

Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Jane A. Rackers, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
John M. Huff, Acting Director

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**MISSOURI BOARD OF GEOLOGIST REGISTRATION**

3605 Missouri Boulevard  
P.O. Box 1335  
Jefferson City, MO 65102-1335  
573-526-7625  
573-526-0661 FAX  
800-735-2966 TTY Relay Missouri  
800-735-2466 Voice Relay Missouri  
[geology@pr.mo.gov](mailto:geology@pr.mo.gov)  
<http://pr.mo.gov/geologists.asp>

Pamela Groose  
Executive Director

## Meeting Notice

**State Board of Geologist Registration  
August 3, 2011 – 10:00am  
Division of Professional Registration  
3605 Missouri Blvd  
Jefferson City MO 65102**

Notification of special needs as addressed by the Americans with Disabilities Act should forward to the Missouri Board of Geologist Registration, P O Box 1335, 3605 Missouri Boulevard, Jefferson City MO 65102 or by calling 573-751-0099 to ensure available accommodations. The text telephone for the Deaf or Hard of Hearing is 800-735-2966 or 800-735-2466 for Voice Relay Missouri.

Except to the extent disclosure is otherwise required by law, the Missouri Board of Geologist Registration is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14) and sections 324.001.8 and 324.001.9 RSMo.

The Board may convene in 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.

The agenda follows.

# MISSOURI BOARD OF GEOLOGIST REGISTRATION MEETING AGENDA

LOCATION: DIVISION OF PROFESSIONAL REGISTRATION

3605 MISSOURI BLVD, JEFFERSON CITY MO

Wednesday

August 3, 2011

10:00A.M.

## OPEN SESSION

Call to Order	Gary Pendergrass
Roll Call	Guy Gilbert
Approval of Open Agenda	Tab 1
Approval of Open Minutes -May 4, 2011	Tab 2
Rule Update -20 CSR 2145-1.040 Fees -20 CSR 2145-2.020 Education Requirements -20 CSR 2145-2.030 Post-Baccalaureate Experience in Geology	Tab 3
ASBOG -nothing for this meeting	
Meetings Attended - none attended Upcoming Meetings -ASBOG Fall COE, November 2-3, 2011 (San Antonio, TX) -ASBOG Annual Meeting, November 5, 2011 (San Antonio, TX)	Tab 4
Review of other states laws and rules related to requirements for licensure	Tab 5
Reports from Association Representatives if present or submitted	Tab 6
Executive Director Report 1- Financial Report 2- 2011 meeting dates and locations 3- 2012 meeting dates and locations	Tab 7
Action Items	
Closed Meeting Agenda	
Items for Public Member Report and Web Site	
Adjourn Meeting	

# MISSOURI BOARD OF GEOLOGIST REGISTRATION MEETING AGENDA

LOCATION: DIVISION OF PROFESSIONAL REGISTRATION

3605 Missouri Blvd., Jefferson City MO

Wednesday

August 3, 2011

**CLOSED SESSION**

**BEGINS AT END OF OPEN SESSION**

Approval of Closed Session Agenda
Approval of Closed Session Minutes
<b>APPLICATIONS FOR REGISTRATION BY EXAMINATION</b>
<b>APPLICATIONS FOR REGISTRATION BY EDU/EXAM/EXP</b>
<b>APPLICATIONS FOR REGISTRATION BY RECIPROCITY</b>
<b>EXECUTIVE DIRECTOR - CLOSED</b>

**MISSOURI BOARD OF GEOLOGIST REGISTRATION  
DIVISION OF PROFESSIONAL REGISTRATION  
3605 MISSOURI BLVD  
JEFFERSON CITY MO 65109**

**August 3, 2011 – Open Minutes**

The open session of the Missouri Board of Geologist Registration was called to order by Gary Pendergrass, RG, PE, Chairperson, at 10:10am on August 3, 2011 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri 65109

**Members Present:**

Gary Pendergrass, RG, PE, Chairperson  
John Bognar, RG, Vice-Chairperson (via conference call)  
Guy Gilbert, RG, PE, Secretary - Treasurer  
Don Warner, PhD, RG, PE  
Joseph Gulino, PhD, Public Member

**Members Absent:**

Joe Gillman, RG, State Geologist, Ex-Officio Member

**Staff Present:**

Pamela Goose, Executive Director  
Roxey Brockman, Administrative Assistant  
Vicky Steen, Licensing Technician II  
Earl Kraus, Division Legal Counsel  
Audrey Danner, Law Clerk

**Approval of Open Agenda**

A motion was made by Mr. Gilbert and seconded by Dr. Warner to approve the open agenda. All approved.

**Approval of Open Minutes**

A motion was made by Mr. Gilbert and seconded by Dr. Gulino to approve the minutes from the May 4, 2011 meeting. All approved.

**Rule Update**

*-20 CSR 2145-1.040 Fees* – Ms. Goose said she thought this rule had left the division and was currently at the Governor's office.

*-20 CSR 2145-2.020 Education Requirements* – Ms. Goose reported this rule is still within the division and that staff will be working closely with the division in providing additional information in regard to the whole history surrounding the need for this amendment of the rule.

*-20 CSR 2145-2.030 Post-Baccalaureate Experience in Geology* – Legal counsel drafted proposed language that further clarifies the number of hours that defines one year of post baccalaureate experience as well as what is not considered and what is considered to be the practice of geology. The board discussed the proposed language and indicated the following as reasons to promulgate the rule:

- This is not an additional requirement. This is an interpretation of the current requirement and there will not be any additional cost for anyone because the board is clarifying the current requirements.
- Helpful to the applicant. Applicants will spend less time preparing their documents for submission to the board as well as it decreasing staff's time in relaying what the board is looking for when the board reviews an applicant's experience.
- Clarifies what a year's experience is: 2080 hours (40 hours per week for one calendar year) minus 2 weeks of vacation, minus 7 or 8 holidays = 1900 hours. It is possible to have more than the 1900 hours if an applicant works on a project in a calendar year – if they work on a project that has overtime.
- The board is making this change now to clarify things and to help the applicant understand how a board should support the intent of the geologist registration act. This board with this rule change is simply

clarifying the intent of the geologist registration act. They are doing this because many applicants are given credit (time credit) for doing phase 1 environmental site assessments and the board has decided those things do not have geologic value.

- The vagueness of what is written in the current rule is the reason behind the rule change. Now the board is making it not as vague and are defining it more. The wording has changed to make it more specific and now they can act upon the specificity of it.

A motion was made by Dr. Warner and seconded by Dr. Gulino to accept the language that Mr. Kraus has developed for the board and attempt to get it promulgated. All approved.

Ms. Groose indicated since the board changed the supervision requirement to include that supervision occur under a licensed geologist she wanted to clarify how to incorporate that into the process. The board members reviewed the draft Ms. Groose had of the Post Baccalaureate Experience form, as well as the certification of experience form. After review the board indicated they thought these two forms needed to be combined and to include the signatures of both the applicant and the supervising geologist. Dr. Warner suggested that once this rule becomes final that a copy of the rule be included with the form the supervisor has to sign.

Ms. Groose said the samples from Delaware and South Carolina was included as FYI documents for the board members review. No action was required.

### **ASBOG**

-nothing for this meeting

### **Meetings Attended**

- none attended

### **Upcoming Meetings**

-ASBOG Fall COE, November 2-3, 2011 (San Antonio, TX) – Mr. Gilbert and Mr. Pendergrass are interested in attending and the out of state travel request has been submitted to the Division.

After a brief discussion Ms. Groose offered to send sympathy cards on behalf of the board to Dr. Steve Warner's (ASBOG psychometrician) family and to Richard Mobley's family ASBOG member from the state of Kansas.

-ASBOG Annual Meeting, November 5, 2011 (San Antonio, TX) -- Mr. Gilbert, Mr. Pendergrass, and Ms. Groose are interested in attending and the out of state travel request has been submitted to the Division.

### **Review of other states laws and rules related to requirements for licensure**

A list of ASBOG's State Member Boards with their licensure requirements was included for the board members' review. Ms. Groose said the way the Missouri's rules and statutes were read and interpreted was that if someone was licensed in an ASBOG state and they apply for a license here, it is automatic that an applicant is given a license by reciprocity. She said a couple of meetings ago there was a discussion in regard to statute and rule related to the possibility the board might be able to look at the states individually and they have to have comparable rules and statutes not just that they are an ASBOG state. Ms. Groose noted that those states that require 5 years of experience are allowing applicants that are continuing their education beyond a baccalaureate degree to claim that additional education as part of their experience. Following discussion Mr. Gilbert recommended the board wait until the education and post baccalaureate experience rules are in effect which will give the board a blueprint to use when reviewing other states licensure requirements and how that affects reciprocity with Missouri. At that time he suggested looking at the other state's requirements once those rules are in place. A motion was made by Mr. Gilbert and seconded by Mr. Bognar to table this item until after the post baccalaureate experience rule has been promulgated. All approved.

The board requested legal counsel to review the statute and rule references to reciprocity to determine their opinion of how the board can evaluate applicants from other states.

### **Reports from Association Representatives if present or submitted**

Mr. Bognar, on behalf of AIPG, indicated there is a national annual meeting coming up in Chicago this fall. He said if anyone was interested they could see the information on AIPG's website.

### **Executive Director Report**

1- Financial Report – The financial report as of June 30, 2011 was included for the board's review. No action was required.

2- 2011 meeting dates and locations

- November 16, 2011 – Missouri State University, Springfield – Ms. Goose said Tom Plymate from MSU thought it would be better to give the presentation to students and faculty in the afternoon. The meeting rooms in their geology department have been reserved for the board's use. Mr. Gilbert, Dr. Warner, Mr. Bognar all indicated they would drive to Springfield the day before. Dr. Gulino said he would contact Ms. Goose at a future time to let her know if he will be coming in the night before or not.

3- 2012 meeting dates and locations

- January 12, 2012 – Professional Registration, Jefferson City, MO
- May 23, 2012 – Professional Registration, Jefferson City, MO
- August 21, 2012 – Professional Registration, Jefferson City, MO
- November 14, 2012 – location to be determined

The November 2012 meeting possibly at Rolla (if not, then SLU/WashU). Due to the length of time between visits to schools it may be necessary to increase the visits to schools to two (2) a year. Staff will look into changing the May 2012 meeting to the first week in April 2012.

The board recessed for lunch at 11:40am, resumed at 12:27pm

A motion was made by Mr. Gilbert and seconded by Dr. Gulino to go into closed session at 12:37pm for #2, #5, and #9. Dr. Warner, Mr. Bognar, Mr. Pendergrass and Mr. Gilbert all approved.

### **Action Items**

- Proposed Post Baccalaureate Experience rule – approved and needs to go through the rule filing process.
- Ms. Goose will work on combining the Post Baccalaureate Experience form and the Certification of Experience form.

### **Items for Public Member Report and Web Site**

Dr. Gulino gave his public member report.

There was discussion regarding the rulemaking process, the length of time it takes to get a rule promulgated. Dr. Warner questioned when would be the time to inform the geology departments about the rules currently being filed. Mr. Kraus indicated the drafts have been looked at in open session and can be shared with the educational institutions and their geology departments

A motion was made by Mr. Gilbert and seconded by Dr. Warner to adjourn at 1:22pm. All approved.

*Pamela Grosse*

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Executive Director Signature

November 16, 2011

Board Approval Date

## 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.