbert stated that Texas has joined ASBOG. Mr. Gilbert wants to send a letter to Texas telling them that they already have reciprocity with Missouri since they are a member of ASBOG, and require the ASBOG examination. The members of the Board completed the survey and will be returned to Texas with a letter regarding reciprocity.

Rules Update:

- Registered Geologist Seal – Proposed rule change related to electronic signature was included for the Boards review. At the November 2005 meeting, members requested that Ms. Groose contact APELS and find out if they have encountered any problems with their electronic seal/ signature rule. Ms. Kempker, Executive Director of the APELS Board replied and her email was included for review. Mr. Gilbert provided additional information regarding electronic signature and seal. Mr. Gilbert will be putting information about the electronic seal in the next newsletter. The board is still in the information gathering mode regarding this matter.

Clarification of Statute 256.471:

At the November 2005 meeting, Ms. Groose was asked to attempt to get information related to the federal exemption contained in 256.471. Specifically, Ms. Groose was asked to find out what would happen should we receive a complaint against an individual who is a federal employee, and not licensed in the state of Missouri.

Ms. Groose learned that federal employees are generally exempted from licensure provisions and that if the Board received a complaint we would not have any authority to subpoena witnesses, compel a response, or issue any type of order. Other agencies have received complaints and will review them to determine whether there has been a violation of state criminal laws and then refer to the appropriate agency to handle but other than that, the board is limited and could not do much more. If the person were licensed in another state it is a possibility that the Board might notify the other state and share information with them for review and to determine if their statutes would allow them to take action based upon actions that occurred in another state.

Executive Director's Report:

- **Financial** – A copy of the report as of the end of December 2005 was included for the Boards review.
- **5 year projections** – Five (5) year projections without changing any fees was included for the Boards review. Ms. Goose is still trying to get some five (5) year projections together for the boards review showing a reduction in renewal fees. The numbers are being run with a \$180.00 renewal fee and with a \$160.00 renewal fee.
- **2006 Meetings** – The next meeting is scheduled for May 02, 2006 in Jefferson City, MO. The meeting will be held at the Missouri Council of School Administrators, Education and Conference Center, 3550 Amazonas Drive, Jefferson City, MO. The Board needs to schedule their August and November meetings. Remember the November meeting needs a recommendation on the location. The fall COE and annual ASBOG meeting is scheduled for November 1-5 so the first week would be out. November 10th, 2006 is a state holiday as well as November 23rd and 24th, 2006.
- **Survey from ASBOG** – Ms Goose provided a copy for the board members. ASBOG is thinking about being a possible credentials bank. The board discussed the survey and completed it. Ms. Goose will forward the survey and a copy of the rules to ASBOG.
- **Legislative Report** – Mr. Bognar brought up legislation that he had become aware of. Ms. Goose provided a copy of the legislation for the board members. Mr. Bognar was questioned about supporting an individual registration for an environmental professional. The philosophy is a registered environmental professional enjoys a separate loosened and unique set of rules. If they have this registration, the review process of the documents they provide would be less stringent. Mr. Bognar was asked how he would support this legislation. Mr. Bognar expressed his personal opinion, he would fight it tooth and nail. The board has worked hard to get the registration of geologists, and the reason we wanted that was to protect the health, safety and welfare of Missouri citizens. An engineer was also at the meeting and said that they would fight this legislation because they also feel that it is a level of redundancy. They also feel that it is legislation that tells the registered or licensed professional how to conduct themselves. The legislation is now telling a particular subset of engineers that they have to have this registration in order to practice. The whole legislation is very vague, and it does not make a whole lot of sense. It is about usurping the intent of the legislature and the governor when they passed and signed the geologist registration act and the engineers as well. They want the DNR to be named as an additional insured on the insurance certificates. Mr. Bognar wanted to know if the board had an official position on this legislation. Ms. Goose stated that as a licensed geologist you can do whatever you want to do personally as long as it is known that it is not a board position. If it gets assigned to Committee then the board will watch it. If there is a Committee hearing, that is when the board will want to know if it is okay that a board member testifies against this bill. Ms. Goose would have to get permission before a board member can testify. Ms. Goose plans to go ahead and submit the request so that we get the direction back from the Division/ Department as soon as possible.

Items for Public Member Report and Web Site:

Nothing was reported at this meeting.

The meeting adjourned for lunch at 12:25pm. All approved.

A motion was made by Ms. Hosey and seconded by Mr. Bognar to go into closed session at 1:03pm by for purpose of # 1 # 2 # 3 and # 9. Ms. Hosey, Ms. Brookshire, Mr. Gilbert, Mr. Bognar, Ms. Garstang all approved.

A motion was made by Ms. Brookshire and seconded by Mr. Bognar to adjourn the meeting at 1:51pm. All approved.

Executive Director Signature

Date Approved by Board

MOTIONS

1. INVESTIGATIONS / COMPLAINTS / AUDITS

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant.

2. LEGAL ACTIONS / LITIGATIONS / PRIVILEGED COMMUNICATIONS

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (1) RSMo for the purpose of discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney.

3. DISCIPLINE

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (1) RSMo for the purpose of deliberation on discipline.

4. PROMOTING / HIRING / DISCIPLINING / FIRING EMPLOYEES

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (3) RSMo for the purpose of discussing hiring, firing, disciplining, or promoting an employee of this agency.

5. APPLICATIONS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (14) and section 620.010.14 subsection (7) RSMo for the purpose of discussing applicants for licensure.

6. EMPLOYEE PERFORMANCE RATINGS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (13) RSMo for the purpose of making performance ratings pertaining to individual employees.

7. EXAMINATION MATERIALS

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (7) RSMo for the purpose of discussing and/or reviewing testing and examination materials.

8. DIAGNOSIS / TREATMENT OF DISCIPLINED LICENSEES

I move that this meeting be closed, and that all records and votes, to the extent permitted by law, pertaining to and/or resulting from this closed meeting be closed under section 610.021 subsection (5) RSMo for the proceedings required pursuant to a disciplinary order concerning medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment of specific licensees.

9. CLOSED MINUTES

I move that this meeting be closed, and that all records and votes pertaining to and/or resulting from this closed meeting be closed, for the purpose of reviewing and approving the closed minutes of one or more previous meetings under the subsections of 610.021 which authorized this agency to go into closed session during those meetings.