

**KENTUCKY BOARD OF REGISTRATION FOR PROFESSIONAL GEOLOGISTS
MEETING MINUTES
August 6, 2012**

A meeting of the Kentucky Board of Registration for Professional Geologists was held at the Office of Occupations and Professions on August 6, 2012.

MEMBERS PRESENT

Larry R. Rhodes, Chair
Gil Cumbee
James Cobb, Ph.D.
Stephen R. Wyatt, Secretary

OCCUPATIONS AND PROFESSIONS STAFF

Lindsey Lane, Board Administrator

OTHERS

James Grawe, Office of the Attorney General
Mark Brengelman, former Board Counsel

CALL TO ORDER

Larry R. Rhodes, Board Chair, called the meeting to order at 1:30 p.m.

MINUTES

A motion was made by Dr. Cobb to approve the minutes from the June 4, 2012 meeting, and the June 28, 2012 Special Meeting as presented. Motion, seconded by Mr. Cumbee, carried.

FINANCIAL STATEMENT

The financial statements for the months ending June and July 2012 were presented to the Board for review. The Board acknowledged the financial statement as presented.

REPORT FROM O&P

Ms. Lane informed the Board that they needed to make a decision on whether or not they would be joining the Board of Physical Therapy in another Memorandum of Agreement where Investigative services would be shared. In the past the Board has shared an Investigator with the Board of Physical Therapy and allowed the individual to represent both boards where services were needed. Mr. Wyatt suggested the Board continue the contract for another year with a base price of forty dollars an hour. Dr. Cobb made a motion that the Board renews the contract based on Mr. Wyatt's suggestion at forty dollars an hour for one year. Mr. Wyatt seconded that motion and it carried.

NEW BUSINESS

The Board met their new attorney Mr. Jim Grawe from the Office of the Attorney General. Mr. Grawe will be representing the Board since Mark Brengelman retired from the Attorney General's Office on July 30, 2012.

Mr. Grawe went over the Regulatory Impact Analysis that will need to be completed when the regulations that Board has been working on are submitted. Mr. Grawe will work with Mr. Rhodes on completing the questionnaire. Since the Board is currently in its renewal process until the deadline of September 30th there will be no rush in submitting the regulations to the Legislative Research Commission. Mr. Grawe will send the final draft of the regulations to members before their next meeting to be sure everyone understands and approves of the new language before filing with LRC. The new renewal process will have all licensees renewing on odd number years for a fee of one hundred dollars. This means if a person is issued a license in an even numbered year they will pay a fee of fifty dollars to begin the process and will then be required to submit a renewal the following year to follow the odd numbered calendar year.

The Board reviewed a handout from Mr. Cumbee regarding foreign educated licensure requirements. The Board would like to discuss this issue further after reviewing the information as this has and will continue to be an issue with licensees that are coming to the state of Kentucky from other countries where they received their education. Mr. Cumbee explained that the law needs to be clearer when asking for documentation of the education received.

Mr. Rhodes discussed the idea of creating a Continuing Education Regulation. At this time the Board does not have any continuing education requirements. Mr. Rhodes explained that this will be a very difficult process to create this regulation and the Board will have to work together. Dr. Cobb explained that he's not in favor of continuing education for licensees. Mr. Wyatt offered to look into some existing continuing education courses and see what the cost is and get an idea of how many hours the Board would need to require each year. Mr. Rhodes made a motion to begin drafting legislation to require continuing education. Mr. Cumbee seconded that motion and it carried.

Before today's meeting several staff members with the Department of Environmental Protection came and spoke with Mr. Rhodes and Mr. Cumbee regarding the new Senate Bill that has just passed. DEP has several employees that currently work in the geology field but have never become licensed or take the ASBOG Exam. The new Senate Bill requires the employees to seek licensure before two thousand fifteen in order to be able to call themselves Geologists. The Department feels the Board does not provide a clear definition of what a Geologist is and that they should be more specific as they feel some of their employees may practice in the field but not be considered a Professional Geologist. The Department employees stated that they'd like to take some time to gather their questions and concerns for the Board to review at a later date.

Mr. Rhodes informed the Board that the ASBOG Annual Meeting is being held in Omaha, Nebraska from October 31st through November 3rd. Mr. Rhodes will be attending to give a report on what the Kentucky Board has done over the course of this last year. Mr. Wyatt made a motion for the Board to send Mr. Rhodes. Dr. Cobb seconded that motion and it carried. Mr. Rhodes also feels it would be in the best interest for Ms. Lane to attend the conference and learn more about the geology field. Mr. Cumbee made a motion for the Board to send Ms. Lane to the conference. Mr. Wyatt seconded that motion and it carried.

On July 30, 2012 former Board Counsel Mark Brengelman retired from his position as Assistant Attorney General with the Office of the Attorney General that has been providing legal services to the Board. Since Mr. Brengelmans departure, the office has temporarily filled his spot with another Assistant Attorney General, Jim Grawe that brings many years of experience to the Board. Mr. Brengelman approached Mr. Rhodes about the Board no longer using the services of the Attorney General's Office and developing a contract with him to provide legal services to the Board. Mr. Brengelman explained to the Board that they would need to file a request for a proposal where he

would have to fulfill a certain bid requirement that the Board decides on. When asked what the hourly rates would be Mr. Brengelman informed the Board that he was unsure of what he would be charging at this time. Mr. Grawe explained that the Attorney General's Office has a lot of history and are very well versed on regulatory boards. He also explained that their office has plenty of resources to provide them with the services that they need and require. Mr. Rhodes explained that he'd like to see what's involved in the bid process and would like Mr. Brengelman to inform the Board of his rates. Dr. Cobb made a motion that the Board look into both options whether that be a contractual agreement with Mr. Brengelman or keeping the services of the Attorney General's Office. Mr. Wyatt seconded that motion and it carried.

OLD BUSINESS

The Board briefly discussed the passing of SB 162. The Bill is now officially law and the Board can begin issuing fines or subpoenas if they should need to.

Ms. Lane presented Mr. Rhodes with the Settlement Agreement in Complaint #2009-002. This case involved someone charged with signing off on documents he did not prepare.

COMMITTEE REPORTS

APPLICATIONS COMMITTEE

The applications committee reviewed four (4) applications for Registration as Professional Geologists for Tristram Madden, Rhonald Hasenyager, Carol Canada, and Daniel Harman Jr., one (1) application for a Geologist-In-Training for Sean Vanderhoff. Mr. Cumbee made a recommendation to approve all three (4) Professional Geologists Registrations. Mr. Cumbee deferred the application for Geologist-In-Training as it is incomplete at this time.

COMPLAINTS COMMITTEE

The Complaints Committee reviewed pending agency complaints 2009-02, 2010-02, 2011-01 and 2012-01. Case 2009-002 has a settlement agreement that was signed by Chairman Rhodes at today's meeting. Mr. Wyatt reported that 2010-002 was still pending due to court case in Pennsylvania. A letter has gone out regarding case 2011-001 and the committee is still waiting for a response. Mr. Wyatt made a recommendation to the Board that the individual in case 2012-01 be denied renewal at this time. The committee further requests that a conditional renewal be granted once probation from the courts is granted to the licensee. All were in favor.

TRAVEL AND PER DIEM

Dr. Cobb made a motion to approve the travel and per diem for members attending today's meeting. The motion, seconded by Mr. Cumbee, carried.

NEXT MEETING

The next regular meeting is scheduled for 1:30 p.m. on October 1, 2012 at the Office of Occupations and Professions along with the Complaints Committee for 1:00 p.m.

ADJOURN

Dr. Cobb made a motion to adjourn at 4:43 p.m., having no further items of discussion. The motion, seconded by Mr. Cumbee, carried.

Larry Rhodes, Board Chair