# *MISSISSIPPI STATE BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS*

## *Application Materials*

***October, 1999***

**MISSISSIPPI STATE BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS**
**P. O. BOX 22742**
**JACKSON, MS 39225-2742**

## Application Check List - *this page is for your information and is not to be returned.*

This check list is to be used by the applicant to ensure that all the required application forms and documents are properly submitted to the Board toward application as a Registered Professional Geologist (RPG) or Enrolled as a Geologist-In-Training (GIT).

The following items must be submitted before the Board can consider your application. Please read all items carefully. **An incomplete application will not be considered**.

1. _____ All items on application forms must be typed.

2. _____ Remittance of non-refundable application fee (RPG $140.00; GIT $70.00) made payable to the Mississippi State Board of Registered Professional Geologists.

3. _____ Application signed.

4. _____ Application notarized.

5. _____ Circulate three reference forms (Part D; 2 pages) to respondents who have personal knowledge of applicant's geologic experience. Respondents must be geologists as defined by the Act. Enclose a stamped envelope addressed to the Board with each reference. **The respondents must mail the reference forms directly to the Board**.

6. _____ Request official transcript(s) from college or university. The college or university must mail the transcript directly to the Board.

7. _____ Read and understand the Registered Professional Geologists Practice Act of 1997 and the Rules of the Board.

8. _____ Mail application forms to the Board at the address at the top of this page.

### Important Notice to Applicants:

All applicants are required to read and understand the Registered Professional Geologists Practice Act of 1997 and the Rules of the Board, and agree to abide by them. These documents, along with copies of the application, may be viewed and downloaded from the Internet at the following website address or you may contact the Board at the address listed at the top of the page.

**www.msbrpg.ms.gov**

**If approved for registration you will pay a registration fee valid for one year (RPG $150.00; GIT $75.00) and if desired will be required to purchase a Registered Professional Geologists stamp and/or embossing seal with your personal certificate number through the Board of Registration.**

**NOTE: IF YOU ARE APPLYING FOR REGISTRATION THROUGH RECIPROCITY OR COMITY PLEASE HAVE YOUR STATE OF REGISTRATION FORWARD A LETTER STATING THAT YOU ARE IN GOOD STANDING WITH THAT BOARD, INCLUDING THE DATE OF YOUR REGISTRATION AND ACTUAL TEST SCORES. IF YOU ARE APPLYING VIA THIS METHOD PLEASE CONTACT US FOR FURTHER INFORMATION.**

**RPG-A1-97**

# PART A

## APPLICATION FOR REGISTRATION
## MISSISSIPPI STATE BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS
## P. O. BOX 22742
## JACKSON, MS 39225-2742

**Fill in all blanks; these forms may be filled in on screen and then printed, otherwise all entries must be typewritten.** All information must be supplied on the form. If an item is not applicable to you, complete the blank with "not applicable". If insufficient space is provided for any item, attach supplemental sheets (8½" x 11").

**Your signature to this form and its notarization constitute an affidavit as to the truth of all information you have submitted.**

**Your application should be accompanied by a check payable to the Mississippi State Board of Registered Professional Geologists. This will cover the application processing costs and is non-refundable.**

_____ I hereby apply for Registered Professional Geologist (RPG) on _____,20_____.

_____ I hereby apply for Geologist-In-Training enrollment (GIT) on_____,20_____.

### GENERAL INFORMATION

Full Name:_____

Home Address:_____

City/State/Zip:_____

Home Phone:_____SSN:_____

Date of Birth:_____ Place of Birth:_____

Email (home):_____ Email (work): _____

Employer:_____

Employer Address:_____

City/State/Zip:_____

Business Phone:_____ FAX:_____ State of Legal Residence:_____

Have you ever been convicted of a felony or pleaded "no contest" to a criminal charge?

Yes_____ No _____

If yes, explain:_____

_____

_____

# PART A - continued

## EDUCATION

List the most recent first. If more space is needed, attach a supplemental sheet.

For each entry list:
1. Dates - from and to (show month and year).
2. College/University (list name and location).
3. Major subject.
4. Semester hours of Geology.
5. Degree(s) received and date(s) - month and year.

_____
_____
_____
_____
_____

## PROFESSIONAL AFFILIATIONS

_____
_____
_____
_____
_____

## REGISTRATION AND LICENSURE HISTORY

1. Do you now hold a state o national professional certification, license or registration (e.g. AIPG, AAPG)? Yes_____ No_____

List states and/or organizations, certificate, license, or registration number and date:_____
_____
_____

2. Have you ever been refused professional certification, license, or registration, or the renewal thereof? Yes_____ No_____

If yes, provide details as to state, agency, or organization, professional certificate, license or registration number, date, and stated reason:_____
_____

3. Have you ever had a professional certification, license, or registration revoked, suspended, or otherwise acted against in a disciplinary proceeding? Yes_____ No_____

If yes, provide details as to state, agency, or organization, professional certificate, license or registration number, date, and stated reason:_____
_____
_____
_____
_____

**RPG-A3-97**

# PART B

## EXPERIENCE RECORD

**Attach a supplemental sheet(s) if necessary, list <u>all</u> work experience (geological and non-geological) in reverse chronological order (i.e. most recent position first), using the following format.**

For each entry list:

1. Dates of qualifying experience; including graduate experience.

2. Description of qualifying experience - (please note work which you desire to be qualifying experience with an asterisk); include position title, name of employer, and as concisely as possible describe your duties, responsibilities, and supervisory role (if any). A minimum of four years experience must be demonstrated and a minimum of three experience reference forms must be submitted.

3. Verification of work; include name, title and address of geologist who can verify the quality of your work. The self-employed may reference professional geologists familiar with their work. For GIT verification, professors or other persons in responsible positions may vouch for your class performance and ethics as demonstrated by classroom association.

Example:

1. From May 1985 to present

2. Senior Geologist; C & S Geotechnical Co., Inc.; Duties included writing proposals, well drilling and sampling plans, analysis of data derived from sampling, writing final reports, supervised 30 geologists.

3. John Doe, President, C & S Geotechnical Co., Inc., 3321 Johnson St., Sugarloaf, MS.
   James Doe, Senior Geologist, C & S Geotechnical Co., Inc., 3321 Johnson St., Sugarloaf, MS
   Arlo Doette, Project Geologist, Doette Drill Co., Route 19, White Valley, MS.

**RPG-A4-97**

# PART C

## AFFIDAVIT

In affixing my signature to this application, I warrant that all statements made herein and on the appended sheets are true and correct to the best of my knowledge, information, and belief. In affixing my signature to this application, I acknowledge that I read and understand the "Registered Professional Geologists Practice Act of 1997," the Rules of the Board, and shall adhere to the Code of Ethics/ Professional Conduct and all other requirements and guidelines contained therein.

Date:_____, 20_____.

Signature:_____

"State of _____

County/Parish of _____

Personally appeared before me, the undersigned authority in and for the said county/parish and state, within my jurisdiction, the within named _____, who acknowledged that (he)(she)(they) has (have) sworn to, subscribed to, and executed, the above and foregoing instrument on this _____ day of _____, 20____.

_____

Notary Public

My commission expires:

_____"

(Affix official seal, if applicable)

**RPG-A5-97**

# PART D

## GEOLOGICAL EXPERIENCE VERIFICATION AND REFERENCE FORM

## ALL INFORMATION IS TO BE TYPEWRITTEN

## SECTION 1. Enter Name of Reference Here:_____

### THIS SECTION IS TO BE COMPLETED BY APPLICANT.

Applicant's Name:_____

Address:_____

Verification of Experience From_____to_____

Name of Employer:_____

Address of Employer:_____

Part Time:_____ Full Time:_____

Applicant should make an explicit statement, listing and defining work performed, listing and defining projects for which applicant had full or partial responsibility.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

**RPG-A6-1-97**

## SECTION 2

***THIS SECTION TO BE COMPLETED BY RESPONDENT WHO IS A GEOLOGIST*** **AS DEFINED BY THE ACT. SEE APPLICANT'S COMPLETE STATEMENT ON PRECEDING PAGE- ALL ENTRIES ARE TO BE TYPEWRITTEN.**

The applicant named above has filed an application for registration in the state of Mississippi as a Professional Geologists. This process depends on the verification of the extent, diversity, and quality of his/her practical training and experience as described on the reverse side. We therefore request your assistance by filling out the form with consideration of the need for accurate data and for objective appraisal of the applicant's ability or potential to practice geology. ***The applicant has provided in PART D, Section 1, the job/timeframe which you are to verify.***

**Please return to the Board in the enclosed envelope.**

Name of Respondent:_____

Current Business Address:_____

Position in Firm:_____

Are you a degreed geologist? _____

Business Phone:_____

Do you now hold a state professional certification, license or registration?: Yes _____ No _____

List states and certificate, license, or registration number and date:_____

1. Describe applicant's character and personal reputation:_____

_____

2. What is/was your business or professional relationship to the applicant:_____

_____

3. Do you have knowledge of the applicant's participation in professional misconduct?_____

If yes, please explain:_____

_____

4. Would you recommend this applicant for registration?_____

5. The portion of employment or experience we wish to verify is described by the applicant in the previous section (Section 1). Please state your opinion regarding the accuracy of the description, including extent and complexity of work. _____

_____

_____

_____

_____

Reference Signature:_____

Date: _____

**RPG-A7-1-97**

# PART D

## GEOLOGICAL EXPERIENCE VERIFICATION AND REFERENCE FORM

## ALL INFORMATION IS TO BE TYPEWRITTEN

## SECTION 1. Enter Name of Reference Here:_____

**THIS SECTION IS TO BE COMPLETED BY APPLICANT.**

Applicant's Name:_____

Address:_____

Verification of Experience From_____to_____

Name of Employer:_____

Address of Employer:_____

Part Time:_____ Full Time:_____

Applicant should make an explicit statement, listing and defining work performed, listing and defining projects for which applicant had full or partial responsibility.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

**RPG-A6-2-97**

## SECTION 2

***THIS SECTION TO BE COMPLETED BY RESPONDENT WHO IS A GEOLOGIST*** **AS DEFINED BY THE ACT. SEE APPLICANT'S COMPLETE STATEMENT ON PRECEDING PAGE- ALL ENTRIES ARE TO BE TYPEWRITTEN.**

The applicant named above has filed an application for registration in the state of Mississippi as a Professional Geologists. This process depends on the verification of the extent, diversity, and quality of his/her practical training and experience as described on the reverse side. We therefore request your assistance by filling out the form with consideration of the need for accurate data and for objective appraisal of the applicant's ability or potential to practice geology. ***The applicant has provided in PART D, Section 1, the job/timeframe which you are to verify.***

**Please return to the Board in the enclosed envelope.**

Name of Respondent:_____

Current Business Address:_____

Position in Firm:_____

Are you a degreed geologist? _____

Business Phone:_____

Do you now hold a state professional certification, license or registration?: Yes _____ No _____

List states and certificate, license, or registration number and date:_____

1. Describe applicant's character and personal reputation:_____

_____

2. What is/was your business or professional relationship to the applicant:_____

_____

3. Do you have knowledge of the applicant's participation in professional misconduct?_____

If yes, please explain:_____

_____

4. Would you recommend this applicant for registration?_____

5. The portion of employment or experience we wish to verify is described by the applicant in the previous section (Section 1). Please state your opinion regarding the accuracy of the description, including extent and complexity of work. _____

_____

_____

_____

_____

Reference Signature:_____

Date: _____

**RPG-A7-2-97**

# PART D

## GEOLOGICAL EXPERIENCE VERIFICATION AND REFERENCE FORM

## ALL INFORMATION IS TO BE TYPEWRITTEN

**<u>SECTION 1.</u> Enter Name of Refernce Here:_____**

**THIS SECTION IS TO BE COMPLETED BY APPLICANT.**

Applicant's Name:_____

Address:_____

Verification of Experience From_____to_____

Name of Employer:_____

Address of Employer:_____

Part Time:_____ Full Time:_____

Applicant should make an explicit statement, listing and defining work performed, listing and defining projects for which applicant had full or partial responsibility.

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

**RPG-A6-3-97**

## SECTION 2

***THIS SECTION TO BE COMPLETED BY RESPONDENT WHO IS A GEOLOGIST*** **AS DEFINED BY THE ACT. SEE APPLICANT'S COMPLETE STATEMENT ON PRECEDING PAGE- ALL ENTRIES ARE TO BE TYPEWRITTEN.**

The applicant named above has filed an application for registration in the state of Mississippi as a Professional Geologists. This process depends on the verification of the extent, diversity, and quality of his/her practical training and experience as described on the reverse side. We therefore request your assistance by filling out the form with consideration of the need for accurate data and for objective appraisal of the applicant's ability or potential to practice geology. ***The applicant has provided in PART D, Section 1, the job/timeframe which you are to verify.***

**Please return to the Board in the enclosed envelope.**

Name of Respondent:_____

Current Business Address:_____

Position in Firm:_____

Are you a degreed geologist? _____

Business Phone:_____

Do you now hold a state professional certification, license or registration?: Yes _____ No _____

List states and certificate, license, or registration number and date:_____

1. Describe applicant's character and personal reputation:_____

_____

2. What is/was your business or professional relationship to the applicant:_____

_____

3. Do you have knowledge of the applicant's participation in professional misconduct?_____

If yes, please explain:_____

_____

4. Would you recommend this applicant for registration?_____

5. The portion of employment or experience we wish to verify is described by the applicant in the previous section (Section 1). Please state your opinion regarding the accuracy of the description, including extent and complexity of work. _____

_____

_____

_____

_____

Reference Signature:_____

Date: _____ **RPG-A7-3-97**

# MISSISSIPPI
# STATE BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS

# Rules and Regulations

**Title 30 - Professions and Occupations**
**Part 1101**

## TABLE OF CONTENTS

CHAPTER 1: Organization, Purpose and Operation of the Board ..... 8

Rule 1.1 Purpose ..... 8
Rule 1.2 Authorization ..... 8
Rule 1.3 Composition of Board ..... 8
Rule 1.4 Term of Board Members ..... 8
Rule 1.5 Appointment of Board Members ..... 8
Rule 1.6 Voting ..... 9
Rule 1.7 Quorum ..... 9
Rule 1.8 Frequency of Meetings ..... 9
Rule 1.9 Election of Officers ..... 9
Rule 1.10 Term of Office of Board Officers ..... 9
Rule 1.11 Duties of Officers ..... 9
Rule 1.12 Order of Business ..... 10
Rule 1.13 Open Meetings ..... 10
Rule 1.14 Seal of the Board ..... 11
Rule 1.15 Seal of Registrants' ..... 11
Rule 1.16 Robert's Rules of Order, Revised ..... 11
Rule 1.17 Adoption of Rules and Regulations ..... 11
Rule 1.18 Procedures for Copying and Inspections of Public Records ..... 11

Chapter 2: Applications ..... 12

Rule 2.1 Form of Application ..... 12
Rule 2.2 Acceptance of Applications ..... 13
Rule 2.3 Submission of Applications ..... 13
Rule 2.4 Transcript ..... 13
Rule 2.5 Experience Record ..... 14
Rule 2.6 Application from Applicants with Degrees from Foreign Schools ..... 14
Rule 2.7 Reconsideration of Action on an Application ..... 14
Rule 2.8 Disposition of Applications ..... 15

Rule 2.9 Reapplication .....15
Rule 2.10 Retention of Applications .....15

Chapter 3: Code of Ethics/Professional Conduct.....16
Rule 3.1 General Principles.....16
Rule 3.2 Responsibilities to the Public and Integrity in the Practice of Geology .....16
Rule 3.3 Responsibilities to Employers and Clients .....17
Rule 3.4 Responsibilities to Other Geologists, the Profession, and Other Professionals in Related Disciplines.....18
Rule 3.5 Compliance .....19

Chapter 4: Fees .....19
Rule 4.1 Method of Payment.....19
Rule 4.2 Penalty for Late Renewal or Payment of Required Fees .....19
Rule 4.3 Fee Schedule .....19

Chapter 5: Ad Hoc Advisory Committee Organization, Purpose, and Operation .....21
Rule 5.1 Purpose.....21
Rule 5.2 Authorization .....21
Rule 5.3 Membership .....22
Rule 5.4 Officers .....22
Rule 5.5 Terms .....22
Rule 5.6 Duties of Officers.....22
Rule 5.7 Frequency of Meetings .....23
Rule 5.8 Reporting Duties .....23

Chapter 6: Curricula Approved by the Board .....23
Rule 6.1 Geology Curricula.....23
Rule 6.2 Education Equivalences .....24

Chapter 7: References .....25
Rule 7.1 Responsibility of Applicant for References .....25
Rule 7.2 Reference Qualifications .....25
Rule 7.3 Reference Information .....25
Rule 7.4 Responsibility of the Reference .....25
Rule 7.5 Failure of a Reference to Respond .....25

Chapter 8: Examinations .....26
Rule 8.1 Uniform National Examinations .....26
Rule 8.2 Classification of Geology Examinations .....26
Rule 8.3 Dates and Locations .....27
Rule 8.4 Language of the Examinations .....27
Rule 8.5 Authorized Materials in Examination Room .....27
Rule 8.6 Non-Compliance of Examination Rules and Procedures .....28
Rule 8.7 Failure to Attend an Examination or Failure to Appear at the Requested Time .....28
Rule 8.8 Examination Results .....28
Rule 8.9 Grading Information .....28
Rule 8.10 Examination for Record Purposes (Grandfathered RPGs and GITs) .....29
Rule 8.11 Retention of Examinations .....29
Rule 8.12 Expiration of Enrollment .....29
Rule 8.13 Handicapped Examinees .....29

Chapter 9: Reinstatement of Registration or Enrollment after Revocation and Reinstatement of Lapsed Registration or Enrollment .....30
Rule 9.1 Application for Reinstatement .....30
Rule 9.2 Board Action .....30
Rule 9.3 Reinstatement of Lapsed Annual Registration .....30
Rule 9.4 Reinstatement of Lapsed Annual Enrollment .....30

Chapter 10: Seal on Documents and Other Sealing-Stamping-Acknowledgement Requirements ....31
Rule 10.1 Basic Sealing Practices ....31
Rule 10.2 Geologic Studies/Projects ....31
Rule 10.3 Detailed, Specific Instructions Concerning Maps, Illustrations, and Similar Products ....32
Rule 10.4 Reports, Bulletins, and Other Similar Products ....32
Rule 10.5 Additional Guidelines for Pamphlets, Maps, Illustrations, etc. ....33

Chapter 11: Use of the Terms Geologist, Registered Professional Geologist, and Certified Professional Geologist ....36
Rule 11.1 Restrictions ....36
Rule 11.2 Requirements of Supervisory Control ....36
Rule 11.3 Activities not Requiring Registration ....37

Chapter 12: Disciplinary Actions....38
Rule 12.1 Complaints ....38
Rule 12.2 Investigative Procedures ....38
Rule 12.3 Disciplinary Proceedings ....39
Rule 12.4 Conflict and Bias....40
Rule 12.5 Respondent May Assert Bias ....40
Rule 12.6 Disqualification....40
Rule 12.7 Pre-Hearing Discovery....40
Rule 12.8 Disciplinary Hearings ....40
Rule 12.9 Discipline ....41
Rule 12.10 Costs....42
Rule 12.11 Appeals ....42

Chapter 13: Organization of the Mississippi State Board of Registered Professional Geologists (MSBRPG) ..... 42
Rule 13.1 Purpose ..... 42
Rule 13.2 Summary ..... 42
Rule 13.3 Full Text of the Rule ..... 42

Chapter 14: Informal Proceedings Available to the Public ..... 43
Rule 14.1 Purpose ..... 43
Rule 14.2 Summary ..... 43
Rule 14.3 Full Text of the Rule ..... 43

Chapter 15: Requirements for Public Hearings, Rule Making ..... 43
Rule 15.1 Purpose ..... 43
Rule 15.2 Summary ..... 43
Rule 15.3 Full Text of the Rule ..... 43
Rule 15.4 Location of Public Hearings ..... 44
Rule 15.5 Conducting Public Hearings ..... 44
Rule 15.6 Public Availability of Public Hearing Records ..... 45

Chapter 16: Declaratory Opinions ..... 45
Rule 16.1 Purpose ..... 45
Rule 16.2 General Information ..... 45
Rule 16.3 Persons Who May Request Declaratory Opinions ..... 45
Rule 16.4 Subjects Which May Be Addressed in Declaratory Opinions ..... 45
Rule 16.5 Circumstances in which Declaratory Opinions Will Not Be Issued ..... 46
Rule 16.6 Form of the Request for a Declaratory Opinion ..... 47
Rule 16.7 Time for MSBRPG's Response ..... 49
Rule 16.8 Procedure after Request for Declaratory Opinion Received ..... 49
Rule 16.9 Hearings at the Discretion of the MSBRPG ..... 49
Rule 16.10 Public Availability of Requests and Declaratory Opinions ..... 50

Rule 16.11 Process for Issuing Declaratory Opinions.....50

Chapter 17: Procedure for Making the MSBRPG Orders Available to the Public.....50

Rule 17.1 Purpose.....51

Rule 17.2 Summary.....51

Rule 17.3 Using Board Orders as Precedent.....51

Chapter 18: Severability.....51

**Title 30: Professions and Occupations**
**Part 1101: Geologists, Board of**

## Part 1101 Chapter 1: Organization, Purpose and Operation of the Board

### *Rule 1.1 Purpose*
The Mississippi State Board of Registered Professional Geologists was created to administer the Registered Professional Geologists Practice Act of 1997 in order to safeguard life, health, and property, and to promote the public welfare by requiring any person in either public or private capacity practicing or offering to practice geology in this state to be registered, unless otherwise exempted by the Act.

Source: *Miss. Code Ann.* §73-63-3

### *Rule 1.2 Authorization*
The Registered Professional Geologists Practice Act of 1997, (§73-63-1 *et seq.*, Mississippi Code 1972, annotated) provides the means for achieving the purpose of the Board as an agency of the State of Mississippi.

Source: *Miss. Code Ann.* §73-63-1 *et seq.*

### *Rule 1.3 Composition of Board*
The Board shall, to the extent practicable, be composed of five (5) members. One (1) member represents the governmental sector, one (1) member represents academia, one (1) member represents the geotechnical/environmental sector, one (1) member represents the mining/mineral extraction sector, and one (1) member shall represent the State's geologists at-large.

Source: *Miss. Code Ann.* §73-63-9

### *Rule 1.4 Term of Board Members*
With the exception of the initial Board, the term of all members shall be four (4) years.

Source: *Miss. Code Ann.* §73-63-9

### *Rule 1.5 Appointment of Board Members*
With the exception of the initial Board, the nominating committee shall consist of board members whose term is not expiring. The nominees selected by the committee shall then be submitted to the Registered Professional Geologists on the roster. Submission to the voting registrants may be done via e-mail, by a separate USPS mailing or via notice in a newsletter mailing. Based on the voting by the Registered Professional Geologists on the roster, the Executive Director/Board Administrator shall tally the voting results and submit to the Governor the three (3) nominees, ranked from the most to least number of votes received, from the sector in which the vacancy occurs, who received the largest number of votes. The Governor shall then appoint one of the three (3) nominees to fill the vacancy.

Source: *Miss. Code Ann.* §73-63-9

***Rule 1.6 Voting***
All members of the Board, including the President, shall be entitled to vote and make or second motions. A majority vote of those present is required to pass a motion. A member expecting to be absent for a vote may provide the Board with written comments, but shall not vote by proxy.

Source: *Miss. Code Ann.* §73-63-17(a)

***Rule 1.7 Quorum***
A majority of the Board shall constitute a quorum.

Source: *Miss. Code Ann.* §73-63-15

***Rule 1.8 Frequency of Meetings***
The Board shall meet at least two (2) times per year. Regular meetings may be held at specific times and dates as agreed to by a majority of the Board. Special meetings may be called by the President or Vice President if the President is incapacitated, and may be arranged by telephone, e-mail, or other electronic means provided adequate proof of notification to the Board members and the public is maintained. Due notice of meeting time and place, as required by law, apply to regular and special meetings.

Source: *Miss. Code Ann.* §73-63-15

***Rule 1.9 Election of Officers***
The Board shall annually elect from its membership a President and Vice President at a regularly scheduled meeting in June or shortly thereafter but no later than the next meeting of the Board following June 30.

Source: *Miss. Code Ann.* §73-63-15

***Rule 1.10 Term of Office of Board Officers***
The term of office of Board officers shall extend from July 1 through June 30 of the following year. No officer shall serve for more than two (2) consecutive terms for any specific office.

Source: *Miss. Code Ann.* §73-63-15

***Rule 1.11 Duties of Officers***
**President:** The President shall serve as the executive officer of the Board and preside, when present, at all meetings. The President shall sign all certificates, the Annual Report to the Governor, and all other official documents and reports required of the Board. The President shall appoint such committees as the President may deem necessary and are authorized by the Board. The President, in the absence of an Executive Director/Board Administrator, shall perform those duties as described in 73-63-19. The President is responsible for setting agendas for consideration of the Board; however, other items may be placed on the agenda by a majority vote of the Board. The President shall perform any other duties typical of the office and as permitted by law.

**Vice President:** In the absence of the President, the Vice President shall perform the duties of the President, with the exception of signing the Annual Report to the Governor. In the absence of an Executive Director/Board Administrator or Secretary, the Vice President shall maintain the official record of the minutes of the Board proceedings. The Vice President shall, along with the President, sign all Registrant and Geologist-In-Training certificates.

**Secretary:** By majority vote, the Board may elect to establish the office of Board Secretary. At such time, the Board shall establish the duties and authority as the office shall require.

**Executive Director/Board Administrator:** By majority vote, the Board may elect to create the office of Executive Director/Board Administrator and establish such duties and authority as the office shall require.

Source: *Miss. Code Ann.* §73-63-17(a)

***Rule 1.12 Order of Business***
The Order of Business is set by the President. The agenda shall include an item of business allowing public comment.

Source: *Miss. Code Ann.* §73-63-17(a)

***Rule 1.13 Open Meetings***
As required by the Open Meetings laws of the State of Mississippi, the general public shall be admitted to all meetings of the Board with the exception of those specifically identified by law. The public is subject to the following rules of conduct:

A. Members of the public are requested to register with the Vice President upon entry into the meeting area. Organized groups must have one (1) designated spokesperson.

B. Members of the public are expected to conduct themselves in a professional, calm and courteous manner.

C. Upon request and recognition of the presiding officer, an individual or spokesperson may be recognized to speak for a specified period of time. Additional time may be requested and extended at the pleasure of the presiding officer.

D. As prescribed by law, members of the public are not allowed to attend meetings of the Board when in Executive Session. All members of the public will be asked to leave the meeting area and allowed to return only when so advised by the presiding officer. Specific reasons for calling an Executive Session are described in the Open Meetings and Records Law.

Any member of the public who does not comply with these rules will be dismissed from the meeting.

Source: *Miss. Code Ann.* §73-63-17(a); §25-41-1 *et seq.*

***Rule 1.14 Seal of the Board***
The Board shall adopt a seal for use of the Board on official documents. The Board may change such seal as it deems necessary.

Source: *Miss. Code Ann.* §73-63-17(b)

***Rule 1.15 Seal of Registrants'***
The Board shall adopt a seal for the use of registrants appearing on the roster. The Board shall establish the proper use of the seal and may change it as the Board deems necessary.

Source: *Miss. Code Ann.* §73-63-4; §73-63-17(a)

***Rule 1.16 Robert's Rules of Order, Revised***
Robert's Rules of Order shall govern proceedings of the Board, except when such rules conflict with law or these regulations.

Source: *Miss. Code Ann.* §73-63-17(a)

***Rule 1.17 Adoption of Rules and Regulations***
The Board has the exclusive right to promulgate, change and/or alter these rules and procedures upon majority vote.

Source: *Miss. Code Ann.* §73-63-17(a)

***Rule 1.18 Procedures for Copying and Inspection of Public Records***
With the exception of records exempted by law, the Board complies with requests for information under the Mississippi Public Records Act of 1983, Mississippi Code Annotated §25-61-1, *et seq.* according to the following policies:

A. Requests for information under the Mississippi Public Records Act of 1983 should be marked "Request for Public Records" and must be submitted in writing by U.S. mail to the MSBRPG Executive Director/Board Administrator, Mississippi State Board of Registered Professional Geologists, P.O. Box 22742, Jackson, MS 39225-2742.

B. Requests should describe in reasonable detail the records sought, and, if possible, should include a description of the type of records, names, dates, etc. that may aid in locating the requested records.

Upon receipt of a request, the MSBRPG Executive Director/Board Administrator shall determine whether the records sought are exempt from production under the

Mississippi Public Records Act, and shall either produce or deny production of the records sought within seven (7) working days of the receipt of the request. If the MSBRPG'S Executive Director/Board Administrator determines that the records requested are exempt or privileged under the law, he or she shall deny the request and shall send the person making the request a statement of specific reasons for the denial. Such denials shall be kept on file for inspection by any person for three years.

Where necessary and feasible, exempt material will be redacted from non-exempt material. The MSBRPG will charge reasonable fees for the redaction of any exempted material, not to exceed the agency's actual cost to do so.

C. Records shall be copied by Board personnel only. The requesting party bears the cost of all reproduction which is established as the actual cost incurred by the Board to meet the request. These costs include the cost of labor plus fringe required to conduct searches and copying. The requesting party must prepay costs for reproduction and postage. No copies will be made until full prepayment is made.

The MSBRPG's Executive Director/Board Administrator shall promptly notify the person making the request of the estimated fees if the estimate exceeds the funds accompanying the request. The preceding noted fees will apply even if the search is unproductive.

D. Fees for Public Records Requests

Cost per page (does not include research-document search-redaction costs) ..... $0.35

Mailing of materials First Class Mail (includes postage and mailing materials) ..... Actual costs

Cost of researching, searching, reviewing, redaction, and/or copying and mailing ..... Labor plus fringe of lowest paid employee

Source: *Miss. Code Ann.* §73-63-17(a); §25-61-1 *et seq.*

## Part 1101 Chapter 2: Applications

### *Rule 2.1 Form of Application*

A. All applications for registration shall be made on a printed form provided by the Board. Where space on the form does not permit an applicant to present his/her record of experience or practice, the applicant may provide supplementary sheets of white paper 8 ½ x 11 inches in size. Such additional sheets shall be typed on

one side only and shall be signed and dated. Applications must be clearly typewritten.

B. All questions must be answered, except as otherwise specified.

C. An application not properly completed, not containing all of the required information, or not accompanied by the required fee will be returned with a statement of the reason for return.

D. Applications shall be subscribed and sworn to before a Notary Public or other persons qualified to administer an oath.

E. The conditions set out in the application shall be construed to be a part of the Rules and Regulations.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-29

***Rule 2.2 Acceptance of Applications***

A. Withholding of information, misrepresentations, or untrue statements will be cause for denial of an application.

B. Persons who have been previously disciplined and are no longer registered or enrolled with the Board shall appear before the Board and show cause why they should be accepted as an applicant for re-registration or re-enrollment.

C. No person shall be eligible for registration or enrollment that is not of good character and reputation.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

***Rule 2.3 Submissions of Applications***

A. All applicants for Registered Professional Geologist who are qualified as a geologist shall have the opportunity to register under the provisions of the grandfathering clause as specified by the Registered Professional Geologists Practice Act of 1997.

B. Applications for registration, other than grandfathering, may be submitted as specified by the Rules of the Board.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

***Rule 2.4 Transcript***

When the Board requires a transcript showing subjects and grades of all scholastic work which the applicant wishes to claim, this transcript should also show degree issued, and date of

issuance. It is the responsibility of the applicant to see that such record is sent directly from the institution to the Board office. No action will be taken by the Board until such information is received.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

***Rule 2.5 Experience Record***

In relating experience, an applicant must account for the entire period of time which has elapsed since the beginning of the experience record.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

***Rule 2.6 Application from Applicants with Degrees from Foreign Schools***

A. *Language Comprehension (RPG)* - An applicant for registration as a Registered Professional Geologist who is from a non-English speaking country, or a country where the primary language is other than English, shall submit to the Board a TOEFL (TOEFL is the acronym for test of English as foreign language) certificate with a score of 550 or higher. This test shall have been taken within two years of the application date. An applicant who has received a degree from an institution in an English-speaking country will be exempt from this requirement.

B. *Language Comprehension (GIT)* - An applicant for enrollment as a Geologist-In-Training who is from a non-English speaking country, or a country where the primary language is other than English, shall submit to the Board a TOEFL (TOEFL is the acronym for test of English as foreign language) certificate with a score of 475 or higher. This test shall have been taken prior to application as a GIT. An applicant who has received a degree from an institution in an English-speaking country will be exempt from this requirement.

C. Degrees from foreign (outside of the United States) institutions of learning must be transcribed by a transcription service acceptable to the Board. Such a transcription must provide the equivalent semester hours on a course by course basis pursuant to U.S. standards enumerated in Chapter 6, Rules 6.1 and 6.2. Those results must be sent directly from said transcription service to the Board.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

***Rule 2.7 Reconsideration of Action on an Application***

A. *Reconsideration request* - An applicant may request reconsideration of a denial of application if the request is based on additional information and/or evidence which could affect the Board's decision.

B. *Time limit for reconsideration* - A reconsideration request must be made within thirty (30) calendar days after notice of denial has been mailed.

C. *Personal appearance before the Board* - An applicant may file a written request to appear before the Board to support the presentation of the additional information and/or evidence. Such additional information or evidence must be filed at the Board office at least ten (10) calendar days before the scheduled date of appearance.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

***Rule 2.8 Disposition of Applications***

Applications may be approved; deferred for more experience or additional references or other reasons; closed; or denied.

A. *Approved applications*

1. When an application is approved by the Board for an examination, the applicant shall be notified by the Executive Director/Board Administrator or President of the Board.

2. When an applicant has met the qualifications for registration, the applicant shall be notified of registration and the action of the Board shall be recorded in the official minutes of the meeting.

B. *Deferred applications* - Deferred applications shall remain on file for one year from date of deferment. If the reason for deferment is not removed within this time, the application will be closed.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

***Rule 2.9 Reapplication***

An applicant not otherwise prohibited by the Board may reapply.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

***Rule 2.10 Retention of Applications***

A. *Retention Schedule* - In accordance with the following retention schedule, the following records will be maintained on file in the Board office for the period shown:

1. Registered Professional Geologist (RPG) - microfilmed files or alternately electronically archived and retained for seventy five (75) years or until seven (7) years after death, whichever occurs sooner.

2. Geologist-In-Training (GIT) - ten (10) years

3. Examinations - ten (10) years

4. Closed or denied - seven (7) years

B. Any application that involved disciplinary action or violations will be retained indefinitely.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27

**Part 1101 Chapter 3 Code of Ethics/Professional Conduct**

***Rule 3.1 General Principles***

A. *Requirement of practitioner as professional* - The practice of geology is a profession, and the privilege of professional practice requires responsible and ethical conduct as well as scientific knowledge on the part of the practitioner.

B. *Who is included* - The Code of Ethics/ Professional Conduct shall be binding upon each and every person registered as a Registered Professional Geologist (RPG) or enrolled as a Geologist-In-Training (GIT). Persons so registered or enrolled are charged with having knowledge of the existence of the Code of Ethics/Professional Conduct and an understanding of the rules contained therein. Violations of this chapter are subject to fines and/or suspension of one's registration or enrollment.

C. *Morals* - The registrant or enrollee shall at all times be guided by the highest standards of ethics, honesty, integrity, personal honor, fairness, impartiality, candor, fidelity to trust, inviolability of confidence, and professional conduct in carrying out the practice of geology and also in other professional activities.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(k)

***Rule 3.2 Responsibilities to the public and integrity in the practice of geology***

A. *Obligation to and protection of public* - The registrant or enrollee shall at all times recognize his or her primary obligation to safeguard life, health, and property and promote the public welfare.

B. *Reporting suspected violators* - The registrant or enrollee shall report to the Board any suspected violation of the Rules and Regulations. Failure to do so may be construed as aiding and abetting the violator. Section 73-63-43, (Mississippi Code, annotated), provides that a person who reports or provides information to the Board in good faith is not subject to an action for civil damages.

C. *Qualified for assignments* - The registrant or enrollee shall provide professional services only when qualified by training, education, and/or experience in the specific technical discipline involved.

D. *Use of seal restricted* - The registrant shall sign and affix his or her seal only on documents prepared by the registrant, prepared under the registrant's direct supervisory control, or reviewed by the registrant in sufficient depth to fully assume responsibility for the accuracy and adequacy of the specific geologic subject matter.

E. *Public statements* - The registrant or enrollee shall not knowingly make any false, misleading, or unfounded statement, nor make any sensational, exaggerated, or unwarranted statement, claim or advertisement when engaged in the practice of geology or in matters related to the professional practice of geology with the intent to mislead or deceive, even if directed to do so by an employer or client, or under any other pressure. The registrant or enrollee shall include all relevant and pertinent information in any report, statement, or testimony given in the practice of geology or in matters related to the professional practice of geology.

F. *Professional opinions* - The registrant or enrollee shall not give a professional opinion or submit a report without being as thoroughly informed as might be reasonably expected, considering the purpose for which the opinion or report is requested. The registrant shall, insofar as practicable, distinguish between fact and opinion in all evaluations and estimates, and shall set forth all assumptions. The registrant or enrollee shall base his or her professional opinions upon the honest conviction of the veracity of empirical knowledge and commonly recognized geological principles and geologic practice standards.

G. *Use of reports* - The registrant or enrollee shall not knowingly permit the publication or other use of his or her reports, maps, documents, data, or interpretations for any unsound, unethical, or illegal undertaking or enterprise.

H. *Conflict of public interest* - The registrant or enrollee shall disclose the existence of any beneficial interest or expected interest in any property or project in which the registrant provides professional services, geological or otherwise.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(k)

***Rule 3.3 Responsibilities to employers and clients***

A. *Protection of employer's interests* - The registrant or enrollee shall protect, to the fullest possible extent, the interest of his or her employer or client and the confidentiality of information obtained from his or her employer or client, so far as is consistent with the registrant's obligation to protect the public safety, health, and welfare, and the registrant's professional obligations and ethics.

B. *Competency for work* - The registrant or enrollee shall provide professional services to an employer or client only within the registrant's expertise, and shall notify the employer or client of the registrant's lack of expertise in any particular technical area.

C. *Conflict of employer interest* - The registrant or enrollee shall avoid conflict of interest with an employer or client and shall disclose the circumstances to the employer or client if a conflict is unavoidable.

D. *Solicitation of work* - The registrant or enrollee shall not use undue influence or improperly offer commissions, compensations, political contributions, gifts, or any other consideration in the solicitation of work.

E. *Accepting compensation* - The registrant or enrollee shall not accept compensation without furnishing services, unless said compensation is in the form of a retainer or similar legal contract which explicitly specifies that said compensation reserves a portion of the registrant's time for the client, whether it is utilized for performing services for the client or not.

F. *Use of employer's resources* - The registrant or enrollee who is an employee shall not use his or her employer's resources for private gain without prior knowledge and consent of his or her employer.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(k)

***Rule 3.4 Responsibilities to other geologists, the profession, and other professionals in related disciplines***

A. *Crediting others* - The registrant or enrollee shall give credit for work done by others to whom credit is due and shall refrain from plagiarism in oral and written communications. The registrant shall not knowingly accept credit rightfully due others.

B. *Cooperation with others* - The registrant or enrollee shall endeavor to cooperate with others in the profession and in related disciplines, and shall encourage the ethical dissemination of geological knowledge and the advancement of the science.

C. *Reputation of others* - The registrant or enrollee shall not falsely or maliciously attempt to injure the reputation (professional or otherwise) or the business of others nor shall the registrant or enrollee attempt to discredit or attack others for holding professional viewpoints that may differ from that of the registrant's.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(k)

***Rule 3.5 Compliance***
Failure to comply with this chapter may result in the suspension of registration, enrollment or denial of registration or enrollment.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(k)

**Part 1101 Chapter 4: Fees**

***Rule 4.1 Method of Payment***
Fees are payable to the "Mississippi State Board of Registered Professional Geologists" or "MSBRPG." Payment of fees must be made by check, money order, or via an approved credit/debit card and method acceptable to the Board. Applications received without the proper fee will not be returned to the applicant.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-37

***Rule 4.2 Penalty for Late Renewal or Payment of Required Fees***
Failure on the part of any registrant or enrollee to renew their certificate in January shall not deprive such person of the right of renewal or re-enrollment. All registration or enrollment fees not paid and postmarked in January, or for other payment requests not received within thirty (30) days of the billing date will be subject to Rule 4.3. If registration or enrollment fees remain unpaid at the end of February, or later, the fee schedule and conditions set forth in Rule 4.3 shall further apply. A registrant or enrollee whose registration or enrollment is sixty (60) days past the expiration date of January 1 may, at his/her option, submit a new application for registration or enrollment along with all appropriate and required fees, provide the Board with a letter noting his/her election, and shall also be required to show proof, satisfactory to the Board, of their successful passage of both the ASBOG® Fundamentals of Geology and the Practices of Geology examinations in order to be reconsidered for registration or renewal or re-enrollment.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-37

***Rule 4.3 Fee Schedule***
Fees shall be in accordance with the following Fee Schedule

The Board has adopted fees for the following items:

A. Registered Professional Geologist Application (Non-refundable) .....$140.00
B. Geologist-In-Training Application (Non-refundable) .....$70.00
C. Registered Professional Geologist Registration/Renewal fee - annually*.....$150.00
D. Geologist-In-Training Enrollment fee - annually* .....$75.00
E. Examination Verification-Authorization-Proctoring fee .....$25.00
F. Late Payment of Examination Verification-Authorization-Proctoring fee .....$25.00

G. Missed examination ..... Forfeiture of all exam fees
H. Returned check, insufficient funds ..... $40.00 per check
I. Registration/Enrollment Verification fee..... $25.00 per request
J. Verification and Transmittal of Certified ASBOG®
Examination Scores ..... $25.00 per request
K. Late Payment of other fees
1. Application fee and initial Renewal-Enrollment fee ..... $35.00/month
2. Late Payment of Registration or Enrollment renewals (payment postmarked after January 31 of renewal year but prior to March 1).....$35.00*

*Registration Renewal and Enrollment Renewal fees are due on January 1 of each calendar year and are subject to a $35.00 late fee if not postmarked by January 31.

L. LATE PAYMENT FEE SCHEDULE:
Reinstatement of Registration (RPGs). Payment of annual fee plus the following late fee:
1. February 1 - February 28 (29th if a leap year).....$35.00
2. March 1 - March 31 .....$65.00
3. April 1 - April 30 .....$95.00
4. May 1 - May 31.....$125.00
5. June 1 - June 30.....$155.00
6. July 1 in year of expiration and thereafter .....$195.00**

**Also requires submission of a new RPG application and all other required documents, payment of $140.00 application fee and further subject to approval or disapproval by the Board.

M. Reinstatement of Enrollment (GITs). Payment of annual enrollment fee plus the following late fee:
1. February 1 - February 28 (29th if a leap year).....$35.00
2. March 1 - March 31 .....$50.00
3. April 1 - April 30 .....$95.00
4. May 1 - May 31.....125.00
5. June 1 - June 30.....$155.00
6. July 1 in year of expiration and thereafter .....195.00**

** Also requires submission of a new Enrollment application and all other required documents, payment of $75.00 application fee and further subject to approval or disapproval by the Board.

N. Temporary Work Permit (TWP)
The issuance of a Temporary Work Permit may be issued by the Board's Executive Director/Board Administrator. A TWP may be issued provided that the person requesting same is duly licensed or registered in a state with a law similar

to Mississippi's and is a true practice regulation act. The following is the schedule of fees for TWPs:

1. First TWP Time Frame (90 calendar days).....$75.00
2. Second TWP Time Frame (additional 90 days after expiration of first 90 day TWP) .....$150.00
3. Third TWP Time Frame (additional 90 days after expiration of second TWP) .....$225.00
4. Fourth TWP Time Frame (additional 90 days after expiration of third TWP).....$300.00

Note - All other fees and/or charges shall be administratively set, but not be limited to, the costs of material(s), labor, research, postage, and other reasonable expenses which may be incurred by the Board. Testing fees may be adjusted by the Board to cover costs associated with the administration of the examinations and/or charges imposed by ASBOG® related to the purchase, maintenance, and use of said examinations. All examinees must purchase his/her actual examination directly from ASBOG® after being authorized to do so from this Board - examination costs are set by ASBOG® and not this Board. The Board's Executive Director/Board Administrator reserves the right to withhold the release of any information including examination results if there are any outstanding, unpaid fees, or if application packages are not complete.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-37

## Part 1101 Chapter 5: Ad Hoc Advisory Committee Organization, Purpose, and Operation

### *Rule 5.1 Purpose*

The purpose of the Ad Hoc Advisory Committee is to aid the Board in the execution of its duties, to provide advice to the Board, and to provide a mechanism by which registered geologists can interact more directly with Board affairs.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(p)

### *Rule 5.2 Authorization*

The Ad Hoc Advisory Committee is created by the Board and to serve at the pleasure of the Board. The Board, by majority vote, may dissolve the committee in part or in whole. The Board will direct the agenda of the Committee. The Committee Chair must request Board authorization for specific items to be added to the Committee's scope of work if these items have not been previously assigned to the Committee by the Board.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(p)

***Rule 5.3 Membership***
The membership of the Ad Hoc Advisory Committee shall consist (with the exception of the initial committee) of Registered Professional Geologists. The potential member should be in good standing, appear on the current roster, and have been a resident of the State of Mississippi for six (6) months. Membership shall be limited to a maximum of fifteen (15) members selected from diverse professional backgrounds and selected by the nominating subcommittee appointed by the Committee chair. All members of the Committee shall be approved by the Board.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(p)

***Rule 5.4 Officers***
The Ad Hoc Advisory Committee shall elect a Chair, Vice Chair, and may elect a Secretary. These officers shall be elected from the Committee membership and approved by the Board. The Chair shall appoint a nominating subcommittee which will solicit nominations from the current roster of members in good standing to fill vacancies in these offices. The Chair may appoint a Committee member to fulfill an unexpired officer's term. The Committee has the option not to fill the Secretary position if, in the opinion of the Committee, it is not required.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(p)

***Rule 5.5 Terms***
Members of the Committee (with the exception of the initial Committee) shall serve two (2) year terms. Terms of the initial committee members shall expire on June 30, 1999. Officers shall serve one (1) year terms and may be re-elected to the same office for only one consecutive term.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(p)

***Rule 5.6 Duties of Officers***
**Chair:** The Chair shall serve as the presiding officer at all meetings of the Committee, shall appoint such subcommittees as deemed necessary, shall assume overall responsibility for the work of the Committee, and shall be the primary point of contact with the Board. The Chair may, at his/her discretion, organize work groups or subcommittees to carry out the specific activities, duties, or assignments which may have been requested by the Board. The Chair shall submit an annual report to the Board documenting the Committee's work during the past year. The Chair shall perform all other duties typical of the office and as permitted by law.

**Vice Chair:** The Vice Chair shall, in the absence of the Chair, assume the duties of the Chair. The Vice Chair shall aid the Chair in his/her duties and maintain a roster of Committee members and such subcommittee assignments made to members. In the absence of the Chair, the Vice Chair shall be the primary contact with the Board. The Vice Chair shall perform all other duties typical of the office and as permitted by law.

**Secretary:** The Secretary shall make a record of all Committee meetings and maintain a copy for use of the Committee and Board members. The Secretary shall carry out all correspondence in the name of the Committee and maintain copies thereof.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(p)

***Rule 5.7 Frequency of Meetings***
The full Committee shall meet at least twice (2) per year. One meeting shall be in conjunction with a regularly scheduled meeting of the full Board. Special meetings may be called at the pleasure of the Chair.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(p)

***Rule 5.8 Reporting Duties***
The Committee Chair must submit to the Board an annual report due on July 1 of each year containing a summary of its activities. Minutes of Committee meetings and correspondence must be regularly filed with the Board by the Chair or a designated officer no later than 30 days after the meeting at which said minutes were approved by the Ad Hoc Advisory Committee.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(p)

## Part 1101 Chapter 6 Curricula Approved by the Board

***Rule 6.1 Geology Curricula***
The phrase "Graduation from a course of study in geology satisfactory to the Board from an accredited college or university, or from a program accredited by an organization recognized by the Board, of four (4) or more years" as used in the Registered Professional Geologists Practice Act of 1997, is interpreted by the Board to mean:

A. *Baccalaureate Degree* - A baccalaureate degree from an institution accredited by organization(s) approved by the Board. A baccalaureate degree cannot also be used as geology experience.

**Note:** Graduation from an accredited program means a program accredited by the Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, New England Association of Colleges and Schools, Northwest Association of Colleges and Schools, and Western Association of Colleges and Schools, or other accreditation organizations which may be recognized by the Board.

Degrees from foreign institutions of learning shall be transcribed by a transcription service acceptable to the Board. Such a transcription must provide the equivalent semester hours on a course by course basis pursuant to U.S. standards as noted above. Those results must be sent directly from said transcription service to the Board.

B. The phrase as used in the Registered Professional Geologists Practice Act of 1997 "which includes at least thirty (30) semester or forty-five (45) quarter hours of credit, with a major in geology or a geological specialty;" is interpreted to mean completion of at least thirty (30) semester or forty-five (45) quarter hours of Board approved geologic course work with a grade point average of 2.0 or higher on a 4.0 scale.

C. Documentation of all educational qualifications will be through certified written references or certified transcripts submitted directly to the Board by the accredited university or college.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27 *et seq.*; §73-63-29

***Rule 6.2 Education Equivalences***

As authorized in 73-63-27(e) of the Registered Professional Geologists Practice Act of 1997, the Board may consider the following educational qualifications to be equivalent to 73-63-27 (1) (a) (i) for registration or enrollment:

A. Graduation with an advanced degree in geology or a geological specialty from an accredited college or university in an accredited program of study satisfactory to the Board with completion of a minimum of thirty (30) semester or forty-five (45) quarter hours of graduate level coursework in geology or a geological specialty and supporting ancillary course work in Mathematics, Physics, and Chemistry.

B. An advanced degree used for qualifying under the educational requirements of the Board shall not be used to satisfy the requirements for professional experience.

Note: Graduation from an accredited program means a program accredited by the Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, North Central Association of Colleges and Schools, New England Association of Colleges and Schools, Northwest Association of Colleges and Schools, and Western Association of Colleges and Schools, or other accreditation organizations which may be recognized by the Board.

C. The phrase "which includes at least thirty (30) semester or forty-five (45) quarter hours of credit, with a major in geology or a geological specialty;" as used in the Registered Professional Geologists Practice Act of 1997 is interpreted to mean completion of minimum hours approved by the Board with a grade point average of 2.0 or higher on a 4.0 scale.

D. Documentation of all educational qualifications will be through certified written references or certified transcripts submitted directly to the Board by the accredited university or college.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27 *et seq.*; §73-63-29

## Part 1101 Chapter 7: References

### *Rule 7.1 Responsibility of Applicant for References*

An applicant for registration as a Registered Professional Geologist or enrollment as a Geologist-In-Training shall furnish on their application the names, addresses, and if applicable, the states in which references are registered as professional geologists. It is the sole responsibility of the applicant to provide all reference information and ensure that the three (3) letters of reference are sent to the Board in a timely manner.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27(1)(b)

### *Rule 7.2 Reference Qualifications*

All references for all applicants must have personal knowledge of the applicant's geologic experience and must be a geologist. After December 31, 1998 all references for an applicant must be a Registered Professional Geologist as recognized by the Board.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27(1)(b)

### *Rule 7.3 Reference Information*

The information contained and associated with applications for registration or enrollment are exempt from any disclosure pursuant to the Mississippi Public Records Act unless requested, in writing, by the registrant or enrollee to provide said information to another board of licensure or registration.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27(1)(b)

### *Rule 7.4 Responsibility of the Reference*

It is the responsibility of the reference to provide an honest appraisal of applicants considered for enrollment or registration.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27(1)(b)

### *Rule 7.5 Failure of a Reference to Respond*

The Board may find it necessary to correspond directly with a reference to seek clarification of the reference's statements. If any reference fails or declines to cooperate with the Board within 30 days, all information submitted by the reference may be disregarded.

**Note:** References are considered by the Board to include Professionals who bore the responsibility for actual work experience.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-27(1)(b)

## Part 1101 Chapter 8: Examinations

### *Rule 8.1 Uniform National Examinations*

The Board uses examinations offered by the National Association of State Boards of Geology (ASBOG®). These examinations have been developed by appropriate committees of ASBOG® staffed by experienced, mature registrants under the guidance of a nationally recognized evaluation organization and professional psychometricians. Each examination has been validated with regard to content, relevancy of problems, and scoring. The Board will use the ASBOG® recommended cutoff scores for each examination.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

### *Rule 8.2 Classification of Geology Examinations*

A. *Fundamentals of Geology* - The Fundamentals of Geology (FG) examination is designed to test the applicant's basic knowledge of general geology. An applicant may take the FG examination if he or she meets the following criteria:

1. The applicant has submitted a complete application including references, transcript(s) and all required fees for GIT status with the Board prior to the test and has been approved to take the test.

2. The applicant holds a degree in geology from an acceptable college or university.

3. *In lieu* of 8.2(a)(2), as described above, the applicant must have completed 30 semester hours (or 45 quarter hours) of geology or geology - related courses acceptable to the Board and is currently enrolled in an advanced geology degree program with an acceptable college or university.

B. *Fundamentals of Geology Examination taken as an exit examination* - The FG is offered as an exit examination to aid colleges and universities in the evaluation of their teaching curriculum. Rules governing this option are as follows.

1. The student must be an undergraduate (see 5. below).

2. The FG as an exit examination may be a requirement for graduation.

3. The exit examination option may be accepted by a student only once. If the student wishes to take the examination again, it must be under the general rules described above under A.1., A.2., and A.3.

4. Student must have obtained senior status at the time of application and said student must be approved by the department head/chair to sit for the examination and shall meet or will meet all requirements to become a GIT including 30 semester hours or 45 quarter hours in geologic course work at

the time of graduation, subject to the review and affirmation of the Board's Executive Director/Board Administrator.

5. If the student is in a graduate degree program in geology with undergraduate degree(s) not in geology then said student may take the FG examination as an exit examination provided that s/he is approved by his/her department head/chair and meets or will meet all requirements to become a GIT including 30 semester hours or 45 quarter hours in geologic course work at the time of graduation for said graduate degree, subject to the review and affirmation of the Board's Executive Director/Board Administrator.

C. *Practice of Geology* - This examination is known as the PG examination, a four (4) hour examination. An applicant for registration as a Professional Geologist will be permitted to sit for the PG examination only after the FG examination has been passed, enrollment has been accomplished and the experience requirements and other requirements of the Registered Professional Geologists Practice Act of 1997 and Rules and Regulations have been met.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.3 Dates and Locations***

A. *Dates offered* - Examinations are offered twice yearly on dates set by ASBOG®. Dates are available from the Board office and may also be provided on the Board's web site.

B. *Locations* - Both the Fundamentals and the Practices examinations will be offered at location(s) specified by the Board. The Fundamentals of Geology may be offered on campus to qualified undergraduate students who are presently enrolled at Mississippi State University, the University of Mississippi, the University of Southern Mississippi, Millsaps College, or any other location the Board may designate.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.4 Language of the Examinations***
The language of the examination will be English.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.5 Authorized Materials in Examination Room***
Examinees may bring engineering scales/rulers, protractors, colored pencils, and battery operated, non-printing, non-alpha numeric calculators into the exam site where the ASBOG® examinations will be administered. All examinations will be collected at the end of the examination session. Computers, laptops, or any other similar electronic devices are not

permitted nor are cellular telephones or any other devices that can record or transmit images or voice/sound in any format. Such devices shall be turned off and held by the examination proctor until the examinee completes and turns in the exam to the exam proctor.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.6 Non-Compliance of Examination Rules and Procedures***
Any person not complying with any rules and procedures for the examination will be required to surrender examination materials and shall leave the examination room and will not be permitted to return. Such person's examination will be considered null and void and all costs associated with said examination shall be forfeited. The examinee will not be allowed to apply for re-examination until s/he appears before the Board to show cause as to why he/she should be allowed to attend another examination. The Board shall make the determination whether or not the examinee will be allowed to sit for the examination in the future and may require remedial courses/seminars dependent on the severity of his/her violation(s) of this chapter.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.7 Failure to Attend an Examination or Failure to Appear at the Requested Time***
In the event an applicant is unable to attend an examination or who does not show up at the requested time shall forfeit all fees paid and shall not be allowed to sit for the examination unless verifiable extenuating circumstances apply. Determination of the applicability and validity of said extenuating circumstances shall be at the determination solely under the discretion of the Executive Director/Board Administrator and shall not be appealable. Non-attendance at an examination does not count as a failure of the examination. However, non-attendance at an examination session without previously providing the Board's Executive Director/Board Administrator **24 hours in advance of the examination** with a reason acceptable to the Director/Board Administrator will result in the assessment of no-show fee and forfeiture of all examination fees.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.8 Examination Results***
Examination results will be supplied by first class mail to the address of record of each examinee. An applicant who fails any examination may be allowed to sit for future offerings of the examination until it is successfully passed subject to the timely payment of examination and proctoring fees associated with same as required. However the Board reserves the right to require the applicant to show that additional education and/or experience has been acquired prior to being cited to sit for an examination.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.9 Grading Information***
All grading is done by the National Association of State Boards of Geology (ASBOG®).

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.10 Examination for Record Purposes (Grandfathered RPGs and GITs)***
If needed for record purposes, any person registered or enrolled under the terms of the grandfathering provision by this Board may take the appropriate examination in the Fundamentals of Geology and/or Practice of Geology upon payment of the established fees. Failure to pass an examination by a person registered or enrolled under the terms and conditions of the grandfathering provision and practicing will in no way affect his/her current registration or enrollment contingent on the requirement contained in 9.1, 9.2, 9.3, and 9.4 of Chapter 9.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.11 Retention of Examinations***
Exam scores will be retained for a minimum period of ten (10) years after exams have been taken.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.12 Expiration of Enrollment***
Enrollment as Geologist-In-Training is valid for a period of ten (10) years or until registration as a professional geologist, whichever comes first. If a Geologist-In-Training does not take or takes and does not pass the Practice of Geology examination, within ten (10) years from the date enrollment was granted, said Geologist In Training's enrollment will permanently expire. Enrollment can only be re-established with said person re-applying with the Board as Geologist In Training by submitting a new application that shall include all other required application materials and fees. The applicant, pursuant to the preceding sentence, must also re-take and successfully pass the Fundamentals of Geology examination prior to being considered by the Board for re-enrollment as a Geologist-In-Training.

Applications received for the Practice of Geology examination after the ten (10) year expiration date noted above will be returned and the Fundamental examination will have to be taken and successfully passed again per the preceding.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

***Rule 8.13 Handicapped Examinees***
Requests for modifications to the examination administration to accommodate physical handicaps must be made in writing and received in the Board Office no less than 90 days prior to the first day of the examination. Such a request must be accompanied by a physician's report and/or a report by a diagnostic specialist, along with supporting data, confirming to the Board's satisfaction, the nature and extent of the handicap. After receipt of the request from the applicant, the Board may require that the applicant supply further information and/or that the applicant appear personally before the Board.

It shall be the responsibility of the applicant to timely supply all further information as the Board may require. The Board shall determine what, if any, modifications will be made.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(b); §73-63-31

## Part 1101 Chapter 9: Reinstatement of Registration or Enrollment after Revocation and Reinstatement of Lapsed Registration or Enrollment

### *Rule 9.1 Application for Reinstatement*

Any person whose registration or enrollment has been revoked may not apply to the Board for reinstatement of the registration or enrollment until two years have elapsed since the final, effective date of revocation, except a person convicted of a crime of moral turpitude in which case five years shall have elapsed since the final effective date of revocation and the person's civil rights shall have been restored. In the application for reinstatement, the application should state why the registration or enrollment should be reinstated. Applicant must include in the application evidence that the current requirements for registration or enrollment have been met and that the applicant is in good standing with the Board.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(i); §73-63-35

### *Rule 9.2 Board Action*

Upon receipt of such application, the Board shall grant a hearing on reinstatement, at which time the applicant may appeal to the Board for reinstatement of the registration or enrollment.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(i); §73-63-35

### *Rule 9.3 Reinstatement of Lapsed Annual Registration*

Any person whose registration has not been renewed by the payment of the required fees prior to the end of the current renewal year ending at midnight of December 31 shall be required to submit a new application along with all other required and relevant information and provide proof that s/he has successfully passed the ASBOG® Practice of Geology examination prior to being considered for reinstatement as a RPG.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(i); §73-63-35

### *Rule 9.4 Reinstatement of Lapsed Annual Enrollment*

Any person whose enrollment has not been renewed by the payment of the required fees prior to the end of the current renewal year ending at midnight of December 31 shall be required to submit a new application along with all other required and relevant information and re-take and successfully pass the ASBOG® Fundamentals of Geology examination prior to being considered for reinstatement as a GIT.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-17(i); §73-63-35

## Part 1101 Chapter 10: Seal on Documents and Other Sealing-Stamping-Acknowledgment Requirements

### *Rule 10.1 Basic sealing practices*

A. The seal, signature and date on a document constitute a certification that the document was prepared by the registrant or under his direct supervision.

1. Each sheet of maps, cross sections, drawings, descriptions, charts, graphs, and reports of geologic practice shall be signed, sealed and dated by the registrant preparing them, prepared under his direct supervisory control, or reviewed by him in sufficient depth to fully coordinate and assume responsibility for documents prepared by another registered professional geologist.

2. Where more than one sheet is bound together in one volume, the registrant who prepared such volume, or under whose direction and control such volume was prepared, may sign, seal and date only the title or index sheet, providing that the signed sheet clearly identifies all of the other sheets comprising the bound volume, and provided that any of the other sheets which were prepared by, or under the direction and control of, another registrant, be signed and/or sealed and dated by said other registrant. Additions, deletions or other revisions shall be made only if they are signed, sealed and dated by the registrant who made the revisions or under whose direction and control said revisions were made.

B. Pursuant and subject to the Registered Professional Geologist Practice Act §73-63-1 *et seq.* (Mississippi Code, Annotated 1972) work products are required to be sealed/stamped and signed.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-7(4)

### *Rule 10.2 Geologic Studies/Projects*

Documents prepared for geologic studies and/or projects that are assimilated by another geologist shall be sealed by a Mississippi registrant under the following conditions:

A. Written permission of the original geologist must be obtained to adapt the documents.

1. Each sheet of maps, cross sections, drawings, descriptions, charts, graphs, and reports of geologic practice shall be signed, sealed and dated by the geologist who performed the original work and shall also be signed, sealed and dated by the Mississippi registrant who has reviewed the documents in sufficient depth to fully coordinate and assume responsibility.

2. Documentation of all changes which were made to the original documents must be included.

3. The following written certification shall accompany the seal and signature on each sheet: "I have reviewed this document in sufficient depth to accept full responsibility for its contents."

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-7(4)

***Rule 10.3 Detailed, Specific Instructions concerning Maps, Illustrations, and Similar Products:***

A. Registrant's typeset name should be immediately followed by a comma, one blank space, and the designation "RPG" with no periods.

B. The seal(s) of registrant(s) is (are) to appear on all maps etc. (jpg or similar digital format) located near the typeset name of the registrant.

C. Maps which have been previously produced and whose stock is, from time to time, replenished from the original digital versions should be updated with the information contained in 1) and 2).

D. If the author(s) is (are) not registrants then the name of the registrant who supervised and assumes responsibility for that work should be typeset in the same font size and in the general vicinity of the typeset name(s) of the author(s) of the map, illustration, etc. Information related to this entry should, in the same font, include the following: "I have reviewed this document in sufficient depth to accept full responsibility for its contents," (see Rule 10.0 of the Board and Board Guidance Document 2000-02) followed by the registrant's name, a comma, one blank space, and the designation RPG with no periods along with their seal in close proximity to the registrant's name.

As noted above, if the author(s) is (are) not a registrant(s) but is (are) a Geologist-In-Training (GIT) with the MSBRPG it is suggested that immediately following the GIT's name a comma, one blank space, and then the designation GIT with no periods be printed.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-7(4)

***Rule 10.4 Reports, Bulletins, and Other Similar Products***

A. Title page - Author(s) [registrant(s)] should have their typeset name followed by a comma, one blank space, and the designation RPG without periods.

B. Seal of the registrant to appear near their name (jpg or similar digital format) provided that the typesetting space allows room for same.

C. If the author(s) is (are) not registrants then the name of the registrant who supervised and assumes responsibility for that work should be typeset in the same font size and in the general vicinity of the typeset name(s) of the author(s) of the map, illustration, etc. Information related to this entry should, in the same font, include the following: "I have reviewed this document in sufficient depth to accept full responsibility for its contents," (also see Board Guidance Document 2000-02) followed by the registrant's name, a comma, one blank space, and the designation RPG with no periods along with their seal in close proximity to the registrant's name. As noted above, if the author(s) is (are) not a registrant(s) but is (are) a Geologist In Training (GIT) with the MSBRPG it is suggested that immediately following the GIT's name a comma, one blank space, and then the designation GIT with no periods be printed.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-7(4)

***Rule 10.5 Additional Guidelines for Pamphlets, Maps, Illustrations, Articles, etc.***

A. If the document is a pamphlet, open file report, etc. that contains maps, illustrations, cross-sections, etc. which are bound with the text, it is not required that each of those documents follow the protocol set forth under **Maps, Illustrations, and Similar Products** section of these guidelines provided that the title page and ensuing page, if required, contain the required RPG statement "I have reviewed this document in sufficient depth to accept full responsibility for its contents," registrant's name, a comma, and the designation RPG (also see Board Guidance Document 2000-02). If possible, however, it is suggested that the same protocol be followed as if these were individual, unbound maps per the guidelines noted in **Maps, Illustrations, and Similar Products** section of these guidelines, space permitting.

B. If the maps, cross-sections, and/or similar documents are contained within a pocket of the report (not bound to the text of the document), it is suggested that each map, illustration, X-section, etc. follow the protocol contained in the **Maps, Illustrations, and Similar Products** section of these guidelines.

C. Pursuant to Board Guidance Document 2000-02 which addresses issues related to open file reports or other similar documents which are produced in limited numbers, it is recommended that documents be signed and sealed/stamped individually if the number of copies are limited (25 or less copies is a suggested number). Reports reproduced in large numbers may carry with the report a certifications page containing the signature (if appropriate to that document), date and seal of the geologist in charge, as well as the statement (if appropriate) contained in Rule 10.2, as follows: "I have reviewed this document in sufficient depth to accept full responsibility for its contents."

When the preceding conditions exist it is suggested that a uniformly placed stamp of the registrant be placed under which the next line including the statement "I

have reviewed this document in sufficient depth to accept full responsibility for its contents," next a typeset line for the signature of the registrant and underlying that line is the typewritten name of the registrant, and the next line is the typeset date similar to the following examples (see next page).

I have reviewed this document in sufficient depth to accept full responsibility for its contents

John B. Doe

John B. Doe, RPG
April 15, 2004

**OR**

John B. Doe

John B. Doe, RPG
April 15, 2004

D. *Requirements for Supervisory RPGs in Responsible Charge, GITs, and nonregistrants:* In addition to the preceding guidelines, the following shall serve as additional guidance by the Board concerning stamping/sealing and signing geologic materials. In lieu of the language "...I have reviewed this document in sufficient depth to accept full responsibility for its contents...," the following language may be alternately utilized

1. "This report prepared under the supervision (and control) of John Q. Smith, RPG"

2. "This map prepared under the supervision (and control) of John Q. Smith, RPG." Also, if the RPG in responsible charge wishes to acknowledge contributions from others that are either GITs and/or non-registrants, the

following are examples of language that should be used in those acknowledgments:

3. "This map prepared under the supervision (and control) of John Q. Smith, RPG with contributions from Frank Q. Public, GIT No. 1234 and Jill S. McCarthy"

4. "This map prepared under the supervision (and control) of John Q. Smith, RPG. Compiled by Frank Q. Public, GIT No. 1234 and Jill S. McCarthy"

Note: Parenthetical language in items 1) through 4), although recommended by the Board, is left to the discretion of the supervisory RPG who will be stamping and signing the material(s). Also in the examples above, if a person is not a RPG or GIT with this Board, they may use their job classification or other valid, title certification, provided it is not in violation of the RPG Act, i.e. Compiled by Frank Q. Public, GIT 1234 and Jill McCarthy, Environmental Scientist.

E. *Reports compiled by several authors:* A certification page should be included for reports submitted to a client and/or regulatory agency that have been compiled by several authors. Individual authors of the overall report on the certification page are to submit his/her credentials. In the instance where there is a certification page, it is suggested that the registered professional geologist submit on the subject certification page the following statement and layout:

"I have reviewed this document in sufficient depth to accept full responsibility for its contents related to the geologic discussion/data/information contained herein."

John B. Doe, RPG
April 15, 2004

If the report does not include a certification page it is further suggested that the registered professional geologist include one, again with the following statement in addition to his/her stamp/seal and signature (see next page):

"I have reviewed this document in sufficient depth to accept full responsibility for its contents related to the geologic discussion/data/information contained herein."

John B. Doe, RPG
April 15, 2004

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-7(4)

**Part 1101 Chapter 11: Use of the Terms Geologist, Registered Professional Geologist, and Certified Professional Geologist**

***Rule 11.1 Restrictions***
A person shall not use the terms "*Registered Professional Geologist,"* "*Consulting Geologist," "Professional Geologist," "Licensed Geologist,"* or *"Geologist*" with or without any other permutation of prefixes or suffixes to the term geologist unless that person is registered or specifically exempted under §73-63-1 *et seq.* (Mississippi Code, 1972, as Annotated). Unless exempted under '§73-63-1 *et seq.* (Mississippi Code, 1972 as Annotated), any individual practicing, offering or attempting to practice geology or claiming any specialty in geology, as a professional, business or commercial identification, title, name, representation or claim, or otherwise holding themselves out to the public, as being qualified to practice geology or any of its specialties shall be registered with the Board.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-7

***Rule 11.2 Requirements of Supervisory Control***
Unless exempted under §73-63-1 *et seq.* (Mississippi Code, 1972 as Annotated), no person shall engage in the practice of geology unless the geological work is performed by or under the supervision of one or more registered professional geologists, who is in responsible charge of the work and signs and seals all documents. If the principal business of the person is the practice of geology then a principal, officer or director must be a registered professional geologist and have overall supervision and control of the geological work performed in this state.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-7

***Rule 11.3 Activities Not Requiring Registration***

A. Geological work performed by an employee or a subordinate of a registered professional geologist, provided that the work nor the work related products do not state, portray or infer by any manner or suggestion whatsoever that the employee or subordinate is in responsible charge of the geology or geologic work. Any such geological work and/or work products must be conspicuously signed and sealed by the supervising registered professional geologist of that employee or subordinate.

B. Geological work performed exclusively in the exploration for and development (proving out) of petroleum resources (See Definitions), including the giving of testimony, or preparation and presentation of exhibits or documents regarding petroleum resources for the sole purpose of consideration by, or being placed into evidence before, any administrative agency, judicial tribunal or public hearing, if the testimony, exhibits or documents do not imply that the person is registered under this chapter;

C. The practice of engineering, including the acquisition of engineering data and the utilization of these data in analysis, design, and construction by professional engineers appropriately registered in this state;

D. Work customarily performed by physical or natural scientists such as chemists, archaeologists, geographers, oceanographers, pedologists and soil scientists, if that work does not include the planning and execution of geologic investigations, being in responsible charge of geologic work or the drawing of geologic conclusions and making recommendations involving the practice of geology; and

E. Geologic work which does not affect the public welfare as specified under §73-63-7 (3)(d) (Mississippi Code, 1972, as Annotated).

***Definitions:***

Exploration geology of petroleum resources pursuant to these Rules and Regulations and §73-63-1 *et seq.* (Mississippi Code, Annotated 1972) shall mean that phase of petroleum operations that utilizes various geoscience activities including but not limited to geophysics, structural geology, stratigraphy, geochemistry and other related geoscience activities that may be used to define potential hydrocarbon accumulations leading to the drilling of an exploratory well (adapted from Schlumberger Glossary of Oilfield Terms, from citation acquired in May, 2011 from Schlumberger's web site at www.schlumberger.com).

Development geology (proving-out) of petroleum resources pursuant to these Rules and Regulations and §73-63-1 *et seq.* (Mississippi Code, Annotated 1972) shall mean that phase of petroleum operations that occurs after exploration has proven successful. During this phase, development geologists perform geoscience activities that may entail subsurface mapping methods as well as other associated geoscientific methods to further delineate the areal extent of hydrocarbon accumulation. These geoscience activities may lead to the drilling of development

wells to efficiently extract the petroleum resources contained in the hydrocarbon accumulation (adapted from Schlumberger Glossary of Oilfield Terms, citation acquired in May, 2011 from Schlumberger's web site at www.schlumberger.com).

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-7

## Part 1101 Chapter 12: Disciplinary Actions

### *Rule 12.1 Complaints*

For the purposes of this rule, "complaints" refers to any sworn allegation brought to the Board against a registrant or other person relating to a violation of the Law or the Rules and Regulations.

Any person who believes that a registrant or any other person is guilty of misconduct under the Law or the Rules and Regulations must complete the MSBRPG complaint form that is available from the Board or from its web site (www.msbrpg.state.ms.us).

Following the receipt of such complaint, the Board shall proceed to investigate.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

### *Rule 12.2 Investigative Procedures*

Upon the receipt of complaints, the Executive Director/Board Administrator shall refer them to a designated Board member. The designated Board member shall be selected on a rotating basis. If any Board member selected as a designated Board member can show reasonable cause that he or she should not be the designated Board member, or if the Executive Director/Board Administrator makes a determination that the Board member's objectivity is subject to a reasonable charge of being impaired, then such complaint or information shall be referred to the Board member next in line of rotation.

The Investigative Committee shall consist of the designated Board member, the Executive Director/Board Administrator, and the Board's legal counsel. The designated Board member shall institute an investigation of the complaint and, after consultation with the Executive Director/Board Administrator or Board's designee and the Board's attorney; the Investigative Committee shall determine the disposition of the complaint.

The Investigative Committee shall then:

A. remand the matter to the file for no further action;

B. issue a letter of concern to the appropriate individuals(s);

C. recommend the filing of a formal petition to initiate a disciplinary hearing;

or

D. seek appropriate legal action to safeguard the health, safety and welfare of the public.

Letters of concern are issued to address matters the Investigative Committee feels should be brought to the attention of a registrant and/or other individual, but do not rise to the level of severity that necessitates the filing of a formal petition.

Registrants and/or other individuals will be given an opportunity to explain and/or respond to the letter of concern from the Investigative Committee; and, if warranted, a final follow-up letter from the Investigative Committee may be issued.

Repeated letters of concern which address the same or substantially the same subject matters with regard to particular registrants and/or other individuals may result in the filing of a formal petition.

Neither the designated Board member nor any Board member disqualified in the process of selecting the designated Board member shall sit as a voting member of the Board in any disciplinary hearing resulting from that investigation.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

***Rule 12.3 Disciplinary Proceedings***

A. Petitions and Notice of Hearing - For the purposes of this rule, "petition" refers to the formal documents issued by the Board to initiate a disciplinary hearing. The petition is based on prior investigation of charges or information and shall set forth a statement of the charges against the accused.

For the purposes of this rule, "notice of hearing" refers to the document accompanying the petition which notices the respondent to appear and sets forth the time and place of the hearing. The notice and together with a copy of the applicable Law and Rules and Regulations shall be served on the respondent in the manner and time required by law. Section 73-63-43, *et seq.*, of the Mississippi Code of 1972, as amended.

B. Consent Orders - If after receipt of a petition and prior to the disciplinary hearing an accused desires to admit to a violation, a consent order may be entered into with the accused without the necessity of a disciplinary hearing. Any consent order shall be subject to the approval of the Board and shall not be subject to appeal. The Board may reject a proposed consent order and vote to hold a formal disciplinary hearing.

C. Informal Conferences - The respondent may request an informal conference at the Board office or via a telephone conference or similar electronic means with the investigative committee for the purpose of showing that the allegation(s) contained in the petition is (are) not true. The investigative committee will be

composed of the designated Board member, a Board designee or Executive Director/Board Administrator, the Board attorney, and appropriate staff personnel; however, the absence of the designated Board member or the Board's designee or Executive Director/Board Administrator or Board attorney shall not invalidate the formation of the committee or the conclusions of the conference. If the respondent desires a conference and the petition cannot thereafter be dismissed on the evidence, an effort will then be made to reach an informal settlement and consent order as provided in paragraph B.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq*.

***Rule 12.4 Conflict and Bias***
A Board member shall not be entitled to participate in any disciplinary action if such Board member is biased against the accused.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq*.

***Rule 12.5 Respondent May Assert Bias***
Any accused in a disciplinary proceeding may assert conflict or bias by filing with the Board's designee or Executive Director/Board Administrator at least three days before the scheduled disciplinary hearing an affidavit asserting the disqualification together with specific details of the underlying factual bias for the assertion. However said accusation of conflict or bias filing shall not defer or delay a scheduled disciplinary hearing.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

***Rule 12.6 Disqualification***
Challenges as to bias shall be determined individually by each Board member so challenged, on the record. Challenged Board members who determine that they can be fair and impartial to all concerned may serve. Those who cannot shall rescue themselves.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

***Rule 12.7 Pre-Hearing Discovery***
There shall be no pre-hearing discovery.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

***Rule 12.8 Disciplinary Hearings***
The disciplinary hearing shall be conducted in the manner as provided by law.
Section 73-63-43 of the Mississippi Code of 1972, as amended.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

***Rule 12.9 Discipline***

Upon a finding that the accused has violated any enumerated provision of Title 73, Chapter 63, or any rule adopted pursuant to Title 73, Chapter 63, the Board may censure; reprimand; admonish; require the completion of a course in ethics and/or additional education as approved by the Board; fine the accused; and/or revoke or suspend the accuser's registration to practice as a Registered Professional Geologist or enrollment as a Geologist-In-Training, or impose any disciplinary action provided by law.

The Board may, in its discretion, temporarily stay the execution of its order conditioned upon any provision the Board deems just and proper under all the circumstances of each case.

In determining whether a registration or enrollment should be revoked or suspended, and whether execution of the order should be stayed, and upon what conditions, the Board may consider all relevant factors, including, but not limited to, the following:

A. the severity of the violation(s);

B. the actual or possible danger to the public resulting from the accuser's past and present violation(s);

C. the actual damage resulting from the accuser's past and present violation(s);

D. the number of past repetitions of the accuser's present violation(s);

E. the length of time since the occurrence of the accuser's present violation(s);

F. the number and seriousness of previous violations;

G. the length of time the registrant has practiced;

H. the deterrent effect of the penalty imposed;

I. the effect of the penalty upon the accuser's livelihood;

J. any efforts of rehabilitation; and

K. any other mitigating or aggravating circumstances.

As provided by §73-63-1 *et seq*. (Mississippi Code, Annotated 1972) the Board shall notice all parties, at the sole discretion of the Board, that may need to be so noticed. The Board shall further place on its web site all disciplinary actions including the name(s) of the defendant(s) and other pertinent information as deemed appropriate by the Board. These disciplinary action notices shall remain on the Board's web site for a minimum of five (5) years and shall remain in the permanent record of said individual(s) in perpetuity.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

***Rule 12.10 Costs***
The Board may, in its discretion, assess and tax all actual costs incurred in a disciplinary hearing against any accused found guilty hereunder, or the charging party, or both.

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

***Rule 12.11*** *Appeals*
Any person aggrieved by the action of the Board as a result of disciplinary proceedings conducted hereunder may appeal wherefrom as provided for in §73-63-49 (Mississippi Code, 1972, as Annotated).

Source: *Miss. Code Ann.* §73-63-17(a); §73-63-43 *et seq.*

**Part 1101 Chapter 13: Organization of the Mississippi State Board of Registered Professional Geologists (MSBRPG)**

***Rule 13.1 Purpose***
The purpose of this rule is to describe the organization of the Mississippi State Board of Registered Professional Geologists (hereafter referred to as MSBRPG) and how the public may obtain information from the Board.

Source: *Miss. Code Ann.* §25-43-2.104(a); §73-63-17(a)

***Rule 13.2 Summary***
This rule establishes a description of the MSBRPG'S organization which states the general course and method of its operations, including how the public may obtain information or make submissions/requests to the MSBRPG.

Source: *Miss. Code Ann.* §25-43-2.104(a); §73-63-17(a)

***Rule 13.3 the Full Text of the Rule***
The public may obtain a description of the MSBRPG'S organization from the Rules and Regulations of the MSBRPG currently on file with the Secretary of State. Additionally, the public may access information relevant to the MSBRPG at their website www.msbrpg.state.ms.us or by reviewing §73-63-1 *et seq*., of the Mississippi Code which may be accessed at www.msbrpg.state.ms.us. The public may also request information including Mississippi Open Records Act requests by contacting the Executive Director/Board Administrator.

Source: *Miss. Code Ann.* §25-43-2.101 *et seq.*; §73-63-17(a)

## Part 1101 Chapter 14: Informal Proceedings Available to the Public

***Rule 14.1 Purpose***
The Purpose of this rule is to inform the public of all informal proceedings available to the public.

Source: *Miss. Code Ann.* §25-43-2.104(b); §73-63-17(a)

***Rule 14.2 Summary***
This rule establishes information on all MSBRPG proceedings

Source: *Miss. Code Ann.* §25-43-2.104(b); §73-63-17(a)

***Rule 14.3 Full Text of the Rule***
All information as to the rules of practice concerning all formal and informal proceedings is available by reviewing the rules and regulations of the MSBRPG currently on file with the Secretary of State. Further information may be obtained by reviewing the MSBRPG website at www.msbrpg.state.ms.us or by reviewing §73-63-1 et. seq, of the Mississippi Code which may be accessed at www.state.ms.us.

The MSBRPG generally meets biannually at the Jackson Enterprise Center, 931 Highway 80 West, Jackson, MS. Other meetings may be called by the Board as necessary.

Source: *Miss. Code Ann.* §25-43-1.101 *et seq.*; §73-63-17(a)

## Part 1101 Chapter 15: Requirements for Public Hearings, Rule Making

***Rule 15.1 Purpose***
These sections set forth MSBRPG's procedures for involving the public in the development of rules through public meetings and/or public hearings as required by Mississippi Code §25-43-3.104.

Source: *Miss. Code Ann.* §25-43-3.104; §73-63-17(a)

***Rule 15.2 Summary***
This rule establishes the process through which the MSBRPG will set and, as necessary, conduct public hearings.

Source: *Miss. Code Ann.* §25-43-3.104; §73-63-17(a)

***Rule 15.3 Full Text of the Rule***
At the time a Rule is filed with Secretary of State, the Board must also publish where written submissions or written requests for an opportunity to make oral presentations on the proposed rule may be inspected.

A public hearing is required if, during the first 20 business days of the rule notice, a written request for a public hearing is received from one of the following:

A. A political subdivision of the State of Mississippi

B. An agency of the State of Mississippi, or

C. 10 persons

If a public hearing is required, the Executive Director/Board Administrator will notify the Board, who will establish the time, date and location for the public hearing and immediately forward the information to the Executive Director/Board Administrator. The Executive Director/Board Administrator shall then:

D. Ensure that the public hearing is not scheduled earlier than 23 business days after filing notice of oral proceeding with SOS.

E. File notice of the time, date, and location of the public hearing with the Secretary of State.

F. Within three (3) days of filing notice with SOS, the Executive Director/Board Administrator must mail or electronically transmit a copy of the notice to those who are on the notification list (their preference); MSBRPG can charge for mail but not electronic transmissions.

Source: *Miss. Code Ann.* § 25-43-3.104; §73-63-17(a)

***Rule 15.4 Location of Public Hearings***

Public hearings shall be held at a place and time generally convenient for persons affected by the rule at the discretion of the Executive Director/Board Administrator.

Source: *Miss. Code Ann.* §25-43-3.104; §73-63-17(a)

***Rule 15.5 Conducting Public Hearings***

A. Public Hearings must be open to the public.

B. The Executive Director/Board Administrator will preside at the proceeding and will be responsible for answering all questions regarding the rule.

C. The Executive Director/Board Administrator may issue rules for conduct of oral proceedings.

Source: *Miss. Code Ann.* §25-43-3.104; §73-63-17(a)

***Rule 15.6 Public Availability of Public Hearings/Records***

A. A verbatim written transcript of the oral proceedings at each public hearing shall be produced by the Executive Director/Board Administrator and a copy furnished to the Board.

B. This material will be available for public inspection and copying as part of the Rule-Making Record as required by applicable law.

Source: *Miss. Code Ann.* §25-43-3.104; §73-63-17(a)

## Part 1101 Chapter 16: Declaratory Opinions

***Rule 16.1 Purpose***
These sections set forth the MSBRPG's procedures regarding the requests for Declaratory Opinions, as required by Mississippi Code §25-43-2.103.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.2 General***
Declaratory Opinions will be prepared by the Executive Director/Board Administrator.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.3 Persons Who May Request Declaratory Opinions***
Any person with a substantial interest in the subject matter may request the MSBRPG for a declaratory opinion by following the specified procedures.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.4 Subjects Which May Be Addressed In Declaratory Opinions***

A. The MSBRPG will issue declaratory opinions regarding the applicability to specified facts of: a statute administered or enforceable by the MSBRPG, a rule promulgated by the MSBRPG, or an order issued by the MSBRPG.

B. The MSBRPG will not issue a declaratory opinion regarding a statute, rule or order which is beyond the primary jurisdiction of the MSBRPG.

C. "Primary jurisdiction of the agency" means:

1. The agency has a constitutional grant of authority in the subject matter,

2. The agency has a statutory grant of authority in the subject matter,

3. The agency has issued specific regulations impacting on the subject matter, or

4. The agency has issued a specific order or orders impacting on the subject matter.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.5 Circumstances in which Declaratory Opinions Will Not Be Issued***

A. The MSBRPG may, for good cause, refuse to issue a declaratory opinion. Without limiting the generality of the foregoing, the circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

1. The matter is outside the jurisdiction of the MSBRPG;

2. Lack of clarity concerning the question presented;

4. There is pending or anticipated litigation, administrative action, or other adjudication;

5. The statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

6. The facts presented in the request are not sufficient to answer the question presented;

7. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;

8. The request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statue or order on which a declaratory opinion is sought;

9. No controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute, rule, or order;

10. The question presented by the request concerns the legal or constitutional validity of a statute, rule or order;

11. The requestor has not suffered an injury or threatened injury fairly traceable to the application of the statute, rule or order;

12. No clear answer is determinable;

13. The question presented by the request involves the application of a criminal statute or sets for facts which may constitute a crime;

14. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

15. The question is currently the subject of an Attorney General's opinion request;

16. The question has been answered by an Attorney General's opinion;

17. The request is not made in good faith; or

18. The request is harassing in nature or for any other unlawful purposes.

B. A declaratory opinion will not be issued where a similar request is pending before this agency or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.

C. A declaratory opinion will not be issued if it may adversely affect the interests of the State, the MSBRPG or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.

D. A declaratory opinion shall not be binding or effective for any third party or person other than the MSBRPG and the person to whom the opinion is issued and shall not be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

E. Where a request for a declaratory opinion involves a question of law, the MSBRPG may refer the matter to the State Attorney General.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.6 Form of the Request for a Declaratory Opinion***

A. **Written Requests Required.** Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the MSBRPG or in the form of a pleading as might be addressed to a court.

B. **Where to Send Request.** All requests must be mailed or delivered to the MSBRPG. The request and its envelope shall clearly state that it is a request for a declaratory opinion. Oral and telephone requests are unacceptable.

C. **Name, Address and Signature of Requestor.** Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request. The signing party shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative or judicial tribunal.

D. **Single transaction.** A request must be limited to a single transaction or occurrence.

E. **Question Presented**. Each request shall contain the following:

1. A clear identification of the statute, rule, or order at issue;

2. A concise statement of the issue or question presented for the declaratory opinion;

3. A full, complete, and accurate statement of all facts relevant to a resolution of the question presented;

4. The identify of all other known persons involved in or potentially or otherwise impacted by the factual situation causing the request including their relationship to the facts, name, mailing address and telephone number;

5. A statement sufficient to show that the person seeking relief is substantially affected by the rule.

F. The terms of the proposed opinion suggested by the requestor may be submitted with the request or may be requested by the agency;

G. **Memorandum of Authorities.** A request may contain an argument by the requestor in support terms of the proposed opinion suggested by the requestor. The argument may be submitted in the form of a memorandum of authorities, containing a full discussion of the reasons, including any legal authorities, in support of such position of the requestor. The agency may request that argument and memorandum of authorities be submitted by any interested party.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.7 Time for MSBRPG's Response***

A. MSBRPG's Response. Within forty-five (45) days after the receipt of a request for declaratory opinion which complies with the requirements of these rules, the MSBRPG shall in writing:

1. Issue an opinion declaring the applicability of the specified statute, rule or order to the specified circumstances;

2. Decline to issue a declaratory opinion, stating the reasons for its action;

   or

3. Agree to issue a declaratory opinion or a written statement declining to issue a declaratory opinion by a specified time but no later than ninety (90) days after receipt of the written request.

B. When Period Begins to Run. The forty-five (45) day period shall begin running on the first State of Mississippi business day that the request is received in the MSBRPG.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.8 Procedure after Request for Declaratory Opinion Received***

Opinion Not Final for Sixty Days. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the MSBRPG may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.9 Hearings at the Discretion of the MSBRPG***

A. Provision for Hearing. If the MSBRPG in its sole discretion deems a hearing necessary or helpful in determining any issue concerning a request for declaratory opinion, the MSBRPG may schedule such hearing. Notice of the hearing shall be given to all interested parties unless waived. Notice mailed by first class mail 7 calendar days prior to the hearing shall be deemed appropriate.

B. Proceedings at the Hearing. The procedure for conducting a hearing, including but not limited to the manner of presentation, the time for presentation, and whether and how evidence may be taken, shall be within the discretion of the MSBRPG.

C. Persons Appearing at the Hearing. The MSBRPG shall allow the requestor to participate in any hearing. The MSBRPG may allow any other persons or entities to participate in the hearing.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.10 Public Availability of Requests and Declaratory Opinions***
The Executive Director/Board Administrator will make declaratory opinions and requests for declaratory opinions available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is exempted from disclosure under the Mississippi Public Records Act or is otherwise confidential by law shall be exempt from this requirement.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

***Rule 16.11 Process for Issuing Declaratory Opinions***

A. Once the Executive Director/Board Administrator has received the request, s/he will review the request for validity and prepare a response according to the guidelines listed in this Rule.

B. The Executive Director/Board Administrator will then forward the request and opinion to the Board's Attorney for review.

C. If there are problems with the opinion, the Executive Director/Board Administrator will be notified by the Attorney and the problems corrected.

D. Once the Attorney approves the opinion, he will then forward the request and opinion to the Executive Director/Board Administrator.

E. The Executive Director/Board Administrator will index the opinions by name and subject and make available for public inspection.

F. The Executive Director/Board Administrator will mail the opinion back to the requestor and anyone else who has asked to participate.

Source: *Miss. Code Ann.* §25-43-2.103; §73-63-17(a)

## Part 1101 Chapter 17: Procedures for Making the MSBRPG Orders Available to the Public

***Rule 17.1 Purpose***
These sections set forth the procedures for making the MSBRPG Orders available to the public

as required by Mississippi Code §25-42-2.102.

Source: *Miss. Code Ann.* §25-42-2.102; §73-63-17(a)

***Rule 17.2 Summary***
The Executive Director/Board Administrator shall be responsible for indexing all orders of the Board by name and subject and shall make all orders of the Board available for public inspection and copying in accord with applicable Board Rules. This is subject to any confidentiality provisions established by law.

Source: *Miss. Code Ann.* §25-42-2.102; §73-63-17(a)

***Rule 17.3 Using Board Orders as Precedent***
The written final order can't be precedent to the detriment of any person by the MSBRPG until it has been made available for public inspection & indexed.

A. This is inapplicable to any person who has actual timely knowledge of the order

B. The burden of proof is on the MSBRPG

Source: *Miss. Code Ann.* §25-42-2.102; §73-63-17(a)

**Part 1101 Chapter 18: Severability**
If for any reason any section, paragraph, clause or part of these Rules and Regulations of Procedure shall be held unconstitutional, or invalid, that fact shall not affect any other section, paragraph, clause or part of any of these rules or regulations.

Source: *Miss. Code Ann.* §73-63-17(a)

# *MISSISSIPPI STATE BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS*

## ***Registered Professional Geologists Practice Act of 1997***

CHAPTER 63

**Registered Professional Geologists Practice Act**


Sec.

73-63-1. Title.
73-63-3. Purpose.
73-63-5. Definitions.
73-63-7. Activities requiring registration under chapter; exemptions.
73-63-9. Creation of Board of Registered Professional Geologists; composition of board; appointment; vacancies; qualifications of board members.
73-63-11. Compensation of board.
76-63-13. Removal or suspension of board members.
73-63-15. Meetings of board; election of officers.
73-63-17. Powers and duties of board.
73-63-19. Powers and duties of executive director.
73-63-21. Registered Professional Geologists Fund.
73-63-23. Maintenance of records by board.
73-63-25. Designation of Attorney General as counsel for board.
73-63-27. Qualification of registered professional geologists; requirements of geologists-in-training.
73-63-29. Form of application.
73-63-31. Examination.
73-63-33. Issuance of certificates; denial of certificates.
73-63-35. Expiration of certificates; renewal; lost or destroyed certificates.
73-63-37. Fees.
73-63-39. Recognition of out-of-state registration, licensure, or certification; reciprocal registration agreements.
73-63-41. Use of the designation “Certified Professional Geologist”.
73-63-43. Grounds for disciplinary actions; disciplinary proceedings; sanctions.
73-63-45. Report of disciplinary actions.
73-63-47. Proceedings of enforcement of chapter by board.
73-63-49. Appeal to chancery court by aggrieved persons.
73-63-51. Violations of this chapter.
73-63-53. Memorandum of understanding.
73-63-55. Preference given to resident professional geologists.
73-63-57. Repeal of Sections 73-63-1 through 73-63-55.


AN ACT TO CREATE THE REGISTERED PROFESSIONAL GEOLOGISTS PRACTICE ACT OF 1997; TO DEFINE TERMS; TO REQUIRE INDIVIDUALS PRACTICING, ATTEMPTING TO PRACTICE OR OFFERING TO PRACTICE GEOLOGY TO BE REGISTERED UNDER THIS CHAPTER; TO PROHIBIT PERSONS OTHER THAN INDIVIDUALS FROM PRACTICING GEOLOGY UNLESS GEOLOGICAL WORK IS PERFORMED UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL GEOLOGIST; TO SPECIFY THOSE ACTS CONSTRUED AS THE PRACTICE OF GEOLOGY; TO REQUIRE GEOLOGIC REPORTS TO BE PREPARED UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL GEOLOGIST; TO SPECIFY THOSE ACTIVITIES WHICH SHALL NOT REQUIRE REGISTRATION UNDER THIS CHAPTER; TO CREATE THE BOARD OF REGISTERED PROFESSIONAL GEOLOGISTS AND PROVIDE FOR ITS MEMBERSHIP; TO SPECIFY THE QUALIFICATIONS OF BOARD MEMBERS; TO ESTABLISH A PROCESS FOR NOMINATIONS OF BOARD MEMBERS; TO PROVIDE FOR PER DIEM AND EXPENSES OF BOARD MEMBERS; TO AUTHORIZE THE REMOVAL OF BOARD MEMBERS UNDER CERTAIN CIRCUMSTANCES; TO ESTABLISH THE POWERS AND DUTIES OF THE BOARD; TO AUTHORIZE THE BOARD TO HIRE AN EXECUTIVE DIRECTOR AND TO SPECIFY THE POWERS AND DUTIES OF THAT EXECUTIVE DIRECTOR; TO CREATE THE REGISTERED PROFESSIONAL GEOLOGISTS FUND AND PROVIDE FOR USES OF THE FUND; TO REQUIRE THE BOARD TO MAINTAIN CERTAIN RECORDS; TO DESIGNATE THE ATTORNEY GENERAL AS LEGAL COUNSEL TO THE BOARD; TO SPECIFY THE MINIMUM QUALIFICATIONS FOR REGISTRATION AS A PROFESSIONAL GEOLOGIST AND FOR ENROLLMENT AS A GEOLOGIST-IN-TRAINING; TO PROVIDE CERTAIN EXCEPTIONS TO THOSE QUALIFICATIONS; TO SPECIFY THE MINIMUM CONTENT OF APPLICATIONS FOR REGISTRATION OR ENROLLMENT; TO AUTHORIZE THE BOARD TO ADOPT AND USE NATIONAL OR REGIONAL REGISTRATION EXAMINATIONS; TO PROVIDE FOR THE ISSUANCE OR DENIAL OF CERTIFICATES OF REGISTRATION AND ENROLLMENT AND TO REQUIRE THE BOARD TO PROVIDE A SEAL TO EACH REGISTERED PROFESSIONAL GEOLOGIST; TO PROVIDE FOR THE RENEWAL OF CERTIFICATES OF REGISTRATION AND ENROLLMENT; TO AUTHORIZE THE BOARD TO ASSESS AND COLLECT CERTAIN FEES; TO AUTHORIZE THE BOARD TO ENTER INTO RECIPROCAL REGISTRATION AGREEMENTS AND TO ISSUE RECIPROCAL REGISTRATIONS; TO REQUIRE THE BOARD TO AUTHORIZE AND RECOGNIZE OTHER PROFESSIONAL GEOLOGIST DESIGNATIONS; TO SPECIFY CIRCUMSTANCES UNDER WHICH THE BOARD MAY TAKE DISCIPLINARY ACTIONS AND TO PROVIDE FOR THOSE ACTIONS; TO PROVIDE FOR DISCIPLINARY HEARINGS AND APPEALS OF DISCIPLINARY ACTIONS OF THE BOARD; TO ALLOW THE BOARD TO IMMEDIATELY SUSPEND A CERTIFICATE UNDER CERTAIN CIRCUMSTANCES AND TO REISSUE REVOKED CERTIFICATES; TO AUTHORIZE THE BOARD TO SUSPEND CERTIFICATES FOR NONCOMPLIANCE WITH A CHILD SUPPORT ORDER; TO REQUIRE THE BOARD TO REPORT DISCIPLINARY ACTIONS; TO AUTHORIZE THE BOARD TO INSTITUTE AND MAINTAIN CIVIL PROCEEDINGS; TO SPECIFY UNLAWFUL ACTS AND TO PRESCRIBE PENALTIES FOR VIOLATIONS; TO REQUIRE THE BOARD TO SEEK TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS TO RESOLVE JURISDICTIONAL CONCERNS; TO PROVIDE A PREFERENCE UNDER CERTAIN CIRCUMSTANCES IN AWARDING CONTRACTS FOR PROFESSIONAL GEOLOGICAL SERVICES; TO ESTABLISH A REPEALER DATE OF DECEMBER 31, 2007, ON THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

Note: Act was revised in 2006 (see following):

AN ACT TO AMEND SECTION 73-63-5, MISSISSIPPI CODE OF 1972, TO REVISE DEFINITIONS; TO AMEND SECTION 73-63-7, MISSISSIPPI CODE OF 1972, TO CLARIFY WORK NOT REQUIRING REGISTRATION UNDER THE CHAPTER; TO AMEND SECTION 73-63-9, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT MEMBERS OF THE BOARD POST A SURETY BOND AND REVISE THE PROCEDURE OF NOMINATING MEMBERS TO THE BOARD; TO AMEND SECTION 73-63-11, MISSISSIPPI CODE OF 1972, TO ALLOW THE BOARD TO ELECT TO WAIVE PER DIEM COMPENSATION; TO AMEND SECTION 73-63-37, MISSISSIPPI CODE OF 1972, TO REVISE THE REGISTRATION AND RE-REGISTRATION FEES FOR REGISTERED PROFESSIONAL GEOLOGISTS; TO AMEND SECTION 73-63-43, MISSISSIPPI CODE OF 1972, TO REVISE GROUNDS FOR DISCIPLINARY ACTIONS; TO REPEAL SECTION 73-63-57, MISSISSIPPI CODE OF 1972, WHICH REPEALS SECTIONS 73-63-1 THROUGH 73-63-55, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE REGISTERED PROFESSIONAL GEOLOGISTS PRACTICE ACT; TO REPEAL SECTION 73-13-99, MISSISSIPPI CODE OF 1972, WHICH REPEALS SECTIONS 73-13-1 THROUGH 73-13-45 AND 73-13-71 THROUGH 73-13-103, MISSISSIPPI CODE OF 1972, WHICH CREATE THE BOARD OF LICENSURE FOR PROFESSIONAL ENGINEERS AND SURVEYORS AND PRESCRIBE ITS DUTIES AND POWERS, EFFECTIVE JULY 1, 2009; AND FOR RELATED PURPOSES.

**§ 73-63-1. Title.**

This chapter shall be known and may be cited as "The Registered Professional Geologists Practice Act of 1997."

**§ 73-63-3. Purpose.**

In order to safeguard life, health, and property, and to promote the public welfare, it is in the public interest to require any person in either public or private capacity practicing or offering to practice geology to be registered, unless otherwise authorized by this chapter.

**§ 73-63-5. Definitions.**

The following words shall have the meanings ascribed in this section, unless the context clearly indicates otherwise:

(a) "Board" means the board of registered professional geologists created under this act.

(b) "Certified geologist" means a geologist who has been certified by a professional geologic organization, society or association, including, but not limited to, the American Association of Petroleum Geologists and the American Institute of Professional Geologists, which has certification requirements recognized by the board.

(c) "Fund" means the registered professional geologists fund created under Section 11 of this act.

(d) "Geologist" means an individual who, by reason of knowledge of geology, mathematics and the supporting physical and life sciences acquired by education and practical experience, is qualified to engage in the practice of geology.

(e) "Geologist-in-training" means an individual who has met the academic qualifications established by the board, who has successfully passed a written examination demonstrating a knowledge of the fundamentals of geology, and who has been enrolled as a geologist-in-training by the board.

(f) "Geology" means the science which includes the study of the earth and its origin and history. Geology includes the investigation of the earth's constituent rocks, minerals, solids, and fluids, including surface and underground waters, gases and other materials and the study of the natural agents, forces, and processes which cause changes in the earth.

(g) "Person" means any individual, trust, firm, joint stock company, public or private corporation (including a government corporation), partnership, association, state, or any agency or institution thereof, municipality, commission, political subdivision of a state or any interstate body, and includes any officer or governing or managing body of any municipality, political subdivision, or the United States or any officer or employee thereof.

(h) "Practice of geology" means any professional service to determine and evaluate the geology of the earth requiring geological education, training, experience and the application of special knowledge of the mathematical, physical and geological sciences to those services, including, but not limited to, consultation, investigation, evaluation, planning, surveying (unless licensed under Sections 73-13-71 through 73-13-99), mapping, and inspection of geological work.

(i) "Registered professional geologist" means a geologist who has met the academic and experience qualifications established by the board and has been issued a certificate of registration as a registered professional geologist by the board.

(j) "Registrant" means any individual who holds a certificate of registration or certificate of enrollment issued under this chapter.

(k) "Responsible charge" means the independent control and direction, by use of initiative, skill and independent judgment, of geological work or the supervision of that work.

(l) "Subordinate" means any individual who assists in the practice of geology by a registered professional geologist without assuming the responsible charge of the work.

(m) "Specialty" means any branch or discipline of geology that may be recognized under this chapter or regulations promulgated by the board for certifying specialization in a specific geologic field of study or related scientific field of study, or both.

(n) “Welfare” means physical and financial welfare.

**§ 73-63-7. Activities requiring registration under chapter; exemptions.**

(1) A person shall not use the term "Registered Professional Geologist" unless that person is registered under this chapter. Unless exempted under subsection (5) of this section, any individual practicing, offering or attempting to practice geology or claiming any specialty in geology, as a professional, business or commercial identification, title, name, representation or claim, or otherwise holding themselves out to the public, as being qualified to practice geology or any of its specialties shall be registered under this chapter.

(2) Unless exempted under subsection (5) of this section, no person other than an individual shall engage in the practice of geology unless the geologic work is performed by or under the supervision of one or more registered professional geologists, who is in responsible charge of the work and signs and seals all documents. If the principal business of the person, as determined by the board, is the practice of geology, then a principal, officer or director must be a registered professional geologist and have overall supervision and control of the geologic work performed in this state.

(3) Except as exempted under subsection (5) of this section, a person shall be construed to engage in the practice of geology or offer to practice geology under this chapter if that person:

(a) Practices any branch of geology;

(b) Represents by verbal claim, sign, advertisement, letterhead, card or any other way or implies through the use of the title "geologist" that the person is registered under this chapter;

(c) Holds himself or herself out as able to perform or does perform any geologic services or work recognized by the board as the practice of geology; or

(d) Makes geologic determinations and evaluations which may affect the public welfare including, but not limited to, the following activities: protection of groundwater to ensure adequate quality and quantity for present and future generations; prevention and remediation of contamination of the earth, earth materials and water from improper disposal or accidental spills; determination of the suitability and risks in containment and disposal of wastes and hazardous materials, including, but not limited to, landfills, storage tanks, and injection wells; siting of boreholes, depth of wells to be drilled, depth of casing and grouting requirements for the construction of monitoring wells or other borings into the earth that may affect one or more aquifers; the suitability for construction projects including excavations, buildings, dams, highways, and other structures which may be affected by floods, landslides, earthquakes, sinkholes, erosion, and expansive or contractive earth and earth materials, etc. These geologic determinations and evaluations do not include the design of structures as defined by Title 73, Chapter 13 and other engineering-related activities as clearly defined and mutually agreed upon between the Board of Registered Professional Geologists and the Board of Registration for Professional Engineers and Land Surveyors in the memorandum of understanding authorized under Section 27 of this act.

(4) Any geologic report or geologic portion of a report, which incorporates or is based on a geologic study or on geologic data and is required by or supporting compliance with any federal, state or local governmental law, ordinance, rule or regulation shall be prepared by or under the supervision of a registered professional geologist as evidenced by the geologist's signature and seal.

(5) The following activities shall not require registration under this chapter:

(a) Geologic work performed by an employee or a subordinate of a registered professional geologist, if that work does not include responsible charge of geologic work, provided that the work does not state, portray or infer by any manner or suggestion whatsoever that the employee or subordinate is in responsible charge of the geology or geologic work and that the work is performed under the direct supervision of a registered professional geologist, who is responsible for that work and whose signature and seal must be conspicuously affixed thereto;

(b) Geologic work performed exclusively in the exploration for and development or proving out of petroleum resources, including the giving of testimony, or preparation and presentation of exhibits or documents regarding petroleum resources for the sole purpose of consideration by, or being placed into evidence before, any administrative agency, judicial tribunal or public hearing, if the testimony, exhibits or documents do not imply that the person is registered under this chapter;

(c) The practice of engineering, including the acquisition of engineering data and the utilization of these data in analysis, design, and construction by professional engineers appropriately registered in this state;

(d) Work customarily performed by physical or natural scientists such as chemists, archaeologists, geographers, oceanographers, pedologists and soil scientists, if that work does not include the planning and execution of geologic investigations, being in responsible charge of geologic work or the drawing of geologic conclusions and making recommendations involving the practice of geology; and

(e) Geologic work which does not affect the public welfare as specified under subsection (3)(d) of this section.

(6) Nothing in this chapter shall be construed to permit the practice of engineering by a geologist.

**§ 73-63-9. Creation of Board of Registered Professional Geologists; composition of board; appointment; vacancies; qualifications of board members.**

(1) There is created the Board of Registered Professional Geologists to administer this act. The board shall consist of five (5) registered professional geologists appointed by the Governor from nominees recommended by the committee created in subsection (3) of this section, but geologists initially appointed to the board shall be qualified for registration under this chapter and shall register within the first year of their term. The Governor shall require adequate disclosure of potential conflicts of interest by appointees to the board. The board shall, to the extent practicable, consist of one (1) member appointed from the governmental sector, one (1) member appointed from academia, one (1) member appointed from the geotechnical/environmental industrial sector, one (1) member appointed from the mining/mineral extraction industrial sector, and one (1) member appointed at large. The initial term of the members shall be as follows: Two (2) members shall be appointed for terms of four (4) years, two (2) members shall be appointed for terms of three (3) years, and one (1) member shall be appointed for a term of two (2) years. Following appointment of the initial board, all terms shall be for four (4) years. The term of members shall begin and end on July 1 of the appropriate year regardless of the date of appointment. Upon expiration of a member's term, the Governor may appoint a new member or may reappoint the existing member to one (1) additional term. No member of the board shall serve more than two (2) consecutive terms. Members shall hold office until their successors have been appointed and qualified. Vacancies in the membership of the board shall be filled for the unexpired term by appointment in the same manner as the original appointments. Before assuming the duties of office, each member of the board shall take the oath prescribed in Section 268 of the Constitution. Each member shall receive a certificate of appointment from the Governor. Original appointments to the board shall be made before October 1, 1997.

(2) Each member of the board shall be a citizen of the United States, a resident of this state for at least five (5) years immediately preceding that person's appointment, and at least thirty (30) years of age.

(3) (a) Except as provided in paragraph (b) of this subsection, the board annually shall appoint a nominating committee. No board member shall participate on the nominating committee during the year in which that member's term expires. The nominating committee shall compile a list of nominees and submit that list to the registered professional geologists on the roster. Each geologist shall have one (1) vote and shall submit that vote in writing within fifteen (15) days following the mailing of the list of nominees. The executive director, or the president in the absence of an executive director, shall calculate the results and recommend to the Governor the three (3) nominees from the sector in which the vacancy occurs receiving the largest number of votes.

(b) The Task Force/Advisory Committee on Geologic Registration shall recommend fifteen (15) nominees to the Governor for appointment to the initial board.

**§ 73-63-11. Compensation of board.**

Each member of the board, except a state employee, shall receive per diem in accordance with Section 25-3-69 when actually attending meetings of the board or its committees. Board members shall be reimbursed for traveling expenses in accordance with Section 25-3-41. If the president of the board assumes the powers and duties under Section 10 of this act, the president shall receive per diem for each day spent executing those powers and duties. The board, by majority vote, may elect not to receive per diem compensation, which election shall be revocable.

**§ 73-63-13. Removal or suspension of board members.**

The Governor may remove or suspend any member of the board for any of the following causes:

(a) A member is no longer qualified for appointment to the board;

(b) Misconduct, incompetence, neglect of official duties, malfeasance or inability to perform official duties due to incapacitation;

(c) Commission of a felony or violation of this chapter resulting in disciplinary action; or

(d) Unexcused failure to attend at least one-half (1/2) of the regularly scheduled meetings held in a calendar year.

**§ 73-63-15. Meetings of board; election of officers.**

(1) The board shall meet within sixty (60) days after appointment of its members. The board shall hold at least two (2) regular meetings each year. Special meetings may be held at any time as provided in the rules and regulations of the board. The board shall provide notice of its meetings.

(2) The board shall elect annually from its membership a president and vice president. The president or vice president shall not hold that office for more than two (2) consecutive annual terms.

(3) A majority of the board shall constitute a quorum.

(4) The board shall keep a record of its proceedings.

**§ 73-63-17. Powers and duties of board.**

The board shall have the following powers and duties:

(a) To adopt, modify, repeal and promulgate, after due notice and hearing and in accordance with the Mississippi Administrative Procedures Law, and where not otherwise prohibited by federal or state law to make exceptions to and grant exemptions and variances from, and to enforce rules and regulations implementing the powers and duties of the board under this chapter, including rules governing the conduct of its business and meetings;

(b) To adopt an official seal and alter that seal at the pleasure of the board;

(c) To apply for, receive and expend any federal or state funds or contributions, gifts, devises, bequests or funds from any other source;

(d) To enter into, and to authorize the executive director to execute contracts, grants and cooperative agreements with any federal or state agency, any public or private institution, or any other person to carry out this chapter. The board shall not provide any funds for special interest groups to lobby or otherwise promote the group's special interests;

(e) To employ, in its discretion, an executive director and other qualified technical, professional and clerical personnel, including investigators and expert witnesses, as may be required for the operation of the board;

(f) To establish, charge, collect and revise reasonable and necessary fees to applicants and registrants to support the administration and enforcement of this chapter;

(g) To identify specialties and to establish qualifications, conduct examinations and issue certificates in those specialties to qualified applicants and to recognize and authorize the use of certain geologic designations;

(h) To prepare, administer and grade oral and written examinations authorized under this chapter;

(i) To issue, reissue, renew, suspend, revoke or deny the issuance, reissuance or renewal of certificates of registration or certificates of enrollment;

(j) To authorize the preparation and conduct of continuing education programs with voluntary participation;

(k) To establish standards of professional conduct;

(l) To investigate complaints of violations of this chapter, any rule, regulation or written order of the board, any condition of registration, or standard of professional conduct by registrants or nonregistrants, as provided in this chapter and to impose sanctions and penalties for violations, including, but not limited to, restrictions on the practice of any registrant or any other person engaged in the practice of geology;

(m) To administer oaths and affirmations, and to issue subpoenas to compel the attendance of witnesses and the production of evidence;

(n) To begin and maintain legal actions to enforce this chapter and to seek injunctions;

(o) To delegate powers, duties or responsibilities to the executive director as deemed necessary to efficiently administer this chapter; and

(p) To discharge other powers, duties and responsibilities provided under this chapter or as necessary to implement this chapter.

**§ 73-63-19. Powers and duties of executive director.**

(1) If the board employs an executive director, the executive director shall have the following powers and duties:

(a) To administer the policies of the board within the authority granted by the board;

(b) To supervise and direct all administrative, technical and investigative activities of the board;

(c) To organize the administrative units of the board in accordance with a plan adopted by the board and to alter that organizational plan and reassign responsibilities with approval of the board as deemed necessary to carry out the policies of the board;

(d) To recommend to the board appropriate studies and investigations and to carry out the approved recommendations;

(e) To issue, modify or revoke any orders under authority granted by the board;

(f) To enter into contracts, grants and cooperative agreements as approved by the board with any federal or state agency, any public or private institution or any other person to carry out this chapter;

(g) To receive, administer and account for any funds received by the board;

(h) To prepare and deliver to the Legislature and the Governor before January 1 of each year, and at any other times as may be required by the board, Legislature or Governor, a full report of the work of the board, including a detailed statement of revenues and expenditures of the board and any recommendations the board may have; and

(i) To discharge other powers, duties and responsibilities as directed or delegated by the board.

(2) The executive director shall give a surety bond satisfactory to the board, conditioned upon the faithful performance of the executive director's duties. The premium on the bond shall be regarded as a proper and necessary expense of the board.

(3) If the board does not employ an executive director, the president of the board shall have the powers and duties provided in subsection (1) of this section.

**§ 73-63-21. Registered Professional Geologists Fund.**

(1) There is created in the State Treasury a fund to be designated as the "Registered Professional Geologists Fund," to be administered by the president or executive director of the board.

(2) Monies in the fund shall be utilized to pay reasonable direct and indirect costs associated with the administration and enforcement of this chapter.

(3) Expenditures from the fund may be made upon requisition by the president or executive director of the board.

(4) The fund shall be treated as a special trust fund. Interest earned on the principal shall be credited to the fund by the Treasurer.

(5) The fund may receive monies from any available public or private source, including, but not limited to, collection of fees, interest, grants, taxes, public and private donations, judicial actions and appropriated funds.

(6) Monies in the fund at the end of the fiscal year shall be retained in the fund for use in the next succeeding fiscal year.

**§ 73-63-23. Maintenance of records by board.**

(1) The board shall keep the minutes of the board, including all orders, rules and regulations adopted, in a record book or books maintained for that purpose. The book or books shall be a public record and open to inspection by the public during all reasonable hours. All minutes of board meetings and hearings, and all rules, regulations and orders made by the board shall be in writing. The board shall compile and publish as necessary the rules and regulations promulgated by the board in current consolidated version. The board shall provide the consolidated compilation of the rules and regulations to the public for a cost sufficient to cover printing, postage and administrative expenses, including the cost of any contractual services necessary to compile and publish those rules and regulations.

(2) The board shall also keep a register of all applications for registration or enrollment, which shall show:

(a) The name, residence and date of birth of the applicant;

(b) The date of the application;

(c) The name, address and telephone number of the applicant's employer;

(d) The applicant's educational and other qualifications;

(e) The name of any other state in which or any other organization by which the applicant is registered, licensed or certified and date of that action;

(f) The date of any action taken by the board regarding this applicant; and

(g) Other information deemed necessary by the board.

(3) The board shall maintain a roster showing the names and place of business or residence of all registered professional geologists. The board shall upon request provide copies of the roster to state and local governmental entities. The board shall provide copies of the roster to any other person upon written request for a cost sufficient to cover printing, postage and administrative and other expenses. In addition, the board shall maintain a roster of all geologists-in-training.

(4) The board shall also maintain a list of each state, territory or possession of the United States, or foreign country in which the requirements and qualifications for registration are comparable to those established in this state and with which a reciprocity agreement or other form of mutual recognition exists.

(5) The records kept by the board shall be prima facie evidence of the proceedings of the board and a transcript, certified by the president and vice president, shall be admissible in evidence with the same force and effect as if the original was produced.

**§ 73-63-25. Designation of Attorney General as counsel for board.**

The Attorney General shall be counsel and attorney for the board and shall provide any legal services as may be requested by the board from time to time. The board, with the approval of the Attorney General, may retain outside counsel and investigators to provide any legal and investigative assistance as may be necessary in enforcing this chapter.

**§ 73-63-27. Qualification of registered professional geologists; requirements of geologists-in-training.**

(1)(a) Except as provided in subsections (2) and (3) of this section, the following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a registered professional geologist:

(i) Graduation from a course of study in geology satisfactory to the board from an accredited college or university, or from a program accredited by an organization recognized by the board, of four (4) or more years and which includes at least thirty (30) semester or forty-five (45) quarter hours of credit, with a major in geology or a geological specialty;

(ii) Demonstration through a specific record of a minimum of four (4) years of qualifying experience, after completion of the academic requirements, in geology or a specialty indicating that the applicant is competent to practice geology or a specialty. The board may require the experience be gained under the supervision of a geologist registered in this state or any other state with at least as stringent geologic registration requirements, or under the supervision of others who, in the opinion of the board, are qualified to have responsible charge of geological work;

(iii) Successful passage of at least one (1) examination in geology as determined and prescribed by the board; and

(iv) Other requirements as may be established in rules and regulations by the board.

(b) In addition to the qualifications named in paragraph (a) of this subsection, applicants for registration as a registered professional geologist shall include with their application at least three (3) letters of reference from geologists having personal knowledge of the applicant's geologic experience.

(c) The board may give credit for a master's degree in the geological sciences or in a specialty as one (1) year of professional experience and an earned doctorate degree in the geological sciences or in a specialty as two (2) years of professional experience. The board shall not give more than two (2) years of professional experience credit for the completion of all graduate degrees.

(d) The board may give credit for geological research or teaching of persons studying geology or a specialty at an accredited college or university level as qualifying experience, if the research or teaching, in the opinion of the board, is comparable to experience obtained in the practice of geology or a specialty.

(e) The board may adopt qualifications which, in its judgment, are equivalent to the educational and experience requirements in subsection (1)(a) of this section.

(f) No person shall be eligible for registration as a professional geologist who is not of good character and reputation.

(2) Before December 31, 1998, any applicant who applies for registration or enrollment shall be considered qualified, without written examination, if the applicant possesses the qualifications prescribed in subsection (1) or (3) of this section, as the case may be.

(3) An applicant who applies for registration before July 1, 1998, shall be qualified without written examination, if the applicant possesses the following qualifications:

(a) A bachelor's degree from an accredited college or university in civil engineering with a minimum of fifteen (15) semester hours or an equivalent number of quarter hours of credit in geology or a geologically-related course, as determined by the board;

(b) A certificate of registration as a professional engineer in the State of Mississippi; and

(c) A minimum of ten (10) years of qualifying experience in geotechnical or geological engineering work demonstrated by a specific record.

If the board determines after review of the academic and experience qualifications required by this subsection that the applicant is competent to practice geology, the board may issue a certificate of registration under this chapter.

(4) Applicants for enrollment as a geologist-in-training shall meet the qualifications for a registered professional geologist, except the requirement for four (4) years of experience.

(5) The board may adopt requirements for the issuance of temporary registrations. Qualifications for temporary registrations shall be consistent with those required under this chapter.

(6) Upon written request of an applicant, the board may waive, on a case-by-case basis, any requirement for registration or enrollment, except payment of the applicable fees. The request shall state the reasons a waiver should be granted. The requirements waived and the basis for that waiver shall be recorded in the applicant's record and in the proceedings of the board, and any waiver may be subject to repeal or suspension as determined by the board.

**§ 73-63-29. Form of application.**

(1) Applications for enrollment as a geologist-in-training or for registration as a professional geologist, in general or in any specialty, shall be on forms prescribed and furnished by the board. The application shall include information necessary for the roster under Section 12 of this act, the applicant's educational qualifications and a detailed summary of the applicant's qualifying experience. The board may require the applicant to have provided an original transcript or equivalent documentation of the applicant's educational qualifications. The applicant shall also submit a signed statement that the applicant has read and shall adhere to any code of professional conduct established by the board. The application shall be signed and sworn by the applicant before a notary public.

(2) An application for enrollment as a geologist-in-training or for registration or renewal of registration as a professional geologist, in general or in any specialty, shall be accompanied by the appropriate application fee.

**§ 73-63-31. Examination.**

The board may adopt, in part or in whole, examinations prepared, administered or graded by other organizations, on a regional or national basis, which the board determines are appropriate to measure the qualifications of an applicant for registration as a professional geologist, in general or in a specialty of geology, or enrollment as a geologist-in-training. In adopting any examination, the board shall require that the examination questions and correct answers and any individual applicant's completed examination, be available to the board. The board shall retain the authority to determine a passing grade for purposes of registration or enrollment in this state.

**§ 73-63-33. Issuance of certificates; denial of certificates.**

(1) The board shall issue a certificate of registration or certificate of enrollment as a geologist-in-training, upon payment of the applicable registration fee, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter.

In the case of a registered professional geologist, the certificate of registration shall authorize the "practice of geology."

In the case of a geologist-in-training, the certificate shall state that the applicant has successfully passed the examination required by the board and has been enrolled as a "geologist-in-training" for a period of ten (10) years or until registration as a professional geologist, whichever comes first.

Certificates shall show the full name, have a serial number, and be signed by the president and the vice president of the board under seal of the board.

(2) If the board denies the issuance of a certificate of registration or a certificate of enrollment, the board shall notify the applicant in writing within thirty (30) days following the board's decision and shall state the reasons for the denial. Within thirty (30) days following receipt of the notice, the applicant may make written request for a hearing,

which, if granted, shall be conducted as provided in this chapter. If no hearing is requested or is untimely requested, the board's action shall be final.

(3) The issuance of a certificate of registration by the board shall be prima facie evidence that the person named on the certificate is entitled to all the rights and privileges of a registered professional geologist and to practice geology as a firm or corporation, while the certificate remains unrevoked or unexpired.

(4) Each registered professional geologist shall be provided with a seal of a design established by the board, bearing the person's name, registration number, the legend "Registered Professional Geologist." This cost of providing the seal shall be borne by the registered professional geologist. Geologic reports, documents or other public records offered to or filed for the public and prepared or issued by a registered professional geologist, or by a subordinate under the supervision of a registered professional geologist, shall be stamped with the seal, signed and dated by the registered professional geologist.

**§ 73-63-35. Expiration of certificates; renewal; lost or destroyed certificates.**

(1) Certificates of registration shall be valid for a period of two (2) years, and shall expire on a date or dates established by the board. The board shall notify every registered professional geologist of the date of expiration of that person's certificate and the amount of the fee that shall be required for its renewal at least sixty (60) days before the expiration date. Upon expiration, a certificate shall be canceled and is invalid, and may not be renewed unless provided in this chapter.

(2) The board shall renew the certificate of registration or certificate of enrollment of any registrant who, within sixty (60) days following the expiration date:

(a) Submits a renewal application, the renewal fee and any penalty for late renewal; and

(b) Meets the requirements for renewal established by the board which may include requiring evidence of continued competence in the practice of geology through a review of qualifications and experience.

(3) The board shall establish requirements and conditions for the reissuance of certificates of registration and certificates of enrollment which have lapsed, expired, or have been suspended or revoked.

(4) The board shall issue a new certificate to replace any certificate of registration or certificate of enrollment which has been lost, destroyed, or mutilated. The holder of the certificate shall bear the cost of issuing a new certificate.

**§ 73-63-37. Fees.**

(1) The board shall establish, by rule, application fees which shall not exceed Two Hundred Dollars ($00.00) for application for registration and One Hundred Dollars ($100.00) for application for enrollment.

(2) In addition to the application fee required under subsection (1) of this section, an applicant shall pay an examination fee before taking the applicable examination. The board shall set a reasonable examination fee for each examination administered by the board to defer the actual cost of the examination.

(3) The board shall establish, by rule, registration fees which shall not exceed Two Hundred Dollars ($200.00) annually for registration as a registered professional geologist and One Hundred Dollars ($100.00) annually for enrollment as a geologist-in-training.

(4) The board shall establish, by rule, fees for the renewal and reissuance of a certificate of registration or certificate of enrollment.

**§ 73-63-39. Recognition of out-of-state registration, licensure, or certification; reciprocal registration agreements.**

(1) The board may sign agreements with boards of registration, licensure or certification in other states, and with other appropriate organizations and agencies, for the purposes of:

(a) Developing uniform standards for registration of professional geologists or enrollment of geologists-in-training;

(b) Accrediting educational programs;

(c) Establishing reciprocity, comity, temporary registration, or mutual recognition of registration or enrollment;

(d) Developing regional or national examinations;

(e) Evaluating applicants; or

(f) Other purposes consistent with this chapter.

(2) Any person holding a valid certificate of registration, licensure or certification for the practice of geology or a recognized specialty of geology, issued under the laws of any state or territory or possession of the United States, or any foreign country, shall be eligible for registration, without examination. The board may issue a certificate of registration to any person who has made application, provided proof of registration, licensure or certification under requirements which the board determines to be substantially similar to those established under this act and paid all applicable fees.

**§ 73-63-41. Use of the designation “Certified Professional Geologist”.**

The board shall recognize and authorize the use of the designation "Certified Professional Geologist" or "C.P.G." as used by the American Institute of Professional Geologists, the designation "Certified Petroleum Geologist" or "C.P.G." as used by the American Association of Petroleum Geologists, and the use of the designation "Certified

Geologist" or any similar designation established by a professional geological organization, society or association recognized by the board, subject to the following conditions:

(a) The full name or recognized abbreviation of the organization granting the certification is stated following or in conjunction with the use of the designation or abbreviation; and

(b) The designation or abbreviation is not used in a manner that may mislead the public or create any impression that a person is registered to practice geology unless that person is registered under this chapter.

**§ 73-63-43. Grounds for disciplinary actions; disciplinary proceedings; sanctions.**

(1) The board, upon satisfactory proof and in accordance with this chapter and rules and regulations of the board, may take the disciplinary actions provided under this chapter against any person for the following reasons:

(a) Violation of this chapter, any rule or regulation or written order of the board, any condition of registration or standards of professional conduct;

(b) Fraud, deceit or misrepresentation in obtaining a certificate of registration as a registered professional geologist or certificate of enrollment as a geologist-in-training;

(c) Gross negligence, malpractice, incompetency, misconduct, or repeated incidents of simple negligence in or related to the practice of geology;

(d) Practicing or offering to practice geology, or holding oneself out as being registered or qualified to practice geology, by an individual who is not registered under this chapter, or by any other person not employing a registered professional geologist as required by this chapter;

(e) Using the seal of another, or using or allowing use of one's seal on geologic work not performed by or under the supervision of the registered professional geologist, or otherwise aiding or abetting any person in the violation of this chapter;

(f) Disciplinary action by any state agency, board of registration or similar licensing agency for geologists or any profession or occupation related to the practice of geology. The sanction imposed by the board shall not exceed in severity or duration the sanction upon which that action is based.

(g) Addiction to or chronic dependence on alcohol or other habit-forming drugs or being an habitual user of alcohol, narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effect resulting in the impairment of professional or ethical judgment; or

(h) Injuring or damaging, or attempting to injure or damage, the professional reputation of another by any means whatsoever; this provision shall not relieve a registered professional geologist from the obligation to expose unethical or illegal conduct to the proper authorities nor shall it preclude confidential appraisals of geologists or other persons or firms under consideration for employment.

(2) Any person may bring a complaint alleging a violation of this chapter, any rule or regulation or written order of the board, any condition of registration or standards of professional conduct. Complaints shall be made in writing, sworn to by the person filing the complaint, and filed with the board. The board shall investigate all complaints and upon finding a basis for that complaint, shall notify the accused in writing specifying the provisions of this chapter, rule, regulation or order of the board or the condition or standard alleged to be violated and the facts alleged to constitute the violation. The notice shall require the accused to appear before the board at a time and place to answer the charges. The time of appearance shall be at least thirty (30) days from the date of service of the notice. Notice shall be made by service on the person or by registered or certified mail, return receipt requested, to the last known business or residence address of the accused, as shown on the records of the board. Within fifteen (15) days following receipt of that notice, the accused shall file a written response, admitting, denying, or taking exception to the charges. In the absence of a response or if the charges are admitted or if no exception is taken, the board may take disciplinary action without holding a hearing. A disciplinary action may be settled by the board and the accused, either before or after a hearing has begun.

A person who reports or provides information to the board in good faith is not subject to an action for civil damages.

(3) Any hearing under this section may be conducted by the board itself at a regular or special meeting of the board or by a hearing officer designated by the board. The hearing officer may conduct the hearings in the name of the board at any time and place as conditions and circumstances may warrant. The hearing officer or any member of the board may administer oaths or affirmations to witnesses appearing before the hearing officer or the board.

If any witness fails or refuses to attend upon subpoena issued by the board, refuses to testify or refuses to produce books, papers, reports, documents and similar material, the production of which is called for by a subpoena, the attendance of any witness and the giving of that person's testimony and the production of books, papers, reports, documents and similar material shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of the attendance and testimony of witnesses in civil cases in the courts of this state.

All hearings before the board shall be recorded either by a court reporter or by tape or mechanical recorders and subject to transcription upon order of the board or any interested person. If the request for transcription originates with an interested person, that person shall pay the cost of transcription.

The accused shall have the right to be present at the hearing in person, by counsel or other representative, or both. The board may continue or recess the hearing as may be necessary.

(4) If a hearing officer conducts the hearing on behalf of the board, the hearing officer shall upon completion have the record of that hearing prepared. The record shall be submitted to the board along with that hearing officer's

findings of fact and recommended decision. Upon receipt and review of the record of the hearing and the hearing officer's findings of fact and recommended decision, the board shall render its final decision as provided in subsection (5) of this section.

Any person ordered to appear for an alleged violation may request a hearing before a majority of the board. A verbatim record of any previous hearings on that matter shall be filed with the board, together with findings of fact and conclusions of law made by the board based on the record.

(5) At the conclusion of the hearing, the board may either decide the issue at that time or take the case under advisement for further deliberation. The board shall render its decision not more than ninety (90) days after the close of the hearing, and shall forward to the last known business or residence address of the accused, by certified or registered mail, return receipt requested, a written statement of the decision of the board.

If a majority of the board finds the accused guilty of the charges filed, the board may take any combination of the following actions:

(a) Deny the renewal of a certificate of registration or certificate of enrollment;

(b) Suspend the certificate of registration or certificate of enrollment of any registrant for a specified period of time, not to exceed three (3) years, or revoke the certificate of registration or certificate of enrollment of any registrant;

(c) Censure, reprimand or issue a public or private admonishment to an applicant, a registrant or any other person engaged in the practice of geology under this chapter;

(d) Impose limitations, conditions or restrictions upon the practice of an applicant, a registrant or upon any other person engaged in the practice of geology;

(e) Require the guilty party to complete a course, approved by the board, in ethics;

(f) Impose probation upon a registrant, requiring regular reporting to the board;

(g) Require restitution, in whole or in part, of the compensation or fees earned by a registrant or by any other person engaging in the practice of geology; or

(h) Assess and levy upon the guilty party a monetary penalty not to exceed Five Thousand Dollars ($5,000.00) for each violation.

(6) Any monetary penalty assessed and levied under this section shall be paid to the board upon the expiration of the period allowed for appeal of that penalty, or may be paid sooner if the guilty party elects. Money collected by the board under this section shall be deposited to the credit of the registered professional geologists fund.

When payment of a monetary penalty assessed and levied by the board in accordance with this section is not paid when due, the board may begin and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the guilty party and if the guilty party is a nonresident of the State of Mississippi, the proceedings shall be in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(7) The board may assess and impose the costs of any disciplinary proceedings conducted under this section against either the accused, the charging party, or both, as it may elect.

(8) The authority of the board to assess and levy the monetary penalties under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations, unless provided in this section.

(9) If the board determines there is an imminent danger to the public welfare, the board may issue an order for the immediate suspension of a certificate of registration or a certificate of enrollment. The registrant may request a hearing on the matter within fifteen (15) days after receipt of the order of suspension. The board shall file charges as provided in this section within thirty (30) days after the issuance of an order, or the suspension shall be of no further force and effect. If charges are filed, the order of suspension shall remain in effect until disposition of all charges.

(10) The board, for sufficient cause, may reissue a revoked certificate of registration or certificate of enrollment, upon written application to the board by the applicant. The application shall be made not less than three (3) years after the revocation. The board may impose reasonable conditions or limitations in connection with any reissuance.

(11) In addition to the reasons named in subsection (1) of this section, the board may suspend the certificate of registration or certificate of enrollment of any person for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a certificate for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a certificate suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a certificate suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a certificate when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under Section 25 of this act. Any appeal of a suspension of a certificate that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in Section 25 of this act. If there is any conflict between Section 93-11-157 or 93-11-163 and this chapter, Section 93-11-157 or 93-11-163, as the case may be, shall control.

**§ 73-63-45. Report of disciplinary actions.**

The board shall report disciplinary actions to appropriate state and federal agencies, any other registration, licensing or certification board or organization in this state or any other state, or any other person deemed necessary by the board.

**§ 73-63-47. Proceedings of enforcement of chapter by board.**

In lieu of, or in addition to, the penalty provided in Section 22 of this act, the board may begin and maintain in the name of the state any proceedings necessary or appropriate to enforce this chapter, any rule or regulation or written order of the board or any condition of registration. The proceedings may be filed and heard in the appropriate circuit, chancery, county or justice court of the county in which venue may lie. The board may obtain mandatory or prohibitory injunctive relief, either temporary or permanent, and in cases of imminent and substantial hazard or endangerment, it shall not be necessary that the state plead or prove: (i) that irreparable damage would result if the injunction did not issue; (ii) that there is no adequate remedy at law; or (iii) that a written complaint or board order has first been issued for the alleged violation.

**§ 73-63-49. Appeal to chancery court by aggrieved persons.**

Except as provided in Section 22(10) of this act, any person aggrieved by an action of the board revoking that person's certificate of registration or certificate of enrollment as a geologist-in-training or denying the renewal of registration as a professional geologist, or who is aggrieved by the action of the board as a result of disciplinary proceedings conducted under Section 22 of this act may appeal to the chancery court of the county in which the appellant resides or the Chancery Court of the First Judicial District of Hinds County, at the election of the appellant. If the appellant is a nonresident of this state, the appeal shall be made to the Chancery Court of the First Judicial District of Hinds County. The appeal shall be perfected before the board by the filing with the board of a notice of appeal to the chancery court. The notice of appeal shall be filed not later than thirty (30) days after the decision of the board is forwarded to the guilty party.

All appeals perfected under this section shall act as a supersedeas, and shall be made to the chancery court solely upon the record made before the board during the disciplinary hearing. The appellant shall be required to post a bond with sufficient sureties according to law in an amount to be determined by the chancellor. When the appeal is properly perfected, the board shall cause the record of the proceedings conducted before it to be compiled, certified and filed with the chancery court. The chancery court shall always be deemed open for hearing of appeals and the chancellor may hear the appeal in termtime or in vacation at any place in the chancellor's district. The appeal shall have precedence over all civil cases, except election contests. The chancery court shall review all questions of law and of fact. If no prejudicial error is found, the matter shall be affirmed and remanded to the board for enforcement. If a prejudicial error is found, the matter shall be reversed and the chancery court shall remand the matter to the board for appropriate action as may be shown or necessary under the circumstances. Appeals may be taken from the chancery court to the Supreme Court in the manner as required by law.

**§ 73-63-51. Violations of this chapter.**

(1) Any person committing the following acts shall be guilty of a violation under this chapter:

(a) Practicing, offering or attempting to practice geology, unless registered as a registered professional geologist or otherwise expressly exempted by this chapter;

(b) Using the terms "Registered Professional Geologist," "R.P.G.," or claiming any specialty in geology, as a professional, business or commercial identification, title, name, representation, claim or otherwise holding out to the public, as being registered to practice geology or any of its specialties unless registered under this chapter;

(c) Altering or revising any document, map or work signed or sealed by a registered professional geologist unless that alteration or revision is signed and sealed by a registered professional geologist, changing or altering the name or seal of another registered professional geologist on any document, map or work, or otherwise impersonating another, or presenting or attempting to use the certificate of registration or the seal of another;

(d) Fraud, deceit or misrepresentation in obtaining a certificate of registration as a registered professional geologist or certificate of enrollment as a geologist-in-training, including, but not limited to, knowingly giving any false or forged evidence of any kind to the board or to any board member in obtaining a certificate of registration or certificate of enrollment;

(e) Using the seal or signing any document under a certificate of registration which has expired or has been suspended or revoked;

(f) Managing, or conducting as manager, proprietor, or agent, any place of business from which geological work, not expressly exempted by this chapter, is offered, performed or practiced for others, unless that work is supervised or performed by a registered professional geologist;

(g) Using geologic work for purposes in violation of this chapter; or

(h) Violating this chapter, or any rule, regulation or written order of the board, or any condition or limitation of registration.

(2) Any person convicted of a violation of this section shall be guilty of a misdemeanor, and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment not to exceed six (6) months, or both, for each violation. Each day of a continuing violation is a separate violation. In imposing any fine under this section, the court shall, to the extent practicable, recover any economic benefit received as a result of noncompliance.

**§ 73-63-53. Memorandum of understanding.**

Within one (1) year following its appointment, the board shall seek to enter into a memorandum of understanding with the Mississippi State Board of Registration for Professional Engineers and Land Surveyors and any other necessary agencies, containing guidelines for resolving jurisdictional concerns that may arise between registered

professional geologists and licensed professional engineers and other registered, licensed or certified professional personnel.

**§ 73-63-55. Preference given to resident professional geologists.**

(1) In awarding public contracts for professional geological services, preference shall be given to resident registered professional geologists over those nonresident professional geologists domiciled in a state having laws which grant a preference to the professional geologists who are residents of that state. Nonresident registered professional geologists shall be awarded Mississippi public contracts only on the same basis as the nonresident professional's state awards contracts to Mississippi registered professional geologists under similar circumstances. When a nonresident professional geologist submits a proposal for a public project, that person shall attach a copy of the resident state's current statute, resolution, policy, procedure or executive order pertaining to that state's treatment of nonresident professional geologists. Resident registered professional geologists actually domiciled in Mississippi, be they corporate, individuals or partnerships, shall be granted preference over nonresidents in the awarding of contracts in the same manner and to the same extent as provided by the laws of the state of domicile of the nonresident. As used in this section, the term "resident registered professional geologist" includes a nonresident person that has been qualified to do business in this state and has maintained a permanent full-time office in the State of Mississippi for not less than two (2) years prior to submitting a proposal for a public project, and the subsidiaries and affiliates of that person.

(2) This section shall not apply to any contract for any project upon which federal funds would be withheld because of the preference requirements of this subsection.

(3) Any contract, agreement or arrangement for professional geological services negotiated, made or entered into, directly or indirectly, by the state, counties, municipalities or any political subdivision thereof, or by any special districts, which is in any way in violation of this section, is declared to be void as contrary to the public policy of this state and shall not be given effect or enforced by any court of this state or by any of its officers or employees.

(4) Nothing in this section shall affect the validity of any contract in existence before July 1, 1997.

(5) For purposes of this section, "professional geological services" means the practice of geology or those services performed by any registered professional geologist in connection with professional employment or practice.

**§ 73-63-57. Repeal of Sections 73-63-1 through 73-63-55 (deleted in 2006)**

**SECTION 7.** Section 73-63-57, Mississippi Code of 1972, which repeals Sections 73-63-1 through 73-63-55, Mississippi Code of 1972, which constitute the Registered Professional Geologists Practice Act, effective December 31, 2007, is repealed.

**SECTION 8.** Section 73-13-99, Mississippi Code of 1972, which repeals Sections 73-13-1 through 73-13-45 and 73-13-71 through 73-13-103, Mississippi Code of 1972, which create the Board of Licensure for Professional Engineers and Surveyors and prescribe its duties and powers, effective July 1, 2009, is repealed.

**SECTION 9.** This act shall take effect and be in force from and after July 1, 2006.